

ROGERS

In praise of squeaky PiPs

PiPs are in effect a simplified version of outline planning permission, explains Andy Rogers

The Germans ... are going to be squeezed as a lemon is squeezed - until the pips squeak. – Sir Eric Geddes, December 1918

Today we're not considering lemon pips, or Personal Investment Plans, but rather the application procedure known as Planning in Principle (PiP). Planning Practice Guidance advises that this is a way of obtaining permission for housing-led development and has two stages: the first (PiP) establishes whether a site is suitable for housing and the second Technical Details Consent (TDC) stage assesses the details of a development proposal.

It is in effect a simplified version of outline planning permission, which has become over-complex because planning authorities require ever-increasing amounts of data as part of the application. With PiP all that is needed for an application to be valid is the site's location, the land use proposed and the amount of development. This information is normally provided by an indicative block plan illustrating how the number of homes proposed could fit onto the site, and often a brief statement addressing any planning policy matters such as sustainability.

So the requirements for a PiP vary from the five 'reserved matters' as defined in the legislation relating to outline planning applications. These are Scale, Layout, Access, Appearance, and Landscaping - which of course local planning authorities can (and these days usually do) claim require a great deal of detail and technical input to enable a determination. This makes it more sensible to ignore the outline application route and go straight to a full planning application. Hence the introduction of the PiP procedure.

The PiP procedure has been rarely used in England since its introduction in 2017 except in the county of Cornwall, where there have been more than 100 such applications (while in the Isle of Wight for example there have been none). I don't know why it is not used more often. Normally you should get a decision within five weeks. It can be appealed if the local authority is asking for too much information. The most useful

advantage is to establish whether a site (for example in Green/Grey Belt) can be taken forward, without needing to commission or include numerous detailed reports or additional data to justify the proposal.

I have some 14 (mostly successful) PiP appeals on file. These include one where the local authority considered the application was not validly made, because the red line indicating the boundary of the appeal site on the location plan did not show access to the highway. The appeal Inspector determined: "The principle of access to the site is not a matter that it is necessary to address as part of these [PiP] considerations and the extent of any land required for access is not known at this stage. Consequently, I am satisfied that the location plan, as originally submitted adequately identifies the land to which the application relates and therefore the application was validly made."

Another successful appeal decision included a detailed report in which an Inspector discussed at some length the pros and cons of a proposal, determining in his summary that possible adverse impacts, most of which he had in the report suggested would be capable of mitigation when detailed plans were prepared, "would fail to significantly and demonstrably outweigh the benefits [of additional housing], when assessed against the policies of the Framework taken as a whole". And usefully he added that, while the Council had suggested conditions relating to time limits and approval of details, "the government's Planning Practice Guidance makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only

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include the site location, the type and amount of development."

Finally, permission in principle for up to four houses on a site located within 15km of The Cotswold Beechwoods Special Area of Conservation (SAC) was granted on appeal, following the local authority's refusal due to the impact development might have on the SAC. The appellant submitted, as part of the application, a Unilateral Undertaking to ensure a financial contribution towards mitigation. The Inspector determined this would become part of the Technical Details Consent that followed the PiP approval, although it could not be part of that approval. This shows that the provision of additional details or technical reports, etc, can usefully be part of a PiP application, so that the suitability of a site for housing can be more readily agreed. ■

**A condition of complete simplicity
(Costing not less than everything)
And all shall be well and
All manner of things shall be well...
– Four Quartets, T S Eliot (after
Julian of Norwich)**

A CAUTIONARY TALE



I submitted a PiP application including this site plan as an indicative layout with a planning statement, to establish the principle of housing three units on the site. I received an invalid notice which stated: "Additional application fee due £804 - Total site 0.28 hectares = Total fee £1206" (although the submitted planning application form gave the site area as 0.028 hectares).



I therefore returned the site plan with an area of 0.28 hectares shown - the planning officer had worked out the area of the site but misplaced a decimal point, suggesting it should be some ten times its actual area. I received an approval after agreeing to an extension of time due to the consequent delay. - Moral: do not assume the local authority know how PiPs work - they can be applied to green belt land, conservation areas, etc, and must be approved promptly and unconditionally. Details of design and layout, and statutory assessments, etc, will be part of the subsequent technical details application.