



Ministry of Housing, Communities & Local Government

By email only
April 2018

PLANNING UPDATE NEWSLETTER

Introduction

Welcome to the latest version of the Planning Directorate newsletter which brings you up to date with the Government's programme of planning reform. There has been work undertaken across a significant breadth of planning areas which we highlight below.

Steve Quartermain CBE
Chief Planner

The draft National Planning Policy Framework

As you will all no doubt be aware, we published the [draft National Planning Policy Framework \(NPPF\)](#) on 5th March which implements around 80 reforms from the housing White Paper, the *Planning for the right homes in the right places* consultation, and the Autumn Budget 2017. Please continue to send us your responses to the consultation, which closes on 10th May. Please respond [here](#). We plan to publish the final NPPF in the summer.

The Planning Advisory Service (PAS), along with support from us at MHGLG, are currently running events around the country introducing the package of reforms to the NPPF and going through the detail of the consultation and how it will change practise at councils. Many of you are attending (I understand they are all full!) and I hope you are finding them helpful.

Developer contributions consultation

Alongside the draft NPPF, we published a consultation on reform of developer contributions. This sets out the Government's objectives for reform and includes specific proposals on changes alongside those on viability (set out in the NPPF). Specific PAS consultation events looking at our proposals on developer contributions (including CIL reforms and changes on viability) are taking place. Because these have proven popular, additional events in London and Birmingham have been arranged. See more details [here](#).

Planning practice guidance

In addition to publishing draft guidance alongside the NPPF, in February we also updated the [planning practice guidance](#) to take account of recent legislative changes and to keep the guidance up to date:

- Community infrastructure levy – including clarification on CIL exemptions for residential annexes and self-build exemptions.
- Fees for planning applications – changes to reflect the increase in planning application fees, and other technical changes to fees.
- Amendments to planning enforcement guidance.
- When permission is required – changes to farm tracks, article 4, agricultural to residential, pubs and demolition, and short-term lettings guidance.
- Neighbourhood planning – updated guidance related to the Neighbourhood Planning Act.

Housing deals

The Housing White Paper announced the Government's intention to enter into bespoke housing deals with local authorities to help deliver additional homes in areas of high housing demand. Housing deals are intended to support significant increases in new homes above Local Housing Need, encourage collaboration between authorities, provide

better alignment of planning for housing and infrastructure, and provide an opportunity to boost investment and innovation.

The Oxfordshire housing deal was the first deal to be agreed. Announced at Autumn Budget 2017, it will provide up to £215million of new funding to support Oxfordshire's councils to plan for and support delivery of 100,000 homes by 2031, alongside a commitment to adopt a county-wide statutory joint plan by 2021. This level of delivery is significantly in excess of the Local Housing Need figures in the draft National Planning Policy Framework.

Around Spring Statement in 2018, Government announced further packages for the West Midlands and Greater Manchester, and an interim package for the West of England.

You can read more about housing deals, and see published agreements and other supporting documents, by following this link:

<https://www.gov.uk/government/collections/housing-deals>

Brownfield land registers and permission in principle

All local planning authorities in England are now required to publish and maintain a brownfield land register. Nearly all local authorities now have registers in place and some have also included sites in Part 2 of their registers (granted sites permission in principle). We are strongly encouraging local authorities to review and update their registers frequently to ensure that they contain up to date information on brownfield land suitable for housing.

Last year we published a [data standard](#) and a [template](#) to support local planning authorities in publishing their registers. Publishing registers in the format set out in the data standard will ensure registers are in a consistent and open format which can be aggregated by users of the data.

We have also laid regulations that enable applications for permission in principle to be made for minor housing-led development. The regulations will come into force on 1 June 2018. We will publish updated planning

guidance in due course. The reference for the regulations is SI 2017 no. 1309.

If you have any queries please contact MHCLG [here](#).

Compulsory Purchase: new guidance and streamlining measures

Through the Housing and Planning Act 2016 and Neighbourhood Planning Act 2017, the Government has introduced a package of reforms to make the compulsory purchase process clearer, fairer and faster for all. Updated compulsory purchase guidance was published on 28 February 2018, reflecting the reforms we have introduced since 2016.

Measures to streamline the decision-taking process for compulsory purchase orders (CPOs) came into force on 6 April 2018. These introduce new timescales for the confirmation of CPOs and enable confirming authorities to delegate such decisions to Inspectors. Our updated guidance sets out the new decision-taking timescales, as well as the criteria the Secretary of State for Housing, Communities and Local Government will consider when deciding whether to delegate a decision on a CPO to an Inspector. These measures will support swifter CPO decision-taking and provide acquiring authorities, claimants and local communities with greater certainty about how long the confirmation process will take.

Unauthorised development and encampments consultation

Further to my letter of 21 December, the [consultation on powers for dealing with unauthorised development and encampments](#) was published on 5 April. The consultation will run for 10 weeks, closing on 15 June. We welcome views in response to the consultation from all local authorities, and anyone with an interest in this issue.

Permitted development rights

Legislation came into force on 6 April 2018 to amend national permitted development rights to:

- extend until 10 June 2019 the opportunity to secure prior approval for the change of use from storage or distribution to residential (Part 3, Class P), and allow those with prior approval three years from the date of prior approval in which to change use;
- amend the right for the change of use of agricultural buildings (Part 3, Class Q) to provide up to a total of 5 homes. The right allows only for: up to 3 larger homes within an overall floor space of 465 square metres; or up to 5 smaller homes each no larger than 100 square metres; or a mixture of both providing that no more than 3 larger homes are delivered within a maximum total of 5 homes. (For the purpose of Class Q, smaller dwelling houses may have no more than 100 square metres of floor space in residential use, and larger dwelling houses may have more than 100 square metres and no more than 465 square metres of floor space in residential use. Development of dwelling houses other than those defined as “larger” or “smaller” is not allowed.)
- increase the size limit of new agricultural buildings and extensions under Part 6 rights;
- permanently remove the requirement for prior approval in respect of the Part 16 right to install broadband cabinets, telegraph poles or lines, in article 2(3) land such as National Parks etc.
- make other technical changes and clarifying amendments, including to provide time for the Secretary of State to consider whether to call in a prior approval and to determine as appropriate.

Details of the legislation can be found [here](#).

Separately, the National Planning Policy Framework [consultation](#) announced that we would consult on a new permitted development right to extend existing buildings upwards to create new homes. We plan to consult in summer.

Regulations on reviewing plans every 5 years

The [regulations](#) which require local planning authorities to review their local plans and statements of community involvement every five years

came into force on 6th April. [Draft planning practice guidance](#) on plan reviews has been published alongside the draft revised National Planning Policy Framework.

Local Plan interventions

The Secretary of State's [Written Ministerial Statement of 26 March 2018](#) reinforced his commitment to a plan-led system. Up to date plans, including local plans, are essential because they provide clarity to communities and developers about where homes should be built and where not, so that development is planned rather than the result of speculative applications. In three areas - Castle Point, Thanet and Wirral - the Secretary of State has asked me to lead a team of planning experts to advise him on the next steps in regards to intervention.

We will continue to closely monitor and consider the case for intervention for those authorities who are not making progress on their plan-making and fail to publish a plan for consultation, submit a plan to examination or to keep policies in plans up to date.

Neighbourhood Planning Support Programme

The new 2018-22 Neighbourhood Planning Support programme is now live and applications for support can be made via a new website at www.neighbourhoodplanning.org. This programme aims to continue delivering support to communities who are (or are interested in) creating a neighbourhood plan or order, including members of public, community organisations and town and parish councils. Community groups will be able to access a range of free help including financial support and latest planning expertise from trained professionals, to guide them through the process of preparing a neighbourhood plan. The maximum grant available has also been increased by £2,000 to £17,000, helping communities to access more resources to develop a plan for their area.

Design Quality Conference

A Built Environment team in the Planning Directorate has been set up under the leadership of Jenny Thomas, reporting to Steve Quartermain, Chief Planner, to address the government's commitment to improving quality of homes and places. The objective of improving quality outcomes was set out in the Housing White Paper and in the strengthening of wording on design and effective use of land in the proposals for changes to the NPPF.

The first steps of the work of the team is a Design Quality Conference to be held on 25 April at the IET, Savoy Place, London. We expect an audience of up to 300 from across the housing development industry, government, consultants, advisors and including Local Planning Authorities, who will meet for a day long event. It includes chaired debates with practitioners and policy makers, good practice project examples and workshops on specific themes including community engagement, innovation and to hear the voice of young people on the subject of design. There is a supporting exhibition showing examples of emerging digital technologies and tools that support better quality and improved community involvement.

The event is sponsored by industry, and the Housing Minister will launch the event. We will be recording parts of the event and will disseminate outcomes after the event.