

**DCLG Consultation on Proposed Changes to National Planning Policy -
Summary of Questions and Responses**

a) Affordable Housing

Q1. Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost home ownership options?

Response: The proposal to broaden the definition of affordable housing options to include more lower cost home ownership models such as starter homes is of no concern in itself, but it should be recognised that this product will only be available to a limited number of those meeting the criteria and finding themselves at the top end of those in affordable housing need.

If Local Planning Authorities are to have new duties in respect of delivering starter homes and meet new requirements for a proportion of starter homes on qualifying sites, while simultaneously losing the ability to negotiate for affordable housing models that meet identified needs this new affordable housing stock may have to be offered to buyers from further afield. This would have the effect of increasing objectively assessed housing needs by encouraging inward migration, particularly in areas close to London.

The removal of the requirement to retain affordability or recycle the subsidy is of concern as this form of affordable housing will only ever be temporary, in the case of starter homes, for 5 years.

Q2. Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

Response: Of the protected characteristics listed age and disability may be adversely affected by the proposed changes. Those first time buyers over 40 years of age will not be able to access the proposed starter homes and those with disabilities relying on benefits may find themselves unable to access the low cost ownership housing that the changes seek to promote and find themselves struggling to find other affordable housing such as social rented and shared ownership.

b) Increasing residential density around commuter hubs

Q3. Do you agree with the Government's definition of commuter hub? If not, what changes do you consider are required?

Response: The definition seems reasonable, however the policy that determines in what circumstances higher densities will be acceptable and the level of local flexibility in interpreting the policy will be key to the success of this initiative.

Q4. Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?

Response: The policy would benefit from the addition of more criteria to determine which hubs can sustain higher densities of development to address issues such as adequate parking facilities, air quality management and sensitive design for hubs located in historic centres.

Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

Response: Agreed. This should be for Local Planning Authorities to consider through Local Plans with community engagement.

c) Supporting new settlements, development on brownfield land and small sites, and delivery of housing agrees in Local Plans

Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

Response: Current policy already provides the facility for Local Planning Authorities to consider planning for new settlements and urban extensions as part of their Local Plans or as Area Action Plans so it is unclear what is meant by introducing a more supportive approach for new settlements.

The best policy for ensuring housing targets are met consistently is to include a range of different sized sites in the land allocations of the Local Plan. Over reliance on one or even a few large sites or new settlements increases the risk of under delivery since no matter how large a new settlement may be when completed, the number of units being delivered on a yearly basis will be more conservative and usually measured in hundreds rather than thousands.

They can usefully contribute to an overall housing supply, but a broader portfolio of sites provides more reliable delivery over time.

Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

Response: Local Planning Authorities already prioritise previously developed land for new development over green field and the SHLAA process should identify those brownfield sites that are suitable for housing. By prioritising brownfield land for housing one unintended impact may be to increase the hope value of such sites meaning that the potential to develop such sites for other uses might be diminished.

There is also the risk that such a policy will represent an incentive for landowners not to market such sites so that a case may be more easily made for unviability or underuse.

Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of the local planning authorities' five-year land supply?

Response: The proposed changes to national policy would effectively be introducing a presumption in favour of residential development up to 10 units on sites within the confines of existing settlements or immediately adjacent, but not extending this to sites comprising residential gardens.

Currently such proposals are dealt with on a case by case basis and this enables local policy considerations and distinctiveness to be taken into account. The presumption in favour of residential development would make the retention of any non-residential uses within settlements more challenging. This could have the unintended effect of removing local services from rural communities as redevelopment for housing offer greater returns.

It would also put pressure on all Local Planning Authorities to review settlement boundaries since the presumption in favour of small scale developments adjacent to the boundary would generate a lot of interest. There is no discussion of how this might work in Green Belt areas. Presumably, Green Belt policy would take precedence, although Q19 seeks views on an exception in respect of neighbourhood plan allocations for starter homes.

Any increases in the five year supply calculations would have to be in the form of an adjustment to the windfall allowance, since sites of 5 units or less are not included in SHLAAs. Such a policy change is likely to generate a number of new applications and windfalls initially, but the number of such sites will diminish over time.

Further guidance on calculating windfall allowances to take these factors into account would be welcomed.

Q9. Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?

Response: Sites under 5 units are not included in SHLAAs so it would be more consistent to use this threshold.

Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?

Response: If the intention is to amend national planning policy to introduce a presumption in favour then it seems unnecessary (and inconsistent with the rest of the NPPF) to reiterate this in the form of a local policy.

Q11. We would welcome your views on how best to implement the housing delivery test, and in particular:

- What do you consider should be the baseline against which to monitor delivery of new housing?
- What should constitute significant under-delivery, and over what time period?
- What steps do you think should be taken in response to significant under-delivery?
- How do you see this approach working when the housing policies in the Local Plan are not up-to-date?

Response: Annual Monitoring Reports already include the information necessary to compare historically what the Local Planning Authority expected to be delivered and what was actually recorded so this seems an unnecessary additional burden on Local Plan teams. The Government could simply amend the guidance for preparing AMRs to include this.

If such a requirement were to be introduced the time period should not be an arbitrary 2 years, but taken over a longer average to better reflect economic or development cycles and certainly no shorter than 5 years. After the Global economic recession in 2007/8 housing delivery took much longer than 2 years to recover and no intervention by Local Planning Authorities would have been able to change that.

Simply making even more sites available through Local Plans will not be sufficient to improve under performance in housing delivery where there is a healthy pipeline of planning permissions and local plan allocations. In such cases the Government should look to the housebuilding sector for answers, not the planning system.

Q12. What would be the impact of a housing delivery test on development activity?

Response: Negligible.

d) Supporting delivery of starter homes

Q13. What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

Response: Local Plan evidence in the form of Employment Land Reviews and Economic Futures Assessments already have to identify objectively assessed needs for employment land and identify sites that have a reasonable expectation of being developed for those uses in accordance with paragraph 22 of the NPPF. The proposed changes to national planning policy together with other planning reforms such as extending permitted development rights will make the task of safeguarding employment land in Local Plans more challenging. This will be particularly so in areas where the differential between residential and employment land values are so high, such as the south east.

The proposed 3 year time limit that employment land should be protected if unused is too short. As noted in response to Q11, the time period should at least reflect

economic or development cycles and be a minimum of 5 years, which is also when Local Plans should be reviewed and a view taken on whether sites are likely to be developed or not.

Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?

Response: This would make sense given that the location of such sites is more likely to be in areas that are better suited to residential use.

However, there is a danger that the number of sites coming forward for starter homes will exceed local demand leading to in migration and potentially exacerbating local housing needs as a result.

There is also a risk that sites for other uses including infrastructure will diminish or become unviable.

Q15. Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?

Response: Greater clarity in how the policy will work in practice would be welcomed. In terms of strengthening the policy see response to Q14 re managing the amount of starter homes.

Q16. Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?

Response: If there is a demonstrable need for starter homes as identified through SHMAs then this is a reasonable expectation. If there is not, the same cautionary note in respect of Q14 and 16 applies here.

Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?

Response: See response to Q16 above. Local connectivity would help to meet the aspirations of such communities to increase local affordable housing options.

Q18. Are there any other policy approaches to delivering starter homes in rural areas that you would support?

Response: While the starter homes initiative will provide additional options for lower cost ownership in rural areas, they should form part of a wider portfolio of affordable housing options in order to meet local needs.

Q19. Should local communities have the opportunity to allocate sites for small scale starter home developments in their Green Belt through neighbourhood plans?

Response: National Policy states that Green Belt boundaries should only be amended at the time a Local Plan is prepared and then only if it can be demonstrated that such an amendment is justified by balancing other policy objectives. This proposal would require consequential amendments to national Green Belt policy and the relationship between Local and neighbourhood plans.

Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

Response: Further clarification of the interpretation of Green Belt policy in this respect would be welcomed.

e) Transitional arrangements

Q21. We would welcome your views on our proposed transitional arrangements.

Response: The proposed 6-12 months transitional period to allow for partial reviews of Local Plans seems very short taking into consideration the need for a probable review of SHMAs to take account of the change in affordable housing definition. It is also not clear how the transitional period would apply to Local Plans in preparation.

Some of the other proposed changes will also require revisiting evidence and policy provisions. This is not conducive to Local Planning Authorities preparing Local Plans by 2017 contrary to paragraph 58 of the consultation document that states: 'We do not intend that these policy proposals should slow down the preparation of existing Local Plans.'

f) General questions

Q22. What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?

Response: Some of the assumptions are based on scaling up data from one region to a national average (West Midlands in respect of greenfield land allocated for employment use – Para.39) while others are based on quite outdated sources such as the brownfield land estimates from the 2010 NLUD (Para 54). These may represent an overestimate of the potential for additional housing. Local Authority monitoring sources may offer a more accurate representations.

Q23. Have you any other views on the implications of our proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

Response: See Response to Q2.