

DLP BRIEFING NOTE 134

Prepared by
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Plan-makers in districts with worsening housing affordability problems would be required to increase the planned supply of new homes in their area, under a new "**affordability test**" set out in draft guidance published last week.

In a section on establishing future need for housing, the new draft online guidance identifies affordability - which the Department for Communities and Local Government (DCLG) said would be assessed by using the ratio between figures for lower quartile house prices and lower quartile income or earnings - as a market signal that plan-makers should respond to.

The DCLG said existing guidance will remain in force until the resource is launched in its final form later this year, but the draft guidance is to be treated as a material consideration in decisions until then, it said, albeit one that is "likely to be of limited weight".

Five ways the draft guidance would affect the sector:-

- 1. Prematurity** - Draft guidance would make it more difficult for councils to refuse applications on the grounds of prematurity. Existing guidance says that it may be justifiable to refuse permission on prematurity grounds "in some cases", whereas the draft guidance makes clear that such circumstances must be "exceptional",
- 2. Appeal hearings** - New procedural guidance for the Planning Inspectorate allows members of the public and journalists to film and report planning appeal hearings.
- 3. Duty to cooperate** - The draft online guidance gives local planning authorities advice on what to do "if they are reliant on another local planning authority that will not cooperate". Such councils should "consider whether there are different local planning authorities with whom they could work to achieve an effective outcome"
- 4. Planning conditions** - The draft guidance recognises that, in exceptional circumstances, a condition requiring a planning obligation to be entered into after the grant of planning permission rather than before "may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk".
- 5. Viability** - The draft guidance elaborates on the National Planning Policy Framework's stipulation that policies and planning obligations should allow developers and landowners to secure a "competitive return" from development sites. It says that a competitive return is the "price at which a reasonable landowner would be willing to sell their land for the development".

This new guidance is to take effect in six weeks' time

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