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## Proposed reforms to the National Planning Policy Framework and other changes to the planning system

### Consultation response from The Housing Forum

#### **Response submitted by:**

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#### **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 [Roadmap to 1.5 million homes](#) sets out what needs to happen to achieve the Government's ambitions on housebuilding, including affordable housing.

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## Introduction

The Housing Forum welcomes the Government's ambitions for a step change in housebuilding, maximising the amount of affordable housing that can be delivered, and reforming the planning system as one of the ways to increase housebuilding.

The reforms proposed here are helpful – they set out a more ambitious plan for housebuilding, which should help to deliver what is needed. We would make a few key points:

- The government needs to provide **further clarity** around some of the proposed changes. Without this, local authorities may be uncertain over what they are required to do, and create potential for legal challenges to planning decisions, slowing down delivery.
- The new rules around greenbelt release are particularly unclear in relation to identifying land that is making a '**limited contribution**' against the greenbelt purposes.
- We welcome a broad approach to urban infill and prioritising brownfield sites overall, but would caution that **there can be exceptions to the assumption that brownfield sites are always of less value than greenfield sites**. There is also a clear conflict between deciding where to build based on the previous usage of the land and other more strategic factors (such as the availability of infrastructure).
- The new standard method for assessing housing requirements is an improvement on the previous one (which resulted in areas that failed to deliver being given lower targets for future delivery). However, it takes no account of **land availability**. A large number of councils believe that they lack the land necessary to deliver, given habitat protections, geographical constraints and other difficulties. The Government should make it clearer which of the many things that restrict development should be treated as absolute with local authorities who cannot be expected to deliver their target clearly identified and assisted to deliver them elsewhere.
- **Transitional arrangements** are going to be challenging if the government is not to penalise councils who have already adopted local plans, and also achieve its housebuilding ambitions over this parliament.

At The Housing Forum we have members from across the entire housing sector and supply chain – including local authorities, housing associations, developers, architects, consultants and manufacturers. Our members are drawn from across the country, and so are active in very different housing market conditions. Because of this, not all our members feel the same about planning reform – though they do share a commitment to our mission of 'a better home for all'. The consultation response has been drawn together with input from members to give an overview of the issues we believe are most paramount in the proposed reforms and in line with our aspiration of increasing housing supply (including affordable housing) and improving housing quality.

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# Response to questions

## Chapter 3 – Planning for the Homes we Need

### **Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?**

Yes. We support the principles that housing targets should be met in full. The Government will not be able to meet its ambition of 1.5 million homes over the next five years if councils collectively do not allocate sufficient land for development.

We are aware that some councils feel that it is very difficult for them as a result of a wide variety of geographical constraints, existing habitat protections and strain on local infrastructure. Greater clarity over how a local authority should respond to this situation is needed and a more strategic approach, working across local authority boundaries will be essential in some areas.

### **Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?**

Yes. It is clearer if there is a consistent method for assessing need. Having multiple methods for establishing need is a cause of delays in the planning system. Many councils feel themselves to have exceptional circumstances, and all are indeed unique. However, this cannot become a reason not to deliver the housing that is needed.

### **Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?**

Yes. The areas subject to urban uplift were – by definition – tightly bounded urban areas, and the uplift was not related to any assessment of brownfield land capacity within the area. The failure of most London boroughs to get anywhere close to their targets in terms of housing output suggest that the targets set were not realistic. A planning department being unwilling to allocate available land for housing is not the main barrier to housing deliver in these areas. Urban areas should work together with their neighbours to determine the most suitable for the housing that is needed across their town or city.

### **Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?**

Yes. We agree with the reasons set out in the consultation for this.

Some inner urban areas were historically built to low density. Maintaining the existing character and density of these areas conflicts with the requirement to use land effectively and build housing sustainably and within urban areas where practical.

### **Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?**

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Yes. We support the revised focus for design codes on specific sites. It is not realistic for a code to cover the whole of a local authority area. A site-based approach will allow councils to focus on masterplanning, improving the quality of design and working closely with masterplanners and site promoters.

**Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?**

Yes, the revised wording clarifies how the presumption should be used, which is helpful. It is particularly useful to see the provision of affordable housing explicitly referenced.

Clarification is needed regarding whether the presumption applies if a local authority is not delivering in line with identified housing requirements (points c and d under Paragraph 14). If the government wants to meet its housing targets, the presumption ought to apply in local authorities where delivery is not on track.

It is unclear how Neighbourhood Plans will align with Local Plans made in line with the new standard method approach. Clarification is needed on how it is determined whether a Neighbourhood Plan 'contains policies and allocations to meet its identified housing need'.

The Government should ensure that Neighbourhood Plans cannot be used to stifle development or reduce the number of homes built in an area.

**Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?**

Yes. This is necessary if councils are to be ensuring the supply of land needed to meet the government's housebuilding ambitions. We do, however, believe that councils who have recently adopted local plans should not be penalised for having done so.

A five-year land supply is vital for enabling home builders – both private sector and housing associations – to identify sites well in advance, which offers a more reliable supply and helps with long-term planning. This will help achieve the government's ambitions for housebuilding.

There is a risk that councils could focus on smaller sites, which are less risky in terms of the timetabling of delivery, but ultimately do not support ambitious growth in areas where it is needed. To reduce this risk, additional support should be made available to councils to overcome barriers to larger-scale delivery, in particular around infrastructure.

**Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?**

No. Our local authority members feel strongly that over-delivery should be able to be offset against future housing need. It is not sensible to discourage a faster build-out rate where this is achievable, particularly on larger sites where build-out rates may be hard to predict.

Any over-delivery calculation should also take into account any under-delivery within the preceding five years. We believe that over-supply and under-supply should be

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treated in a comparable manner, as long as this is against targets which meet need in full. Over-supply in the early part of a plan should allow for the possibility of lower delivery rates in the following years, and under-supply should lead to higher delivery ambitions.

**Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?**

Yes. This would help reduce some of the risks around maintaining a constant five-year land supply.

A buffer is needed in most housing markets because not all sites identified turn out to be deliverable and without this mechanism less housing will be built. Buffers help to ensure that local plans remain robust to changes in housing market conditions.

A buffer is less important in low-valued housing markets where the challenge in delivering housing is more about financial viability rather than land supply.

We would also propose that a buffer is not needed if an LPA can demonstrate that it has identified more than five years' land supply, and is delivering on track to meet this target. Nor is a buffer needed if an LPA adopts a housing target that is 20% or more above the housing target required via the standard method (and is delivering on track), in order to avoid penalising local authorities who are ambitious in setting their housing targets.

We also note that technical matters around buffers, five-year land supply and deviations from the standard method of setting housing targets might be better dealt with by the technical PPG rather than the NPPF itself.

**Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?**

A 5% buffer is an appropriate one, given the provisos set out above.

**Question 11: Do you agree with the removal of policy on Annual Position Statements?**

Yes. These should not be necessary if a local authority maintains a five-year land supply, though may be useful for those that have failed to do so.

**Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?**

Yes. Strategic planning is vital for areas that need to coordinate new infrastructure, housing and service delivery. It is also necessary when releasing greenbelt land around larger cities (in particular, London).

There is an urgent need to bring forward legislation to establish the legal framework for cross-boundary working. Without this, arrangements can fall apart if one authority does not want to take part. This happens currently especially where one area is likely to be the better location to deliver much of the housing requirement locally but does not want to deliver that new housing. Conversely, there are some authorities who are unable to deliver their housing targets – meaning that it must be met by another area if the Government's targets are to be achieved. The wording of paragraph 27 is not

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sufficiently clear on the process that will resolve any disagreement between neighbouring authorities.

In the meantime, further guidance should be provided to help Local Authorities who are ahead of their neighbours in strategic planning – to avoid going at the pace of the slowest.

The legal framework must establish whether there are going to be defined groupings of local authorities who must work together. It is also important to support brownfield sites and regeneration in urban areas, even though construction may be more expensive or difficult to bring forward in these areas, rather than increasing delivery requirements onto greenfield sites in neighbouring authorities, especially in parts of the country with weaker housing markets where urban infill may be less attractive financially.

**Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?**

**No response**

**Question 14: Do you have any other suggestions relating to the proposals in this chapter?**

No

## Chapter 4 – A new Standard Method for Assessing Housing Needs

**Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?**

Yes. Housing stock provides more certainty than household projections and the data is more robust and less contestable. This is very helpful for reducing the potential for challenges in the planning process.

Household projections are also affected by housing supply, meaning that areas that fail to deliver will see lower household formation rates, and hence project a lower need for new housing.

Housing stock is also a good proxy for levels of existing infrastructure and demands from the local population for water and services, which should therefore reflect the amount of new housing that can be added sustainably.

The element that we believe is missing from the formula is any assessment of available land. It is assumed that this will be dealt with via strategic planning, but this may not always be effective.

**Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?**

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Yes. The ratio of earnings to house prices is a good measure of affordability and therefore provides a way to skew housing targets towards the areas where housing is most needed.

We are aware of some concerns that house prices are influenced by interest rates much more than supply in the short term. A period of higher interest rates could cause house prices to fall (at least relative to wages) and hence housing targets fall, even though housing has not in fact become any more affordable to anyone who needs a mortgage, and nor has the actual need for new housing fallen at all. The potential to redraw local plans to lower housing targets could cause delays in the planning system which would be most unhelpful.

We agree that using a three year average will help smooth out changes in affordability and provide some stability for outputs of the method. However, more stability would be created if the model compares each area to the UK average, rather than a benchmark of a 4:1 ratio.

Another option would be to use data on rents rather than prices, as these are less influenced by interest rates, but we are aware that the data on rents may not be as robust, and that reforms to the rental market may also be impacting on rents in ways that could be hard to predict.

**Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?**

Yes. The higher weighting is welcomed and is needed to compensate for the impact of moving from household projections to housing stock.

We are aware of concerns that the affordability measure is high enough – some areas with weak housing markets have seen their housing targets increase significantly. The government should not penalise areas that are allocating sufficient land for housing but where developers are not building because it is not viable to do so without significant funding for affordable housing and/or infrastructure. Our recent report on [The Cost of Building a House](#) highlights the issues here.

**Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?**

The advantage of using rents rather than prices is that they are less influenced by interest rates. However, we are concerned that data on rents may not be as robust, The rental market is also only a small part of the housing market in many areas and affected by the supply of rental housing, as well as the overall size of the housing stock. Other reforms to the rental market (such as those coming in with the Renters Rights Bill, or any changes to capital gains tax or EPC requirements) may impact on the supply of rental housing and therefore on rents on ways that may be hard to predict and are not directly relevant to the overall requirement for new housing.

Broadly speaking, rents and house prices correlate strongly (albeit with prices varying more than rents). Areas that have high house prices also have high rents. There is therefore little gain by adding in rents to the formula, and there is a risk of increased complexity.

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**Question 19: Do you have any additional comments on the proposed method for assessing housing needs?**

Our own [Roadmap to 1.5 million homes](#) highlights that in order to meet the Government's ambitions, delivery will have to rise to around 450,000 new homes by the end of the five year period – to compensate for the inevitable failure to deliver in the earlier years as the sector gets back on its feet and the planning reforms start to feed through. It is therefore essential that local authorities – collectively – deliver housing in line with the targets. New Towns and other larger-scale strategic delivery will need to be on top of this to achieve the target and this should be made clear by Government.

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## Chapter 5 – Brownfield, Grey Belt and the Green Belt

**Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?**

Yes. The Housing Forum and its members are broadly supportive of the principle of brownfield first. Clarity is needed around:

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- The treatment of brownfield sites within greenbelts (“greybelt” sites)
- Whether some brownfield sites should be exempted due to their high value for biodiversity (such as open mosaic landscapes) or cultural significance.
- The implication of brownfield passports on plan-making – Do they need to be allocated in the development plan or are they classed as having “permission in principle” and therefore outside the Local Plan process for allocating sites?
- How to deal with brownfield sites that may be uneconomic to develop or where there may be a need to assess issues such as contamination before the feasibility of development is clear.
- Funding for brownfield site development in situations where it is otherwise unviable to develop.

We would support building on the brownfield registers that already exist where possible.

**Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?**

Yes, with provisos:

- Both the benefits and the harms of proposed new developments should be compared with the benefits and harms of the existing use.
- Not all brownfield sites are the same (see answer to Q20).
- Wording needs to be strengthened around the affordable housing requirements for any greenbelt site. This should relate to small greenbelt sites as well as larger ones.

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**Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?**

The inclusion of glasshouses and hardstanding seems sensible. There are some concerns that the change of use from a car park to housing might be highly profitable for landowners but leave communities without the car parking that they need. Councils should therefore only allocate land if they are confident that the existing usage is no longer required or can be accommodated elsewhere.

Footnote 7 also needs amending to make it clear that greybelt land is not included here.

**Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?**

We welcome the use of the term 'greybelt' for opening up discussions around where is best to build, including potentially within the greenbelt. However, the term itself is not well defined and has caused a degree of confusion. "Greybelt" sites may not be a "belt" – as in a continuous strip of land (depending how it is defined).

Further guidance is required in order for councils to assess which sites are making a 'limited contribution' to greenbelt purposes as this will otherwise be a subjective judgement.

We agree with the proposed features listed as criteria for greybelt and would add on land that is within 1km of a train station as a reason for inclusion. This would help meet the Government's ambitions for sustainable development.

Many greenbelts cut across multiple local authority areas. This is an area where a national review of the value of greenbelt land would be much more efficient and consistent than requiring local authorities each to assess their own land.

**Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?**

To avoid this, the criteria for inclusion as greybelt should be robust and not rely on subjective judgements such as being "ugly". In particular, 'limited contribution' and 'substantive built development' both require definitions.

**Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?**

Yes. This is very important. Guidance should be contained in both the NPPF, to ensure that it has sufficient weight, and the Planning Practice Guidance, so that it can be explained in sufficient depth with additional guidance included.

It is important that this is provided quickly, as they will otherwise delay local plan-making in authorities which cannot meet their housing targets without releasing greenbelt land and are not currently clear on whether they are required to do so.

**Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?**

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The guidance needs to set out in detail the appropriate considerations for determining whether land makes a limited contribution as well as clarifying the process of assessment. This will reduce the element of subjectivity and help ensure a robust and consistent approach between areas.

**Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?**

Local Nature Recovery Strategies will identify ways to improve habitats and will identify suitable locations. This may include some areas of greenbelt but may also include areas assessed as greybelt, or unprotected land that is neither greenbelt nor urban.

Until the Local Nature Recovery Strategies have been prepared, it is unclear how much land this will include. Excluding land from development that is identified by the LNRS that could be of particular importance for biodiversity will be helpful in relation to the delivery of the golden rules.

**Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?**

We are broadly supportive of the principle of releasing land in the right places. However, we think that the previous usage of the land is not helpful in determining the right places to build. The sustainability of the location and benefits of building in that location should be weighed against the loss of ecological or recreational value or other greenbelt purposes. Some brownfield sites (such as derelict quarries) can provide valuable ecological habitats and may therefore be a less suitable location than land that is currently farmed. The focus on brownfield first is not an absolute.

We would also suggest that land within 1km of a train station would be particularly suitable, irrespective of whether it is classed as brownfield or not.

**Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?**

Yes.

The reference to sustainable locations could usefully be expanded to 'locations that can be made sustainable' (for instance via the provision of new infrastructure).

**Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?**

We would support the approach of allowing release of greenbelt land via decision-making as a short term measure for LPAs that cannot otherwise demonstrate a five year land supply. In the longer term decisions should be made on a wider spatial scale, because greenbelts fulfil their purpose across a wider scale and benefits to nature or recreation, as well as the requirement for housing also operate at wider scales. Poorly performing greenbelt parcels suitable for development are often small

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pockets of lands in separated locations. Allowing piecemeal development to occur without strategic coordination will be less sustainable than a larger-scale planned approach.

It is important to provide guidance on 'limited contribution' as quickly as possible.

**Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?**

The release of grey belt land should be based on strategic, long-term planning rather than ad-hoc decision making. This will involve cross-boundary working in many areas, especially around London.

**Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?**

No response

**Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?**

No response

**Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?**

Yes. The appropriate tenure mix should be determined by each local authority based on need and viability.

If the government wishes to redefine affordable housing as "genuinely affordable housing" (eg to exclude shared ownership and/or Affordable Rent housing) then this should be made clear with the new definition clearly explained.

**Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?**

A 50% target for affordable housing is a really useful starting point, but we are concerned that it may not be viable in all situations. In particular:

- It may not be viable in weaker housing markets
- It may not be viable for brownfield sites (including those within greenbelts) with high remediation costs. It is important that brownfield sites within greenbelts are not overlooked in favour of less suitable sites, because they cannot meet a rigid quota for affordable housing.
- If there are unusually high infrastructure requirements, then this will reduce the viability of affordable housing.
- A local authority may wish to prioritise social rented housing or larger homes suitable for larger families, and be prepared to accept a lower numerical target in order to achieve these.

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We are aware of calls for grant to be added to S106 sites in order to make higher levels of affordable housing viable. However, there is a clear risk that by doing this the expectation of grant gets priced into land prices, as developers come to expect grant to fund the affordable homes, negating the value of S106 as a means to cross-subsidise affordable housing. It is therefore better for LPAs to set out a clear expectation for the proportion of affordable housing sought (even if this is lower than 50%) and to expect grant to be used only to fund higher levels than this (or potentially to ensure that social rented housing could be built instead of Affordable Rent or shared ownership).

Local plans should set out expectations for affordable housing – including the tenure, size mix and overall proportion at the point when sites are allocated. This will help ensure that when developers buy land they do so at a price that factors in their obligations for affordable housing. Local authorities already set affordable housing targets through their development plan, which take into account local need as well as land values and viability and may provide a more realistic deliverable affordable housing percentage.

Government could usefully set some benchmarks for land values that should normally be consistent with a 50% affordable housing requirement.

The consultation states that 'local leaders are best placed to identify the infrastructure that their communities need'. We would caution that this may not always be the case as some provision may be less popular than others, may require coordination with other areas, or may require funding from another source (such as a GP surgery).

**Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?**

Yes.

**Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?**

We can see the value in having indicative benchmarks to inform policy development, but have some concerns about the interaction between benchmark values and market values and whether this might cause delays (for instance, if the benchmark value is higher than market value, this may raise landowners' expectations beyond what is viable for a housebuilder). The cost of housebuilding (and hence the land value that would make a given proportion of affordable housing viable) also vary between areas.

There may be unintended consequence of the government setting an illustrative benchmark land value of encouraging the development of sites which sit at or below this benchmark. This inadvertently may promote development in less sustainable locations.

**Question 38: How and at what level should Government set benchmark land values?**

If it is to be used as a criteria for not accepting viability negotiations (as proposed below) then it would need to be significantly higher than current use value. It may be

more appropriate for local authorities to determine their own benchmark values (or for central government to do so only if they have failed to do so).

Benchmark figures would need to be updated regularly to reflect changing market conditions. This may undermine their value in giving certainty to the process.

**Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?**

We understand and support the Government's objectives in trying to limit the situations in which challenges over viability can occur. However, there are several big concerns with this proposed approach. It may be too rigid an approach to cover situations where a developer has – within hindsight – overpaid for land but where the costs of development have risen since it was purchased for reasons that could not reasonably have been foreseen. For instance, there may have been changes to policy or to the housing market conditions. Viability negotiations may therefore sometimes be required for a site to go ahead even when the land was bought above benchmark values.

There may also be problems with this approach in practice, as developers may be able to manipulate the land transaction price through delayed payment, works in kind or using joint venture arrangements to illustrate a lower land price and thereby argue for a lower affordable housing contribution.

A more practical approach would be to set the benchmark land value at existing use value, plus a reasonable premium (which could be lower for greenbelt land), but also to allow viability challenges where there are substantial changes to policy, construction costs or housing market conditions which could not reasonably have been foreseen.

**Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?**

Affordable housing percentages (and any additional requirements covering tenure or size of the affordable housing) should be set locally. Local authorities may wish to set site-level policy on affordable housing, to meet local need and recognising the different levels that are viable in different types of area (such as brownfield and green field sites). The government should set guidance on this issue, and challenge authorities who set very low and under-ambitious proportions for affordable housing. Guidance on this issue should make it clear that a higher proportion can be sought if grant is being made available to cover the additional affordable housing. Otherwise, we agree with this approach as it should help give clarity and certainty to the process.

**Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?**

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The Housing Forum supports the building of affordable housing and therefore maximising what can be built via cross-subsidy from the planning system. It is sometimes the case that the housing is sold for significantly higher prices than were used in a viability assessment, which creates distrust of developers and frustration to local authorities who feel they have missed out on much-needed social homes.

The advantage of late-stage viability reviews is that if a development becoming more profitable than was anticipated at the point of the initial viability review, the developer can be required to contribute additional funds towards public infrastructure.

The main risk with this approach is that it reopens negotiations at a late stage, potentially causing delays and costly negotiations. This is likely to be particularly difficult for smaller local authorities who lack the skills or financial resources to take it on.

To support local authorities with this approach and mitigate the risk of delays and difficulties for developers we would suggest:

- Clear guidance should be issued on how and when late-stage reviews should be triggered.
- External expertise from independent viability experts should be provided to local authorities.
- Local planning authorities should be better resourced to monitor and deal with late-stage reviews. Allowing them to keep a small proportion of any late stage payment that is won via a late stage review would help incentivise them to take this on, and leverage some funding into the system.
- Paragraph 58 in the NPPF should be amended as it implies the decision as to whether a financial viability assessment is required should be with the applicant. It needs to be clear that late-stage reviews can be initiated by the LPA.
- The value of the contribution sought via a late stage review should be capped at a level that matches the original affordable housing contribution that was sought.
- A late stage review should be triggered at no later than 75% of sales, to help developers manage the cost implications.
- Policy around late-stage reviews should be clear and transparent, and available to developers at the point when they are negotiating land prices.

**Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?**

The balance of infrastructure requirements on housing vs commercial needs to be considered. The burden of infrastructure costs and planning gain contributions should not be disproportionately high for residential development compared to commercial development as this may reduce of housebuilding.



**Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?**

The Golden Rules should apply only to new greenbelt release. For sites that have already been allocated in Local Plans (Regulation 19), viability assessments will already have been undertaken. Causing a big change to land prices at a late stage will result in delays to the process of land assembly.

**Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?**

Our comments on this are all covered in responses to other questions.

**Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?**

The Housing Forum is aware of support from councils for reform of CPO powers. Local authorities are well placed to lead development when they control the land needed for a project. Allowing local authorities to purchase land at, or close to, existing use value also captures land value uplift created by planning for the public good. This is clearly very appealing in principle.

However, there are a number of issues that make it much more difficult in practice:

- The costs and lengthy process of obtaining a CPO discourage councils from using them.
- Seeking to increase the differential between the value payable via a CPO and what the landowner may consider the market value (ie including 'hope value' of the land if and when it receives planning permission) is laudable, but will only increase the likelihood of legal challenge. Councils would need a robust legal framework and support to use CPOs, including with planning lawyers.
- Councils would require more detail on exactly how and under what circumstances land should be bought forward via CPOs. This decision could have a big implication for the value that is paid for the site, so there will be legal challenges if the process is not robust.
- Many councils use CPOs, but generally for purchasing individual properties or small parcels of land needed for regeneration projects. Using them to purchase large sites in greenbelt locations in order to capture the land value uplift is not something that many have much experience with. Homes England could potentially have a role here, but it too has little experience of using CPO powers at scale.
- Landowners are often more focused on selling and developing their land for profit rather than for public benefits.
- It is hard to define what is "fair compensation" for land when landowners' expectations of value may be based on the value it would have with planning permission.

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**Question 46: Do you have any other suggestions relating to the proposals in this chapter?**

Attempting to drive land prices down to levels that are much lower than recent years, or that landowners expect to receive for their land (or that they themselves have paid for it) is likely to meet opposition and there is a risk that many landowners decline to sell, hoping for a different policy framework in the future.

## **Chapter 6 – Delivering Affordable, Well-Designed Homes and Places**

**Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?**

Social rent and Affordable Rent are allocated to the same group of tenants. The difference is simply in rent level, so is a question for government as to how much it wishes to support tenants via upfront grants and how much via the tenants themselves or DWP support for low income tenants.

It may be appropriate for Government to set expectations that local authorities consider the needs of tenants who need social rented housing (ie social rent or Affordable Rent, but not shared ownership, which is largely a different client group).

Local authorities should determine the best mix of tenures and sizes of homes to be delivered, considering local need and also viability.

**Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?**

Yes. Having a fixed national percentage is not helpful. In some housing markets there may be little requirement for this product and many authorities may want to focus on social rented housing as that is where there is most need.

**Question 49: Do you agree with removing the minimum 25% First Homes requirement?**

Yes. Having a fixed national percentage is not helpful. First Homes also compete with shared ownership homes, but without generating the cross-subsidy that can be used to support social rented housing.

**Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?**

First Homes are not a well known product, which means that the mortgage market is less competitive. There is interest from some authorities in offering them, on exception sites in particular, but there remain drawbacks this product and the additional complexity it creates as a further form of discounted homeownership.

**Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?**

Yes. The Housing Forum strongly supports mixed tenure developments for larger sites – they create more sustainable communities and help increase build-out rates. Market rent housing may also be an appropriate component in many areas. The detail of the tenure mix on each site is something that the local authority should assess.

There is less value in requiring mixed tenure on small sites and this can be more challenging. Small or medium sized sites that include 100% affordable housing or housing for specific groups such as older people or students should be supported where they are meeting local need.

**Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?**

S106 agreements should stipulate the proportion, tenure and size mix of affordable housing. If there is a possibility of grant being obtained on the site, then it should be clear what additional affordable homes this grant will be funding (or the change in tenure or size mix that will be generated if grant is used).

Increasing the size of the Affordable Homes Programme would be the most effective way of delivering more social housing. Other ways to increase the viability of sites to facilitate higher rates of social housing include:

- Streamlining the planning system to derisk it, offering a fast-track service.
- Setting parameters on which applications should not go to committee, so that they can be determined by professional officers in line with Local Plans.
- Building a positive image of planning to help retain and recruit staff into this sector.
- Better resourcing planning authorities, and local authorities more broadly.
- Giving social landlords certainty over future income streams by setting social rent increases for the next 10 years (eg at CPI+1%).
- Helping social landlords to access lower cost borrowing.
- Reducing build costs.
- Ensuring that the cost of infrastructure is borne by other budgets where appropriate.

Office to residential conversions undertaken using Permitted Development rights have not provided social housing, and this should be reconsidered.

**Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?**

This is a question that councils should consider, as it is locally specific. Local authorities should draw up any criteria working closely with their social landlords who know the existing area and their tenants.

Larger urban areas should support infill single tenure developments of affordable housing, market rent or student housing of a fair size without any issues. Rural areas

and the early phases of large new sites can be more challenging. Phasing is also important – building the rented housing first can help support a self-sustaining community and infrastructure, but building a large amount of social rented housing and allocating it to those at the top of the waiting list can be problematic for building at the start of a new community.

There are also other ways that social landlords can mitigate the impact of a large proportion of social housing on a site via sensitive lettings (such as prioritising transfer applicants and downsizers).

**Question 54: What measures should we consider to better support and increase rural affordable housing?**

The removal of the urban uplift, increase in housing targets and reviewing of greenbelts should all help here. Local authorities should also be encouraged to consider whether sustainable small-scale development should be brought forward within National Parks, AONBs or other protected landscapes, where it helps make villages more sustainable and can help support housing needs in rural areas. The interests of preserving the beauty of these areas should be weighed against the need for housing, without an assumption that housing and scenic beauty are inherently at odds with one another.

A presumption in favour of development of small-scale affordable housing at the edge of small towns and villages would help. This would also help support SME builders, who are badly needed to increase the capacity of the housebuilding sector.

Paragraph 65, exempting small sites from affordable housing requirements should be removed. There should not be an automatic exception for smaller sites; rather this is something that local authorities should set themselves, having considered the viability of small sites to provide affordable housing. Excluding smaller sites has a particularly damaging effect on the supply of rural affordable housing where small sites are often the predominant form of development.

Paragraph 58 should be amended to make it clear that the only infrastructure contributions that should be sought on sites that are 100% affordable housing are those that are required on the site itself, and that this does not include health or education. This is because small sites do not cause a measurable increase in the local population who use the services, and – for affordable housing in particular – the new residents are already living locally and using local services.

Councils should be free to give greater priority to people who live locally for rural affordable housing but should not set strict criteria for eligibility as this can make rural housing hard to let, even though there is much need for it.

The Government should also consider the impact of the new rules around greenbelt land release on Rural Exception sites. These can be vital for bringing forward small affordable housing schemes – and usually have a 100% affordable requirement. Rural Exception sites should remain a further route to delivery of affordable housing, above and beyond the larger scale delivery envisaged using the Golden Rules. There may be a need in some areas to use grant in order for 100% affordable housing on rural exception sites to be viable.

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**Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?**

Yes

**Question 56: Do you agree with these changes?**

We support the changes to the definition of community-led housing to include housing that is developed by a group originally set up for a purpose other than housebuilding.

We support the proposed changes to the size cap for community-led exception sites and think that this is best determined by the local planning authority.

Paragraph 74b should apply within settlements as well as adjacent to them, to support brownfield development and urban infill.

**Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?**

We would propose the following amendments:

- Affordable housing for rent should be included as it is either social housing (where the rents are regulated) or the rent is set at no more than 80% of market housing and there are provisions for ensuring that it remains at or below this level.
- Councils should be allowed to make exceptions for non-registered social landlords on a case by case basis, such as for small community groups, charities or almshouses. There should be criteria set to ensure that any such housing is truly a submarket product (as otherwise it can be provided by the market and does not require cross-subsidy via S106) and that it is affordable in perpetuity, will be managed competently and is allocated fairly.

**Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?**

It is not entirely clear why there are currently fewer smaller sites coming forward. Possible reasons include:

- Resource constraints in local authorities meaning they are failing to identify them.
- It being politically easier to allocate a smaller number of large sites rather than many small ones
- A lack of data and performance monitoring
- An unclear policy framework with some LPAs looking to ensure that 10% of all sites are small, rather than 10% of their housing is on small sites (which requires a much higher number of sites, for obvious reasons)
- Insufficient time being allowed for calls for sites
- Not enough of a focus on small sites during examination of local plans.

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- The nature of urban development in England meaning that the more obvious small sites within urban areas have already been built on, with natural barriers, greenbelts and other protections now butting up against many towns and cities.

There are other reasons for fewer new homes being built on small sites too. Planning requirements are less onerous only for very small sites, which means they may be particularly challenging for bringing forward sites of 10-50 homes. Construction costs have increased significantly in recent years, which may make development of smaller sites less viable. A further issue is the lack of SME housebuilders to take on small sites and disproportionate impact of planning delays on small sites and SMEs where borrowing costs may be higher.

**Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?**

Yes. Beauty is too subjective a term to be useful in this context and its inclusion risks causing delays in the planning process.

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**Question 60: Do you agree with proposed changes to policy for upwards extensions?**

Yes. Allowing people to increase the size of their homes helps meet growing demand for housing space, including from people who work from home or for families who are overcrowded. The policy could reinforce the expectations of Permitted Development rights through the Prior Approval route to encourage densification through roof top developments.

**Question 61: Do you have any other suggestions relating to the proposals in this chapter?**

No comment

## Chapter 7 – Building Infrastructure to Grow the Economy

**Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?**

No comment

**Question 63: Are there other sectors you think need particular support via these changes? What are they and why?**

No comment

**Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?**

No comment

**Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?**

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No comment

**Question 66: Do you have any other suggestions relating to the proposals in this chapter?**

No comment

## Chapter 8 – Delivering Community Needs

**Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?**

Yes. The wording should be revised to be clearer that this only relates to infrastructure and not housing.

Our local authority members report that concern about the inability to get a GP appointment is one of the biggest factors that causes people to oppose new housing. New housing, of course, has no overall impact on demand for GP appointments, but it is nevertheless essential that Government prioritises the delivery of essential services such as GP appointments if it is to reduce hostility to housebuilding and realise its housebuilding ambitions.

**Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?**

No comment

**Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?**

We support the principle of these changes, but are concerned that the mechanisms to deliver the ambition are unclear. There may be particular difficulties in two-tier authorities.

Paragraph 115 should define clearly what 'severe' means.

**Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?**

Promoting housing in locations that within walking or cycling distance from city centres can help promote healthy communities. Releasing greenbelt land for housing will often promote healthier communities than allowing development to 'leapfrog' over the greenbelt to locations that are not within walking or cycling distance of the city.

Increasing housebuilding rates and in particular the building of social rented homes will have a positive impact on reducing homelessness and overcrowding both of which have very negative consequences on health.

**Question 71: Do you have any other suggestions relating to the proposals in this chapter?**

No

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## 9 – Supporting Green Energy and the Environment

**Question 72: Do you agree that large onshore wind projects should be reintegrated into the s NSIP regime?**

No comment

**Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?**

No comment

**Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?**

No comment

**Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?**

No comment

**Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?**

No comment

**Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?**

No comment

**Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?**

Measures to reduce the impact of new housing on the climate are best handled by building regulations (such as the Future Homes Standard) rather than planning policy. The government should issue its response to the Future Homes Standard consultation, which closed in March this year, as soon as possible.

Mitigation would normally also be best handled by nationally set building standards (with some possible variations for parts of the country that are less at risk of very high summer temperatures). Having a standardised approach reduces the workload on local authorities in drawing up policies to accomplish the same aim, and creates a more consistent environment, which is helpful to housebuilders and manufacturers who build products for use across the country.

National planning policy could strengthen guidance around nature-based solutions for climate change adaptation in new developments, such as the inclusion of trees through guidance on design codes.

Promoting housing in locations that are close to train stations can reduce the impact of travel on climate change.

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The 2023 ministerial statement on whether local authorities should be going further than existing regulations in their planning policy has created ambiguity over what is and is not permitted, and this should be resolved.

See also answer to Q80 below on mitigation measures relating to flood risk.

**Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?**

This is an emerging area where some authorities feel much more confident than others. While there are strong national targets, the regulatory framework is still catching up in terms of mandating carbon assessments in planning decisions. This leads to uneven application across the country. Challenges include:

- Inconsistent quality of data across sectors, which affects the accuracy of carbon assessments.
- Carbon accounting for operational emissions which fails to recognise the complexities of climate change within broader social, economic and environmental systems.
- The lack of standardised methodologies for reporting which complicates efforts to compare and aggregate data across different projects and sectors
- A shortage of skills and resources around carbon accounting
- Poor integration into the planning system
- Too much deviation on a local planning level from national building regulations which makes it challenging to deliver housing at scale

**Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?**

Yes. It needs to be clarified that a flood sequential test (at least in respect of surface water and other kinds of non-fluvial flood risk) should not be required if a scheme's drainage and flood risk mitigation strategy effectively manages any flood risk. This should be addressed through amendments to the NPPG as soon as possible.

A standardised Sustainable Drainage Systems (SuDS) design such as ponds in all developments, with a specific focus on water storage to mitigate flood risks and prevent drought, should be considered. This would manage flood risks and also ensure reliability of water supply. This should extend to developments beyond just major developments.

**Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?**

No

**Question 82: Do you agree with removal of this text from the footnote?**

Yes

**Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?**

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Food productivity is not best dealt with via local planning policies. The Government should avoid adding further complexity to the planning system by adding on additional objectives that are better covered via other means.

Planning policy already promotes brownfield first where feasible. Most well-located land that is not in use for another purpose or used for food production is currently protected because of its value to nature. Further policy to protect food production would risk creating a more difficult environment for allocating sufficient land for housing or mean that that housing is built in locations that are less sustainable in other ways (such as being located in more isolated locations).

**Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?**

No comment

**Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?**

This is already being tackled by Ofwat and DEFRA. It would be best to have one framework for reducing water usage in new homes.

Local authorities should be given some modelled estimates for water supply over the coming years, based on rainfall projections and the government's plans for new reservoirs and other infrastructure. The government should ensure that water infrastructure is built in a timely manner so that it does not hold back the building of new homes in the south of England.

**Question 86: Do you have any other suggestions relating to the proposals in this chapter?**

No

## Chapter 10 – Changes to Local Plan Intervention Criteria

**Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?**

Interventions that build more homes are helpful. Removing the scope for homes to be rejected due to an upcoming election is positive. The successful implementation of the proposals will require adequate resourcing and enforcing.

**Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?**

No response

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## Chapter 11 – Changes to Planning Application Fees and Cost Recovery for Local Authorities

### **Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?**

We support planning fees being set at a level that covers the cost of the planning service. However, we are concerned that unless planning services are entirely self-financing it is very difficult to ensure that the increased fees are ringfenced for planning and not siphoned off to support other local services.

### **Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.**

This should be evidence-based against the costs of determining the applications.

### **If Yes, please explain in the text box what you consider an appropriate fee increase would be.**

This should be evidence-based against the costs of determining the applications.

### **Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?**

Don't know

### **If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.**

This should be evidence-based against the costs of determining the applications.

### **Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.**

Yes. The current fee is too low for the following types of application:

- Prior Approval for larger home extensions
- Planning Conditions Approval
- Tree Preservation Orders
- Conservation Area Consent
- Certificates of Lawful Use
- Advertising consents
- Section 73 applications
- Section 96a applications and prior approval and prior notification applications for permitted development

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- Cross-boundary applications, where the smaller authority ought to receive more of the fee.
- Applications to vary planning conditions

**Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.**

Listed Building Consent applications involve a lot of officer time and specialist input from a conservation officer. A fee would be appropriate given the staff skills required to deal with them, though this needs to be weighted against the fact that owners cannot opt out of being listed.

Environmental Impact Assessments screening or scoping do not currently charge a fee but also require resourcing.

**Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?**

**Please give your reasons in the text box below.**

No. There is a risk that some authorities who do not want to allow new housebuilding would set fees that deter applications. Applicants cannot choose which area to apply for planning permission in so the free market will not work here, meaning that fees need to be regulated.

Local authorities who find it is taking them more time to determine applications than in other areas should review why this is and see how to bring down their workload.

**Question 95: What would be your preferred model for localisation of planning fees?**

Neither

**Please give your reasons in the text box below.**

We do not support localisation, but if it occurs it should be with minimal discretion to vary from national rates. A simple London weighting would be more appropriate if the intention is just to reflect the higher pay of planners working in London.

**Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?**

Yes.

**If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?**

Planning fees are a relatively small component of the costs incurred by developers in preparing a planning application and the interest on loans taken out to buy land while they wait for planning permission to be determined. If increased fees can result in a faster service, this would reduce costs for housebuilders, overall. It is, however, vital that mechanisms are found to ensure that increased fees to lead to an increase in funding for planning departments. Fees should fall across all types of application.

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The use of PPAs should be encouraged particularly for larger applications where the applicant may well be willing to pay an additional fee in return for a guarantee of a faster service.

**Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?**

Planning fees should cover the costs of determining planning applications. This includes the wider costs of supporting the planning service, such as IT systems, as well as officer time. Strategic planning and local plan-making should be funded by local authorities, as this needs to happen anyway, is in the wider interests of the local community, and is not related to specific planning applications.

It seems reasonable in principle that planning fees cover the costs of consulting with statutory consultees who work within a local authority, but this creates additional challenges for ensuring that any increased fees create a faster service, especially in two tier authorities. It is less obvious that planning fees should cover the costs incurred by statutory consultees who work for another body (not the local authority) as the costs of their time are not borne by the local authority.

**Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?**

Yes

**Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.**

LPAs spend significant time on DCOs/NSIP applications and should be recompensed for this. This would help ensure that LPAs are appropriately funded. At present, engagement in development consent orders by LPA's can be time consuming and resource intensive with no statutory power to charge fees, leaving councils reliant on trying to negotiate PPAs which can be uncertain and slow things down.

**Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?**

If the fees are set nationally this is not necessary. If set locally, then there needs to be evidence provided that they are reasonable for the work that is legally required to determine the application, with monitoring and benchmarking between areas to help ensure they are reasonable.

**Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.**

No response

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**Question 102: Do you have any other suggestions relating to the proposals in this chapter?**

It is essential that higher fees result in a faster and more efficient planning service. We are particularly concerned about the delays that are currently being experienced with the new building safety gateways which relate to lack of local authority resourcing, skills and knowledge on this issue.

We appreciate the calls for “ringfencing” but have concerns around how practical this is, given that the LPAs are part of the wider local authority and that some of the work in determining planning applications (and even more of the work in adopting Local Plans) is undertaken by staff across the local authority in other departments. Monitoring, tighter deadlines and fees being reimbursed if they are missed would offer a more effective means to ensure that planning does deliver a better service for the higher fees.

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## Chapter 12 – The Future of Planning Policy and Plan Making

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**Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?**

No. We are concerned that the proposed transitional arrangements are under-ambitious and open to exploitation by local authorities who wish to avoid having to meet their new housing targets. The government will not be able to meet its target of 1.5 million new homes within the next five years unless land is being allocated in line with the new targets soon.

Local authorities do, however, need support to transition to the new arrangements, especially in locations where the new housing targets are significantly higher than the older ones. At present there is nothing in between the very slow Local-Plan making process and the presumption in favour of sustainable development, which gives councils very little control over where new housing goes.

**Question 104: Do you agree with the proposed transitional arrangements?**

See above

**Question 105: Do you have any other suggestions relating to the proposals in this chapter?**

There is a particularly acute shortage of housing in London, which has knock-on impacts across the greater south east. If the government wants to meet its housebuilding ambitions, an additional focus on increasing housing supply in or near to London is needed. This may merit London-specific policy that differs from that which is appropriate in the rest of the country, around density, high-rise, brownfield and greenbelt.

**Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted**

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**and how. Is there anything that could be done to mitigate any impact identified?**

The proposals outlined here would – if implemented in line with our suggestions – have the effect of increasing the construction of new homes, and of increasing the supply of affordable housing. This would benefit many groups with a protected characteristic including disabled people, women and most BME groups, who are on average disadvantaged in the housing market.

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