

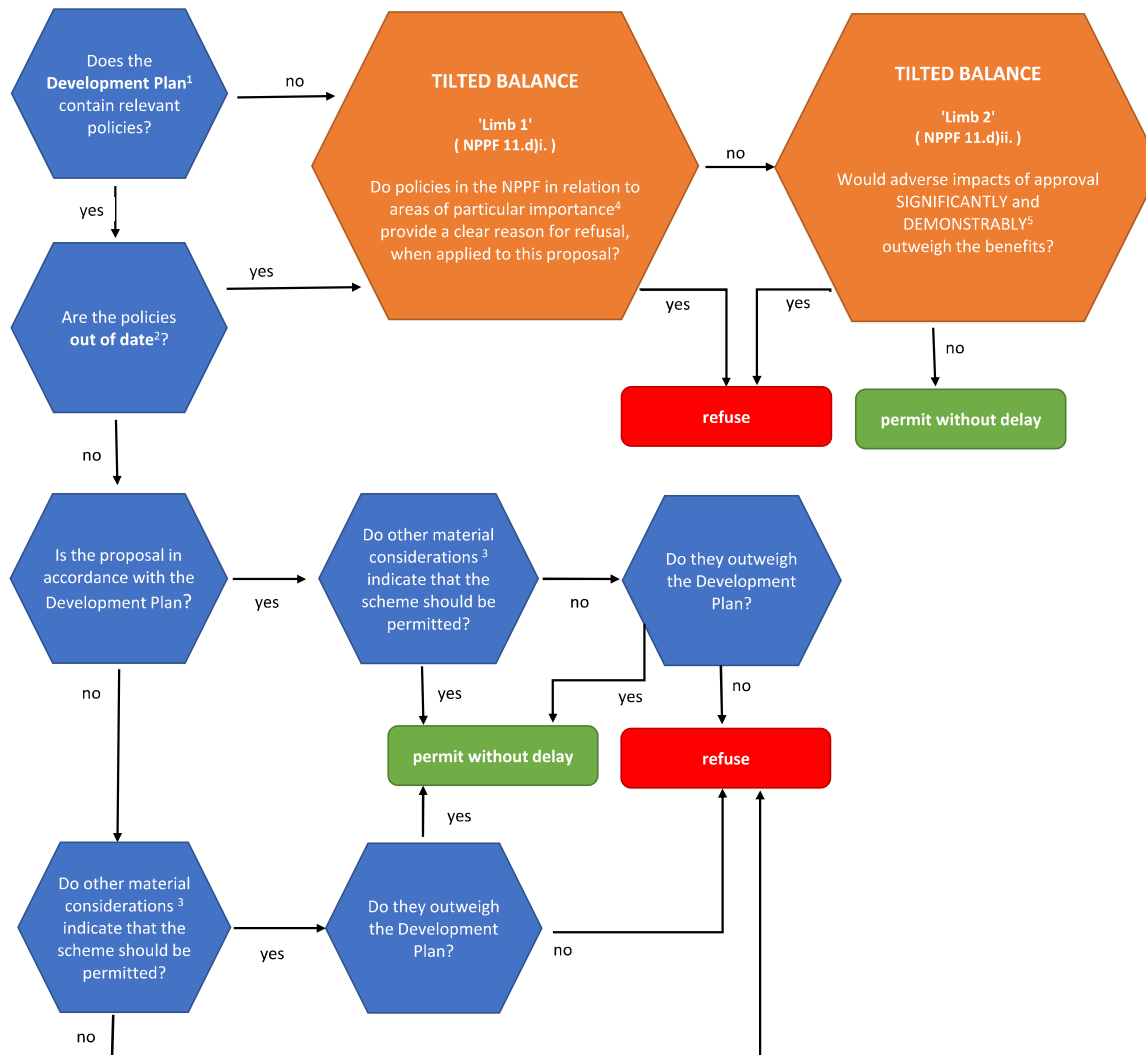
Paragraph 11, NPPF: The 'tilted balance'

Planning Legislation* requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. This means that the decision taker must take as a starting point the Development Plan and balance it and all other material considerations to arrive at a decision on whether or not to grant planning permission. If the harms outweigh the benefits, planning permission will usually be refused.

Paragraph 11 of the NPPF, under the 'presumption in favour of sustainable development', sets out circumstances where this balancing exercise should be weighted towards granting permission. This is the case where there are no relevant policies in the Development Plan or the relevant policies are 'out of date'. These circumstances become a material consideration, which 'tilts' the balancing exercise from a neutral balance to one where there must be compelling reasons for permission to be withheld.

The flow chart below is designed to help explain the circumstances where the tilted balance must be applied.

*Town and Country Planning Act 1990 Act, section 70(2) and Planning and Compulsory Purchase 2004 Act section 38(6)



NOTES

¹ The Development Plan is always the starting point for decisions. In Havant it consists of:

HBC Core Strategy (2011)
HBC Site Allocations Plan (2014)
HCC Hampshire Minerals and Waste Plan (2013)
Emsworth Neighbourhood Plan (2021)

NB plans that have not yet been adopted are NOT part of the Development Plan.

² On housing proposals 'out of date' includes situations where the local planning authority cannot demonstrate a **five year supply** of deliverable housing sites with the appropriate buffer; or where the **Housing Delivery Test** indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

³ Other Material Considerations may include:

The NPPF
An emerging policy or plan at advanced stage of preparation
Supplementary Planning Documents (SPDs)
Previous planning decision, including appeals
Views of statutory consultees

NB this is NOT an exhaustive or definitive list

⁴ Consider only those designations noted in footnote 7 of the NPPF, which are relevant in Havant:

Habitats sites and/or and SSSIs and land needed as mitigation
Local Green Spaces
Areas of Outstanding Natural Beauty (Chichester Harbour)
Irreplaceable habitats (including ancient woodland and veteran trees),
Designated heritage assets,
Areas at risk of flooding or coastal change.

⁵ NB applying the tilted balance does NOT exclude Development Plan policies from being considered in the balance.

However, a high bar for refusal is set here. It is not enough for there to be some harm or negative effects, or for a scheme to be less than ideal (e.g. where it does not to comply with local or national policy in some regard).

The harm must be **significant and demonstrable**.