

National Planning Policy Framework



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On 16 December the Government took the next step in its continuing programme of planning reform, in the form of a draft new National Planning Policy Framework which it describes as being of “critical importance”.

We say ‘new’ deliberately: this is the first comprehensive re-write of the NPPF since it was first introduced by the Coalition Government in 2012. In style and format it is quite different, with each topic now drafted as policy text, rather than straight prose. In doing so, the Government has also introduced a clear distinction between policies that should be used for plan-making, and policies that should be used for making planning decisions at a development management stage.

That the Government has decided, for now, not to use new powers in the Levelling Up and Regeneration Act to give these policies the coveted legal “development plan” status is something most commentators fear could lead to unnecessary ambiguity, although the Government clearly hopes that this will be addressed by clear instruction that the policies are a material consideration of “**critical importance**”.

The substantive changes are extensive, across most areas of the planning system. Their implications, and their potentially unexpected interactions, will take some time to be fully analysed and understood. Much initial commentary has been focused on the implications of the new NPPF for housing supply, green belt release and the continued implication of the ‘grey belt’ policy, as well as the new ‘in principle’ support now provided for development near some railway stations which has attracted significant attention.

The key change proposed, under the banner of “**Achieving Sustainable Development**”, is a more focused approach to the presumption in favour of development. The key question will be whether a site is within, or without, a settlement boundary. Development within a settlement “**should be approved**” unless the benefits would be “**substantially outweighed**” by any adverse effects.

Conversely, only certain limited types of development should be approved outside a settlement boundary, such as tourism, agriculture and forestry, allocated sites, redevelopment of previously developed land, and development to meet evidenced unmet need. That could include housing where a housing supply cannot be shown, but in a key change from past practice, it could also include commercial premises as well. And, of course, it would include sites permitted by the new railway station policy.

Beyond setting out that initial filter between land inside, or outside, of settlement boundaries, which is crucial to the operation of the proposed new framework, we do not attempt to summarise all the changes here. Instead, we focus on key changes, including those we consider to be of particular relevance, both for central London and nationally.

1. Policies S4 – Development in Urban Areas

That central London is within an urban area is self-evident. The effect of Policy S4 would be to establish a general presumption that development should be approved¹, across the swathe of central London, unless substantially outweighed by adverse effects. Outside of London, the defined settlement boundaries will be key. This presumption would be **broader** than that currently set by Paragraph 125(c) of the current NPPF, which relates only to uses for which there is an “**identified need**” (which will always include housing, but can be open to interpretation as to whether it encompasses uses such as offices, hotels, or similar).

It would also, in our view, be **shallower** in terms of the level of support that it provides. This is because current Paragraph 125(c) refers to development being approved “**unless substantial harm would be caused**”.

In our view, and in an urban context where heritage is often perceived as a key constraint, that language of ‘harm’ helpfully dovetailed with language used for assessing effects on the historic environment. It suggested that less-than-substantial heritage harm was not necessarily a reason to refuse development and that more weight should be placed on promoting development within urban areas. That is an interpretation helpfully reinforced by the relevant section of Planning Practice Guidance.

The support for development in principle is therefore welcome, but in ensuring that the support Policy S4 provides can cut through a range of potential adverse effects, it perhaps loses something of its edge in addressing the crucial constraint of heritage.

2. Policy S5 – Development Outside of Settlements

Outside of settlements, but not in designated Green Belt, Policy S5 will apply. The effect of this policy is to establish a presumption that certain forms of development should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects. Included within the list of 12 described forms of development is previously developed land, development for housing and mixed use development which would be within reasonable walking distance of a railway station and provide a high level of connectivity to jobs and services, and development that would address unmet need, not just limited to housing need but also comprising major development for storage and distribution purposes which accords with the specific policy on Freight and Logistics (Policy E3).

¹ The policy states that proposals should be approved unless the benefits of doing so would be “substantially outweighed by any adverse effects”.

3. Meeting the Need for Business Land and Premises

Not only is there to be a permanent presumption in favour of suitably located development, but new Policy E2 directs that “**substantial weight**” should be given to the economic benefits of commercial development “**especially**” where that supports the economic vision and strategy for the area or the Industrial Strategy (the priority sectors of which, we are reminded, include the creative industries, financial services, life sciences and professional and business services). This is stronger than the current version of the NPPF.

New too is the expectation that plans will identify sites to meet existing and anticipated needs, with particular emphasis on meeting the needs of a modern economy. This will give new impetus to emerging local plans, and the London Plan, to consider the needs of businesses - as well as housing - in setting targets. Helpfully, Policy E2 provides a list of considerations which can assist in demonstrating unmet need for commercial development and provides a link back to Policy S5. This list includes market signals, changing needs of different sectors, specific locational requirements, availability of infrastructure and new or upgraded facilities which would result in more efficient, reliable or sustainable handling of goods. The specific policy for freight and logistics (Policy E3) is also new.

The accompanying consultation document seeks views whether the town centre sequential test should be removed, in order to allow greater flexibility to respond to changing patterns of demand.

4. Embodied Carbon

The issue of embodied carbon, demolition and retrofit has become a key planning issue in central London and is gaining growing prominence elsewhere, often weighing against providing modern,

flexible space that is needed for a modern economy.

The NPPF says remarkably little on this topic, beyond that development proposals should, where relevant “**take advantage of opportunities to re-use existing structure and materials, including by re-using non-contaminated excavated soil and hardcore within the site.**” (CC3(d)). The accompanying consultation document sheds no further light.

The near-absence of policy direction on embodied carbon appears deliberate rather than accidental, and is compounded by the approach to other policy areas we describe in Section 4, below. While it is unclear why the Government has excluded policy on embodied carbon, if the current challenging approach that is emerging in London was applied nationwide, where values are lower, it would make development considerably more difficult.

5. “Other qualitative policies”

Relevant to embodied carbon, but also a range of other topic areas that have expanded into the planning system, is Policy PM13. This will require that quantitative standards set in policies are limited to infrastructure provision, affordable housing, parking, and “**design and placemaking.**” These should **not** cover matters addressed by building regulations (except for two narrow areas relating to accessibility standards and water efficiency) or to “**the construction of internal layout**” of buildings.

This would, amongst other topic areas, prevent the introduction of locally specific policies on energy and, potentially, embodied carbon, as exist within the current London Plan (Policy SI2) and as are emerging elsewhere nationally, including in respect of operational and embodied carbon.

The consultation document is unambiguous on this intended effect, stating the policy “**would limit local standards for energy efficiency, as we are concerned that varying standards across local plans make it difficult for the construction sector to adapt and deploy energy efficiency technologies at scale.**”

Similar questions could arise regarding the future of detailed London Plan policies on fire and fire safety design.

This could, if adopted on this basis, remove a significant tranche of planning policy relating to sustainable construction and design, with standards reverting to Building Regulations without a local planning policy overlay.

We anticipate that this is likely to create a particular conundrum for the London Plan, a new version of which is currently under preparation and expected in early summer. It is difficult to see how a new London Plan can meaningfully restate London-specific energy policy if this provision is carried forward in its current form.

Were this to be the final form of the policy – especially given transitional arrangements that indicate that very little weight should be placed on local plans adopted prior to publication of the NPPF – it would also be unclear whether adopted policies on these topics could continue to be enforced.

6. Determination of applications

That restriction on quantitative policies on other topic areas is one manifestation of a wider theme of streamlining and simplification. That includes a potential relaxation of the Biodiversity Net Gain standard, and the creation of a ‘medium’ scale of development proposal, which could capture much of smaller scale development that is currently treated as Major simply because it slightly exceeds 1,000sqm. National model conditions are also proposed.

The draft proposes more assertive language to avoid the duplication of controls that should be exercised through other regulatory regimes, with proposals “**assessed on the basis of whether they would be an acceptable use of land**” and other regulatory regimes assumed to work effectively, unless there is clear evidence to the contrary.

In the same way, a new – and commendably short – national list of documents required in a planning application is proposed, with Policy DM2 stating that additional information should only be required if there is a local plan policy requiring a specific further assessment, to avoid “**excessive**” information requirements. Those policies would themselves have had to have been justified when tested against the new plan-making requirements that seek to simplify and avoid unnecessary local policies, as described above. This will of course require local authorities to follow the guidance and relax cherished validation requirements.

7. Density

Whilst many of the principles to increase density and the efficient use of land, especially around railway stations, has been common practice in city centres for many years, the final version of the NPPF will need to emphasise that references to specific densities – such as 40/50 dwellings per hectare around rail stations – are minima to exceed, especially in London, not yardsticks above which development should be resisted, given significantly higher prevailing densities.

Whilst previous versions of the NPPF have had remarkably specific references to mansard roof extensions, the draft instead encourages airspace development above existing premises “**where consistent with the street scene**”, perhaps anticipating future debates on this topic (Policy L2). At present this relates only to residential development; we anticipate there will be suggestions that this is widened to encompass commercial development types as well.

Policy L3 is clear that development should lead to an increase in density and that, whilst existing character is relevant, it should “not preclude development which makes the most of an area’s potential.”

8. Development Plan hierarchy and identifying housing requirements

A clear hierarchy of Development Plans is set out in the draft NPPF.

Spatial Development Strategies (SDSs) will set out the overarching spatial development framework for investment and growth including new housing requirements covering a 20 year period, albeit alterations to be made every five years to reflect any changes to the requirements for Local Housing Strategies.

Local Plans will support the delivery of the SDS, looking ahead for 15 years, whilst being reviewed no later than five years after adoption. Policy HO2 would provide that SDS housing figures should not be retested as part of the Local Plan preparation unless there has been a significant change in circumstances.

Supplementary Plans will be used to address specific issues, where not already covered by the Development Plan for the area or the NPPF and to allow the authority to positively and quickly respond to unanticipated changes in their area. Interestingly, the draft NPPF states that they should not be used to subvert the role of Local Plans and their preparation should not be used to delay the implementation of sites allocated for development in those plans. Where Supplementary Plans are used to allocate sites for development it is expected that they will be included in the next Local Plan.

9. Green Belt and Grey Belt

The previous changes to allow the allocation of Grey Belt and the more permissive stance to some development in the Green Belt is brought together in the draft NPPF.

Annex 4 includes the process for Green Belt assessment and identification of Grey Belt. Policy GB7 lists out categories of development non considered inappropriate, including the new reference to proximity to a railway station.

10. Heritage

As noted, heritage is frequently a key constraint for central London and in urban locations nationally. There would be a new requirement to review Conservation Area’s designations periodically. They should be aligned with policies within the Development Plan. This would provide authorities the opportunity to amend designations to accommodate for the economic growth which is required, particularly within city centres.

In this area, the draft remains on more familiar territory but provides more clarity on the definition of ‘substantial harm’, which would now be defined as meaning **“seriously affecting a key element of [...] significance”**, broadly reflecting the position reached in case law and appeal decisions. **“Less-than-substantial harm”** becomes just **“harm”**. Harm can continue to be outweighed by public benefits.

One key area of change is that we are told that some public benefits are **“important”**, namely securing the long-term re-use of a vacant or underused building and explicit reference to enabling energy efficiency and low carbon heating measures to be employed. This seems welcome acknowledgement of the importance of these areas, especially in the context of retrofit and the tension this can sometimes create when dealing with historic fabric.

11. Weight

The weighting to be given to policy objectives is a key to both the effectiveness of policy and to guiding decision-making. The current NPPF had a variety of terminology, ranging from weight, through due weight, great weight, significant weight and on to substantial weight. Whilst the gradation of priorities could be helpful and an important function of policy, the proliferation of terminology invited esoteric debate around the comparative importance of the different topics.

Conversely, the new NPPF has a calmer vocabulary, with topics generally either being given either “**weight**” or “**substantial weight**”, although the number receiving the “substantial” moniker has expanded (dare we say, substantially). This does not resolve the inevitable tension that would arise where two topics, both of “substantial” weight, point in opposite directions when considering a proposal.

12. Conclusion

This is the largest change to the planning system, in practice, for 15 years, and one that is unequivocally pro-development in its intentions.

In our view, it is admirably clear in its drafting, making the decision not to grant it formal legal status all the more curious.

The Government has indicated that this will be kept under review, and it will return the NPPF’s status if the proposed policies do not have the desired outcomes of supporting more effective decisions and reducing generic or alternate policies in development plans.

The split between plan-making and development management is clear, and the approach to sites inside, and outside, of settlement boundaries logical, bringing simplification to both policy-making and applications.

In the short term, we will need to see how much is changed in response to no doubt extensive consultation feedback and, beyond that, on the attitude and approach of local authorities. In practice, we have seen minimal change in attitude and practice since the Christmas 2024 incarnation of the NPPF. This will probably require further evidence of the approach of Inspectors, and the Secretary of State, to emerge from appeals, recoveries and call-ins.

Ultimately, the effectiveness of this reform will turn less on the text itself than on how confidently inspectors and the Secretary of State are prepared to apply it in the face of local resistance.

The Draft is currently out for consultation until the 10th March 2026