# Have We Got Planning News For You Live 2025: The NPPF One Year On – An Audit

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HAVE WE GOT PLANNING NEWS FOR YOU

# Mary Cook

## Town Legal LLP

# Our Schedule

HAVE WE GOT PLANNING NEWS FOR YOU

**09:35 – 10:15am**

Q&A Session

**The Rt Hon Matthew Pennycook MP**

**Minister of State for Housing & Planning**

**10:15 – 10:45am**

How Developers are Responding

**Jennie Daly CBE**

**Chief Executive Officer, Taylor Wimpey**

**10:45 – 11:15am**

**Mid-Morning Break**

**11:15 – 11:30am**

Housing – How Policy is Striving to Deliver More Homes

**Christopher Young KC, No5 Chambers**

**11:30 – 11:45am**

Grey Belt – How it Works to Increase Delivery in the Green Belt

**Lord Charlie Banner KC, Keating Chambers**

**11:45 – 12:00pm**

Renewables – A Sprint to the Line for Clean Power 2030

**Thea Osmund-Smith, No5 Chambers**

# Our Schedule

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**12:00 – 12:15pm**

Logistics & Me

**Paul Tucker KC**

**Kings Chambers**

**12:15 – 12:30pm**

Town Centres and Retail – Destined for Decline or Renewal?

**Sasha White KC, Landmark Chambers**

**12:30 – 12:45pm**

Flooding and the Sequential Approach – The Position after the NPPG Changes

**Victoria Hutton, 39 Essex Chambers**

**12:45 – 1:00pm**

2025 in Review, 2026 in Focus:
Looking Back, Moving Forward

**Rebecca Phillips, Interim Chief Inspector**

**1:00 – 1:15pm**

Summary and Closing Remarks

**Mary Cook, Town Legal LLP**

**1:15pm**

**Lunch in Breakout Area and Close**

# Up Next

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# Christopher Young KC

## No5 Barristers Chambers

**Housing – How Policy is Striving to Deliver More Homes**

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# NPPF 2024 - Housing

## How Policy is Striving to Deliver More Housing

### Previous NPPF December 2023 – Michael Gove

- Advisory Housing Targets
- No need to review Green Belt at all
- 4 year supply only - if preparing a Local Plan
- Protection from 5YS for 5 years post adoption
- 310,000 national target under the Standard Method

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# How Policy is Striving to Deliver More Housing

## NPPF 2024

- 370,000 – Standard Method national figure
- Mandatory Housing Targets
- 5 year supply reinstated across the board
- No protection from 5YS post adoption
- 6 year supply if Local Plan plans delivering <80% LHN

# How Policy is Striving to Deliver More Housing

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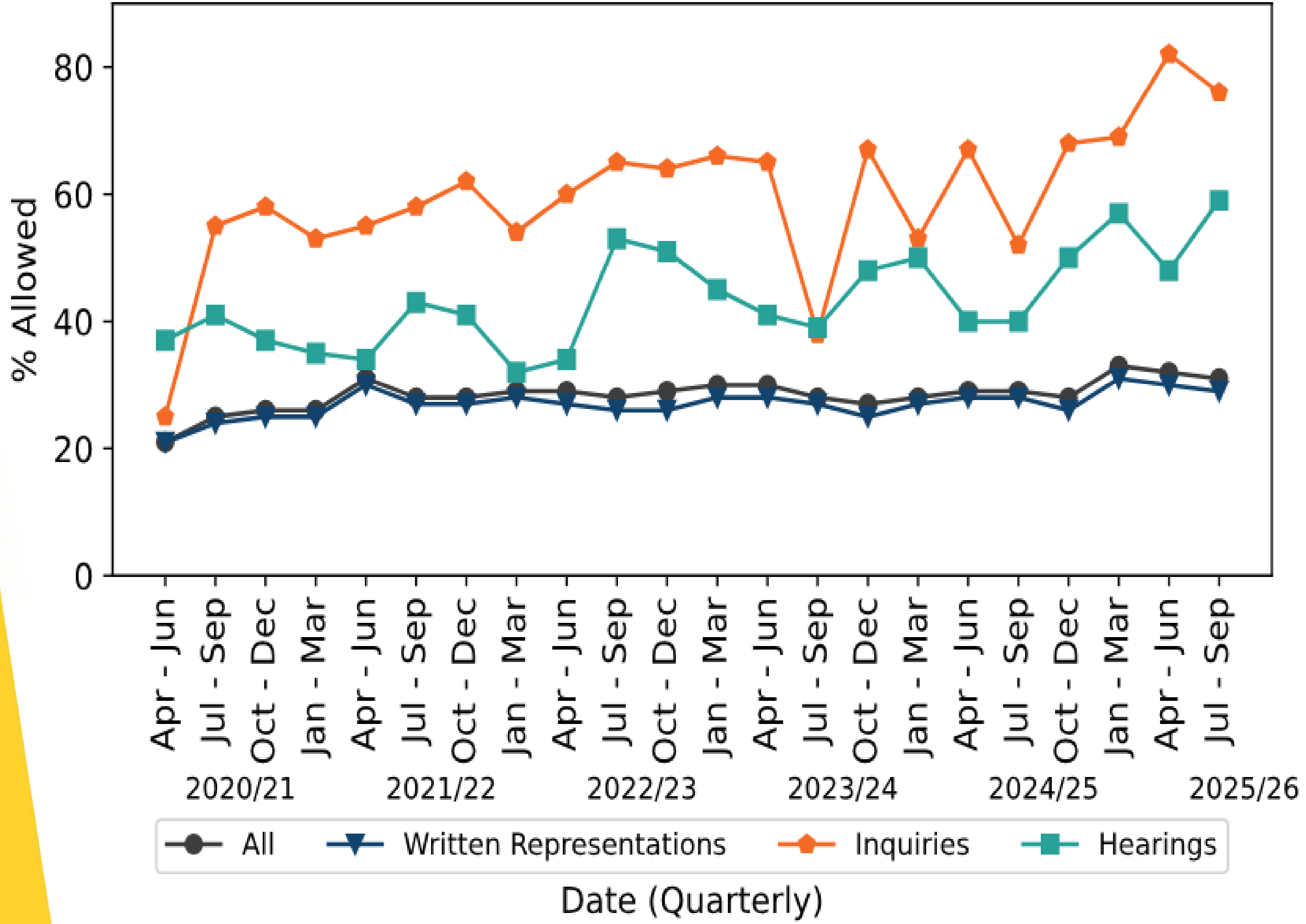
## NEW STANDARD METHOD FIGURES

| | Old SM | New SM | Increase | % |
|---|---|---|---|---|
| North Yorkshire | 1,361 | 4,155 | 2,794 | 205% |
| Cheshire East | 977 | 2,507 | 1,530 | 156% |
| Dorset | 1,793 | 3,245 | 1,452 | 81% |
| Buckinghamshire | 2,912 | 4,332 | 1,420 | 49% |
| Elmbridge | 653 | 1,585 | 932 | 143% |
| St Albans | 885 | 1,669 | 784 | 89% |
| Epping Forest | 725 | 1,274 | 549 | 76% |
| Plymouth | 664 | 1,280 | 616 | 92% |
| Hart | 297 | 771 | 474 | 159% |

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# How Policy is Striving to Deliver More Housing

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## Closing Submission in the Brighton Gasworks Appeal

- Nowhere are the real-world impacts of the housing crisis better demonstrated than Brighton. On the Council's best case, set out in its most recent SHLAA, it has a **1.4-year HLS**, a shortfall of 2,129 homes every year and 10,643 over the next five.
- This makes it one of the worst performing authorities in the country. This is not a new trend; **Brighton has delivered on average 530 dwellings per year since 1999**.
- This is under the **CPP1 target of 660** which applied from 2013/14 to **2017/2018** and well under the requirements now imposed by the new standard method which requires the Council to deliver **2,498 dwellings** every year.
- That is five times the average number of dwellings it has delivered each year since 1999 and the equivalent of five developments of the quantum of the appeal scheme every year.

# How Policy is Striving to Deliver More Housing

- LONDON STANDARD METHOD (Lower figures)

| | Old SM | New SM |
|---|---|---|
| Barking and Dagenham | 2979 | 1320 |
| Greenwich | 4,077 | 2,499 |
| Havering | 2,429 | 1,941 |
| Hounslow | 3,368 | 2,061 |
| Newham | 4,188 | 2,301 |
| Tower Hamlets | 5,190 | 2,125 |
| Southwark | 4,065 | 2,832 |

# How Policy is Striving to Deliver More Housing

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- LONDON BOROUGHS – STANDARD METHOD INCREASES

| | Old SM | New SM | Difference | % |
|---|---|---|---|---|
| Bromley | 1,463 | 2,906 | 1,443 | 99% |
| Camden | 1,962 | 3,060 | 1,098 | 55% |
| Hammersmith | 1,580 | 2,769 | 1,189 | 75% |
| Harrow | 1,516 | 2,298 | 782 | 52% |
| Kensington | 847 | 4,758 | 3,911 | 262% |
| Merton | 1,735 | 2,059 | 334 | 19% |
| Sutton | 886 | 1,642 | 756 | 85% |
| Westminster | 1,882 | 4,305 | 2,423 | 129% |
| Barnett | 4,468 | 4,090 | - 378 | |

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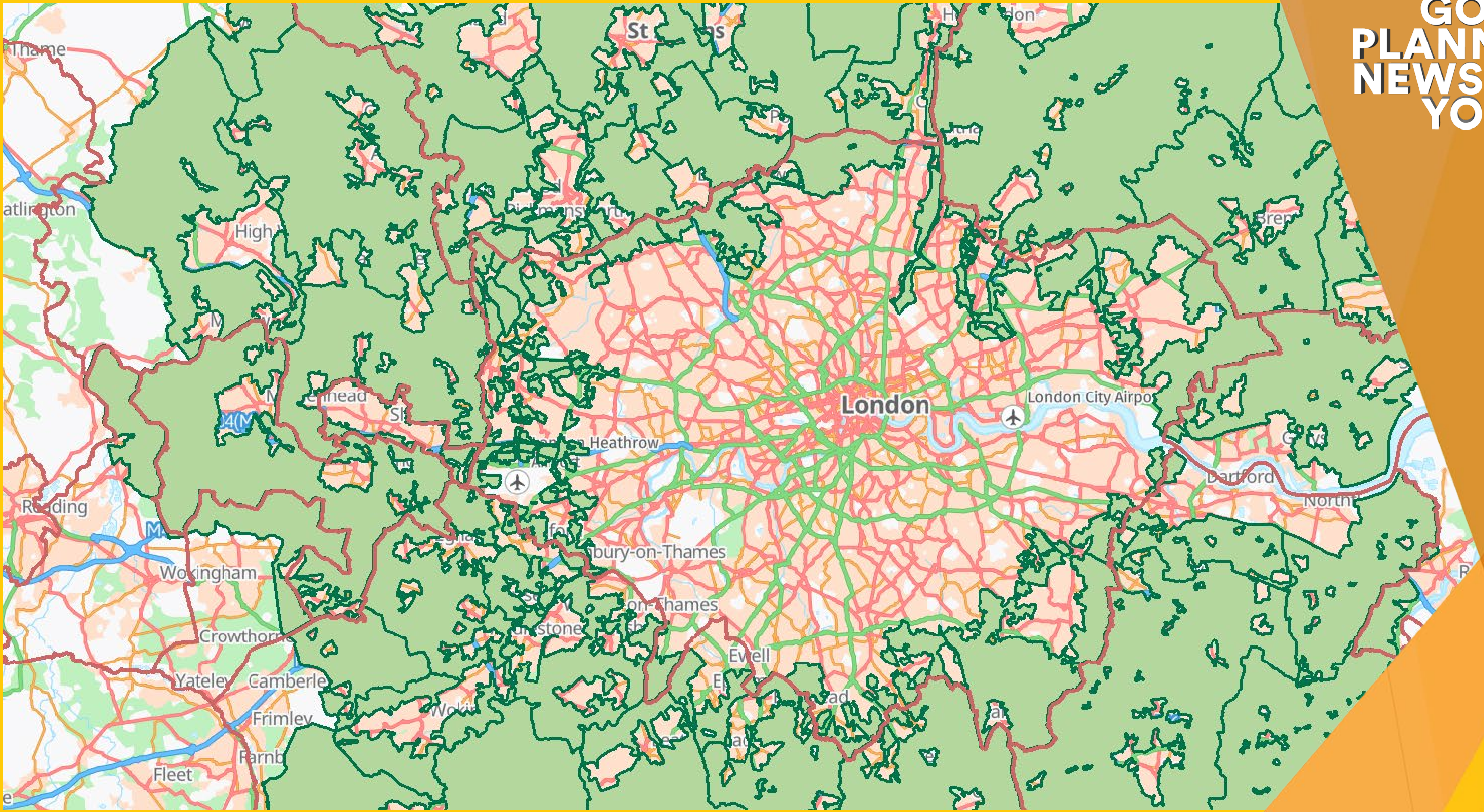

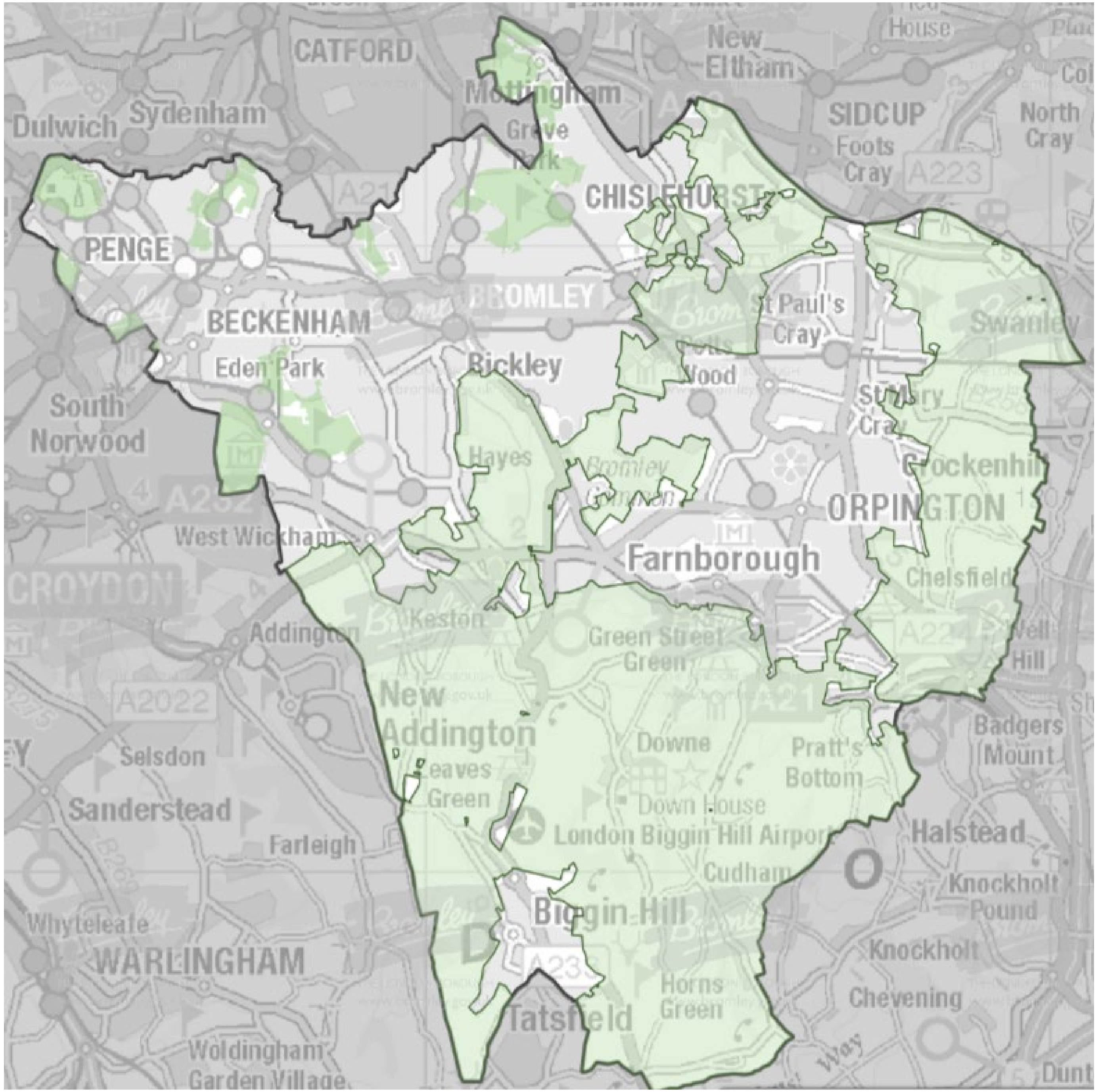


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# Lord Charlie Banner KC

## Keating Chambers

**Grey Belt – How it Works to Increase Delivery in the Green Belt**

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# What is Grey Belt?

**Grey belt**: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The focus at this stage is on the ***SITE*** not the ***PROPOSED DEVELOPMENT***

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# Gateway 1: PDL

**Previously developed land:** Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

# Gateway 2: no strong contribution to GBPs (a), (b) or (d)

a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
d) to preserve the setting and special character of historic towns

PPG 64-005-20250225: villages are not "*large built-up areas*" (post ***Mead*** this should be treated as policy, not merely sub-NPPF guidance).

Effect for Villages: see Countryside's appeal success re. 173 homes at Castle Point (15th April 2025, Inspector T Burnham; upheld by Lieven J in November 2025).

Sustainability and settlement character may be stronger grounds for objections in some villages (see, re. sustainability, Boningdale Homes' unsuccessful appeal in South Staffordshire (13th November 2025, Inspector Lesley Coffey).

# Gateway 2: Judging the contribution to GBPs

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See PPG paragraph 64-005-20250225 and note in particular the distinctions between "Strong" and "Moderate" between each category – these are likely to be the focus of debate in many cases.

Marlow Studios decision, para 44:

*"The Secretary of State has considered the Inspector's analysis at IR15.6-15.8. He considers there are clear physical boundaries to contain development to the north (the A4155) and west (A404 and Marlow)**, but does not consider the site is clearly defined to the east and south.** He agrees that this is fundamentally a settled landscape, with built form interspersed with rural uses (IR9.150) predominantly consisting of open fields and lakes (IR10.64) to the east and south (IR2.3). However, he does not agree that the site would essentially square off the existing development in the area and he considers development would result in an **incongruous pattern of development** (IR15.8). Unlike the Inspector, the Secretary of State therefore considers that the land does strongly contribute to purpose a)"*

# The Footnote 7 proviso



The context:

- NPPF para. 11(**b**)(i) for plan-making ("strong reason for restricting")
- NPPF para. 11(**d**)(i) for decision-taking ("strong reason for refusing")

The South Staffordshire decision:

- The site was in the setting of a listed building but no heritage reason for refusal.
- DL para 73: "***even though the parties agree that the heritage harm would not be a strong reason for refusal, it is a strong reason for restricting the development and as such I conclude that the appeal site is not grey belt land***"

Marlow Studios decision (26th November 2025)

- Adverse effect on the setting of the Chilterns National Landscape and consequent policy breaches, given "great weight" under NPPF para. 189 (DL para. 29) and LTSH to designated heritage assets was outweighed by public benefits.
- DL para. 45: "***Given the Secretary of State's conclusions on the CNL at paragraphs 22-29 above, heritage impacts at paragraph 37 above, and the heritage test at paragraph 54 below, he considers that the application of policies in footnote 7 of the Framework would not provide a strong reason for refusing or restricting development.***"

# NPPF para 155

a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b) There is a demonstrable unmet need for the type of development proposed;

c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework

# NPPF para 155(a)

"*Not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*" is a high bar for a LPA to meet. See SSCLG decision of 6th June dismissing Greystoke Land's appeal relating to a studio development in Holyport, RBWM.

"…the Secretary of State does not agree at IR12.76 that the proposal would fundamentally undermine purpose a). She agrees with the Inspector at IR12.76 that the proposal would undermine purpose c) of the remaining Green Belt land in this area in safeguarding the countryside from encroachment. Taking into account her conclusions on the impact on the purposes of the Green Belt, and the Inspector's conclusion at IR12.76 that **the development would leave the overwhelming part of the Green Belt remaining in the Local Plan area** , she concludes that the development would not fundamentally undermine the purposes (when taken together) of the remaining Green Belt across the whole of the Local Plan area."

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# NPPF para 155(b): demonstrable unmet need

- Clear metrics for housing development: 5YHLS / HDT sub 75% of the housing requirement for the previous three years.
- What about commercial / industrial / other development?
- Two key issues: how to demonstrate the need and how does one characterise the "*type of development proposed*".
- See the decision of Inspector Mark Philpott dated 29th September 2025 allowing Lignacite Ltd's appeal for a service yard adjacent to their blockworks factory in Nazeing, Epping Forest:
  - Company evidence + economic expert evidence demonstrated the unmet need in the public interest (not just private interest) due to public interest in reducing bottlenecks to the construction supply chain for housing.
  - Type of development was "block production specifically" not use class B2/B8 or employment development (subject to a condition tying the development to block production.

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# The Golden Rules

# The 1st Golden Rule

# The 1st Golden Rule



***"affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below"***

157. Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%60. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. **The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability."**

# The 2nd Golden Rule

# The 2nd Golden Rule

*"necessary improvements to local or national infrastructure"*

**CIL Regulation 122**

**(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—**

**(a) necessary to make the development acceptable in planning terms;**

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development."

# The 3rd Golden Rule

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# The 3rd Golden Rule

***"the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces."***

"159. The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes"

**Offsite vs onsite**: see Beechcroft's appeal success in relation to land at Wilton Park, Beaconsfield (Inspector Jonathan Bore, 14th February 2025).

# Consequences of compliance / non-compliance with the Golden Rules

- NPPF paragraph 158: *"A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission."*
- Compliance with the Golden Rules is **essential** for a development to rely on the paragraph 155 exception from inappropriate development.
- But **not essential** for the other exceptions including para 154(g) PDL – see the Wilton Park decision:

  "16. *Compliance with the Golden Rules set out in paragraph 156 of the Framework is not a precondition for appropriateness where development satisfies the requirements of paragraph 154(g)."*

  *17. Nonetheless, the Golden Rules are important for the overall consideration of the proposal, because paragraph 156 of the Framework states that where major development involving the provision of housing is proposed on sites in the Green Belt, the various contributions under the Golden Rules should be made.*

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# Thea Osmund-Smith

## No5 Barristers Chambers

**Renewables – A Sprint to the Line for Clean Power 2030**

# The Evolving Policy Framework

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Consultation outcome

## Draft: Overarching National Policy Statement for energy (EN-1) (accessible webpage)

Updated 13 November 2025

Contents



Print this page

### 1. Introduction

#### 1.1 Background

1.1.1 This National Policy Statement (NPS) sets out national policy for the energy infrastructure described in Section 1.3 below. Part 1 of this NPS sets out the background context to the NPSs, including the scope of EN-1 and geographical coverage. Part 2 outlines the policy context for the development of nationally significant energy infrastructure. Part 3 explains the urgent need for significant amounts of large-scale energy infrastructure in meeting government's energy objectives. Part 4 sets out the general policies for the submission and assessment of energy infrastructure applications. Part 5 outlines generic impacts which arise from the development of all types of energy infrastructure covered by the energy NPSs.

1.1.2 It has effect for the decisions by the Secretary of State[footnote 1] on applications for energy developments that are nationally significant under the Planning Act 2008. For such applications this NPS, combined with any technology specific energy NPS where relevant, provides the primary policy for decisions by the Secretary of State.

Ministry of Housing, Communities & Local Government

**National Planning Policy Framework**

**December 2024**

# Clean Power Targets

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| | Installed capacity 2024 (GW) | Committed or under construction (GW) | DESNZ Range (GW) |
|---|---|---|---|
| Offshore Wind | 14.8 | 15.9 | 43-50 |
| Onshore Wind | 14.2 | 4.3 | 27-29 |
| Solar | 16.6 | 7.2 | 45-47 |
| Battery Storage | 4.5 | No figure given | 23-27 |

# Changes to the NPPF versus NSIP test

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# How has that played out?

# Evolving Policy Framework

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- Inspector - “substantial”
- SoS - taking into account paragraph 168(a) of the Framework, which states that significant weight should be given to ‘the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future’, she considers that these matters both fall under ‘benefits associated with renewable and low carbon energy generation’, and in line with paragraph 168(a) should collectively carry significant weight.”

# Do we need a stronger presumption?

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Department for Energy Security & Net Zero

Department for Energy Security & Net Zero

Overarching National Policy Statement for Energy (EN-1)

Presented to the Houses of Parliament pursuant to section 9(8) of the Planning Act 2008

196. Nevertheless, I consider that EN-1 in its totality is a material consideration in this case. Furthermore, **the 'remarkable' shift and clear policy steer that it gives in relation to Green Belt and solar developments is pertinent in this case.** In this respect, and as a matter of planning judgement, I consider that it is a factor which should be afforded moderate weight in favour of the proposal in this case.

Inspector Parker, Honiley Road Solar Farm (section 77)

# The Good, the Better, And the Challenging

# Batteries and Green Belt


# Development Consent Orders

# Onshore Wind

# Paul Tucker KC

## Kings Chambers

Logistics & Me

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# Why the Growth of Big Boxes?




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1. Growth of online retail
2. Near Shoring
3. Brexit
4. International economic turmoil
5. Automation

# Not universally welcomed

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## Residents fuming as 'monstrosity' warehouse built near homes

They were not consulted because of historic planning consent

Comments 12

NEWS By **Filipa Gaspar, SWNS** and **Molly Seaman**

10:19, 06 Nov 2025 | Updated 07:32, 07 Nov 2025


The new warehouse in Pilning (Image: SWNS)

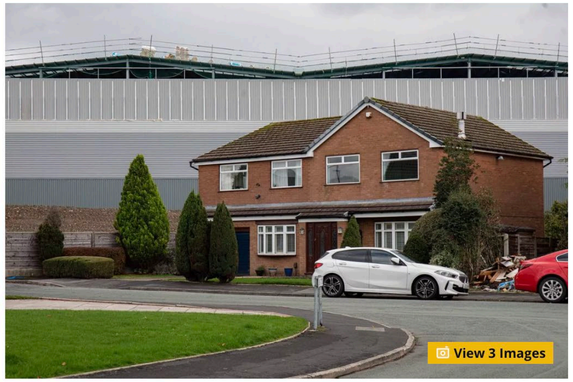


## Another blow in bid to halt 'cruise liner' warehouses towering over hundreds of homes

Town hall bosses reject protest group's request

NEWS By Nick Jackson Local Democracy Reporter

08:56, 27 Nov 2025




Residents have hit back at the huge warehouses (Image: SWNS)



## Giant warehouses approved despite local objections


One of the warehouses will be 21m (29ft) high

# But….



**From:** [redacted]
**Sent:** Wednesday, February 5, 2025 5:57 PM
**To:** WNC Planning Appeals <planningappeals@westnorthants.gov.uk>
**Subject:** DHL Towcester warehouse appeal

Re: DHL Towcester warehouses appeal

I am writing in support of the DHL project to build warehouses by Towcester.

I live in the South Northants constituency.

I have expertise in logistics and economics: having covered both for 25 years as a business journalist [redacted]

...

Here's the deal. The UK economy has flatlined since 2008. If the UK was a US state it would be the poorest, by GDP per capita. We cannot keep vetoing infrastructure projects. The objectors, I note - having met many - tend to be retirees, who do not need economic growth. But the nation needs it - badly.

Nothing is as beautiful as a meadow. Ideally we would need no warehouses, or train tracks, or sewage works. Goods would arrive by magic. But they do not. We need warehouses.
…

Nationwide, the reverse is true: the efficiency gains of centralised distribution take lorries, net, off the roads, as intermediate journeys are eliminated. That's the point of the new warehouses.

c) Jobs
Warehouses rely on AI, robotics, and cutting-edge tech. The idea that warehouse jobs are low-grade is decades out of date. As DHL will explain. Again, I have conversed with objectors who freely admit they have a poor understanding of what actually happens in a warehouse.

d) Environment
Warehouses centralise logistics. This is the most efficient way of organising the distribution of goods in an economy. Proof: DHL are the global experts in logistics efficiency. The scale of the project is designed, by DHL, to deliver maximum possible gain for the minimum cost. Building these warehouses is the single best way to re-organise distribution to reduce environmental impact.

e) Local plan
The first hearing, where the application was vetoed, gave much credence to the local plan for Towcester. But Towcester does not exist in isolation. It exists within a nation, in dire need of economic improvement. Towcester sits on the M1/A5/A43 interchange. It is perfectly suited for these warehouses. The location of which was researched using GIS techniques (I will assume everyone involved in this hearing knows what GIS stands for, or will recuse themselves immediately from the hearing).

f) Nimbyism
As we all know, getting anything approved in the UK is a nightmare. As the influential report Foundations, by the economists Sam Dumitriu et al, set out at length, the UK is being damaged by over-complex rules, and short-sighted local activism, correctly labelled Nimbyism.
..."

The reflexive habit to ban anything and everything is out of control.

...

As the French economist Frederic Bastiat explained, there is an asymmetry between what we see, and what we don't see. In this case, we don't see the long list of those who stand to benefit.

**Who will gain from the DHL warehouses?**
- DHL and its parent company Deutsche Post AG, and shareholders (mostly pension funds, so current and future pensioners)
- The clients of DHL, including F1, Automotive, NISA (the corner-shop collective which relies on DHL for supplies), and thousands of others
- All local businesses
- Residents of Towcester who need to buy or sell products
- Road users, who benefit from fewer lorries on the road owing to superior overall distribution patterns
- Locals who find employment in the warehouses and affiliated service industries
- The environment, for the same reason
- The UK taxpayer, owing to improved economic growth

**Who will lose?**
- Local residents who occasionally glance at the side of a warehouse, where a field used to be. Although they can glance in another direction and see more fields.

…
.
Approve the warehouses, grow the economy, and deliver all the immense benefits this large scale infrastructure project brings.

Thanks!

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# Why is this urgent?

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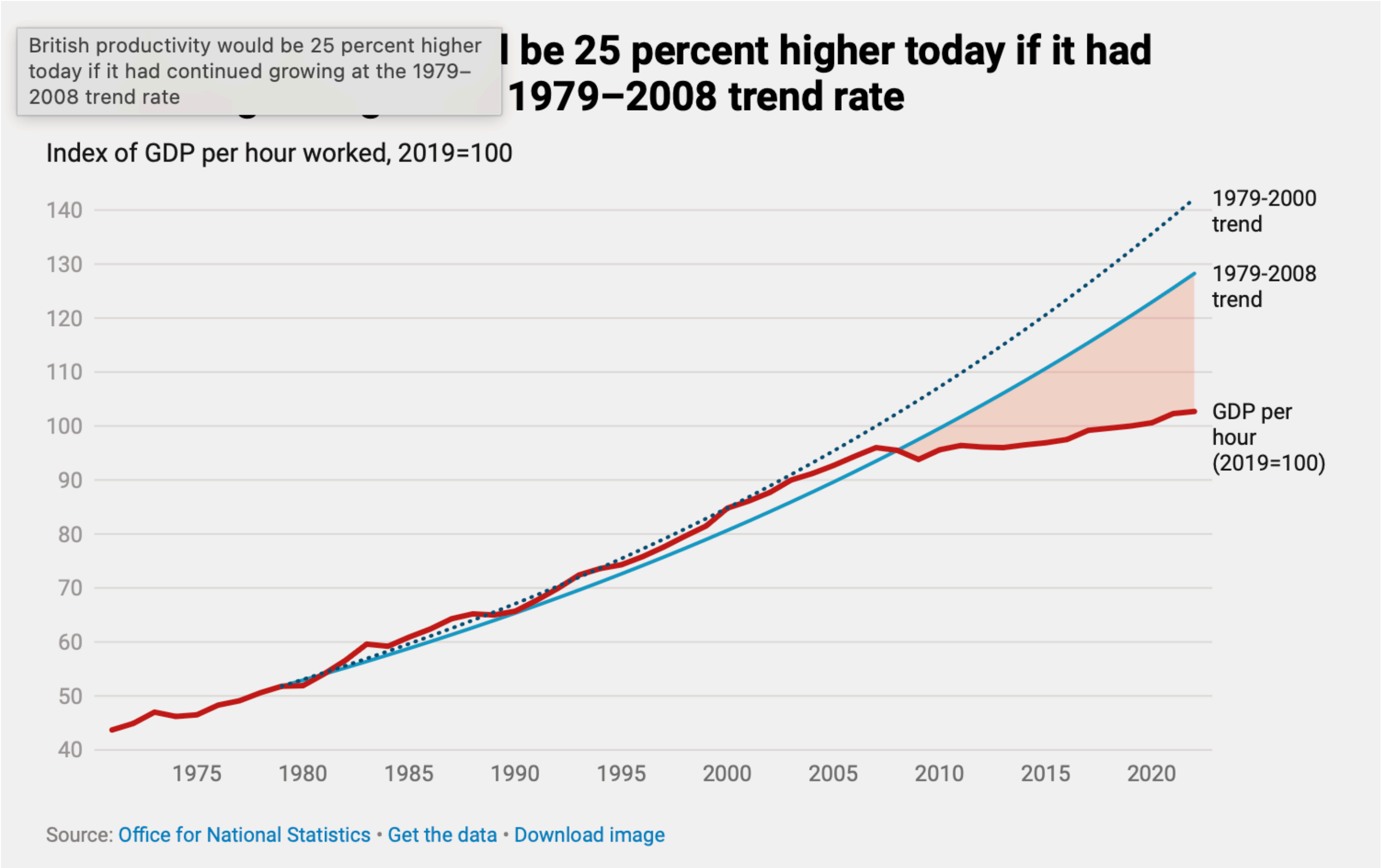


From: https://ukfoundations.co

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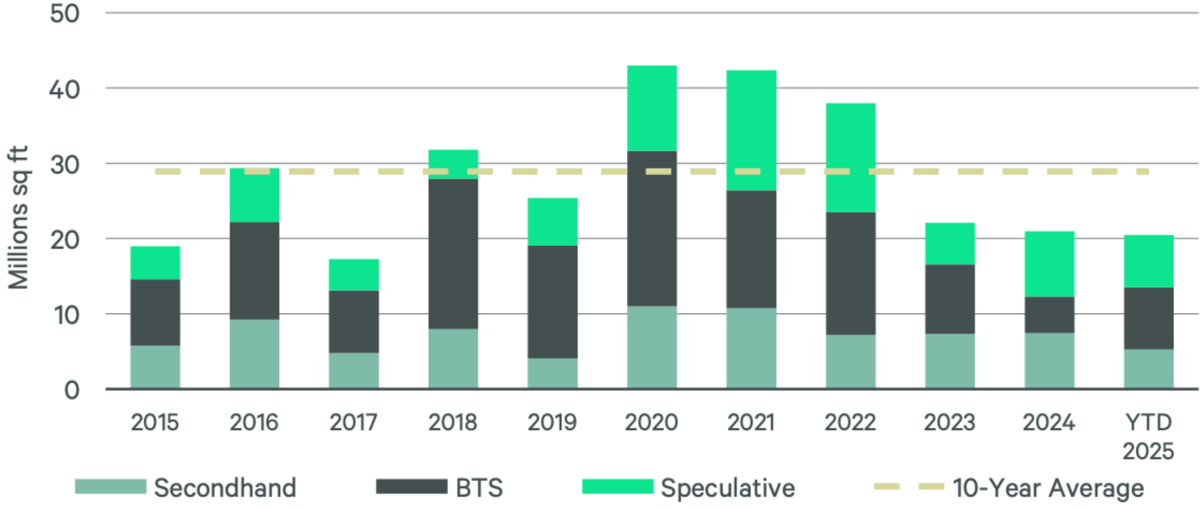
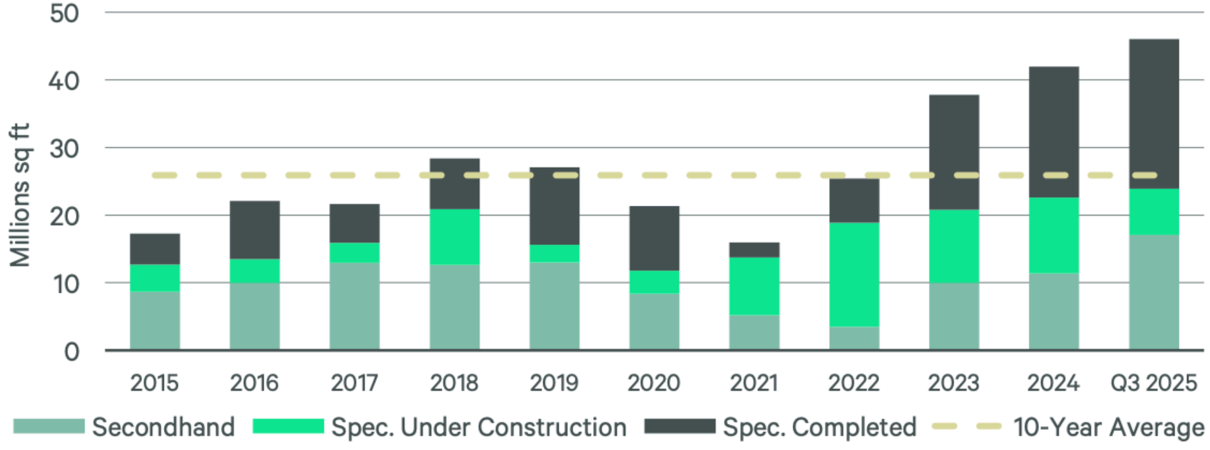
## UK Logistics take-up, Q3 2025




Source: CBRE

## UK Logistics availability, Q3 2025

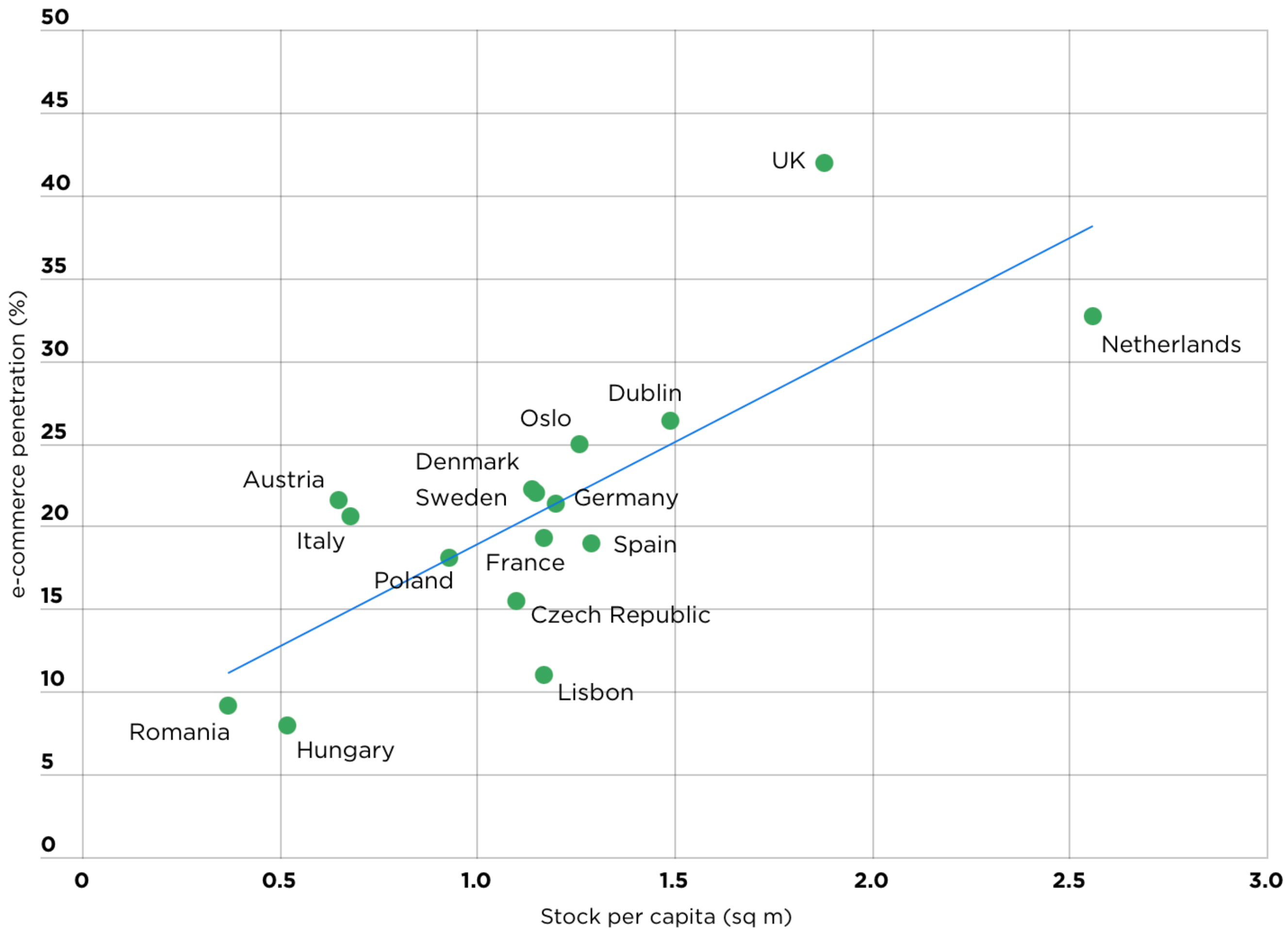



Source: CBRE

Note: CBRE UK Logistics data relates to units above 100,000 sq ft and minimum 10m eaves unless stated otherwise. Speculative units under construction count as available if planned physical completion is within the following 12 months. BTS stands for Build-to-Suit.

CBRE Q3 Report 2025

There is a clear relationship between e-commerce and logistics stock




**Source:** *Savills Research*

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Savills European Logistics Q3 2025

# The Problem?



Not just Nimbyism

(1) Out of date LP evidence:

(2) Old restrictive LP policies

(3) Policy constraints

(4) GB?

(5) Odd LP decisions

(6) No agreed methodology to assess need

(7) No regional policy

# The problems….



For individual LPA's in high demand areas supply has not been great

(1) Out of date LP evidence:

153. In general terms the shortfall has been calculated by establishing the need for logistics whilst accounting for completions and supply. According to the appellant, a baseline demand of 948 ha minus a supply of 322 ha leaves an unmet need of 626 ha with a lower estimate of 735 ha leaving an unmet need of 413 ha. The lower estimate is based on an observed 'softening' in net absorption rates across the SEMLEP[78] area during 2023 and 2024 due to macro-economic challenges[79]. Harworth derives an unmet need of 419 ha net developable area whilst IM derives an unmet need of 442 ha. The Council accepted, during the course of the Inquiry, that these assessments are more robust than earlier Iceni work because they are up-to-date and represent the 'best evidence' in relation to current logistics need.

Newlands/Thrapston 22/10/25 APP/M2840/W/25/3362393

# (2) Old restrictive LP policies

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South Cambridge Local Plan 2018:

Policy E/11 Large Scale Warehousing and Distribution centres.

*“This element of the 'Selective Management of Employment' policies for the Cambridge area warrants retention. These uses require a large land area, but generate relatively low numbers of jobs. They could quickly reduce the available land supply, and increase pressure on transport networks, which could harm the continued prosperity of the high technology clusters. Whilst proposals for warehousing supporting other employment uses or meeting local needs will be supported subject to other policy requirements, large scale proposals serving a wider regional or national function will not be supported.”*

# (2) Policy Constraints

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- Very big sites tend to have range of policy issues eg
- Flood Risk

(sensible approach: St Modwen A50 **APP/G2435/W/22/3292404** 92,500 GIA)

- Landscape (inevitable effects – but some are problematic.

1 VP from PROW 1km away over m'way and unused PROW!

**APP/U2235/W/23/3329481**, Hollingbourne10,788sqm)

# (3) Green Belt

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Major constraint, but large sites can be grey belt

- Tatton MSA call in (APP/R0660/V/24/3345318)
- Sky Studios recovered (APP/N1920/W/24/3354178)
- BUT not Marlow (APP/K0425/W/24/3351904)
- AND Data centres
- eg Abbots Langley (APP/P1940/W/24/3346061)

And note x4 appeals in NW in 2021:

- Parkside (APP/H4315/V/20/3253194)
- Wigan (APP/V4250/V/20/3253242)
- Westhoughton (APP/N4205/V/20/3253244)
- BUT not Haydock (APP/H4315/W/20/3256871)

# (4) Local Plan Niggles

HAVE WE GOT PLANNING NEWS FOR YOU

(a) Warrington LP – Labour led model – rejecting logistic need employment calculations

(b) Reliance upon DtC

– succeeds in part (Newcastle u Lyme) – no dissent

-- fails in part (South Staffordshire) – leave it to review

(based on same 2024 WSESS!)

(c) No endorsement of a standard methodology for assessing employment need – esp

(how about a std methodology!!!)

# (5) Lack of Strategic Planning

HAVE WE GOT PLANNING NEWS FOR YOU

RPG for West Mids led to major strategic employment delivery;
Absence of RPG leads to each LPA being relied upon to address supra-local need

Leads to: Hodgetts (APP/R3705/W/24/3336295 – days of debate on need/appropriate location

# And yet

HAVE WE GOT PLANNING NEWS FOR YOU

- Schemes in the NW
- Data Centres
- Nimbyism defeated Thrapston, Newlands
- The future: Cambs policy, NPPF/PPG changes
- Last Mile matters

# Thank you!

HAVE WE GOT PLANNING NEWS FOR YOU

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# Sasha White KC

## Landmark Chambers

**Town Centres and Retail – Destined for Decline or Renewal?**

HAVE WE GOT PLANNING NEWS FOR YOU


MONTECITO

HAVE WE GOT PLANNING NEWS FOR YOU

# A Rarity Indeed - Birmingham Bullring Redevelopment


HAVE WE GOT PLANNING NEWS FOR YOU

# Town Centres - The Heart of Human Existence

# THE STRUCTURE OF PRESENTATION

1. SECTION 1 – INTRODUCTION TO SW KC.
2. SECTION 2 – THE NATIONAL STATISTICAL PICTURE CURRENTLY.
3. SECTION 3 – THE POLICY FRAMEWORK FOR TOWN CENTRES AND RETAIL FLOORSPACE
4. SECTION 4 – AN AUDIT OF WHERE WE ARE BY REFERENCE TO:
   1. THE HEALTH OF THE TOWN CENTRES
   2. THE BIG RETAIL SCHEMES COMING FORWARD
   3. THE APPLICATIONS CURRENTLY BEING CONSIDERED BY LPAs
   4. THE RECENT RETAIL APPEALS.
5. SECTION 5 – THE FUTURE TRENDS.
6. SECTION 6 – SUMMARY AND CONCLUSIONS.

HAVE WE GOT PLANNING NEWS FOR YOU

# SECTION 1 – INTRODUCTION TO SASHA WHITE K.C. AND HIS RETAIL WORK

- BEEN A BARRISTER SINCE 1991.
- INSTRUCTED ON MANY RETAIL SCHEMES:
  - REPRESENTED LPA IN 12 PARTY PETERBOROUGH WAREHOUSE INQUIRY IN 1996.
  - REPRESENTED LPA IN BRENT CROSS EXPANSION INQUIRY IN 1999.
  - PROMOTED AT APPEAL OVER 25 TESCO EXPRESS SCHEMES, 20 TESCO EXTRA AND SUPERSTORE INQUIRIES AND WORKED FOR THEM FROM 1997-2014.
  - INSTRUCTED BY SAINSBURYS, TESCO, DUNHELM, WAITROSE, LIDL, ALDI, BUDGENS, JOHN LEWIS, B AND Q, HOMEBASE.
  - ALSO APPEARED IN CPO INQUIRIES FOR OBJECTORS IN TOWN CENTRE REDEVELOPMENT SCHEMES SINCE 1994 INCLUDING BASINGSTOKE, REDCAR, ENFIELD, NEWBURY AND SWINDON.
- IN 2000 PROBABLY 75% OF PRACTICE RETAIL AND NOW PROBABLY 5% - REFLECTION OF THE DRAMATIC DECLINE IN RETAIL APPLICATIONS AND APPEALS IN THE PAST 15 YEARS.

# SECTION 2 – THE NATIONAL STATISTICAL PICTURE CURRENTLY

HAVE WE GOT PLANNING NEWS FOR YOU

- 100 million square metres of retail floorspace in England and Wales in 2022.
- Not that different to 2001!
- 516,880 properties were in the Retail sector (almost 100% of all Retail sector properties).
- There are over 1,500 retail parks across the UK.
- The shopping centre with the highest footfall in the UK depends on the specific year and data source, but leading contenders are:
  - the Manchester Arndale (over 46 million visitors annually) and
  - the Bullring in Birmingham (39 million annually).
  - Westfield London also has a high annual footfall of over 27.9 million.
  - Canary Wharf: Reports footfall exceeding 70 million in a recent press release, though this may include a wider area than a single shopping centre.
- There are an estimated 34,122 supermarket businesses in the UK as of late 2025, according to IBISWorld. However, another source from January 2025 reported 32,146 "supermarkets," and analysis of top chains shows a total of 12,704 locations from 9 major chains alone
- Current Vacancy rates are in shopping centres 16.8% and high street floorspace has 13.7% vacancy.

# SECTION 2 – THE NATIONAL STATISTICAL PICTURE CURRENTLY

HAVE WE GOT PLANNING NEWS FOR YOU

- The current picture:
  - Sales Volumes: Retail sales volumes have seen marginal increases in 2025, but remain below pre-pandemic levels (February 2020). Food store sales have generally seen growth, while non-food categories like clothing and household goods have experienced fluctuations and general decline.
  - Online vs. Physical: The online share of total retail sales is around 28%, significantly higher than pre-pandemic levels. However, physical stores still account for the majority of spending (about £7 in every £10). Consumer Behaviour: Consumers remain price-conscious and are actively seeking promotions and value.
  - There is a growing trend of spending on experiences (holidays, entertainment) rather than material goods, which has put pressure on durable goods retailers.
- Key Challenges
  - Rising Costs: Retailers face increasing "cost of doing business" pressures, including higher labour costs due to increases in the national living wage and National Insurance contributions, as well as elevated energy costs.
  - Economic Uncertainty: Despite inflation falling below the Bank of England's 2% target at one point in 2024, it has shown stickiness in 2025 and is expected to remain above target for some time. High household savings rates also indicate consumer caution.
  - Insolvencies: While the overall number of retail business failures decreased in 2024, the number of companies in financial distress remains high, particularly for smaller independent retailers.
  - Supply Chain & Geopolitics: Ongoing global political tensions and potential new trade tariffs (e.g., from the US) create supply chain risks and can increase import costs.
- Future Focus –
  - To succeed, retailers are investing in technology (AI, automation, data analytics) to improve efficiency, manage costs, and enhance the customer experience. Strategic cost management and building resilient supply chains are key priorities in a continuously challenging environment.

# SECTION 3 – THE POLICY FRAMEWORK AS SET OUT IN THE NPPF TOWARDS TOWN CENTRES AND RETAIL POLICY

HAVE WE GOT PLANNING NEWS FOR YOU

- CHAPTER 7 – ENSURING THE VITALITY OF TOWN CENTRES
- PARA 90 – PLANNING POLICIES AND DECISIONS SHOULD SUPPORT THE ROLE THAT TCs PLAY AT THE HEART OF LOCAL COMMUNITIES BY TAKING POSITIVE APPROACH TO THEIR GROWTH, MANAGEMENT AND ADAPTATION.
- PLANNING POLICIES SHOULD DEFINE NETWORK AND HIERARCHY OF TCs AND PROMOTE THEIR LONG TERM VITALITY AND VIABILITY BY ALLOWING THEM TO GROW AND DIVERSIFY.
- ALLOCATE A RANGE OF SUITABLE SITES IN TOWN CENTRES TO MEET THE SCALE AND TYPE OF DEVELOPMENT LIKELY TO BE NEEDED LOOKING AT LEAST 10 YEARS AHEAD.
- SEQUENTIAL APPROACH STILL IN PLAY – TC, EoC THEN OoC.
- PREFERENCE TO SITES WHICH ARE ACCESSIBLE AND ARE WELL CONNECTED TO TOWN CENTRES.
- APPLICATIONS FOR RETAIL STILL REQUIRED TO SATISFY SEQUENTIAL TEST OR IS LIKELY TO HAVE ADVERSE IMPACT ON INVESTMENT, OR VITALITY OR VIABILITY SHOULD BE REFUSED.
- SO KEY THEMES ARE STILL TOWN CENTRE FIRST, PROTECTION OF FLOORSPACE BASED ON GEOGRAPHY AND LOCATION, REQUIREMENT FOR IMPACT ASSESSMENTS AND SEQUENTIAL TEST.

# SECTION 4 – AN AUDIT OF WHERE WE ARE – THE CURRENT HEALTH OF TOWN CENTRES

HAVE WE GOT PLANNING NEWS FOR YOU

- Key Indicators of Town Centre Health:
- Retail Decline: There has been a net loss of retail outlets nationally, with a mean retail unit loss of 20% across England between 2014 and 2024. High-profile anchor stores like Debenhams and BHS have closed, contributing to rising vacancy rates, particularly in Scotland and the North East.
- Rise of "Unhealthy" Amenities: The number of takeaway shops has increased by 24% and vape shops by nearly 1200% in England over the decade up to 2024.
- Loss of Community Services:
  - Traditional community and health-promoting services are declining.
  - Nationally, the number of banks/building societies has dropped by 40%, and pharmacies have decreased by 17%.
  - The number of public toilets has also fallen by 25% nationally, impacting the elderly and families.
- Regional Inequality: The decline is starkly uneven. Northern communities and coastal areas suffer more significant losses of supermarkets and department stores, and have a higher concentration of "unhealthy" outlets compared to the South.
- Consumer Sentiment: Millions of people ARE CHOOSING THE INTERNET – 27/28% EXPENDITURE LEVELS.

# SECTION 4 – AN AUDIT OF WHERE WE ARE – THE BIG RETAIL SCHEMES COMING FORWARD

HAVE WE GOT PLANNING NEWS FOR YOU

- Major Retail Developments
- Westfield Expansion (London): Unibail-Rodamco-Westfield, the company behind the existing London Westfield centres, is planning further investment, including the large Croydon Westfield site in a joint venture with Hammerson.
- Leeds South Bank Redevelopment: Leeds city centre is undergoing a major expansion that will redevelop the South Bank area into a mixed-use district, combining retail outlets with green zones, offices, and residential areas.
- Designer Village Cotswolds: A new "designer outlet village" near Cheltenham is being developed in two phases. This scheme is focused on the experiential retail model and is the first UK venture by a major European outlet operator, Vienna-based ROS Retail Outlet Shopping.
- Oxford Street Revitalisation: A £300 million project has received planning approval to bring 30,000 sq ft of new retail space to London's Oxford Street, indicating continued investment in key high street locations and proposed plans to pedestrianize the whole street in 2026.

# SECTION 4 – AN AUDIT OF WHERE WE ARE – THE BIG RETAIL SCHEMES COMING FORWARD

HAVE WE GOT PLANNING NEWS FOR YOU

- Discounter Growth: **Aldi** is a key player, continuing its rapid expansion with plans to open 35 new stores as part of a long-term target of 1,500 UK stores. **Lidl** is also planning significant growth. **Poundland** is also expanding nationwide, with its owner Pepco acquiring 71 former Wilko stores.
- Small-Format & Pop-up Stores: Retailers are experimenting with smaller, more flexible store formats. **Tesco** is opening 70 new smaller Express stores, and **IKEA** has been trialling new small-format stores and pop-ups in various locations.
- New Flagships and Entrants: The UK is seeing new flagship stores, such as the new **M&S** flagship in Bristol and the expansion of international brands like **Mango, SKIMS** (opening 2026), and various technical-wear retailers in London.

# SECTION 4 – AN AUDIT OF WHERE WE ARE
# THE BIG RETAIL APPLICATIONS CURRENTLY BEING CONSIDERED BY LOCAL PLANNING AUTHORITIES.

HAVE WE GOT PLANNING NEWS FOR YOU

- Specific schemes being considered by planning authorities include:
- Smithfield, Birmingham: Plans for the £1.9bn mixed-use regeneration project have been approved, with a deal struck between the Crown Estate and Birmingham City Council to redevelop the area.
- Eckersley Mill, Wigan: The £14m "Cotton Works" redevelopment of the Grade II-listed mill complex includes commercial, office, leisure, and healthcare space, expected to create hundreds of jobs.
- New Ferry, Wirral: Wirral Council has a regeneration plan for the area affected by a past explosion, which includes up to 1,000 square metres of retail space and 79 new homes or flats, supported by government's Future High Streets Fund.
- Bishop Auckland, County Durham: A £33.2 million Town Deal is supporting the town's development into a visitor destination, including infrastructure improvements and a new heritage transport museum, leveraging private investment into the visitor economy.

# SECTION 4 – AN AUDIT OF WHERE WE ARE
# RECENT IMPORTANT APPEAL DECISIONS

HAVE WE GOT PLANNING NEWS FOR YOU

- Real paucity of decisions.
- Two of interest - March 2025 - Keynsham Garden Centre (GB Site) - Outline plans for the demolition of existing buildings, removal of surface parking, and erection of buildings to accommodate 4,765 sq.m of commercial buildings (flexible Use Class E/B2/B8) with associated bins and bike stores, hard and soft landscaping and details of vehicular access. The 4.4ha green belt site was previously a garden centre. **Conclusion of Inspector was that the site was not in a sustainable location and the location could not be made sustainable by proposed measu**res. Very special circumstances did not exist to outweigh the identified harm.
- October 2025 – Wokingham Aldi scheme - Secretary of state approves Aldi foodstore on flood risk site. Following a call-in decision the secretary of state has agreed with the recommendation of one of his inspectors and granted planning permission for the construction of a foodstore with retail floor area of 1,315sqm at a site in Berkshire after it was found that unlike an extant scheme the current proposal did not give rise to any material problems in flood risk or drainage terms. No real retail issues at play.
- Rotherham Town Centre Redevelopment: An Inspector confirmed a CPO on September 22, 2025, to facilitate the demolition/refurbishment of derelict town centre buildings for a modern commercial and public space redevelopment.

# SECTION 5 – WHAT WILL THE FUTURE LOOK LIKE?

HAVE WE GOT PLANNING NEWS FOR YOU

- Looking ahead, the retail sector will continue to see pressure on its operating models.
- Energy-efficiency is also becoming an increasingly important topic for consumers as energy costs have not dropped back to pre-crisis levels again.
- Additionally, supply chain management (e.g. ensuring that no child labour is used at suppliers) and sustainability are likely to feature heavily in the sector's in-tray over the next years.
- Consumer Habits - Furthermore, UK retail will also be impacted by a change in consumer habits. The second-hand market share continues to grow, also because of online platforms such as Vinted and Depop31.
- The Younger shoppers - Meanwhile, shoppers, especially younger ones are increasingly eager to spend on experiences such as holidays and entertainment, rather than material goods.
- Luxury goods (which are also suffering because of a lack of demand from overseas tourists, especially from China) and consumer durables are hence under pressure on several fronts:
- Cost of Living - There is higher spending on services, increased households' savings rates and still elevated food and energy costs (compared with pre-Covid years) which all undermine budgets for retail items.

# SECTION 6 – SUMMARY AND CONCLUSIONS.

HAVE WE GOT PLANNING NEWS FOR YOU

- Retail policy has not radically shifted since publication of PPG 6 in June 1996 with the introduction of tests relating to retail impact and the sequential approach.
- The appetite for new retail floorspace is almost non-existent.
- The planning system needs to find a productive use for retail floorspace and allow town centres to mutate into a wider offering with residential, night time economy and other uses.
- The harsh reality is that we have far too much retail floorspace in tertiary and secondary locations.
- The NPPF has not radically changed retail planning and frankly it does not need to.
- The real test is how to revitalize our town centres as centre pieces of urban living when there is so little funding, appetite and interest in major regeneration schemes with an almost complete paucity of town centre redevelopment schemes in the UK and no significant or substantial CPO schemes being promoted by LPA’s largely because of the lack of investor interest currently.
- It is a bleak picture.


HAVE WE GOT PLANNING NEWS FOR YOU
Victoria Hutton
39 Essex Chambers
Flooding and the Sequential Approach –
The Position after the NPPG Changes

**The NPPF – A Reminder**

- Para 170: "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere"

- Sequential test at paras 174-175
    - "Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

- Exception test at paras 177-179
    - Must provide "wider sustainability benefits to the community that outweigh the flood risk" and "the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

- Footnote 7 policy.

# MEAD REALISATIONS v SSHCLG [2025] EWCA Civ 32



- Application for OPP in flood zone 3b
- Sequential test had to be passed
- Inspector found that when considering whether sites are “reasonably available” the relevant local policy conflicted with the PPG and were out of date.
- MR argued that PPG could not amend NPPF.
- HC and CoA confirmed – NPPF and PPG have the same legal status, each can interpret the other.
- Range of evaluative judgments to be applied when considering whether sites are ‘reasonably available’
- PPG did not amend the NPPF but provided guidance clarifying the policy
- No error of law
- NB in the High Court Holgate J confirmed that failure to meet sequential test one part of planning balance – i.e. not always a showstopper

# CHANGES TO THE PPG ON SURFACE WATER AND SEQUENTIAL TEST

## September 2025

- Amendments to paragraphs 23, 27 and 28 and a new paragraph 27a

- Key addition: “Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied”

**Key clarifications on the Sequential Test itself:**

- “The catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for.”
- “For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements.”
- “Equally, where there are large areas in Flood Zones 2 and 3 (e.g. coastal towns and settlements on major rivers) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.”
- “The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.”

**Key clarifications on the Sequential Test itself:**

- “For infrastructure proposals of regional or national importance the area of search may reasonably extend beyond the local planning authority boundary. It may also, in some cases, be relevant to consider whether large scale development could be split across a number of alternative sites at lower risk of flooding, but only where those alternatives sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively”

- “Sites should be considered ‘reasonably available’ for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal”

- “In considering whether alternative lower-risk sites (which could, where relevant, be a series of two or more smaller sites) would be capable of accommodating the proposed development, such alternative sites do not need to be owned by the applicant to be considered ‘reasonably available’.”

# SOME ISSUES

## Safe within its lifetime

- Effectiveness of flood defences

## Sequential test

- What is the development?
- Timing?
- Smaller sites
- Size thresholds
- Planning judgment

**Q: Does not meeting the sequential test 'dam' a development?**

**A: Not necessarily.**

- Land at Rectory Farm (North), Yatton up to 190 dwellings

APP/D0121/W/24/3343144

- Land at Ham Road, Faversham, Kent up to 250 dwellings

APP/V2255/W/24/3350524

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HAVE WE GOT PLANNING NEWS FOR YOU

# Rebecca Phillips

## Interim Chief Inspector
## The Planning Inspectorate

**2025 in Review, 2026 in Focus: Looking Back, Moving Forward**

Planning Inspectorate

# Planning Inspectorate
## 2025 in Review, 2026 in focus
### Looking back, moving forward

Rebecca Phillips

# 2025: Delivering on the *Plan for Change*

The Government's planning reforms and growth agenda are increasing our volumes of work and the importance of our services

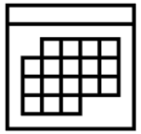

- 1.5 million homes in England
- 150 major economic infrastructure projects
- 95% clean power by 2030
- Universal plan coverage


- Recruitment of additional Inspector resource to tackle significant increases in National Infrastructure applications and Local Plan examinations
- Increased resources
- Ongoing programme of digital modernisation and technological enhancement

# Planning and Infrastructure Bill Readiness

**How are we getting ourselves ready?**

Collaborating with MHCLG on new guidance aligned with wider policy

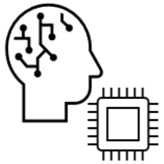


Preparing for legislative changes and service updates

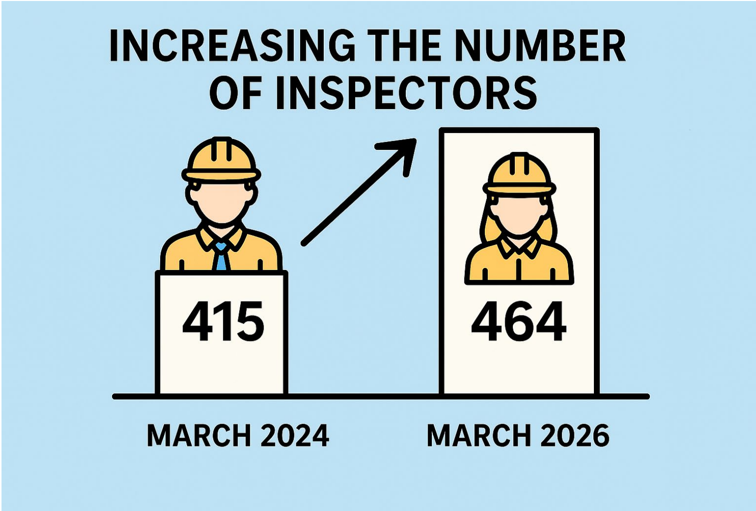
Systemised inspector recruitment and development

Standardising processes and products to improve productivity

Prioritising digital improvem ents for better user experience



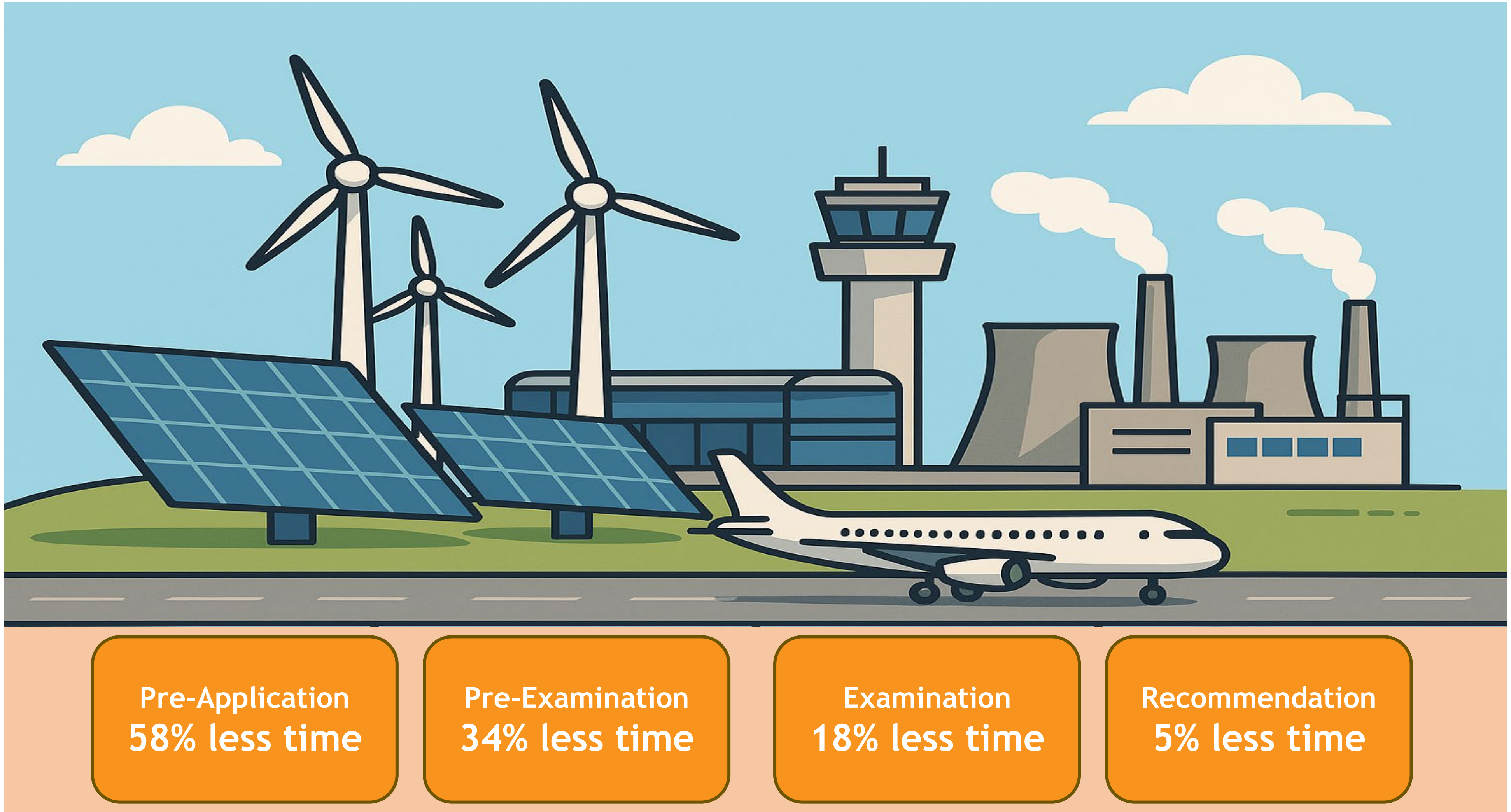
*Introducing AI tools to streamline admin and workflows*




*Includes APOs and RTPI Apprentices and includes planned recruitment between now and March 2026

# Nationally Significant Infrastructure

**Each stage of our process is faster in 2025 compared to 2019**



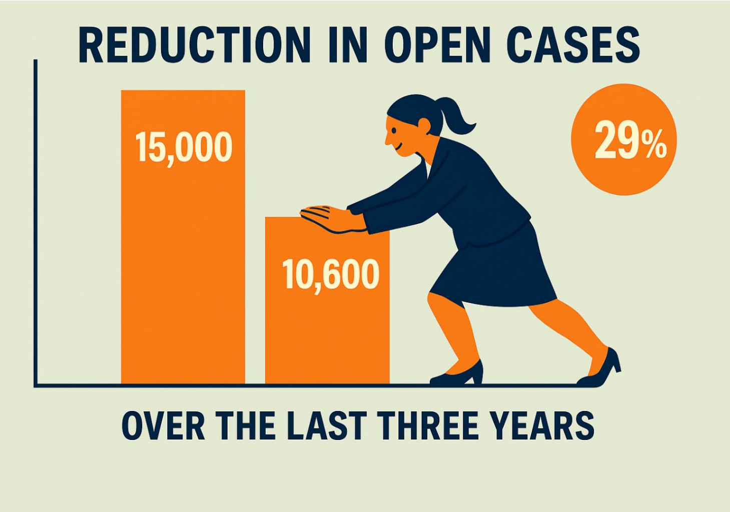

Data compiled from multiple internal sources, covering the period from 2019 to the most recent available reporting date

# Local Plans

**Maximising Plan Coverage and preparing for Spatial Development Strategies**


**As we continue to assess Local Plans, we are assembling the building blocks to prepare for Spatial Development Strategies**

# Delivering Results on Appeals




Columns not to scale
Planning Inspectorate statistical release, 21/09/23


Compiled from Management Information systems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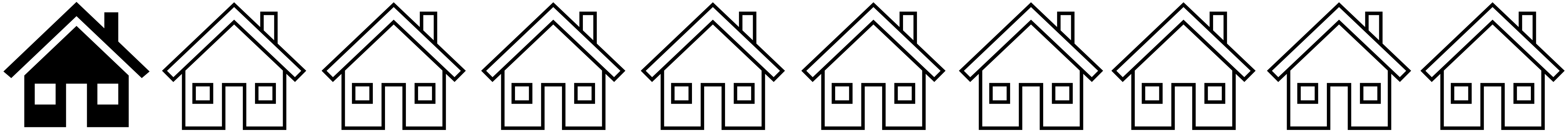
Compiled from Management Information systems



Our inspectors granted permission for around 10% of all new homes approved in England over the last 5 years.

Compiled from: Planning Inspectorate Annual Report and Accounts 2024/25; and
Housing supply: indicators of new supply, England: April to June 2025

# Implications of NPPF Changes December 2024

## Key takeaways

- Reintroduction of mandatory housing targets
- Tilted balance
- Grey Belt definition
- Golden rules for Green Belt
- Build out rates – progress reports

# Focus on 2026

- NPPF NDMP PiB changes December 2025
- Roll out of expedited WR appeals procedure
- Streamlined Local Plan system and new strategic plans
- Outreach & stakeholder engagement
- Recruitment drive and Systemised Inspector training

# New AI adoption strategy

**What is in it? What is it for?**

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# Mary Cook
## Town Legal LLP

**Summary and Closing Remarks**