



INTERACT
INFORM
INFLUENCE

March 2023

Strengthening planning policy for brownfield development

Consultation response from The Housing Forum

Response submitted by:

Anna Clarke, Director of Policy and Public Affairs

On behalf of [The Housing Forum](https://www.housingforum.org.uk), 1 Minster Court, Mincing Lane, London EC3R 7AA

anna.clarke@housingforum.org.uk or info@housingforum.org.uk. 07442 405513.

info@
housingforum.org.uk

About The Housing Forum

The Housing Forum is the UK's cross-sector, industry-wide organisation that represents the entire housing supply chain. Our growing membership drawn from over 150 organisations across the public and private sectors and includes local authorities, housing associations, housebuilders, architects and manufacturers. All share our determination to drive quality in the design, construction and decarbonisation of UK homes. They have a commitment to partnership working and share in our vision of 'A Quality Home for All'.

In order to achieve this, we have advocate for policy change needed for everyone to live in a good quality, sustainable and affordable home. Our key [Housing Solutions](#) set out how we think this can be achieved.

The Housing Forum Ltd
6 Floor, 1 Minster Court
Mincing Lane
London EC3R 7AA

Registered Company
Number 03785174

Introduction

The Housing Forum welcomes the opportunity to respond to this consultation.

We are pleased to see the Government's focus on increasing housing delivery on brownfield sites and support the proposals contained within the consultation which should help to do that.

We would, however, caution that the potential of brownfield site is limited – particularly in the areas where housing is most badly needed – and that a broader approach that includes other types of sites is also needed.

INTERACT
INFORM
INFLUENCE

Response to questions

Q1. Do you agree we should change national planning policy to make clear local planning authorities should give significant weight to the benefits of delivering as many homes as possible [yes/no]? If not, why not?

Yes.

This is a helpful emphasis. Maximising housing delivery is appropriate in nearly all areas.

The Housing Forum supports building on brownfield sites where practical, but would caution that these are not sufficient to meet housing requirements, and needs to be accompanied by support for building in other locations too.

Q2. Do you agree we should change national planning policy to make clear local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development [yes/no]? If not, why not?

Yes.

We are aware of some proposals for new housing developments that have been refused due to a rigid approach to design standards, even though in their totality they may be highly appropriate. Brownfield sites, by their nature, are unique, meaning that flexibility may be needed to realise the potential of each site.

Further detail on what is or is not flexible would be helpful, especially over whether it includes internal space standards, separation distances, etc.

Flexibility would be particularly useful over the level of commercial space being re-provided when redeveloping commercial sites for residential or mixed-use schemes, especially where a scheme includes high levels of affordable housing.

Q3. If we were to make the change set out in question 2, do you agree this change should only apply to local policies or guidance concerned with the internal layout of developments [yes/no]? If not, what else should we consider?

No.

info@
housingforum.org.uk

The Housing Forum Ltd
6 Floor, 1 Minster Court
Mincing Lane
London EC3R 7AA

Registered Company
Number 03785174

If the proposals are to meet their objectives of providing more flexibility and increasing housebuilding on brownfield sites, then the same approach needs to be reflected in all relevant policies (such as Design Codes and Supplementary Planning Documents). This could be achieved via specific guidance.

We are concerned that beauty is not an appropriately well-defined concept to be useful within planning criteria and this is likely to lead to conflict where people's ideas of beauty vary. A focus on good design would be better understood and is easier to build consensus around.

Q4. In addition to the challenges outlined in paragraph 13, are there any other planning barriers in relation to developing on brownfield land?

We are aware of several other barriers to developing brownfield land:

- Costs are a key issue. Brownfield sites can have high and sometimes unpredictable costs associated with developing them. The government has recognised this via the Brownfield Land Release Fund, but short-term funding cycles do not fit well with the slow and discretionary nature of the planning system.
- The number of local plan documents, supplementary planning documents etc can make the planning process slow. These documents sometimes set out conflicting policy aims, which overcomplicate the decision-making process. National development management policies could help to simplify policy, but only if the number of SPDs is reduced.
- There is concern that the introduction of Design Codes could worsen this situation and become a barrier to developing brownfield land. Government should be clear that Design Codes should not in any way reduce the number of new homes that might otherwise be built, and that they are flexible to the needs of unique brownfield sites.
- The need to consult carefully with immediate neighbours adds to costs and time, many of whom may be living or working only meters away from the site.
- Previous or existing uses at the time that a planning application is made can pose a challenge. It is very much preferable for landowners to consider future needs in advance of the current occupier vacating a site, but if the site is not vacant at the time that a planning application is made, this can take time, and may be unpredictable. Some redevelopments may involve rehousing existing residents, sometimes in a phased approach, which can take time.
- If CPO powers are needed, this process is protracted and leads to long delays and uncertainty.
- The scale and shape of brownfield sites can be a challenge, limiting what can be built there.
- There can be difficulties over access, and needing to demolish and rebuild with close by neighbours, which increases construction costs and time.
- Some sites have complex land ownership arrangements and historic third-party rights over a site, requiring legal input to resolve.

**INTERACT
INFORM
INFLUENCE**

info@
housingforum.org.uk

The Housing Forum Ltd
6 Floor, 1 Minster Court
Mincing Lane
London EC3R 7AA

Registered Company
Number 03785174

- The new Biodiversity Net Gain requirements are a problem for many brownfield sites. Contrary to popular belief, brownfield sites are not always lacking in biodiversity prior to redevelopment, meaning that the requirement to replace and uplift the biodiversity can be significant. Yet only the very largest of brownfield sites have the space to include landscaping and on-site solutions. This means that the BNG requirements are likely to involve a payment to offset the impact elsewhere, further threatening the viability of sites.
- Wider difficulties in the planning system caused by staff shortages and a lack of a clear vision to deliver new housing embedded across a local authority stifle housing delivery across all types of site, including brownfield sites. These are explained in more detail in our recent report on Streamlining the Planning System¹.

info@
housingforum.org.uk

Q5. How else could national planning policy better support development on brownfield land, and ensure that it is well served by public transport, is resilient to climate impacts, and creates healthy, liveable and sustainable communities?

To make the most out of brownfield sites, The NPPF should explicitly recognise that uplifting housing numbers will lead to increased density, height, and changes to character and that this is acceptable in order to achieve the government's stated aim of urban uplift and increasing the proportion of housing delivered on brownfield sites. Without this, there is a conflict with the recent NPPF statement that development may be inappropriate if it results in a built form that is wholly out of character with the existing area.

There are many other ways that government can ensure that planning policy supports sustainable development on brownfield sites:

- The requirement to market commercial properties for lengthy periods – often 12 to 24 months - to demonstrate redundancy should be removed. This is particularly as the economy shifts to online retail and hybrid working, changing our demands for space.
- More flexibility may be needed over the requirement for employment and skills strategies/contributions when redeveloping commercial sites in situations where schemes may be going above and beyond in meeting other objectives, such as high levels of affordable housing or where viability is very marginal.
- The recent refocus of Homes England into regeneration is very welcome. We would like to see further focus for Homes England in supporting the provision of land and unlocking brownfield sites within, or adjacent to, urban areas.
- The Government should continue with the programme of supporting the release of public sector land within urban areas.

¹ <https://housingforum.org.uk/wp-content/uploads/2023/11/Streamlining-planning-The-Housing-Forum.pdf>

- In some situations, brownfield sites are not viable to redevelop without funding. The Government should provide longer-term funding solutions including affordable housing grant, and infrastructure grant.
- The Government should reform the CPO regime, including bringing forward when the CPO process can commence and expanding powers to other agencies so that they can support councils in the delivery of estate regeneration projects.
- The Government should grant permitted development rights by default with the option for local authorities to remove those rights where necessary, in order to simplify planning and ensure that LPAs' resources are used where they are most needed.
- Local planning authorities should ensure that good quality and insightful pre-application advice is available to applicants for all major applications for larger sites. This initial conversation allows the developer to share outline details of their proposals and a timelines and is particularly valuable for brownfield sites where there are large number of nearby neighbours to consider. This service should be prioritised within councils and advice should be given in a timely manner.

Q6. How could national planning policy better support brownfield development on small sites?

The planning system can be a big challenge for delivering housing on smaller sites, as the costs of obtaining planning permission are disproportionately higher. Small sites are also often delivered by SME housebuilders, who find the discretionary nature of planning with high upfront costs to increase risks and make it very difficult to operate. There are ways that Government could help support delivery of housing in small brownfield sites:

- The government should give greater support and set higher expectations of local authorities in developing brownfield registers. The requirement for LPAs to prepare, maintain and publicise registers of brownfield land is currently not working well in all areas. It would be worth considering the extent to which a more centralised approach might work.
- LPAs should be encouraged to consider more flexibility around S106 contributions on small sites, or to routinely have higher quotas for affordable housing or infrastructure requirements on greenfield sites.
- The degree of information required to validate applications for small sites may be disproportionate. The Government look for ways to reduce the burdens on small sites such as increasing the threshold for a 'major' planning applications, or introducing a three-tiered structure. Our suggestions are set out more fully in our recent report on Planning Validation Requirements².

² <https://housingforum.org.uk/wp-content/uploads/2023/11/Planning-Process-Report-02-ONLINE-VERSION.pdf>

- Government should build on the evidence collated by The Housing Forum our report on Planning Validation Requirements to undertake a root and branch review of current local information requirements to establish whether the planning system is the right mechanism for each.

**INTERACT
INFORM
INFLUENCE**

Q7. Do you agree we should make a change to the Housing Delivery Test threshold for the application of the Presumption in Favour of Sustainable Development on previously developed land [yes/no]?

Yes.

Q8. Do you agree the threshold should be set at 95% [yes/no]? Please explain your answer.

Yes.

This would help support development on brownfield sites. We would note that, for reasons outlined above, the build-out rate on brownfield sites can be unpredictable, but it would nevertheless be appropriate to expect LPAs to develop action plans if the output on their sites is failing to meet their expectations.

info@
housingforum.org.uk

We would expect the presumption in favour of sustainable development to have little impact in urban brownfield sites, as development of these sites should always be supported in principle.

Q9. Do you agree the change to the Housing Delivery Test threshold should apply to authorities subject to the urban uplift only [yes/no]? If not, where do you think the change should apply?

No.

Brownfield sites should be prioritised in all areas in order to maximise delivery. The list of authorities subject to the urban uplift is not an exhaustive list of all areas with brownfield potential nor with unmet housing need. Excluding other areas from the Housing Delivery Test may mean they fail to meet their potential. Towns and cities are also not separate housing markets – so delivering more housing within wider travel-to-work areas can help alleviate pressure elsewhere.

Q10. Do you agree this should only apply to previously developed land within those authorities subject to the urban uplift [yes/no]?

No.

See above answer.

Q11. Do you agree with the proposal to keep the existing consequences of the Housing Delivery Test the same [yes/no]? If not, why not?

Yes.

Q12. For the purposes of Housing Delivery Test, the cities and urban centres uplift within the standard method will only apply from the 2022/23 monitoring year (from the 2023 Housing Delivery Test measurement). We therefore propose to make a change to the policy to align with the publication of the Housing Delivery Test 2023 results. Do you agree [yes/no]? If not, why not?

The Housing Forum Ltd
6 Floor, 1 Minster Court
Mincing Lane
London EC3R 7AA

Registered Company
Number 03785174

Yes

Q13. Do you think the current threshold of 150 residential units for referral of a planning application of potential strategic importance to the Mayor of London is the right level [yes/no]?

No

Q14. If no, what would you set as the new threshold? [300/500/750/1000/other] Please explain your answer.

We believe that the threshold should be higher, and set at either 500, 750 or 1,000. This would help speed up the delivery of new homes which are badly needed across London and reduce costs to the GLA whilst allowing the mayor to focus on sites of strategic importance.

There is currently duplication between the GLA and local authority roles within London. This slows down both the pre-application and planning application processes. Consideration should be given to the GLA's SPDs and their appropriateness, avoiding duplication or contradictions to local policy. The new London Plan should include only policies that are purely strategic, as currently, policies within the London Plan are overly detailed and prescriptive.

The Government could also consider extending the circumstances in which the mayor can call-in refused applications.

Q15. We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

A failure to deliver sufficient housing will disproportionately affect those on lower incomes, young people, women, single parents, larger families and most BME groups. Increased delivery on brownfield sites will conversely, benefit all these groups. It will particularly benefit those who rely on public transport (such as older people, children and disabled people) because higher density urban areas tend to be better served by public transport.

Conclusion

The Housing Forum broadly welcomes the Government's approach to increasing housing delivery on brownfield sites.

We look forward to working with Government at The Housing Forum to help take forward the ambition of 300,000 new homes a year, and work towards our ambition of a **Quality Home for All**. Our key [Housing Solutions](#) set out how we think this can be achieved.

INTERACT
INFORM
INFLUENCE

info@
housingforum.org.uk