

The Daily Telegraph

New planning laws already in force

Planners have been told to start approving developments on the basis of the Coalition's controversial new planning guidelines, despite ministers offering to reword the legislation before it comes into force.

Official inspectors, who have the power to approve local developments, were given the fresh guidance by the Planning Inspectorate last week.

It told them to start abiding by the new draft planning framework, which campaigners fear could lead to unchecked development in rural areas, because it represents the Government's "direction of travel".

The issuing of the guidance comes despite the Government insisting that changes could still be made to the draft framework, which is not due to come into force for several months. At the weekend, ministers offered to reword the legislation, which states that there should be a "presumption in favour of sustainable development".

A consultation on the draft framework is not due to end until the middle of next month, with a decision by ministers expected at the end of the year.

Last night the National Trust criticised the "flawed" way in which the guidance was being implemented. The advice from the planning inspectorate was "surprising", it said. A spokesman added: "So much for consultation; there is no room left for manoeuvre, which makes us more determined that this document gets the public debate and proper scrutiny it deserves.

"Not only does the process seem to be flawed, the framework is wrong in its overall tone: planning should not be used as a tool to deliver economic growth, and as it stands will result in inappropriate development which will scar the landscape forever."

Planning inspectors have powers to determine disputes which arise when local authorities refuse to grant planning permission. The inspectorate's role is to decide planning and enforcement appeals.

The new advice from the inspectorate, dated Aug 30 and published on its website, states: "The draft NPPF is likely to be referred to by the parties in current appeal and development plan casework.

"Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy.

"Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case."

The advice points out that the draft states that local authorities should "prepare local plans on the

basis that objectively assessed development needs should be met”.

They should also “approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date”.

The advice adds: “Inspectors are strongly advised to familiarise themselves with the draft NPPF.”

The Daily Telegraph launched the Hands Off Our Land campaign to urge ministers to rethink the proposals, joining the National Trust, English Heritage and the Campaign for the Protection of Rural England in opposing the plans.

Last night ministers insisted they had not told the Planning Inspectorate to issue the advice. Sir Michael Pitt, the chief executive of the organisation, has been summoned to meet ministers at the Department of Communities and Local Government today.

A department spokesman said: “The department did not instruct the Planning Inspectorate to issue guidance about the draft National Planning Policy Framework.

“Ministers have already asked Sir Michael Pitt to come to see them tomorrow to make clear that in their work his inspectors should respect the fact that this is a document out for consultation.” Sir Michael said in a statement: “The Planning Inspectorate did not produce this guidance under instruction from the Department. It did so as a matter of normal procedure simply stating what always applies when draft policy is issued for consultation and to ensure common understanding for Inspectors.”

The proposed legislation would see more than 1,000 pages of planning regulations reduced to 52, providing a much quicker and simpler system for builders.

Ministers have issued a resolute defence of the proposals, insisting they are necessary to help stimulate the economy and ease the looming housing crisis.

In the Commons yesterday, Anne McIntosh, a Tory MP, told George Osborne, the Chancellor, of her concerns that the views of local people would be ignored.

Mr Osborne replied: “I would make the point that these are sensible protections for the countryside but at the same time we have got to allow economically productive development in this country.

“We have got to simplify a planning system that is completely unintelligible to most citizens and that is what we are doing.”