Extract from the "East Suffolk Interim Housing Position Statement Produced in response to the December 2024 NPPF and alongside the East Suffolk Local Development Scheme (LDS) 2025 December 2025 update"

Five year supply position

43. In light of the published NPPF update and the most recent Regulation 10A reviews East Suffolk Council is not able to demonstrate a 5-year housing land supply in both Local Plan areas (Waveney Local Plan area and Suffolk Coastal Local Plan area). Paragraph 11(d) of the NPPF, the 'presumption in favour of sustainable development', will therefore apply in decision making on planning applications for housing development in the East Suffolk Local Planning Authority.

Paragraph 11(d) of the NPPF (the tilted balance)

44. East Suffolk Council will apply paragraph 11(d) in decision making. Paragraph 11(d) is detailed below:

"Plans and decisions should apply a presumption in favour of sustainable development.
For decision-taking this means:
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"

45. The presumption in favour of sustainable development, often referred to as the 'tilted balance' means that the Council would apply much greater weight to the contribution to housing supply from sustainable housing proposals. In particular, proposals for housing that are sustainable but that would be contrary to Local Plan policies on housing development may be granted planning permission. Importantly, all planning applications for housing development will continue to be carefully and thoroughly considered against all policies within the development plan and other applicable paragraphs of the NPPF.

Part i)

46. Paragraph 11(d) part i) sets out that the presumption does not apply where the application of policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusal. Within this text under footnote 7, the NPPF provides further detail as to what protected areas or assets of particular importance relates to.

47. Footnote 7 states:
"*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change."*

48. Applications will be expected to fully comply with all relevant habitat regulation requirements.

Part ii)

49. Under Part ii) of paragraph 11(d) Local Authorities would be expected to refuse applications where any adverse impacts arising from the permission would significantly and demonstrably outweigh the benefits. It then further directs decision makers to have particular regard to certain key policy areas which are; directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

50. Paragraph 11 requires a decision maker to apply a presumption in favour of sustainable development with part 11(d) giving particular regard to sustainable locations. Greater weight will be given to the benefits of proposals that are well related to settlements, services and facilities, particularly the larger towns and market towns that have a higher level of services whilst avoiding isolated and unsustainable locations. In the Suffolk Coastal Local Plan area, for new developments in the rural areas (under policy SCLP12.34), policy SCLP3.2 will be of relevance in understanding the sustainability of a settlement.

51. In accordance with Paragraph 115 of the NPPF the provision of sustainable transport opportunities as part of an application will be a consideration in determining the sites overall sustainability. The paragraph includes provisions (amongst other considerations) that sustainable transport modes are prioritised.

52. Paragraph 11(d) also directs decision makers to have particular regard to making effective use of land. Paragraph 129 of the NPPF states:

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places."

53. Applications will be assessed against paragraph 129 in determining whether the site provides an appropriate density. Schemes that do not make the best use of land by proposing an unreasonable low-density scheme are unlikely to provide significant benefit when weighed against the adverse impacts.

54. Paragraph 11(d) also directs decision makers to have particular regard to making well-designed places. Paragraph 139 states that developments that are not well designed should be refused whilst developments that reflect local and national design guidance or provide outstanding or innovative design should be approved.

55. Paragraph 135 of the NPPF sets out the criteria for a well-designed scheme that decision makers must apply. The paragraph is detailed below:

"Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well- being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

56. Paragraph 11(d) also directs decision makers to have particular regard to policies on affordable housing and the footnote directs decision makers to paragraph 66 of the NPPF which states:
"Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures."

57. Accordingly, the application of paragraph 11(d) is not expected to reduce the weight applied to affordable housing in determining planning applications.

Other considerations

58. The exact weight to apply to a housing scheme, deemed to be a sustainable development, when weighed against the adverse impacts, will remain a matter of judgement for the decision maker; however, the level of under-supply as determined under the 5 year housing land supply assessment will clearly be a factor.

59. Small scale developments make an important contribution to the district's housing supply; however, a small-scale scheme is unlikely to significantly address an under-supply on its own. There will be a presumption in favour of sustainable development and the benefits of the development when weighed against the potential adverse impacts will be a matter of judgement.

60. A Local Planning Authority is required to demonstrate 5 years' worth of deliverable sites against 5 years' worth of housing requirement. To address any under-supply that emerges through the 5 year housing land supply assessment will require deliverable land for housing applications that can feasibly provide completions in the next 5 years. This all takes time and reduces the potential that it will deliver in the next 5 years whilst a full planning application will be in a better position to deliver new homes upon receiving permission so carries greater benefit in addressing any under-supply.

61. Outline permissions will often take longer to start delivering as they require further reserved matters applications to provide the required information to acquire full permission status.

62. Furthermore, applications that provide supporting evidence that effectively shows a strong potential for delivery within the next 5 years could be considered by the decision maker to be of

increased benefit due to its potential to address an under-supply of deliverable land in the more immediate future.
63. Applicants should be particularly mindful of the importance of early engagement with the community on proposals for housing development that would be contrary to the development plan.

64. In the majority of the District, development may affect Habitats Sites and require strategic and/or on site mitigation. Of importance to this, given the effect of Paragraph 11, is the following paragraph 195 of the NPPF:
"*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*"

Sites allocated in the Local Plans
65. The application of paragraph 11(d) to the decision making process is not expected to change the Council's position in regards to its allocated sites which are still expected to come forward in accordance with that policy. The allocation policies were thoroughly assessed through the Local Plan examinations and the policy stipulations are required to deliver a sustainable and well-designed site. This statement is instead aimed towards windfall development that would otherwise be contrary to the relevant Local Plan.