



To the Right Honourable Simon Clarke, MP

Department for Levelling Up, Housing & Communities

27 September 2022

Dear Mr Clarke

Firstly, may I congratulate you on your new role at DLUHC.

The Community Planning Alliance is a volunteer-run campaign group operating in the planning system. There are 600 campaigns self-listed on our map which we support in their locally-based activities. We recognise that some development is both necessary and desirable, but we seek a planning system with increased community participation, better environmental protections and the right homes & infrastructure in the right places.

Following last week's 'mini budget', we are extremely concerned about government's new direction of travel.

Consultations and planning/environmental regulations have been presented as burdensome, with particular reference to the proposed Investment Zones and to the speeding up of the delivery of infrastructure. Reducing, removing and relaxing of rules in Investment Zones risks creating quality problems at a scale that makes those of Permitted Development¹ pale into insignificance. Examples such as Grenfell demonstrate the lethal, social and political consequences of failed regulation and the abrogation of government's responsibilities.

Community participation leads to better, faster planning

For a planning system that delivers the right things in the right places, communities must be able to participate meaningfully from the earliest stages, and throughout. That will result in better outcomes, rather than the conflict-ridden system that currently exists, whereby communities are presented with an unpalatable done-deal and with no choice but to fight. Studies in the US² have shown that reducing opportunities for engagement increases legal challenges.

¹ [Research into the quality standard of homes delivered through change of use permitted development rights \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

² Neighborhood Defenders: Participatory Politics and America's Housing Crisis. Book by David M. Glick, Katherine Levine Einstein, and Maxwell Palmer



Nature at the heart of planning

Instead of treating the environment, nature, and biodiversity as something that is in the way of growth, government must put the environment at the heart of decision-making. The Dasgupta Review³ found that nature's value must be at the heart of economics and there are numerous studies showing the economic benefits of doing just that⁴. Treasury Green book decisions already require a natural capital approach.

Thriving nature and wildlife, and increased ecosystem protection, generate economic prosperity for everyone.

NPPF review

We understand that the National Planning Policy Framework has been reviewed and that a prospectus is due imminently. We welcome the Prime Minister's campaign pledges that top-down targets will be scrapped. We also understand that the Prime Minister has asked you to look at ways to ensure that the Planning Inspectorate does not overrule local decisions. With this in mind, please find here a link to our open letter, signed by over 600 campaigners. It recommends removing the presumption in favour of development (paragraph 11d) which is unpopular with councils, councillors and communities alike:

<https://forms.gle/YyrGhgSCQaQmRLHu7>

This presumption is a key reason why the Planning Inspectorate is obliged to overrule local decisions and transfers blame to them that is properly the responsibility of ministers.

We believe that you can personally bring a positive development to the planning system with ideas such as development within walking distance of railway stations. You can ensure that the planning system can deliver the right things in the right places if communities are involved and the environment is treated as integral to growth, not as a hindrance to progress. We need to think of our children and their children's future. A Victorian-inspired growth-at-any-cost planning system will fail them.

We request a meeting with you to discuss the above.

Yours sincerely

Rosie Pearson

Chairman, Community Planning Alliance www.communityplanningalliance.org

³ [The Economics of Biodiversity The Dasgupta Review: Abridged Version \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671111/the-economics-of-biodiversity-the-dasgupta-review-abridged-version.pdf)

⁴ [The Society for Conservation Biology \(wiley.com\)](https://www.wiley.com/doi/10.1111/cobi.12444) and [Estimating the Size and Impact of the Ecological Restoration Economy | PLOS ONE](https://doi.org/10.1371/journal.pone.0171111) being just two



Full Text of Open Letter

To the Rt Honourable Simon Clarke, MP, Secretary of State for Levelling Up, Housing and Communities

The Prime Minister is quoted by Planning Resource magazine^[1] (and Housing Today and the Planning Portal amongst others) saying she *'is "expecting" her new housing secretary to look into curtailing the power of the Planning Inspectorate (PINS).'* Ms Truss says *'it is "too easy" for the body to overrule local authorities.'*

It is indeed too easy for Local Planning Authorities to be overruled by the Planning Inspectorate at Appeals.

We therefore suggest that a straightforward way of beginning to resolve the problem would be to announce the deletion of paragraph 11d from the National Planning Policy Framework (NPPF).

This could be done in the forthcoming changes to the NPPF due to be presented soon in a prospectus.

The presumption in favour of development is widely used by applicants and appellants if councils have neither:

- a) an 'up-to-date' local plan and/or
- b) a deliverable Five-Year Housing Supply plus buffer and/or
- c) an annual Housing Delivery Test greater than 75% of the housing requirement over the previous three years.

Please stop the presumption in favour of development. Paragraph 11d can be removed from the NPPF immediately - without any need for legislative delay.

This one, very simple, change to the NPPF would, at a stroke, prevent the Planning Inspectorate having to unreasonably overrule local authorities and communities. (It should be noted that it is not Inspectors who are at fault, as they correctly apply current NPPF Policies.)

Communities all around the country are finding that a considered Planning Committee decision made by their Local Planning Authority council to reject unsuitable, inappropriate, and unsustainable housing is all too often appealed.



This is done within planning law by developers using NPPF 11d as the prime justification for upholding their appeal against refusal. Then, the application proposal, often outside settlement boundaries on greenfield sites, and often not allocated in an adopted or draft Local Plan, is likely to be granted permission under the 'tilted balance decision' in paragraph 11d.

Paragraph 11d makes a mockery of the planning framework and system.

It undermines local communities and their perception of democracy.

It wastes scarce local council officers' resources in defending their original refusal decision.

We therefore urge you to allow Planning Authority councils to refuse unsuitable development without this fear of appeal under paragraph 11d. So please remove the presumption in favour of development that rides roughshod over so many communities and the planning framework.

Yours sincerely

[\[1\] Truss says new housing secretary will look at curtailing PINS powers to 'overrule' councils | Planning Resource](#)

[\[2\] National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)

Open letter started by the Community Planning Alliance