



Beware the Presumption

Our planning system has an underlying expectation that development will be built with the combined consent of councils and communities, not just at the behest of developers. This process has always been under strain. In 2012, the NPPF tipped the balance further towards the interests of developers.

*The housing white paper will make the imbalance worse. The government is to create a new threat to local authorities and communities. It's called **the housing delivery test**.*







Too many houses are not being built despite record levels of planning permissions. That is because – to borrow from the title of the white paper – the housing market is broken and in need of fixing. The government is proposing minor penalties for tardy housebuilders but the main consequences of the broken housebuilding model are set to fall on communities.

Back in 2012, none of us realised what a huge impact paragraph 14 of the NPPF (the presumption in favour of sustainable development) and paragraph 49 (five-year land supply) would have on planning permissions. Developers have ruthlessly exploited these planning rules, covering some councils into submission, defeating others at appeal and going to the courts to get refused planning permissions overturned. From a council and community point of view, the new housing delivery test promises to make planning even more scary.

Housing targets are now being reintroduced in all but name. From November 2020, if housing completions fall below two-thirds of an annual benchmark, the presumption in favour of sustainable development will be imposed on councils and communities. Many will think that penalising residents and their communities but that is what the government is proposing.

“Fixing the broken housing market” contains measures to put pressure on housebuilders to improve build out rates. But if there is a sniff of recession or house prices are not rising fast enough, developers will hold back – just as they did after the banking crisis. The presumption will then kick in under the housing delivery test, unlocking desirable greenfield sites and undermining the priority to brownfield given in the white paper. And, as we have seen so often since 2012, speculative housing will be imposed on communities.

The White Paper

White paper. On 7 February, communities minister Sajid Javid published “Fixing our broken housing market”. Mr Javid said the white paper contains “ambitious proposals to help fix the housing market so that more ordinary working people from across the country can have the security of a decent place to live”     . The consultation on measures in the white paper closes on 2 May 2017 .

Three themes. The white paper begins:

The housing market in this country is broken, and the cause is very simple: for too long, we haven't built enough homes...

The problem is threefold: not enough local authorities planning for the homes they need; house building that is simply too slow; and a construction industry that is too reliant on a small number of big players.

Implementation. The government is not proposing a new housing and planning bill. Most policies will be implemented through existing ministerial powers, the National Planning Policy Framework (NPPF) and national planning policy guidance. Other changes will be through the Neighbourhood Planning Bill, which is currently being examined in the Lords.

Numbering. In this eBulletin, numbers in brackets (for example, page 1, 1.21, A.1) refer to pages and paragraphs in the white paper.

Some of the Proposals

Green belt. Protection of the green belt remains, with the government insisting that planning authorities must examine all options, including transferring housing needs to other districts, before taking land out of the green belt. If the green belt must be used, other areas in the green belt must be improved in compensation.

Local plans will be reviewed every five years. Five-year land supply might be established annually.




Housing targets, though they are not called that in the white paper, will be reintroduced through a national method of establishing local housing need. Under a new housing delivery test, if housebuilding rates fail to meet set percentages of the target, the presumption in favour of sustainable development will apply.

Housing will be built at higher densities in urban areas. Developers may have just two years to commence development and councils are being offered new powers to try to get stalled sites building.

Ancient woodland will get protection in the NPPF.

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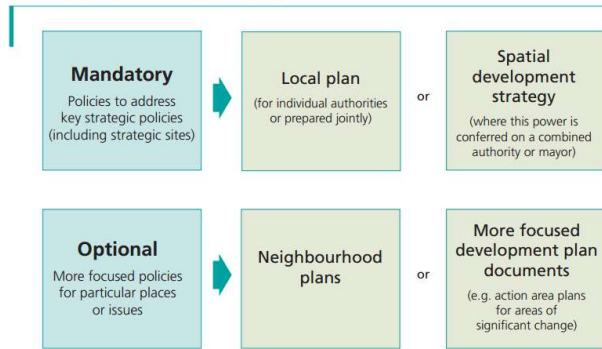
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Local Plans

Flexibility. Currently, every planning authority must prepare a local plan. Ministers want to give those authorities more flexibility. The Neighbourhood Planning Bill will require local planning authorities to maintain a set of key strategic policies. They will have flexibility over whether the strategic policies are set out in a plan produced by an individual authority, in a joint local plan produced by a group of authorities, or in a spatial development strategy produced by a combined authority or an elected mayor (A.15). The government is asking for views on whether wider changes are needed to ensure that consultation and examination procedures are appropriate and proportionate and that the different levels of plans work together (A.20).

Box 1: The new framework for plan-making



The new plan-making framework

Strategic priorities for are set out in the NPPF (paragraph 156). Heading the list is “homes and jobs”. The government wants to strengthen this by adding a requirement “to plan for the allocations needed to deliver the area’s housing requirement (except insofar as this requirement will be met through windfall development or more detailed plans)” (A.16).

Planning for development. The NPPF will be amended to make clear that local planning authorities must “demonstrate that they have a clear strategy to maximise the use of suitable land in their area, so it is clear how much development can be accommodated” (A.37). Another change will encourage “a more proactive approach” by local authorities to bringing forward new settlements in their local plans (A.57).

Housing calculations. One of the main recommendations of LPEG was the introduction of a standardised method for assessing future housing needs – known as the **objectively assessed need** (OAN) or sometimes the full objectively assessed need (FOAN). Currently planning authorities use different methodologies. This can lead to challenges during local plan examinations. The government will now spell out a standard method for calculating housing need – though no details are given in the white paper. Planning authorities that choose to use a different method of calculation must give their reasons. Where a local plan is not up to date, for example where a council cannot demonstrate a five-year land supply, the government’s methodology will automatically apply (A.21-A.23).

Specific needs. The government proposes to change the NPPF to require local planning authorities to have clear policies for addressing the housing requirements of groups with specific needs, “such as older and disabled people” (A.24).

Strategic sites. Combined authorities (CAs) are being created across England. The CAs will be allowed to allocate strategic sites for development, providing all member authorities agree (A.16).

Five-year review. At present, there is no set timetable for reviewing adopted local plans and associated development documents. Most councils are working on a ten-year or so cycle. Ministers are now to require that local planning documents are reviewed every five years (1.8, A.12).

Soundness. Many local plan examinations have been delayed when developers, and sometimes adjacent councils, have challenged whether the plan “is **the** most appropriate strategy” for development as required by the NPPF (paragraph 182). Ministers are to amend the soundness tests to make clear that local plans need only set out “**an** appropriate strategy” for the area. The government also wants to spell out the evidence required support a sound plan (A.18).

Delivery. Ministers will consider intervening when councils fail to deliver a local plan. This could include issuing directions to authorities to prepare a plan, to set the timetable for its production or arrange for a plan to be written for them. Local people will be consulted if consultants are brought in to write the plan (A.8).

Duty. Councils already have a duty to cooperate with adjacent councils when they are writing their local plans. Several plan examinations have been halted by planning inspectors who have ruled that the duty has not been met. Now, the government wants to increase cooperative and joint working between neighbouring councils. A change to the NPPF will require councils to prepare a statement of common ground. This will set out how they will work together to meet housing requirements that cut across authority boundaries. The secretary of state will also gain powers from the Neighbourhood Planning Bill to order councils to work together (A.13). The requirement for a statement of common ground will affect counties like Oxfordshire, where the rural districts are having to increase their housing targets to cope with Oxford’s unmet housing need. In Buckinghamshire, Aylesbury Vale is being asked to find sites for the unmet housing need in Chiltern and South Bucks, two districts where much of the land lies in the green belt.

Neighbourhood plans. The revised NPPF will direct local authorities to provide a housing requirement figure for neighbourhood plans (A.65). The government intends to continue **the policy introduced in December** that allows neighbourhood plans to be approved in areas with a three-year land supply – but local authorities must be delivering 65% of their housing need **PPP**. Ministers are asking for views on whether neighbourhoods be required to set out specific sites in their plans or be allowed to rely on policies that will deliver sufficient housing (A.82-A85).

Design. Local and neighbourhood plans will be required to set out clear design expectations. Pre-application discussions will also be important in delivering high quality design. But “design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans.” The NPPF will also emphasise the importance of national design standards, including [Building for Life](#) (A.65).

Going digital. Plan making will make greater use of digital data. Last year, the government abandoned plans to sell the Land Registry agency [G](#). Now the Registry will be modernised and will work with the Ordnance Survey. Data on land ownership will be more transparent and made more widely available. Registers of publicly owned land will be updated (A.29-A.35).

Densification

Indicative densities. In 2010, the coalition government scrapped rules that required a minimum density of 30 homes per hectare. Now the government once again wants to encourage higher density housing, including by limiting new open space when there are facilities nearby. It is asking for views on indicative minimum density standards in areas of high demand. This includes in and around town centres and “locations well served by public transport” – locations previously referred to as “commuter hubs” (A.69) [L](#).

Higher density. Amendments to the NPPF will require local plans and individual developments to make efficient use of land. Low density homes should be avoided where there is a shortage of land for meeting identified housing needs. Planning authorities will need identify sites for higher-density housing in urban locations that are well served by public transport, including around railway stations. In areas of high housing demand, planners must also seek opportunities to replace low density uses, such as retail warehouses, lock-ups and car parks. The NPPF will also encourage extending buildings upwards in urban areas to make good use of “airspace”. Planners will be told to ensure that housing development reflects the character, needs and infrastructure capacity of an area. This could mean terraced houses, mews and mansion blocks rather than high rise buildings (A.68).

Space and light. The NPPF will require planning authorities take a flexible approach that does not inhibit higher density development, “such as open space provision in areas with good access to facilities nearby” (A.68). The government will amend national planning policy guidance to ensure daylight considerations do not inhibit more dense development (A.69). It will also review the [Nationally Described Space Standard](#). This sets minimum spaces for floor areas and dimensions for key parts of the home, including bedrooms, storage and floor to ceiling height. Ministers are seeking greater flexibility to accommodate recent innovations in housing such as [pocket homes](#) (A.72-A.74). This would also allow for other models, such as the [Papworth Trust bungalow](#).

Employee housing. Ministers are seeking views on how the planning system could support hospitals, schools and other public sector landowners in delivering more homes for their employees. This might include infill development, building on top of existing buildings or building within existing boundaries. This construction might be authorised under permitted development rights. Protections for green spaces and school playing fields will be maintained (A.71).

Green Belt and Brownfield

Green belt last. The government is to amend the NPPF to make clear that authorities can only change green belt boundaries when “they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements.” These options include higher density housing, making effective use of suitable brownfield sites and estate regeneration. Surplus public sector and underused land must be used ahead of green belt sites. Other local authorities might also take on unmet housing need to alleviate pressure on the green belt (1.37-1.39, A.61). The government is asking for suggestions for what reasonable options local authorities should be expected to examine before amending green belt boundaries (1.39).

Green belt offsetting. Another change to the NPPF will require that where land is removed from the green belt, “local policies should require the impact to be offset by compensatory improvements to the environmental quality or accessibility of remaining green belt land.” The improvements might include community forests, nature reserves or allotments. Developers may have to pay extra community contributions to build on green belt land (1.39, A.62).

Green belt review. When carrying out a green belt review, local planning authorities should look first at using brownfield land in the green belt and land around transport hubs (A.63). New facilities in existing cemeteries will no longer be regarded as inappropriate development. Local development orders can be used in the green belt and revised green belt boundaries can be approved in a neighbourhood plan if required (A.64). The government has scrapped earlier proposals to allow neighbourhood plans to designate sites in the green belt for small scale starter home developments.

Brownfield. The NPPF will be amended to emphasise that “great weight should be attached to the value of using suitable brownfield land within settlements for homes” (A.42). The government says:

“The presumption should be that brownfield land within settlements is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk)”.

The change gives priority to previously developed land in existing towns and villages but not to airfields, redundant farms and isolated sites in the countryside. (It has long been controversial that former airfields are regarded as brownfield [brown](#).)

Housing

Figure 4: Annual completions versus permissions



Small sites. Changes to the NPPF will instruct local planning authorities to support windfall sites with fewer than 10 dwellings. Another change will require to planners to permit housing on “suitable” undeveloped small sites within existing settlements (A.52-A.53). The government says:

“[The changes] will ensure there is a clear presumption that residential development opportunities on small sites should be treated positively, while ensuring authorities can continue to protect valued areas of open space, the character of residential neighbourhoods and stop unwanted garden grabbing.”

No details of how councils will protect valued areas and neighbourhood character is given, or of how garden grabbing will be prevented. The government is expecting at least 10% of housing sites allocated in local plans to be of half a hectare or less in size. It says local planning authorities should work with developers to encourage the sub-division of large sites (A.55).

Rural housing. The government wants to encourage more housing in villages. The NPPF will be amended to encourage using the neighbourhood plan process to allocate small sites for housing (A.54). The NPPF will also:

“Encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the need to provide homes for local people who currently find it hard to live where they grew up.”

Exception sites. In the Rural Productivity Plan published by George Osborne in August 2015, the government announced that starter homes would be allowed on rural exception sites. Several local authorities already allow market homes on exception sites, if they are needed to make the development viable. The government is now proposing amendments to the NPPF to give much stronger support for rural exception sites “that provide affordable homes for local people – by making clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people” (A.54).

Affordable Housing

Minimum provision. A minimum of ten per cent on all housing sites of 10 units or more (or 0.5+ hectares) must be affordable (A.126). The 10% rule will not apply to care homes, custom build schemes and rural exception sites. A significant expansion of the definition of affordable housing in the NPPF bring starter homes and privately owned affordable rent homes into the affordable category (for details, see page 9).

Starter homes will sell at a 20% discount on the market rate and will be available to those earning no more than £80,000, £90,000 in London. Local authorities must update their policies to accommodate the new definitions by April 2018 (4.14-4.21, A.118-A.122). Ministers had planned to require that 20% of homes on all larger sites would be starter homes. It has dropped this demand in the face of opposition from developers and councils (A.124) **P P**. Employment, retail or leisure sites that have been unused or unviable for five years, should be considered favourably for starter home-led development. Starter homes, with appropriate local connection tests, are acceptable on rural exception sites (4.19).

Build to Rent schemes will be able to designate affordable private rent dwellings as their contribution to affordability (A.128) **P**. In its ongoing Build to Rent consultation, the government says that where affordable rent is offered, local authorities should not seek alternative forms of affordable housing. Affordable rent homes will be let at a minimum of 20% lower than the local market rent. This reduction would apply indefinitely. If the housing is sold, a clawback will be triggered to fund alternative affordable housing. The government is asking whether affordable rent should be restricted to Build to Rent schemes. It is suggesting that a minimum of 20% of Build to Rent schemes would be let at affordable rent. It wants planning conditions to specify that Build to Rent tenancies are of three years or more in length. The consultation closes on 1 May **📅**.

The Housing Delivery Test

Deliver or penalties apply. This one of the most significant policies in the white paper. The NPPF and planning guidance will be changed to introduce a new housing delivery test (A.109) **P P**. Every planning authority will have an annual housing requirement. Failure to deliver against this target will trigger a series of penalties culminating in free-for-all building under the presumption in favour of sustainable development.

Annual housing requirement. The benchmark for delivery of housing will be taken from the local plan, providing it is not more than five years old. If the plan is out of date, housing targets will initially be based on household projections and later the new methodology for assessing housing need (for which, see page 6). The performance of councils will be assessed through **net annual housing additions**, data which includes new builds, conversions and empty homes brought back into use. Assessment will be over a rolling three-year period (A.110-A.112).

Penalties will apply from November 2017 for underperformance:

<**95%**: If delivery of housing falls below 95% of an authority's annual housing requirement, the authority must publish an action plan to get home-building back on track.

<**85%**. In addition to the action plan, if delivery falls below 85% of the housing requirement, authorities must add 20% to their five-year land supply.


An addition penalty will apply from November 2018:

<**25%**. If delivery of housing falls below 25% of the requirement, the presumption in favour of sustainable development set out at NPPF 49 will apply and housing must be permitted unless there are overriding reasons to refuse it.


Only a few local authorities are likely to be caught by the <25% rule, so the government proposes to ramp up the pressure:

<**45%**. From November 2019, if delivery falls below 45% the presumption would apply.

<**65%**. From November 2020, if delivery falls below 65% the presumption would apply.


Research by Savills reveals several local authorities in the South East have housing targets that are 50% of the objectively assessed need or lower 


Garden Villages and Towns

Freedoms. In January, the government announced the locations of 14 garden villages and towns . It promised unspecified "planning freedoms" to support housing growth including, for example, ensuring that there is greater ability to resist speculative residential planning applications, and to continue protecting the green belt." No details of these freedoms are given in the white paper, the government simply asking: "How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?" (A.58).




Development corporations. The government will legislate to enable the creation of "locally accountable" New Town Development Corporations, should local authorities want them, to promote the development of garden towns and villages (A.57).

Planning Permission

Planning freedoms. The Housing and Planning Act 2016 allows the secretary of state to grant "planning freedoms". These have always been something of a mystery . The white paper says they might be used to help councils deliver more housing (A.116-A.117).

Implementing planning permission. Ministers are considering amending the NPPF to encourage local authorities to shorten the time for developers to implement approved housing development. They are suggesting that planning permissions could include a condition requiring development to start within two years instead of the current default period of three years (A.104). Local authorities will be able to issue completion notices for developments that have stalled without first asking the secretary of state (A.107). The government is also encouraging use of compulsory orders for stalled sites (2.42-2.44) .

Renewing planning permission. The award of planning permission for housing triggers a significant uplift in the value of land. Some developers and consultants make money out of this without a single house being built, through their fees or by borrowing against the land value. Planning permissions, which at present typically last for three years, are rolled over, either by reapplication or by digging a few trenches to **commence a development**. The government says it wants to ensure that homes with planning permission are built quickly. It aims to change the NPPF to discourage applications where there is no intention to build, or where there are insurmountable barriers to doing so – heavily contaminated brownfield or flood zones will be cases in point. Currently, if planning permission has been granted for a site, planners tend to rubberstamp new proposals. In future, they must consider whether there is a realistic prospect of the site being developed before a further permission is granted (A.99-A.101). Local authorities will be able to serve a completion notice on a developer that has made no more than a token start on a site with the aim of keeping the planning permission alive (A.108).


Planning fees. There is common consensus that planning authorities need to increase fees to improve staffing levels and processing rates  . Local authorities will be allowed to increase fees by 20% from July 2017, providing they invest the additional fee income in their planning department. The government is considering allowing an extra 20% increase for those authorities that meet the housing delivery test (2.15) . Ministers will consult on introducing a fee for planning appeals with the aim of deterring "unnecessary" challenges to planning decisions (A.86).

Planning



Sustainable development. The NPPF will be amended to make clear that sustainable development comprises all the policies of the NPPF, not just the three dimensions in paragraph 7 – the economic, social and environment roles (A.132-A.134). This change will prevent NPPF 7 being used to override other policies in the NPPF when refusing developments.

Land management. The government will extend local authority powers to sell off land for which they have given planning permission, including selling it at below market value (A.43-A47). Ministers also want local authorities to play a bigger role in assembling "land pools" to facilitate development (A.48).

Estate regeneration. The NPPF will be changed to encourage local planning authorities to consider the social and economic benefits of estate regeneration in local plans and when deciding applications. They should use their planning powers ensure estate regeneration is of a high standard (1.28, A.50).

Infrastructure. Recommendations from the National Infrastructure Commission that are endorsed by the government will become planning policy considerations (A.91-92). Local planning authorities will be expected to identify additional development opportunities arising from this new infrastructure (A.93). Here, ministers are seeking housing growth linked to projects such as High Speed 2 and the East West Expressway between Cambridge and Oxford (for which see .

Digital. The government is also consulting on requiring local authorities to have planning policies to ensure delivery of high quality digital infrastructure (A.87-A.89).

CIL and S106. Few people think that current system of development levies is working. S106 contributions funds facilities need to deliver sustainable development, including affordable housing, schools and community facilities. The community infrastructure levy pays for more general provision, such as roads. The government will make an announcement in the Autumn Budget on reforming developer payments (2.29)  .


The Presumption and Land Supply


The presumption in favour of sustainable development is set out in **NPPF 14**. The wording of this has become a battleground at many planning and local plan inquiries. The government will amend paragraph 14 to require that local authorities plan to meet their housing need “unless there are policies elsewhere in the NPPF that provide strong reasons for restricting development.” The current *indicative reasons* given in the NPPF for restricting development are:

The birds and habitats directives; sites of special scientific interest; the green belt; local green space; AONBs; Heritage Coast; National Parks; the Broads Authority; designated heritage assets; and locations at risk of flooding or coastal erosion.

The government proposes to make these *strong reasons*, along with ancient woodland and aged or veteran trees and important non-designated heritage assets of archaeological interest (A.37). It says:

“Ancient woodland and aged or veteran trees are irreplaceable habitats and we consider it important that national policy reflects the need to protect them.”

The Woodland Trust has welcomed the move . See page 9 below for full details of the changes to the presumption in favour of sustainable development.

Five-year land supply. Many communities have had speculative housing developments imposed on them by planning inspectorate where councils failed to demonstrate a five-year land supply. Describing the current rules as a “blunt tool”, the government is offering councils the option of an annual agreement on whether a five-year land supply exists. This should be agreed with developers and infrastructure providers. If councils chose not to make an annual agreement, they must add 10% to the land supply as a buffer (A.75-A79). Planning guidance will set out how five-year land supply should be assessed. The government is proposing any assessment “would then need to be considered and agreed by the planning inspectorate.” Ministers are asking whether inspectors should examine only the methodology for calculating land supply or also assess the supply of sites (A.80) . If councils choose not to adopt the national methodology and examinations, the current NPPF 49 rules on out of date plans and policies will apply. Permissions will be granted under the presumption in favour of sustainable development (A.81).


Heritage and Environment






Heritage. The white paper makes a minor tweak to heritage policy, see the presumption, left.

Climate change. The NPPF will be revised to make specific reference to rising temperatures. Local planning policies must introduce measures to support the resilience of communities and infrastructure to climate change (A-135-A.136).

Flood risk. Local plans will no longer be able to allocate land in flood zones unless there are exceptional circumstances. Minor developments and changes of use will need assessment for resilience to flooding and impact within and beyond the site (A.137-A.139).

Noise. The government is concerned that new housing built near existing sources of noise, such as factories, church and night clubs, could lead to closure of those businesses. Planners will need to take this into account when approving developments and put in place mitigation policies if necessary (A.140-A.141).

Wind farms. In June 2015, Greg Clark issued a written ministerial statement (WMS) insisting that wind farms could only be approved where they were in areas identified in a local or neighbourhood plans . This will now be incorporated into the NPPF. The WMS said schemes should have the backing of local communities. New planning guidance will make clear how community support is identified (A.142-A144).

Environmental decision making. The government wants better informed environmental decisions. In plans to set out “a full programme of work to support people to make better environmental decisions” in the forthcoming **25 Year Environment Plan** (A.28). Publication of the plan has been delayed by Brexit . The Natural Capital Committee, which was re-established in 2016 to advise on the plan, said: “Development of the plan has been considerably slower than both expected and desired, in part due to the referendum and Brexit.” CPRE is calling for the plan to “deliver a genuine step-change in government action” to protect and enhance the environment    .

Housebuilding

Optimism. The white paper provides surprisingly optimistic data on housebuilding performance (A.98). The statistics are limited to housing with full planning permission and excludes sites of fewer than ten homes – which is the majority mode of delivery in some rural counties. Only half of homes with planning permission are currently being built (51%). But the government insist only 3% of homes are on sites that have stalled.

“Progressing”. As of July 2016, there were 684,000 homes with detailed planning permission on sites which had not yet been completed. Of these, building has started on 349,000 homes. Of the remaining 335,000 homes with permission, 90% are – in the government’s words – “progressing towards a start”. 18,000 units are on sites that are “on hold or shelved”. The remaining 15,000 units are on sites that have been sold or for which there is no information available.


Politicians


Track record. Ministers are clearly concerned that some major housebuilders are landbanking. It is asking whether the track record of a housebuilder should be considered when awarding permission for large scale sites, where the applicant is a major developer (A.102).

Improved data. The government proposes to collect more detailed data on housebuilding progress. Applicants for planning permission may have to provide information on start and build out rates. Local authorities will publish this annually (A.94-A.98).


Some of the Reaction

CPRE

CPRE gave the white paper a broad welcome . Chief executive Shaun Spiers said: “We welcome the white paper’s promise to address failings of the housing market, rather than just meddle with the planning system. Builders must build, not just sit on land... If the focus is on genuine need, achievable targets and good quality design that fits with the local environment, we can build the homes the country needs without losing further precious countryside.”

CPRE Bucks gave the white paper cautious support. It said district councils were planning to release 400 hectares of green belt in and around the Chilterns: “We call on MPs and local authorities to help ensure that the positive messages outlined in the housing white paper actually translate into achievable housing targets and appropriate, well-designed development that does not threaten the Buckinghamshire countryside” .

CPRE Berkshire welcomed the renewed commitment to protect the green belt. It said it was concerned that pressure on the countryside will continue to achieve housing targets. Realistic targets should acknowledge that some planning authorities have a high percentage of green belt that should not be developed .


CPRE Sussex applauded the protection of ancient woodland and promotion of brownfield sites . But, it said, the white paper creates new loopholes developers will be quick to exploit. Director Kia Trainor said:


“We have concerns about whether the proposed measures to tackle land banking go far enough and we feel that the new measures to ‘hold local authorities to account through a new housing delivery test’ will just place additional burdens on local authorities.”

Trustee Roger Smith said the white paper is wrong to blame local authorities for the housing crisis:


“The true culprits are the developers and – historically – the financial crash back in 2008. The real reason some authorities still don’t have a plan in place is because their efforts have been aggressively undermined by speculative developers.”



CPRE Kent welcomed the white paper . Director Hilary Kent said: “We need this commitment to the green belt and other protected areas, particularly in Kent where so much of our beautiful countryside is green belt or in AONBs. We have long campaigned for a brownfield first policy and pleased to see a national commitment to this.”


Green belt ‘safe’. Speaking to ITV’s Peston on Sunday ahead of publication, housing minister Gavin Barwell said: “We are not going to weaken the protections. We have a clear manifesto commitment. There is no need to take huge tracts of land out of the green belt to solve the housing crisis” .


Andrew Mitchell. Again before the white paper was published, the Sutton Coldfield MP accused Sajid Javid of “betrayal” . Setting out the case for protecting the green belt in his constituency, Mr Mitchell said:

“The green belt has been one of the things that make this country special, preserving our historic landscape and helping contain the ugly urban sprawl that blights so much of Europe and America... The rules preventing excessive development are no mere detail of the planning system. The green belt was bequeathed to us by past generations and we should take extraordinary care before allowing it to disappear under bricks and mortar. Once built on, it can never be restored. By giving councils and builders more scope to argue that ‘exceptional circumstances’ can be invoked and the green belt destroyed, we are opening the way to vandalism across Britain. It is unforgivable.”






Amber Rudd, Home Secretary and MP for Hastings and Rye, welcomed the white paper and said: “I look forward to seeing it make a real difference to the lives of local people” .

Political comment. Lib Dem shadow housing minister John Shipley said: “This white paper is utterly vacuous. It is not the ambitious, radical plan we need to solve the housing crisis. There is no mention of the one million homes commitment by 2020.” Labour’s shadow secretary of state for housing John Healey MP described the white paper as “feeble beyond belief”. He continued: “After seven years of failure and a thousand housing announcements, the housing crisis is getting worse not better” . Pundit Alex Morton wrote on Conservative Home : “The politics of housing remains fraught with difficulty. The white paper was a good attempt at setting out some of the mechanisms around putting local plans in place and forcing up delivery. Whether it works will require not just policy details but political sensitivity.”


The **Local Government Association** said . “Communities must have faith that the planning system responds to their aspirations for their local area, rather than simply being driven by national targets. To achieve this, councils must have powers to ensure that new homes are affordable and meet their assessments of local need, are attractive and well-designed, and are supported by the schools, hospitals, roads and other services vital for places to succeed.

“Rogue developers”. In the Commons, Nicolas Soames MP said: “Mid Sussex District Council is keen to build homes, and many people in my constituency work diligently to produce neighbourhood plans, only for them then to be undermined by ruthless behaviour by some rogue developers.” Sajid Javid replied that neighbourhood plans are being strengthened under the Neighbourhood Planning Bill .




Media







The press. In the Telegraph, Liam Halligan said the white paper was “disappointing” and lacked “bold measures” . Helen Davies in the Times called it: “The PM’s rather headmistressy response to a new term of housebuilding” . Writing in the New Statesman, John Elledge said: “The housing white paper is a damp squib because the government is afraid of Middle England” . In Planning magazine, Richard Garlick said the white paper was “balanced and comprehensive” but “less than definitive”. He wondered how much of the policy would be implemented, with so many details undefined or open to consultation . In the Times, Alice Thomson said building wasn’t the only solution: “Let’s make the best use of the houses we have” .

Builders and Planners

Building Design. Housing researcher Julia Park said the white paper wasn’t worth the wait :



“There is nothing on making viability appraisals transparent, tackling foreign investors or imposing penalties for landbanking. The swipe at space standards is predictable. History tells us that housing crises are cyclical events and that the knee-jerk response of most governments has been to get rid of standards... We already have enough homes for every household in England and enough bedrooms to have one each. The awkward bit is that nearly all of us live in the “wrong home” (a phenomenon that incidentally makes assessing “real housing need” a rather academic exercise). It’s not getting any better. Under-occupancy (defined as having two or more bedrooms more than you need) has doubled in the last 10 years, and overcrowding is also rising fast.”

Developers in Kent said the white paper is overly protective of green belt land. Proposals to shorten the life of planning permission could “suppress house building” . Brighton Housing Trust chief executive Andy Winter welcomed the new direction of travel but said the white paper was like a wet afternoon on a beach in Bognor . Colliers head of regeneration Jonathan Manns was equally withering: “We turned up at the Last Night of the Proms expecting an evening of flag-waving, only to find the Albert Hall was empty” .

Professional bodies. The TCPA welcomed the support for garden towns and villages  . The RTPI highlighted the failure to capture rising land values to benefit communities . The Law Society welcomed the white paper’s proposals . The Landscape Institute noted there was no mention of landscape  .



Other Reaction



The Country Land and Business Association said the white paper is step forward for rural housing but it was concerned about the rise in planning fees .





Ed Ferrari, senior lecturer in urban studies and planning at the University of Sheffield, said: “Simply subjecting councils to a needless ‘housing delivery test’ (which would be fine were it not for the fact that councils don’t in the main deliver housing – developers do) misses the point”  .


Planning Consultation Responses


Alongside the white paper, the government published the outcomes of several consultations.

Rural planning review  . Currently, agricultural buildings can be converted to up to three homes under permitted development rights, providing the area is no greater than 450 square metres. The government is proposing to increase the threshold to 750 square metres and five dwellings. It is consulting on how best to ensure these conversions meet local need. Ministers also want bigger thresholds for agricultural permitted development rights, for example for polytunnels and irrigation works. It wants “appropriate weight” to be given to the need for polytunnels and recognition of the importance of water reservoirs in farming. Conditions placed on farm shops, including restricted opening hours, should be “reasonable and proportionate”.

Changes to planning policy . Many local authorities said a broader definition of affordable housing would not help those in greatest housing need. The government has nevertheless extended the categories of housing considered to be affordable (see page 9). It also wants to increase the density of development around commuter hubs. Respondents were unhappy with the term commuter hub. To make its intention clearer, the government says it is “referring to the scope for higher-density housing in urban locations that are well served by public transport” . Ministers have dropped proposals for extending the presumption in favour of sustainable development to small sites adjacent to existing settlements. They have also abandoned plans to allow neighbourhood plans to identify small green belt sites for starter homes.

Planning, plans and levies   . The government has already implemented changes to neighbourhood planning and the planning performance regime. It intends to make a statement of reform of the community infrastructure levy and S106 obligations in the 2017 Autumn Budget. The government has backed down on directing councils to maintain a register of small development sites . It has also retreated on forcing statutory consultees, such as Natural England, to respond to planning applications in a fixed timescale. Ministers are being cautious on bringing competition in processing of planning applications. The consultation supported more public information on financial and other benefits from development. Ministers will implement this through regulations at an “appropriate opportunity”. They also plan to extend permitted development rights for free schools.

Upward extensions . The government has made proposals in the white paper to build at higher densities, including upwards extensions. It has dropped plans to allow upward extensions up to the roofline of an adjoining building through permitted development rights. Planning permission will still be required .

LPEG. In September 2015, ministers asked the Local Plans Expert Group (LPEG) to identify reforms to help ensure the efficient and effective production of local plans. The government has now responded to the CLG select committee inquiry into the LPEG report .

Changes to the Presumption in Favour of Sustainable Development

Current NPPF text	Proposed NPPF text	Changes
14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.	At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.	The golden thread metaphor has been dropped.
<p>For plan-making this means that:</p> <ul style="list-style-type: none"> ● local planning authorities should positively seek opportunities to meet the development needs of their area; ● Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: <ul style="list-style-type: none"> – 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; or – specific policies in this Framework indicate development should be restricted. (9) 	<p>For plan-making this means that:</p> <ul style="list-style-type: none"> a) local planning authorities should positively seek opportunities to meet the development needs of their area, as well as any needs that genuinely cannot be met within neighbouring authorities, through a clear strategy to maximise the use of suitable land; b) their plans should accommodate objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: <ul style="list-style-type: none"> i. specific policies in this Framework provide a strong reason for development to be restricted; (1) 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 	<p>Planning authorities must meet the needs of neighbouring authorities, providing these are genuine, not reluctance to build.</p> <p>The new wording directs authorities to a clear strategy for development on suitable land.</p> <p>Constraints such as the green belt, heritage and ancient woodland become “strong reasons” for restricting development, rather than examples of what might constrain development.</p>
<p>For decision-taking this means: (10)</p> <ul style="list-style-type: none"> ● approving development proposals that accord with the development plan without delay; and ● where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: <ul style="list-style-type: none"> – 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; or – specific policies in this Framework indicate development should be restricted. (9) 	<p>For decision-taking (2) this means:</p> <ul style="list-style-type: none"> a) approving development proposals that accord with the development plan without delay; and b) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: <ul style="list-style-type: none"> i. specific policies in this Framework indicate development should be restricted (1); 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. 	<p>The government says this has been reordered to reflect what decision-makers are likely to do in practice: first, consider whether there are any national policies that justify restricting development, and then whether any adverse impacts would ‘significantly and demonstrably’ outweigh the benefits.</p>
<p>(9) For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.</p> <p>(10) Unless material considerations indicate otherwise.</p>	<p>(1) Policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); Ancient Woodland and aged or veteran trees; designated heritage assets (and other heritage assets of archaeological interest referred to in paragraph 139); and locations at risk of flooding or coastal erosion.</p> <p>(2) Unless material considerations indicate otherwise.</p>	<p>The list of development constraints is now specific, not a set of examples. Ancient woodland will get explicit protection for the first time. Non-designated archaeological assets, already protected at NPPF 139, become part of the list of “strong reasons” for constraining development.</p>

Changes to the Definition of Affordable Housing

Current NPPF text	Proposed NPPF text
<p>Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.</p>	<p>Affordable housing: housing that is provided for sale or rent to those whose needs are not met by the market (this can include housing that provides a subsidised route to home ownership), and which meets the criteria for one of the models set out below.</p>
	<p>Social rented and affordable rented housing: eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.</p>
<p>Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.</p>	<p>Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the Government’s rent policy. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.</p>
<p>Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable)</p>	<p>Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).</p>
	<p>Starter homes is housing as defined in Sections 2 and 3 of the Housing and Planning Act 2016 and any subsequent secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute at the time of plan-preparation or decision-taking. Local planning authorities should also include income restrictions which limit a person’s eligibility to purchase a starter home to those who have maximum household incomes of £80,000 a year or less (or £90,000 a year or less in Greater London).</p>
	<p>Discounted market sales housing is housing that is sold at a discount of at least 20 per cent below local market value. Eligibility is determined with regard to local incomes and local house prices. It should include provisions to remain at a discount for future eligible households.</p>
	<p>Affordable private rent housing is housing that is made available for rent at a level which is at least 20 per cent below local market rent. Eligibility is determined with regard to local incomes and local house prices. Provision should be made to ensure that affordable private rent housing remains available for rent at a discount for future eligible households or for alternative affordable housing provision to be made if the discount is withdrawn. Affordable private rented housing is particularly suited to the provision of affordable housing as part of Build to Rent Schemes.</p>
<p>Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.</p>	<p>Intermediate housing is discount market sales and affordable private rent housing and other housing that meets the following criteria: housing that is provided for sale and rent at a cost above social rent, but below market levels. Eligibility is determined with regard to local incomes and local house prices. It should also include provisions to remain at an affordable price for future eligible households or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement. These can include Shared Ownership, equity loans, other low cost homes for sale and intermediate rent (including Rent to Buy housing).</p>
<p>Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.</p>	