
Planning Policy and Local Plan Advisory Group**13 October 2026**

Report of the Head of Strategic Planning Policy.

Implementation of Non-Statutory Planning Guidance**Summary**

1. This report seeks Members' views on the proposed approach to the preparation and implementation of non-statutory planning guidance to support the emerging Local Plan. Non-statutory guidance will provide clarity to applicants, decision-makers and stakeholders on the interpretation and application of Local Plan policies.
2. The draft non-statutory guidance prepared for discussion are:
 - Annex A – Draft supported and specialist housing, accessibility and new housing, co-living developments non-statutory planning guidance
 - Annex B – Draft House extensions non-statutory planning guidance
 - Annex C – Draft short-term housing lets non-statutory planning guidance
3. Additionally, this report also reports to Members that the National Planning Policy Framework (NPPF) has determined superseded previous discussions in relation to hot food takeaway decisions. Policy HC5 in NPPF 2026 requires a reasonable walking distance of 400m. Guidance endorsed at the July Executive Member Decision Session therefore needs adjustment to be compliant with national policy.

Recommendations

4. The Committee is asked to:
 - 1) Note the reasons for preparing non-statutory guidance in preference to Supplementary Planning Documents
 - 2) Endorse the approach to the non-statutory guidance currently under preparation.

- 3) Recommend amendments or further work prior to taking to an Executive Member Decision Session for approval.

Reason: To inform the final guidance and allow progression to an Executive Member Decision Session for approval for publishing.

- 4) Note required changes to the approved Hot Food Takeaway Non-Statutory Guidance.

Reason: To be compliant with the National Planning Policy Guidance (2026)

Background

5. The adopted Local Plan identifies areas where Supplementary Planning Documents (SPDs) were to be used to provide more detailed planning advice regarding policy implementation. Previously, Executive has sought to prioritise the production of the following SPDs:
 - Housing Supplementary Planning Document
 - Planning for Health Supplementary Planning Document
 - Planning for Green Infrastructure Supplementary Planning Document
 - Planning for York's Gypsy and Traveller Communities
 - Climate Change (sustainable design and construction) SPD
 - Transport SPD
6. As part of the reforms to the plan-making system, the Government has transitioned away from traditional SPDs. Since the 30 June 2026 the ability to adopt new SPDs has been curtailed and replaced with detail to be included in a new Local Plan or in a new style Supplementary Plan.
7. Additionally, the new National Planning Policy Framework (NPPF) was released in August 2026. This followed a consultation held earlier in the year for a significantly different approach. The majority of these changes have been enacted and influence the guidance we can take forward. Further, Building Regulations have been updated significantly to require a focus on improved energy efficiency under the Future Homes Standard and for building safety. Both of these supersede some of the detail being pursued in our SPDs under production.

8. Executive¹ endorsed an approach to progress with non-statutory planning guidance to support the adopted Local Plan policies. These carry material weight in decision-making but are not part of the statutory development plan. They can cover specific land-use topics or area-based guidance and are:
 - ✓ Faster to produce and update
 - ✓ Have no statutory consultation requirements
 - ✓ Still a material consideration in planning decision.
9. Annex A presents the Draft supported and specialist housing, accessibility and new housing, co-living developments non-statutory planning guidance. This will provide further guidance to policy H3 Balancing the housing market of the adopted Local Plan, also informed by evidence.
10. Annex B presents Draft House extensions non-statutory planning guidance. This updates a previous draft Supplementary Planning document approved in 2012 for use by Development Management. The non-statutory guidance has been brought up-to-date against the adopted Local Plan and national policy, including consideration for, where appropriate, permitted development rights.
11. Annex C presents Draft short-term housing lets non-statutory planning guidance. Whilst the adopted Local Plan does not have a specific policy addressing this matter, it has become an emerging issue for consideration. This guidance reflects on planning decisions, including appeal decisions, to advise of the issues planning will consider should an application be submitted for this use.

Update to Hot Food Takeaway Non-Statutory Guidance.

12. In June, PPLPAG discussed guidance and evidence to help determine a reasonable walking distance from areas where children's congregate to inform Hot Food Takeaway applications. An 800m buffer was subsequently approved at EMDS in July 2026.
13. However, Policy HC5 Hot Food Takeaway² in the new NPPF supersedes this decision and the approved non-statutory guidance needs to be updated to be compliant. The NPPF requires:

¹ [Decision - Plan-making activity and Local Plan Review](#)

² <https://www.gov.uk/guidance/national-planning-policy-framework-chapter-16-promoting-healthy-communities-hc1-8>

“Development proposals for hot food takeaways should be refused:

- a) Within reasonable walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or*
- b) In locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour” (Policy HC5).*

14. The glossary determines that *“For the purpose of policy HC5 (hot food takeaways) it should be considered to be around 400 metres, or around five minutes’ walk time if topography, route availability and quality or physical barriers would prevent or discourage walking up to 400 metres.”*

Consultation

15. There is no statutory requirement for consultation on non-statutory guidance. However, we can choose a targeted consultation approach, where considered necessary. A formal decision to endorse the guidance will be taken via an Executive Member Decision Session, which will allow public participation, to ensure material weight through the decision-making process. A consultation strategy was endorsed via officer decision³ setting out the planned approach to preparation.
16. To prepare the draft guidance set out in the annexes, Strategic Planning Policy team have worked with relevant internal technical officers including Development Management, Design and Conservation, and Housing teams.
17. The original draft Housing Extensions and Alterations SPD (2012) was subject to a 6 week public consultation during it’s preparation and has since been in use since approval in December 2012.

Options

18. The following options for the committee are:
- Option 1: endorse the approach taken to the delivery of non-statutory guidance
 - Option 2: recommend changes or further work prior to proceeding to an Executive Member Decision Session for approval

³ [Decision - To approve a consultation strategy for planning guidance documents.](#)

Analysis

19. Option 1 supports the consultation approach as well as the content provided for each guidance piece set out in the annexes. Option 2 allows for the discussion by the Group to be enacted into the guidance prior to publishing and approval at an EMDS session; this is recommended.

Council Plan

20. The preparation of non-statutory planning guidance supports the implementation of York's adopted Local Plan. This in turn support the Council Plan 2023–27 priorities including economy, environment and communities.
21. The specific guidance presented at Annexes A-C will specifically meet priorities associated with the delivery of affordable housing and health.

Implications

22. Financial – There are no financial implications
23. Human Resources (HR) – There are no HR implications; preparation of the guidance is being undertaken by internal teams
24. Equalities – A Human Rights and Equalities Assessment is being undertaken to inform the Member decision.
25. Legal – the guidance will not be part of the statutory development plan but should be referred to and have material weight in decision-making.
26. Crime and Disorder – there are no implications for crime and disorder
27. Information Technology (IT) – There are no IT implications other than publishing on the City of York Council website.
28. Property – there are no implications for Property.
29. Other – there may be implications specifically relating to the areas relevant to the guidance.

Risk Management

8. The following risks have been identified:

- Limited weight in decision-making - Non-statutory guidance does not form part of the statutory development plan and therefore carries less weight than adopted SPDs. There is a risk that its influence may be challenged by applicants or given limited weight in appeals if not clearly aligned with Local Plan policy and national guidance. A lack of clear guidance may also weaken the Council's position at appeal, particularly where detailed expectations (e.g. design, viability, climate requirements) are not clearly articulated.

Mitigation: Ensure all guidance is firmly rooted in adopted/emerging policy, evidence-based, and where appropriate endorsed through Executive Member Decision Sessions (EMDS).

- Risk of inconsistency or misinterpretation - If guidance is unclear, overly complex, or not kept up to date, there is a risk of inconsistent interpretation by Development Management officers, applicants, and Inspectors. Without supporting guidance, there is a significant risk that Local Plan policies will be open to differing interpretations, leading to inconsistent decision-making across applications.

Mitigation: Apply robust internal review processes, clear drafting standards, and regular updates to guidance.

- Legal or procedural challenge - where guidance could be perceived as introducing new policy requirements rather than interpreting existing policy, leading to potential legal challenge. *Mitigation:* Clearly distinguish between policy and guidance, and seek Legal input where necessary.

- Delays to development and decision-making - Applicants may submit incomplete or suboptimal proposals where expectations are unclear, resulting in delays, protracted negotiations, or refusals.

Mitigation: Prepare and release guidance in a timely manner to support decision-making.

- Inefficient use of resources - Without non-statutory guidance, greater officer time may be spent providing bespoke advice through pre-application discussions and application negotiations, leading to inefficiencies.

Mitigation: Prioritise guidance topics, align with Local Plan workstreams, and use proportionate formats (e.g. web guidance, technical notes).

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Report **Date** 05/10/2026
Approved ✓

Wards Affected:

All ☒

For further information please contact the author of the report

Background Papers:

- Executive 14 April 2026 - [Decision - Plan-making activity and Local Plan Review](#)
- [Agenda for Decision Session - Combined Executive Member Decision Session on Tuesday, 7 July 2026, 10.00 am](#)

Annexes

Annex A – Draft supported and specialist housing, accessibility and new housing, co-living developments non-statutory planning guidance

Annex B – Draft House extensions non-statutory planning guidance

Annex C – Draft short-term housing lets non-statutory planning guidance

List of Abbreviations Used in this Report

SPD – Supplementary Planning Document

NPPF – National Planning Policy Framework