

Saved Local Plan Policies – Consistency with NPPF

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions which local planning authorities should take into account.

For the purposes of decision-taking, saved Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, from March 2013, due weight should be given to saved policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The table below sets out an assessment of the consistency of Sevenoaks District Council's saved Local Plan policies with the NPPF. It also shows those saved policies which have been superseded by the Core Strategy.

Those policies highlighted in green are consistent with the NPPF and can continue to be afforded full weight in decision making.

Those policies highlighted in orange remain consistent in part with the NPPF and should continue to be applied apart from those parts of the policy which are highlighted which should no longer be given weight.

Those policies highlighted in red are no longer consistent with national planning policy or development has been completed and should no longer be given weight in decision making.

Saved Local Plan Policy Number	Relevant NPPF Paragraph(s)	Comment	Recommendation
The Environment			
Policy EN1	Requiring Good Design: Paras 56 – 65 Para 17: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings Para 32: safe and suitable access to the site can be achieved for all people Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Para 94 water supply Paras 95 – 96 energy conservation Para 109 soil, air, water or noise pollution	Most of the criteria are supported by the NPPF. Criterion 4 which states that tandem development will not be permitted is at odds with the NPPF’s presumption in favour and should not be given weight.	Policy EN1 continues to have relevance but criterion 4 should be read in the context of the NPPF presumption in favour of sustainable development. Policy EN1 should continue to be applied but a refusal on the grounds that a proposal is not consistent with criterion 4 would be difficult to justify.
Policy EN3	Replaced by Core Strategy Policy SP10		
Policy EN4A	All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: safe and suitable access to the site can be achieved for all people	The Saved Local Plan policy is consistent with the NPPF.	Policy EN4A should continue to be given full weight until superseded by the ADMP.
Policy EN4B	Para 50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current	The Saved Local Plan policy is consistent with the NPPF.	Policy EN4B should continue to be given full weight until superseded by the ADMP.

	and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities...)		
Policy EN4C	<p>Para 50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</p> <p>plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities...)</p>	The Saved Local Plan policy is consistent with the NPPF.	Policy EN4C should continue to be given full weight until superseded by the ADMP.
Policy EN6	Replaced by Core Strategy Policy LO8		
Policy EN7	Replaced by Core Strategy Policy LO8		
Policy EN8	Replaced by Core Strategy Policy LO8		
Policy EN9	<p>Para 74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or 	The Saved Local Plan policy is consistent with the NPPF. The assessment of open space has been undertaken and the areas of protected open space are identified in the Pre-Submission Allocations and Development Management Plan	Policy EN9 should continue to be given full weight in association with Appendix 9 of the ADMP until superseded by the ADMP.

	<ul style="list-style-type: none"> - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. 		
Policy EN17B	<p>118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:</p> <ul style="list-style-type: none"> - if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; 	The Saved Local Plan policy is consistent with the NPPF.	Policy EN17B should continue to be given full weight until superseded by the ADMP.
Policy EN23	<p>12. Conserving and enhancing the historic environment Para 128 and Para 131. In determining planning applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and - the desirability of new development making a positive contribution to local character and distinctiveness. <p>132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's</p>	The Saved Local Plan policy is consistent with the NPPF and other legislation.	Policy EN23 should continue to be given full weight until superseded by the ADMP.

	<p>conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.</p> <p>Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, should be wholly exceptional.</p> <p>139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.</p>		
Policy EN25A	<p>Para 128. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p> <p>129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a</p>	The Saved Local Plan policy is consistent with the NPPF and other legislation.	Policy EN25A should continue to be given full weight until superseded by ADMP.

	proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.		
Policy EN25B	Para 128. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.	The Saved Local Plan policy is consistent with the NPPF and other legislation.	Policy EN25B should continue to be given full weight until superseded by the ADMP.
Policy EN26	Para 132 Substantial harm to or loss of registered parks and gardens, and World Heritage Sites, should be wholly exceptional.	The Saved Local Plan policy is consistent with the NPPF	Policy EN26 should continue to be given full weight until superseded by the ADMP.
Policy EN27	Paras 56 – 65 - Requiring good design	Policy EN27 requires that the design of shopfronts should accord with guidance in Appendix 6 unless material considerations justify otherwise. Appendix 6 provides some general guidance and some guidance on design elements that constitute local character. The NPPF is clear that great importance is attached to design (para 56). Para 58 states that LPAs should 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation'. The NPPF is also clear that policies should avoid being overly prescriptive (para 59).	Policy EN27 should continue to be applied as Appendix 6 provides guidance on local character, but it should be read in the context of the NPPF requirement not to be overly prescriptive. A refusal on the grounds that a proposal is not consistent with some of the guidance in Appendix 6 would be difficult to justify.
Policy EN31	125 - Conserving and Enhancing the Natural Environment 56 - 58 - Requiring Good Design	Saved policy EN31 requires lighting to be designed as an integrated part of development, to be no greater intensity than required, and to minimise glow/spillage. For golf courses/sports fields lighting should not	Policy EN31 should continue to be given full weight until superseded by the ADMP.

	<p>93 - Meeting the challenge of climate change</p>	<p>result in the loss of amenities for residents, and within AONBs/open countryside lighting proposals are not permissible, unless for safety reasons. Proposals should also enhance the character and appearance of an area if proposed within a conservation area.</p> <p>Specific guidance surrounding lighting can be found in Para 125 which encourages limiting impact of light on amenities, intrinsically dark landscapes, and nature conservation areas and encourages good design. EN31 can also be broadly related to para's 56 – 58 which require good design as part of sustainable development and denote that any development should respond to local character and reflect the identity of surroundings.</p> <p>EN31 also calls for lighting to be low energy, which supports the general environmental sustainability principles of the NPPF and is directly relatable to 93.</p>	
<p>Policy EN34</p>	<p>109. The planning system should contribute to and enhance the natural and local environment by ... protecting and enhancing valued landscapes...</p> <p>Para 81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport</p>	<p>Policy EN34 aims to protect a number of different characteristics of rural lanes, including rural character, erosion, light pollution, safety of pedestrians and cyclists and amenity of local residents. The NPPF contains no specific reference to rural lanes but does seek to conserve and enhance valued landscapes. Para 32 requires that all developments that generate significant amounts of movement should be supported</p>	<p>Policy EN34 should no longer be given weight as it is superseded by the NPPF.</p> <p>Guidance now included within Adopted Core Strategy LO8, SP10 and SP11 and EN1 Design Principles; GI1 Green Infrastructure and New Development and GI2 Loss of Open Space</p>

	<p>and recreation; to retain and enhance landscapes, visual amenity and biodiversity</p> <p>125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p> <p>Para 32 - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:</p> <ul style="list-style-type: none"> - the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; - safe and suitable access to the site can be achieved for all people; and - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. 	<p>by a Transport Statement or Transport Assessment. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe. However, other paragraphs of the NPPF address issues referred to in policy EN34. Para 32 is relevant to encouraging travel by sustainable modes and ensuring safe and secure access for all people. Para 58 is relevant to local character. Para 123 is relevant to areas of tranquillity that have amenity value. Para 125 is relevant to light pollution. The NPPF (para 32) is clear when a development can be refused on transport grounds. Other sections of the NPPF should be used when determining applications that would have been covered by Policy EN34.</p>	
Natural Resources			
Policy NR10	<p>Paras 110; 118 and 125. Para 17 states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings</p>	<p>This policy complies with the NPPF particularly paragraphs 17, 110, 118 and 125 regarding minimising pollution and the adverse effects on local and natural environment, residential amenity and conserving and enhancing</p>	<p>Policy NR10 should continue to be applied until superseded by the ADMP with the exception of criterion 4 which states the need to secure the restoration of the land</p>

		biodiversity.	to an acceptable after use. A refusal on the grounds that a proposal is not consistent with criterion 4 would be difficult to justify.
The Green Belt			
Policy GB1	Para 83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.	GB1 establishes Green Belt boundaries. Para 83 of the NPPF is clear that boundaries should only be amended through a review of the Local Plan and 3 minor amendments are proposed in the ADMP at Hartley; Halstead and Hextable	Policy GB1 should continue to be applied until superseded by the ADMP noting potential changes to the Green Belt boundary at Hartley; Halstead and Hextable
Policy GB3A	GB3A: - 1) Para 89 - 2) Para 90 - 3) Para 58	The NPPF states that the re-use of buildings within the Green Belt is appropriate development provided it has no greater impact on the openness of the Green Belt, and is of permanent and substantial construction. The NPPF also places emphasis on good design, with para 58 highlighting that developments should respond to local character reflecting the identity of local surroundings and materials.	Policy GB3A should continue to be applied until superseded by the ADMP/ SPD (noting that Special Landscape Areas no longer apply - see Policy EN7 above)
Policy GB3B	Paras 89, 80 and 58 -	The NPPF states that the re-use of buildings within the Green Belt is appropriate development provided it has no greater	Policy GB3B should continue to be given full weight until superseded by the ADMP/ SPD

		<p>impact on the openness of the Green Belt, and is of permanent and substantial construction. The NPPF also places emphasis on good design, with para 58 highlighting that developments should respond to local character reflecting the identity of local surroundings and materials. There are no specific references to the history or proliferation of agricultural buildings though these criteria are considered reasonable, practical caveats to how policy will be operated and are included in the Draft Green Belt SPD</p>	
Policy GB5	<p>Para 89: appropriate development in the Green belt includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.</p>	<p>GB5 defines Major Developed Sites and provides guidance on proposals for redevelopment. The NPPF no longer refers to Major Developed Sites in the Green Belt. There are no specific references to height or existing footprint of buildings.</p> <p>Policy GB5 should no longer be given weight as it is superseded by Para 89 of the NPPF. Para 89 should now be applied to all previously developed sites in the Green Belt.</p> <p>Note: MDSs are identified as important employment sites Core Strategy Policy SP8. The ADMP defines the Smith Klein Beecham site for mixed development and contains future proposals for the Fort Halstead site.</p>	<p>Policy GB5 should no longer be given weight as it is superseded by the NPPF.</p>
Policy SG1A	<p>Para 85. When defining boundaries, local planning authorities should:</p>	<p>Policy SG1A restricts development of safe guarded land for any purpose other than</p>	<p>Policy SG1A should continue to be applied (except at the Edenbridge</p>

	<ul style="list-style-type: none"> - where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period; - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development 	<p>agriculture, forestry, open recreation and other uses appropriate to a rural area. No development will be permitted which might prejudice the long term use of the land.</p> <p>This policy is consistent with para 85 of the NPPF which states that a local plan must make clear that safeguarded land is not currently allocated for development.</p> <p>The Core Strategy changes the status of Safeguarded Land identified at Edenbridge in the Local Plan to Reserve land so this policy no longer applies to this area.</p>	<p>safeguarded land) until superseded by the ADMP</p>
Policy SG1B	<p>Para 85. When defining boundaries, local planning authorities should:</p> <ul style="list-style-type: none"> - where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period; - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development 	<p>Policy SG1B restricts development of safe guarded land through a formal local plan review</p> <p>This policy is consistent with para 85 of the NPPF which states that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development</p> <p>The Core Strategy changes the status of Safeguarded Land identified at Edenbridge in the Local Plan to Reserve land so this policy no longer applies to this area.</p> <p>The ADMP proposes to change the status of the Safeguarded land at Westerham</p>	<p>Policy SG1B should continue to be applied (except at the Edenbridge safeguarded land) until superseded by the ADMP</p>
Transport			

<p>T8 – Commercial Vehicle Traffic from sites not well related to the primary or secondary route network</p>	<p>Para 32: All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:</p> <ul style="list-style-type: none"> - the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; - safe and suitable access to the site can be achieved for all people; and - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. 	<p>Para 32 requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Safe and suitable access to the site should be achieved for all people. How well related a commercial site is to primary and secondary roads will be part of the consideration of the traffic impacts of development.</p>	<p>Policy T8 should continue to be given full weight until superseded by the ADMP if the issue is identified by KCC Highways.</p>
<p>T9 – New Accesses to Primary and Secondary Routes</p>	<p>Para 32</p>	<p>Para 32 requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Safe and suitable access to the site should be achieved for all people. Access to primary and secondary roads will be part of the consideration of the traffic impacts of development.</p>	<p>Policy T9 should continue to be given full weight until superseded by the ADMP if the issue is identified by KCC Highways.</p>
<p>T10 – Intensification of existing accesses to primary, district and local</p>	<p>Para 32</p>	<p>Para 32 requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Safe and</p>	<p>Policy T10 should continue to be given full weight until superseded by the ADMP if the issue is identified by KCC Highways.</p>

distributors		suitable access to the site should be achieved for all people. Access will be part of the consideration of the traffic impacts of development.	
Vehicle Parking			
VP1 – Vehicle Parking Provision	<p>Para 39: If setting local parking standards for residential and non-residential development, local planning authorities should take into account:</p> <ul style="list-style-type: none"> - the accessibility of the development; - the type, mix and use of development; - the availability of and opportunities for public transport; - local car ownership levels; and - an overall need to reduce the use of high-emission vehicles. 	Para 39 sets out the criteria to be taken into account in setting local parking standards. There is no specific reference in the NPPF to taking criteria 2, 3 and 4 into account.	Policy VP1 should continue to be applied in respect of parking provision being made in accordance with KCC standards until superseded by the ADMP. Note: modification of these standards on the grounds referred to in the policy should only occur where this is supported by the Vehicle Parking Standards documents.
VP10 – New High Street Car Park	Para 40: Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.	Para 40 states that ‘local authorities should seek to improve the quality of parking in town centres’. It is considered that the allocation is consistent with the NPPF.	Policy VP10 should continue to be applied until superseded by the ADMP. Note the ADMP does not seek to retain this allocation.
VP11 – Safeguarding of existing car parks in villages	Para 40	Para 40 states that ‘local authorities should seek to improve the quality of parking in town centres’. The NPPF glossary provides that references to town centres also apply to local and district centres. It is considered that the allocation is consistent with the NPPF.	Policy VP11 should continue to be given full weight until superseded by the ADMP.
Population and Housing			
H1 Housing Allocations listed		All sites built out except 2 which are now allocations in the ADMP with increased	Policy H1(B) and H1 (D) should continue to apply until superseded

		dwelling capacity	by ADMP, noting an amended capacity in the ADMP.
H3 Phasing	There is no specific provision within the NPPF for phasing residential development	As there is no specific provision within the NPPF for phasing residential development and there should be a presumption in favour of sustainable development. The majority of sites are now developed and this policy is no longer relevant.	Policy H3 should no longer be given weight as it is superseded by the NPPF and the completion of the majority of development.
H6A	Para 17 (p.5-6), 58 (p.15), 60 (p.15)	The NPPF encourages the reuse of existing buildings including conversions as a core planning principle (para 17) to support the transition to a low carbon future. Para 58 aims to ensure developments respond to local character reflecting the identify of the local surroundings and materials, para 60 states that it is proper to seek to promote or reinforce local distinctiveness and para 17 seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings	Policy H6A should continue to be given full weight until superseded by the ADMP.
H6B	Para 59 is relevant to Appendix 4 in connection with this policy. Para 58	The NPPF states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area in general. It also emphasises that developments should respond to local character and reflect the identity of local surroundings, whilst not	This policy is broadly consistent with the NPPF (in terms of the reference to residential extensions) so it should continue to be applied, but be aware of the emphasis placed in the NPPF regarding avoiding prescriptive detail and the level of detail within Appendix 4. The last sentence should not be

		<p>preventing or discouraging appropriate innovation. Policy H6B especially in terms of the associated guidance set out in Appendix 4 complies with this emphasis on height, bulk and materials. However, there is a lot of prescriptive detail contained within this guidance, which could be considered inconsistent with the NPPF.</p> <p>The final sentence of the policy states 'Extensions to mobile homes and buildings not designed for permanent residential use will not be permitted'. This is not consistent with the NPPF.</p>	<p>given weight to refuse applications for non-residential building extensions, as this is not consistent with the NPPF.</p>
H7A	<p>Para 47: To boost significantly the supply of housing, local planning authorities should: use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area</p>	<p>The Saved Local Plan policy is consistent with the NPPF.</p>	<p>Policy H7A should continue to be given full weight until superseded by the ADMP.</p>
Policy H7B	<p>Paras 23 and 51</p>	<p>Development of two dwellings above an A1 or A2 unit is now permitted development. Para 51 states that LPAs should 'bring back into residential use empty housing or buildings' and 'normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are</p>	<p>Policy H7B should continue to be given full weight until superseded by the ADMP.</p>

		not strong economic reasons why such development would be inappropriate. Para 23 provides that residential development is a suitable use in town centres. Parking should be assessed against the KCC Vehicle Parking Standards.	
Policy H8	<p>Para 50 – Delivering a Wide Choice of Quality Homes</p> <p>Para 17 – Core Planning Principles</p> <p>Para 59-Requiring Good Design</p>	<p>The need for provision of homes for older and disabled persons is set out in para 50 of the NPPF. Criteria within H8 are generally consistent with core principles of para 17. Criteria are also consistent with design principles laid out by para 59.</p> <p>The criteria for care homes detailed in H8, such as requiring the location of the site to be near to local services, and not concentrating care homes into one area, are broadly consistent with sustainable development principles found within the NPPF.</p>	Policy H8 should continue to be given full weight until superseded by ADMP.
Policy H9	Replaced by Core Strategy Policy SP5		
Policy H10A	Replaced by Core Strategy Policy LO7		
Policy H10B	Replaced by Core Strategy Policies LO2, LO4, LO6, LO7		
Policy H10C	Replaced by Core Strategy Policy LO7		
Policy H13	Paras 89, 115-116, 58	<p>Para 89 of the NPPF states that replacement buildings are appropriate development within the Green Belt provided the new building is in the same use and not materially larger than the one it replaces. This para also states that the extension or alteration of a building is deemed appropriate provided it does not result in disproportionate additions to the size of the original building. Policy H13 sets out seven criteria for replacement dwellings</p>	Continue to use Policy H13 until superseded by the ADMP and Green Belt SPD with the exception of criterion 3. A refusal on the grounds that a proposal is not consistent with criterion 3 would be difficult to justify.

		<p>within the Green Belt.</p> <p>Criteria 1 and 2 of the policy require that the building's original use was as a dwelling. The NPPF seeks to ensure that there is no change in the existing use and, as the Local Plan policy relates to replacement dwellings, it is appropriate that the criteria stipulate a previous residential use. However, the reference to permanent foundations in criterion 2 is not referred to in the NPPF in relation to replacement dwellings but is referred to in relation to re-use of buildings (provided that the buildings are of permanent and substantial construction). These criteria are therefore considered to provide valuable local guidance.</p> <p>Criterion 3 is not supported by the NPPF.</p> <p>Criterion 4 (the '50% test') provides guidance on how the Council will assess whether the replacement is materially larger than the original dwelling.</p> <p>Criterion 5 is generally consistent with NPPF para 58 on design.</p> <p>Criterion 6 and 7 are not explicitly supported by the NPPF but are considered reasonable considerations to ensure that the development undertaken is a replacement. Para 115 is also relevant to the weight to be</p>	
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		<p>given to protecting landscape and scenic beauty in AONBs.</p> <p>The policy is broadly consistent with the NPPF and provides guidance on how the Council will assess whether a replacement dwelling is materially larger than the existing dwelling.</p>	
Policy H14A	Paras 89, 58	<p>The NPPF states that the extension of an existing dwelling in the Green Belt is appropriate development provided it does not result in disproportionate additions over and above the size of the original building.</p> <p>The policy is broadly consistent with the NPPF and provides guidance on how the Council will assess whether an extension results in disproportionate additions.</p> <p>Criterion 1 of the policy requires that the building's original use was as a dwelling. This is not supported by the NPPF and should no longer be applied. The reference to permanent foundations in criterion 1 is not stipulated in the NPPF in relation to extensions, but is referred to in relation to the reuse of buildings and is considered to be important in defining buildings that will be considered under the policy.</p> <p>Criteria 2 and 6 (the '50% test') provides guidance on how the Council will assess whether the extension is a disproportionate addition over and above the size of the</p>	<p>Continue to use Policy H14A until superseded by the ADMP and Green Belt SPD with the exception of reference in Criterion 1 to the building's original use as a dwelling and Criterion 5. A refusal on the grounds that a proposal is not consistent with part of criterion 1 and criterion 5 would be difficult to justify.</p>

		<p>original building.</p> <p>Criterion 3 remains appropriate as the NPPF does not state that additional dwellings are appropriate development in the Green Belt.</p> <p>Criterion 4 is generally consistent with para 58 of the NPPF on design. NPPF para 89 relates to extensions of all buildings.</p> <p>Criterion 5 is not consistent with the NPPF and should no longer be given weight.</p>	
Policy H14B	Paras 115 -116, 89, 58	<p>The Green Belt section of the NPPF does not address the issue of outbuildings and neither does the definition of 'original building'. The NPPF could be seen as allowing all buildings, whether an outbuilding or not, to be extended, altered or replaced. However, considering outbuildings together as part of the dwelling is established practice. Para 115 states that great weight should be given to conserving landscape and scenic beauty in AONBs. Para 116 is relevant to major developments in AONBs but there is no specific guidance on minor developments, including the development of outbuildings, and it is highly questionable under the presumption in favour of sustainable development that additional controls over outbuildings in AONBs over and above those in force in the Green Belt are consistent with the NPPF.</p>	<p>Policy H14B criterion 4 only should continue to apply until superseded by ADMP and Green Belt SPD. A refusal on the grounds that a proposal is not consistent with any of the criteria other than 4 would be difficult to justify.</p>

		<p>Criterion 1 refers specifically to a maximum of 50% increase in any extension. Whilst this is likely to be overly prescriptive in terms of a policy requirement in relation to all outbuildings, the 50% maximum is a useful guide to the additional floor area and is guidance is now included in the emerging ADMP and Green Belt SPD.</p> <p>Criteria 2 and 3 which state that buildings should not to exceed 40 sq m and be single storey appear to be overly prescriptive, given the lack of support for additional controls of this type in the AONB.</p> <p>Criterion 4 is consistent with para 58 of the NPPF on design and para 115 on landscape and scenic beauty in AONBs and should continue to be applied when dealing with applications relating to outbuildings.</p> <p>Criterion 5 of the policy requires that the building's original use was as a dwelling. This is not supported by the NPPF and should no longer be applied.</p>	
Policy H16	Paras 79, 87 – 89 Protecting Green Belt land	The NPPF does not include mobile home parks and caravan sites as appropriate development in the Green Belt. Inappropriate development in the Green Belt or development that is considered by definition harmful, should not be approved except in very special circumstances (para 87). Exceptions to what constitutes inappropriate development	Policy H16 should continue to be given full weight until superseded by the ADMP.

		detailed in para 89, do not included mobile home/caravan sites.	
Policy H17	Para 89 -Protecting Green Belt land	<p>Policy H17 can be divided into two parts:</p> <p>a) H17 prevents the construction of permanent dwellings in place of mobile homes or caravans (aside from those granted under H18/H19) within the Green Belt and is consistent with the NPPF. As the construction of a permanent building in place of a caravan or mobile home would constitute a new building, this is regarded by para 89 as inappropriate.</p> <p>b) For permanent buildings replacing mobile homes/caravans outside of the Green Belt, H17 states that the implications of the loss of this type of low cost accommodation will be a material consideration in the determination of a planning application.</p> <p>Whilst local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, part b) of the policy is unlikely to be a sustainable reason for refusal in relation to the loss of a single property.</p>	<p>Policy H17 should continue to be applied in relation to the construction of permanent dwellings as replacement for mobile homes or caravans in the Green Belt until superseded by the ADMP and Green Belt SPD. A refusal on the grounds that a proposal would result in the loss of low cost accommodation would be difficult to justify.</p>
Policy H18	Para 89 - Protecting Green Belt land	<p>Though H17 is not referring to land within the Green Belt, this is most likely to be the only area that buildings for agriculture and forestry will be located in the district. The NPPF (para 89) allows for construction of buildings</p>	<p>Policy H18 should continue to be given full weight until superseded by the ADMP and the Green Belt SPD.</p>

		(though not specifically the temporary location of mobile homes) for agriculture and forestry within the Green Belt. As permanent buildings are considered appropriate development in the NPPF, temporary buildings are also likely to be acceptable and the policy remains consistent with the NPPF.	
Policy H19	Para 89 - Protecting Green Belt land	H19 permits the temporary location of a mobile home/caravan for residential use associated with the duration of construction of a permanent dwelling, subject to environmental considerations. Although the NPPF does not make specific reference to this circumstance, the policy adds clarity to how the authority would consider such an application. The temporary placing of a caravan may be included as a planning condition associated with a reused or redeveloped building and this specific policy may not often be required in practice.	Policy H19 should continue to be given full weight until superseded by the ADMP and the Green Belt SPD.
Employment			
Policy EP1	Para 7: an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation Para 22: planning polices should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.	Policy EP1 should only apply where the Council’s Employment Land Review recommends retention or the continued allocation of the sites identified.	Policy EP1 should only be applied where the Allocations and Development Management Plan allocates the sites identified for business use. On certain sites this policy is also now temporarily subject to permitted development rights for change of use from office to residential use.
Policy EP8	Para 7: an economic role – contributing to	Policy EP8 should only apply where the	Policy EP8 should only be3 applied

	<p>building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.</p> <p>Para 22 states that 'planning polices should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'.</p> <p>Para 23 identifies office developments as being acceptable within town centres and para 25 provides that small scale offices are acceptable in rural locations.</p>	<p>Council's Employment Land Review recommends retention or the continued allocation of the sites identified. Limitations on Use Class B developments outside of allocated areas are not in accordance with the NPPF and so this part of the policy should no longer apply.</p>	<p>where the Allocations and Development Management Plan allocates the sites identified for business use. On certain sites this policy is also now temporarily subject to permitted development rights for change of use from office to residential use.</p>
Policy EP10	Replaced by Core Strategy Policy SP8		
Policy EP11A	Paras 115- 116, 58	<p>The NPPF supports economic growth in rural areas and takes a positive approach to sustainable new development. Developments should also respond to local character, whilst not preventing innovation. This policy is consistent with the NPPF.</p>	<p>Policy EP11A should continue to be given full weight until superseded by ADMP.</p>
Policy EP11B	Replaced by Core Strategy Policy LO8		
Policy EP13	<p>Para 89: the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces</p>	<p>The NPPF acknowledges replacement buildings as an appropriate use within the Green Belt, provided that the new building is in the same use and not materially larger than the one it replaces. Criterion 3 requires the proposal to adhere to the existing curtilage which is not specifically supported by the NPPF. Criterion 5 specifies a cubic capacity limit to extensions which are not supported by the NPPF or the Draft Green Belt SPD. The</p>	<p>Policy EP13 should no longer be given weight as it is superseded by the NPPF.</p>

		policy appears to restrict any replacement buildings to major existing development and makes other proposals a formal departure to the Local Plan.	
Shopping			
Policy S1	Replaced by Core Strategy Policies LO3, LO5, LO6, LO7		
Policy S3A	Para 23	Para 23 states that LPAs should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations. The NPPF glossary provides that references to 'town centres' also apply to local and district centres. The ADMP has updated the boundaries and appropriate weight should be given to the new boundaries.	Policy S3A should continue to apply until superseded by the ADMP noting that revised boundaries are proposed in the ADMP.
Policy S3B	Para 23	Para 23 states that LPAs should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations. The NPPF glossary provides that references to 'town centres' also apply to local and district centres. The ADMP has updated the boundaries and appropriate weight should be given to the new boundaries.	Policy S3B should continue to apply until superseded by the ADMP noting that revised boundaries are proposed in the ADMP.
Policy S4	Paras 28, 89 and 90 Para 28: Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through	Policy S4 does not allow any development which would comprise the establishment of a farm shop or other enterprise which is against the thrust of Para 28. The policy also contains very prescriptive criteria about the source of the products for sale. This is also not supported by the NPPF.	Policy S4 should no longer be given weight as it is superseded by the NPPF.

	conversion of existing buildings and well designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses		
Policy S6	<p>Paras 23, 32, 120</p> <p>Para 23 states that LPAs should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations.</p> <p>Para 120 provides that the impact of the development on pollution and general amenity should be taken into account.</p>	<p>Para 23 states that LPAs should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations. The NPPF glossary provides that references to 'town centres' also apply to local and district centres. The ADMP has updated the boundaries and appropriate weight should be given to the new boundaries. Parking should be assessed against the KCC Vehicle Parking Standards and impact on the road network, including through the provision of waiting facilities, should be judged by KCC as part of the assessment of whether the proposal would result in a severe transport impact.</p>	<p>Policy S6 should continue to be applied until superseded by the ADMP noting that revised boundaries are proposed in the ADMP.</p>
Urban Areas and Rural Towns			
Policy ST1A	<p>Para 23 states that LPAs should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations.</p>	<p>The uses referred to in policy ST1A are consistent with those identified in para 23 and the glossary definition of 'main town centre uses'. The ADMP has updated the boundaries and appropriate weight should be given to the new boundaries. However, the NPPF provides that other uses are also appropriate within town centres.</p>	<p>Policy ST1A should continue to be applied. However, a broader range of uses within the town centre will be appropriate in accordance with the NPPF.</p>
Policy ST2	<p>Para 23</p>	<p>Para 23 states that LPAs should define the extent of primary and secondary frontages and set policies that make clear which uses will be permitted in such locations. The ADMP</p>	<p>Policy ST2 should continue to be applied until superseded by the ADMP noting that revised frontages are proposed in the</p>

		has updated the definition of frontages and appropriate weight should be given to the new boundaries.	ADMP.
Policy ST6	Paras 23 and 58	Para 23 states that LPAs should allocate suitable sites to meet town centre needs in full. The Blighs Meadow allocation continues to form part of the Council's approach to this. The reference in the policy to local character is consistent with para 58 of the NPPF. The site now has planning consent and it is likely that the policy will no longer be required.	Policy ST6 should continue to be given full weight until superseded by ADMP or the implementation of the development.
Policy ST9	Para 17 – Core Planning Principles: promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas	Whilst this site has an extant permission, if the consent is not implemented the policy remains consistent with the NPPF.	Policy ST9 should continue to be given full weight until superseded by ADMP.
Policy ST10	Paras 49 – 50: Housing applications should be considered in the context of the presumption in favour of sustainable development.	The policy does not permit residential development and is not consistent with the NPPF. The site has an extant permission SE/11/02471/OUT for 52 residential units. Reserve matters have been submitted.	Policy ST10 should no longer be given weight as it is superseded by the NPPF.
Policy ST11	Para 22 states that 'planning polices should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'.	The site has been reallocated for housing in ADMP policy H1(b) following the employment land review which indicated it need not be retained in an employment use.	Policy ST11 should no longer be given weight as it is superseded by the NPPF and the ADMP.
Policy SW1	Para 23	Para 23 states that LPAs should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations. The ADMP has updated the definition of boundaries and frontages and appropriate weight should be given to the new definitions.	Policy SWB should continue to be applied until superseded by the ADMP noting that revised boundaries and frontages are proposed in the ADMP. However, a broader range of uses within the town centre will be appropriate in

		The uses referred to in policy ST1A are consistent with those identified in the NPPF and the glossary definition of 'main town centre uses'. However, the NPPF provides that other uses are also appropriate within town centres.	accordance with the NPPF.
Policy SW8	Para 21	Para 21 of the NPPF states that LPAs 'should set criteria, or identify strategic sites, for local and inward investment'. The allocation of Broom Hill continues to be of strategic importance to the development of the District and should continue to apply and revised allocation guidance is included in the ADMP	Policy SWB should continue to be applied until superseded by the ADMP noting the revised allocation guidance in the ADMP.
Policy EB1	Para 23	Para 23 states that LPAs should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations. The uses referred to in policy ST1A are consistent with those identified in para 23 and the glossary definition of 'main town centre uses'. However, the NPPF provides that other uses are also appropriate within town centres. The ADMP has updated the definition of boundaries and frontages and appropriate weight should be given to the new definitions.	Policy EB1 should continue to be applied noting that revised boundaries and frontages are proposed in the ADMP. However, a broader range of uses within the town centre will be appropriate in accordance with the NPPF.
Policy EB2	Para 23	Para 23 states that LPAs should define the extent of primary and secondary frontages and set policies that make clear which uses will be permitted in such locations. The ADMP has updated the definition of frontages and appropriate weight should be given to the new boundaries.	Policy EB2 should continue to be applied until superseded by the ADMP noting that revised frontages are proposed in the ADMP.

Policy EB3	Development completed		Policy EB3 should no longer be given weight due to the completion of development.
Policy EB4	Development completed		Policy EB4 should no longer be given weight to the completion of development.
Policy WS1	Para 23	Para 23 states that LPAs should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations. The uses referred to in policy ST1A are consistent with those identified in para 23 and the glossary definition of 'main town centre uses'. However, the NPPF provides that other uses are also appropriate within town centres. The ADMP has updated the definition of boundaries and frontages and appropriate weight should be given to the new definitions.	Policy WS1 should continue to be applied noting that revised boundaries and frontages are proposed in the ADMP. However, a broader range of uses within the town centre will be appropriate in accordance with the NPPF.
Policy WS2	Para 23	Para 23 states that LPAs should identify primary and secondary frontages and set policies that make clear which uses will be permitted in such locations. The ADMP has updated the definition of frontages and appropriate weight should be given to the new boundaries.	Policy WS2 should continue to be applied until superseded by the ADMP noting that revised frontages are proposed in the ADMP.
Villages and Rural Settlements			
Policy HL1	Para 22 states that 'planning polices should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'.	Site has been reallocated for housing in ADMP Policy H1(o) following the employment land review which indicated it need not be retained in an employment use.	Policy HL1 should no longer be given weight as it is superseded by the NPPF and the ADMP.
Policy FH1	Replaced by Core Strategy Policy SP8		
Policy DG1	Replaced by Core Strategy Policy SP8		

Policy CHP1	Replaced by Core Strategy Policy SP8		
Policy SKB1	Replaced by Core Strategy Policy SP8		
Policy WK2	<p>Para 89: states that the following types of development are appropriate development:</p> <ul style="list-style-type: none"> - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development <p>Para 123: Planning policies and decisions should aim to: recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established</p> <p>Para 17: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings</p>	The policy is in broad compliance with the NPPF. The ADMP contains a similar policy.	Policy WK2 should continue to be given full weight until superseded by the ADMP
Policy WK6	Para 123: Planning policies and decisions	The policy seeks to prevent all development in	Policy WK6 should no longer be

	<p>should aim to: recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established Para 17: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings</p>	<p>areas subject to excessive noise disturbance. This is not compatible with Para 123 in particular and the general presumption in favour of sustainable development.</p>	<p>given weight as it is superseded by the NPPF.</p>
Tourism, Sport and Recreation			
Policy TR2	Replaced by Core Strategy Policies LO2, LO4, LO6, LO7 and LO8		
Policy TR5	<p>Para 28 - Supporting a prosperous rural economy</p> <p>Paras 79, 87 – 89 -Protecting Green Belt land</p> <p>Para 115 - Conserving and Enhancing the natural environment</p>	<p>TR5 permits proposals for seasonal camping and caravan facilities on small sites, providing the site is screened and consistent with EN1 and has adequate washing and toilet facilities. Proposals are not permitted within AONB or the greenbelt.</p> <p>No direct reference is made in the NPPF to caravans/camping sites, and whilst supported by para 28 which encourages economic growth in rural areas to provide job creation by the promotion of development and diversification of agriculture and other land-based rural businesses, the provision of caravan sites is not listed as an appropriate development.</p> <p>In terms of the AONB, the NPPF para 115 gives great weight to conserving landscape and scenic beauty particularly AONB but it does</p>	<p>Policy TR5 should no longer be given weight as it is superseded by the NPPF.</p>

		not prevent all development as this policy attempts to do.	
Policy TR6	Replaced by Core Strategy Policy LO8		
Policy SR9	<p>Para 28 - Supporting a prosperous rural economy</p> <p>Para 89 - Protecting Green Belt land</p>	<p>SR9 states that proposals for use of land for horses and erection of stables and associated facilities are subject to, but not dependant on complying with, principles in Appendix 3. Appendix 3 provides general design guidance for build related to equestrian pursuits.</p> <p>No NPPF paragraphs directly relate to horses/stables/equestrian, however para 28 supports the expansion of business and diversification of agricultural land in rural areas. Should the proposal fall within the Green Belt, para 89 permits development for the provision of outdoor sport/recreation facilities. The policy is consistent with the NPPF.</p>	Policy SR9 should continue to be given full weight until superseded by ADMP.
Public Services			
Policy PS2	Replaced by Core Strategy Policy SP9		
Policy PS6	<p>Para 50: To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</p> <ul style="list-style-type: none"> - plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people 	<p>The NPPF seeks to facilitate a wide range of housing and whilst it is possible to identify the type of housing reflecting local demand, the policy is narrowly focussed and the case for its retention as an allocation for a dementia care home facility has not been proven. The site has been reallocated for housing in ADMP Policy H1(I).</p>	Policy PS6 should no longer be given weight as it is superseded by the NPPF and the ADMP.

	with disabilities, service families and people wishing to build their own homes); - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand		
Policy PS10	Replaced by Core Strategy Policy LO7		