



## Examine the development plan

### Once you have looked carefully at the planning application

- Visited the site
- Weighed up the pros and cons of the development
- Decided your own position

### you need to look at your development plan

#### The development plan

This is a crucial document, or set of documents, because it sets out agreed planning policies for your area and is the background against which planning decisions are made.

#### Your local library will keep a copy

Alternatively, you can buy one direct from your local authority. Many local authorities now publish their plans on their websites.

#### What is meant by the development plan

>The development plan will usually, but with some exceptions, consist of a number of documents **containing approved planning policies that apply to the local areas**

The development plan is usually more than one document.

#### It will generally include

- The structure plan
- Minerals and waste local plan prepared by the county council
- The local plan prepared by the district council
- Or the single unitary development plan prepared by unitary councils.

**The Planning and Compulsory Purchase Act 2004** replaces this system with a regional spatial strategy prepared by the regional assembly and a local development framework prepared by district councils or unitary authorities.

#### County councils will no longer be creating structure plans

**The minerals and waste development plan will also be renamed a 'development framework' but will be produced by county or unitary authorities as at present**

**The regional spatial strategy (RSS) and the statutory parts of the local development framework will from now on make up the 'development plan'**

## Which plan to use

If you are looking at your local planning authority's website, you may find that more than one version of the plan is available.

You need to focus primarily on the version that is stated as **'formally adopted'**, because this will carry the most weight.

Those local planning authorities who did not have in place a new local development framework in September 2007 had to extend saved policies from their old development plan that were still relevant in the new system. Therefore, all adopted local policies should be relevant and up to date.

## Supplementary planning guidance can help

>Supplementary planning documents can give further context and detail to development plan policies.

### They can take the form of

- Design guides
- Area development briefs
- Issue-based documents that supplement policies in an adopted development plan.

Such documents are not part of the statutory development plan.

Therefore, they do not have the same weight when local planning authorities are considering planning applications.

However, they can be a material consideration and are likely to be particularly useful if they have been consulted on during

**Since September 2004, consultation is required before any new supplementary planning document can be considered to carry weight in decisions on planning applications**.

## How to get the most from the development plan

The final decision on any planning application must be taken in accordance with the development plan for the area, unless special circumstances (known as material considerations) apply (*according to the Planning and Compulsory Purchase Act 2004, section 38*). It is therefore vital, if you hope to use the development plan to support your case, that you study it closely.

## Material considerations

- Relevant development plan policies, such as the regional spatial strategy
- Government policy
- Representations made by statutory consultees and others in response to consultation at the application stage
- The designated status of a site or its surroundings (such as Area of Outstanding Natural Beauty)
- The planning history of the site - including existing planning permissions, previous refusals and appeals
- The effect on a conservation area or listed building

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## **When studying the development plan**

- Search the development plan for policies that support your case or which open up scope for points you wish to make.
- Be prepared to quote these policies and explain their relevance to your case
  - >If policies in the plan are opposed to your interest, be prepared to argue why they do not apply in this particular case
- Organise your arguments so that they appear broadly in sympathy with the thrust of the plan

## **Two types of policies in development plans**

- Specific
  - Site-specific policies set out how the local authority will deal with planning applications for the location you are dealing with, either in a specified area or for areas covered by a particular designation, such as a conservation area.
- General
  - General policiesGeneral policies are called 'generic development control policies'.

This means that they set out how the local authority will deal with planning applications for particular types of development, such as housing, retail or industry.

These are sometimes based on criteria that give strong indications of the locations that are, and are not, considered suitable for a given type of development.

**Therefore, you need to refer to the development plan with a clear idea of where the planning application is for and of the type of development proposed.**

### **If the development plan doesn't say what you want it to say**

>If the policies of the plan clearly imply support for a proposal to which you are opposed and material considerations don't help, you may need to consider adjusting your stance.

It may be that improving the development is the best that you will be able to achieve.

Note that, it is worth checking, whether the local policies are in line with current national policy.

If not, they carry less weight. In such cases, you should also consider contacting the Government Office for your region.

### **Influencing future development plan policies**

You will not be able to use the opportunity of a planning application to overturn a policy in the development plan with which you disagree.

But you may be able to influence policies in the next local development framework for your area, so that the interests of your community and environment are better represented.

## Development plans and national policy

Plans at the local level have to generally agree with higher level policies.

If you are dealing with a more substantial planning application, you may find that these general policies are also relevant in their own right.

### Higher level planning policy is set out in

**National planning policy**, particularly in planning policy and circulars. National policy covers a broad range of topics, including Green Belt and flood risk.

**Minerals planning policy** gives important information on the quarrying and mineral process

**Regional planning guidance**, which applies to the eight regions of England.

**The Greater London Authority** stands as a separate entity with its own planning guidance.

**Regional planning guidances** are being replaced with regional spatial strategies

These strategies will become part of the development plan and will hold more weight.

**Local development frameworks must generally agree with the regional spatial strategy** (*according to section 24 of the Planning and Compulsory Purchase Act 2004*).

This means that the policies they contain should accord with regional spatial strategies, in the view of the regional planning body which prepares the regional spatial strategy.

**The Regional spatial strategies, in turn, should have regard to national policy** (according to the Planning and Compulsory Purchase Act 2004, sections 1 and 45).

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### Planning Help is a project of the Campaign to Protect Rural England

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