

DLP BRIEFING NOTE 154

Prepared by
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Introduction

In March 2014 DLP Planning Consultants attended the Home Builders Federation (HBF) Eastern Planning Forum. The HBF seeks to influence emerging national planning policy and both facilitates and represents company views on both formal consultations and many other governmental steering groups on emerging issues and trends. The following notes were made at this forum, which was very well attended:

Green Belt

In an unprecedented move Nick Boles, the Planning Minister has written a letter to the Planning Inspectorate (PINS) saying he had been “troubled by the media coverage of the recent Inspector’s report on the examination into the Reigate and Banstead Local Plan”.

The letter draws on various sections of the NPPF and says the Framework makes clear that “a Green Belt boundary may be altered only in exceptional circumstances”.

The HBF and its members have been most concerned about the tenor of this letter and, more importantly, the implications of its likely interpretation by a number of local planning authorities who clearly have no desire to review their Green Belt boundaries.

Stewart Baseley, Executive Chairman at the HBF, has responded to the letter by writing to the Minister drawing attention to the potential for the letter to be seen as supporting those Green Belt authorities who have no desire to review their Green Belt boundaries to meet their objective assessment of housing needs.

In light of the letters, when progressing early applications and Section 78 appeals on Green Belt sites, a lot of thought needs to be put into weighing up the issues before progressing, especially in light of the following statements in the Planning Practice Guidance:

“Unmet housing need (including traveller sites) is unlikely to constitute the ‘very special circumstances’ required to both justifying development and outweighing harm being caused to the green belt;

Applications for significant development(s) in the green belt will be subject to ‘call in’ by the Secretary of State.”

Planning Practice Guidance

Key points of the Planning Practice Guidance noted at the Forum:

1. The guidance suggests that Local Plans can pass the test of soundness where authorities have not been able to identify land for growth by assessing future needs and opportunities in years 11-15 of their Local Plan.
2. Flood risk guidance similar to the old PPS25 guidance. The PPG contains strict guidance on how local authorities should act on flood risk assessments.
3. No brownfield first emphasis, however LPAs should look to relax policies on density and design to aid viability on previously developed sites.
4. Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical area.
5. All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation.

The Planning Practice Guidance is now the sole government guidance on planning and will be updated annually.

Autumn Statement

A consultation is proposed to take place on measures to improve plan making, including “introducing a statutory requirement to put a local plan in place” and new legislation which will mean that where a local authority has failed to discharge a planning condition on time, it will be treated as approved.

Poorly Performing Authorities

The threshold for Local Planning Authorities to be designated as poorly performing authorities may be increased to 40%. This will mean that where LPAs determine 40% or fewer major planning applications within the statutory period, they will be designated as 'poorly performing'.

Blaby District Council, which is designated as poorly performing, is about to receive the first application. The Council itself will process the application, but the Planning Inspectorate will make the decision directly.

General

There are intentions for there to be a move for LPAs to post standard conditions on Council's website to aid negotiation on applications.

Small builders seem to be high on the Government's agenda at the moment and there will be a consultation on a national threshold for affordable housing. It has been suggested that this will be set at 10 dwellings and will override policies set locally.

Government is thinking about introducing a positive attitude to development scheme, where money will be paid to individual households that are affected by development so that they will be more receptive and supportive to the proposal. The mechanics of this is yet to be determined.

Community Infrastructure Levy Regulations

A further 82 page guidance was published on the 24th February 2014. This is the only guidance that is currently not on the planning practice guidance website; however it is intended to form part of the website in the near future. It is also acknowledged that the regulations are unlikely to change until after the upcoming general election.

DLP Planning Consultants have considerable knowledge of planning matters. Senior staff of the Practice are well versed with the planning process and policy changes, this allows us to deliver the best result for our clients. We have excellent working relationships with Local Planning Authorities, making the process clearer and smoother for our clients. If you require any further advice regarding the above, please do not hesitate to contact one of the offices listed below. Senior staff within the practice would be very happy to assist you with regards to your enquiry.

If you require more information or would like to discuss the issues mentioned in further detail please contact:

A summary of matters that the DLP Consulting Group provide services for follows:

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If you would like to receive a brochure providing more detail of the service provided by the DLP Consulting Group, please contact any of the offices listed on the left of this page.

briefings

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