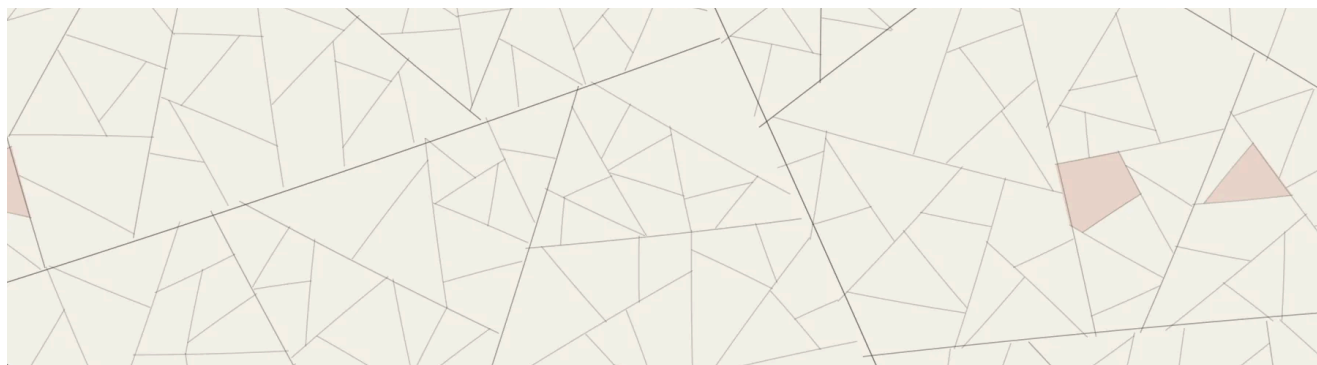


POLICY

The minister's universal tilt, and the first appeals that decide *who it reaches*.

On 6 October the housing and planning minister told the Planning Inspectorate that a universal tilt in favour of granting permission applies to development the new framework supports. A site has to qualify before the tilt applies. Eight appeal decisions issued since 17 August show inspectors reading the qualifying words in different ways. One found an unmet need from a very marginal housing supply and a need for affordable housing, in a district that, on that inspector's figures, passed both of the framework's named tests.

The Editor



Ground Level, generated

On 14 September a planning inspector allowed up to 249 homes on farmland north of Spring Hill, at Kingston Bagpuize with Southmoor in Oxfordshire. Vale of White Horse District Council had refused them. On the inspector's own figures, the council could show a five-year supply of housing land with about 88 homes to spare. Its last three Housing Delivery Test scores were 177%, 193% and 192%.

The new National Planning Policy Framework names two ways for a council to have an unmet need for housing. It cannot show a five-year

supply, or it scores below 75% in the Housing Delivery Test. On those figures the Vale passed both tests. The inspector found an unmet need anyway, from the thin margin in the supply and the need for affordable housing, and granted permission (appeal 6005809).

Three weeks later the housing and planning minister wrote to the chief executive of the Planning Inspectorate. He set out how he expects the new framework to be applied, and asked for the letter to be shared with inspectors

deciding appeals and applications. This is its central sentence.

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For development proposals within settlements, or those outside settlements that are supported in principle, a universal tilt in favour of granting permission is engaged.

Matthew Pennycook, Minister of State for Housing and Planning, letter to the chief executive of the Planning Inspectorate · Ground Level, 6 October 2026

That sentence is about how a decision is weighed once a site qualifies for support. The Kingston Bagpuize decision is about what qualifies. This piece reads the letter against eight of the first appeal decisions made under the new rules, because the decisions are where the harder question is being answered.

What the minister wrote.

The letter is from Matthew Pennycook, Minister of State for Housing and Planning, to Graham Stallwood, chief executive of the Planning Inspectorate. It is dated 6 October 2026 and was published on gov.uk the next day.

It calls the framework "a material consideration of critical importance". Within settlements, it says, the presumption in favour of sustainable development now supports development "by default", subject to specified exemptions. Outside them, the framework sets "clearer rules for what development should be supported in principle, including in instances where a local planning authority cannot demonstrate a five-year supply of deliverable sites for housing". For

both, the letter describes a universal tilt: approval unless the benefits "would be substantially outweighed by adverse effects".

It reminds inspectors that the framework gives substantial weight to "homes which meet the evidenced needs of communities". Then it asks Mr Stallwood to "share this letter with Inspectors conducting planning appeals and assessing applications". The next sentence begins: "I value the Planning Inspectorate's independent role in conducting appeals and reaching conclusions on the evidence before it".

What the letter does not change.

The letter adds no test. The one it describes is the framework's own, from policies S4 and S5. The phrase "universal tilt" is the minister's name for it.

Nor does it move the law. Planning decisions are made in accordance with the development plan unless material considerations indicate otherwise, under section 38(6) of the Planning and Compulsory Purchase Act 2004. The framework is one of those material considerations, and its second footnote says it "does not displace the statutory obligations placed on decision-makers" by that section.

The government's case for writing is in the letter. It wants "more consistent and certain outcomes" from a framework that was seven weeks old when the letter was sent. The question it raises is about who is writing. Every decision letter describes its author as "an Inspector appointed by the Secretary of State". This letter comes from the department that wrote the policy and is responsible for the target of 1.5 mil-

lion homes, and it tells those inspectors how the government reads its own words.

The tilt starts after a gate.

The new framework sorts proposals by location before it weighs them. Policy S3 sends development inside a settlement to policy S4 and development outside one to policy S5, which does not apply in the Green Belt or on Local Green Space.

S5 opens with a restriction: "Only certain forms of development should be approved outside settlements". Ten categories follow. For housing on the edge of a town or village the one that usually matters is S5(1)(j). It supports development that would address "an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test)". The site must also be "physically well-related to an existing settlement (unless the nature of the development would make this inappropriate)" and "of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure".

A scheme that fits a category should be approved unless the benefits are substantially outweighed by the harm. That is the tilt the minister describes. A scheme that fits none falls to S5(4), which turns the test round: approval "only in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects".

So for housing on the edge of a settlement, two questions come before any weighing. Is there an

evidenced unmet need? Is the site physically well related to an existing settlement? The framework defines a settlement in its glossary. It defines neither of those phrases.

Eight decisions.

The Ground Level read eight appeal decisions issued between 10 September and 9 October 2026 in which an inspector applied policy S5 to new housing outside a settlement. We found them through the cases planning lawyers and the trade press have written about, then read each one in full on the Planning Inspectorate's appeals service.

They are not a random sample, and they are not the only S5 decisions from those weeks. The Inspectorate decided 2,144 section 78 planning appeals in the three months to September 2026, the latest quarter it has published, and allowed 31%. Eight decisions cannot show a rate. They can show how inspectors are reading the words.

PLACE	COUNCIL	HOMES	DECIDED	WELL RELATED	OUTCOME
Washington	Horsham	1	10 Sep	No	Allowed other S5 routes
Drayton	Vale of White Horse	Up to 31	11 Sep	Yes	Allowed
Kingston Bagpuize	Vale of White Horse	Up to 249	14 Sep	Yes	Allowed
Findon	South Downs National Park	1	18 Sep	No	Dismissed
Aston Clinton	Buckinghamshire	Up to 66	24 Sep	No	Allowed, exceptionally
Brigsley	North East Lincolnshire	9	1 Oct	Yes	Dismissed
Needingworth	Huntingdonshire	7 to 9	7 Oct	Yes	Allowed
Tattenhall	Cheshire West and Chester	Up to 9	9 Oct	No	Dismissed

Five were allowed and three dismissed. In seven of the eight, the planning authority accepted a shortage of housing land or the inspector found one. The exception was the Vale at Kingston Bagpuize. Only there and at Drayton was it argued whether a shortage existed. In the other six it was accepted, and the contest was somewhere else.

5 of 8

Appeals allowed amongst eight decisions issued between 10 September and 9 October 2026 that applied policy S5 to new housing outside a settlement. A sample of reported cases, not a rate.

SOURCE • GROUND LEVEL READING OF APPEAL DECISIONS 6009593, 6005108, 6005809, 6006900, 6008253, 6009363, 6009048 AND 6008560

Unmet need is wider than the two tests.

Go back to Kingston Bagpuize. The council's best case was a supply of 342 homes above the five-year requirement. The inspector made deductions and put the margin at about 88, calling it "an even more delicate position which points towards evidence of an unmet need for housing in the district".

Then the inspector turned to the policy's opening words.

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The wording in Policy S5(1)(j) referring to evidence of an unmet need specifically uses the words 'including, but not limited to', indicating that the absence of a five year deliverable supply and HDT outcomes are not the only means by which an unmet need can be proven to exist.

The inspector, appeal decision 6005809, paragraph 57 • Ground Level, 14 September 2026

The appellant's evidence was the housing register. At 31 March 2025, 2,904 households were on it. The council's own evidence accepted that a significant need for affordable housing remained even when households classed as adequately housed were left out. The inspector concluded that "the very marginal five year housing land supply position and the evidenced significant unmet need for affordable housing combine together to indicate that the scheme complies with 2026 Framework Policy S5(1)(j)".

192%

The latest Housing Delivery Test score of Vale of White Horse District Council. An inspector still found an unmet need there, from a very marginal five-year supply and the need for affordable housing, and allowed up to 249 homes on appeal.

SOURCE · APPEAL DECISION 6005809, LAND TO THE NORTH OF SPRING HILL, KINGSTON BAGPUIZE WITH SOUTHMOOR, 14 SEPTEMBER 2026

Three days earlier, a different inspector had allowed up to 31 homes at Drayton, in the same district (appeal 6005108). That case went the more familiar way. The council put its supply at 5.34 years and the inspector found "around 4.9 years", which put the district inside the policy's named test. So three days apart, two inspectors reached different findings on the same district's supply, and both allowed the appeal in front of them.

Councils across England keep waiting lists for affordable housing. If that need can carry a site through S5(1)(j), a five-year supply protects a council less than the policy's two named tests suggest.

The framework's protection for councils with a new plan is narrower than that argument. Annex A, paragraph 3 says that for five years after a plan is adopted, a standard method figure higher than the plan's requirement "should not be considered as evidence of unmet need". That applies only if the council has a five-year supply and scores more than 75% on the delivery test. It covers that one argument. It says nothing about affordable housing need.

This is one decision, and other inspectors may read the words differently. Anyone aggrieved by it, the council included, can ask the High Court

to quash it under section 288 of the Town and Country Planning Act 1990, but only within six weeks of the decision. For Kingston Bagpuize the six weeks end on 26 October.

Physically well related, read four ways.

The framework does not say what "physically well-related" means, so appeal decisions will. These eight already pull in different directions.

Proximity, helped by what is coming. At Needingworth the site sat by the settlement edge, and a permission for 30 homes had already been granted on land to the north, beyond a neighbouring house. The inspector found that "the physical relationship between the site and the settlement would be further enhanced" by it. That matches the framework's glossary, which counts land with permission as part of the settlement before anything is built.

Shape, not distance. At Tattenhall the site adjoined the village. It touched the settlement boundary "along one side only", and the inspector found it "would be an outwards extension and not rounding off". It was not well related. The inspector also found harm to the setting of the Tattenhall Conservation Area, and dismissed the appeal.

Character, as part of the test. At Aston Clinton the site was "very close to the settlement", reached from a road within the village and well placed for services. The inspector still found it was not physically well related, because it would harm the character and appearance of the area, to a moderate degree, and the setting of the village, to a limited one. The scheme then passed the harder test in S5(4). Up to 66 homes,

a policy-compliant share of affordable housing and a substantial shortfall in supply were enough to "substantially outweigh" the harm. At Needingworth the inspector found limited harm to character and appearance, and found that site well related "notwithstanding" it. Harm to character counted at the gate in one case and not in the other.

Access to services. At Findon, in the South Downs National Park, future residents would "likely be highly reliant on private cars for most journeys, irrespective of the precise distance". On that basis the site "would not be physically well related to the settlement of Findon".

At Washington, in Horsham, the inspector found the site was not well related to any settlement and allowed it anyway. The council did not dispute that the stable and hardstanding on the site were previously developed land, which S5(1)(d) supports. The new house would also reach into a paddock that the inspector said did not clearly count as previously developed. But a single dwelling there "could reasonably be classified as limited infilling" within a group of houses, under S5(1)(e). The inspector declined to carry the location test across: it "only appears within parts 1h and 1j, with no indication that it is to be applied to the other forms of development listed".

The refusal policies still decide some.

Passing the gate does not end the case. S5(2) says the benefits are likely to be substantially outweighed where a proposal fails one of the framework's policies that say development "should be refused".

Brigsley shows what that can mean. The site was well related to the existing settlement and the council had no five-year supply, so the scheme passed S5(1)(j). It was dismissed anyway. Nine homes on 1.3 hectares came to 6.8 dwellings per hectare, gross. Policy L3 requires the best use of a site's development potential, and the inspector was "not persuaded that the provision of nine dwellings on this site represents an effective use of land". Poor connectivity and harm to the character of the area counted against it too, but the inspector singled out L3.

6.8

Homes per hectare, gross, in a nine-home scheme at Brigsley that an inspector found well related to the existing settlement and still dismissed, in particular because it did not make effective use of the land

SOURCE · APPEAL DECISION 6009363, LAND AT MUSHROOM LANE, BRIGSLEY, 1 OCTOBER 2026

The inspector noted "the support for low density development from local residents". The density the neighbours supported was the main reason national policy said the scheme should be refused.

Findon never reached that stage. The site fitted no category, so S5(4) applied. The inspector went further, finding the benefits of one home "substantially outweighed" by the harm, with substantial weight on conserving the natural beauty of the National Park under policy N4. On that finding the scheme would have failed even with the tilt.

The wording is still settling.

One of the eight decisions closes on a test that no longer exists. At Drayton, after applying S5, the inspector concluded that the scheme's limited adverse impacts "would not significantly and demonstrably outweigh the benefits". That is the wording of paragraph 11(d), which the new framework removed on 17 August, and the inspector used it as the step to the presumption in favour of sustainable development. The letter speaks of "more consistent and certain outcomes". Drayton shows an inspector applying the new framework in the vocabulary of the old one.

The letter has reached few decisions yet. Two of the eight were issued on or after its publication, Needingworth on 7 October and Tattenhall on 9 October. Neither refers to it.

What the letter can reach, and what it cannot.

Look at where the eight cases turned. At Aston Clinton it was whether the site was well related. At Tattenhall that question set the test, and harm to the setting of the conservation area and to the village edge decided it. At Findon harm to the National Park decided it. At Brigsley it was mainly density, and at Washington which category applied. At Drayton and Kingston Bagpuize it was whether there was an unmet need at all. Only at Needingworth did the case rest mainly on the weighing the letter describes.

The universal tilt applies after the gate. In most of these eight, the main dispute was at the gate,

over words the framework leaves undefined and the letter does not address.

What to watch.

The appeal statistics. The Planning Inspectorate published its figures for July to September on 22 October. Only the last six weeks of that quarter fell under the new framework. The release on 28 January 2027 will be the first full quarter.

Whether Kingston Bagpuize goes to court. The six weeks for a claim end on 26 October. If one is made, a judge rather than the next inspector will rule on the reach of "including, but not limited to".

The 93. On the 2025 Housing Delivery Test, 93 planning authorities in England scored below 75%, as we reported in the test results. Each is inside the policy's named route for as long as that score stands. For them, the question is no longer whether there is an unmet need. It is whether a given field is physically well related to the town, and that is being decided appeal by appeal.

Those are the questions these inspectors asked: the shape of the site against the settlement edge, the effect on the village's setting, how people would reach services, and whether the density makes effective use of the land. They matter to an applicant preparing a case as much as to a parish council preparing a response. We set out the wider approach for parish councils in how a parish council objects under the new framework.

