



Chartered
Institute of
Housing

What you need to know: an update on England's planning reform



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Background

The government has been signalling its intentions for a radical overhaul of the planning system for some time, and over the last year there has been a series of consultations and policy changes. This member briefing provides a quick round up of recent planning proposals and reforms.

Planning for the future (consultation August to October 2020)

[The White Paper](#) was published in summer 2020 and set out the government's proposals for a "once in a generation" overhaul of England's planning system "to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed". The White Paper presented three pillars for change:

- planning for development (including categorising all land into growth, renewal or protected),
- planning for beautiful and sustainable places (creating a fast track for beauty, and establishing a national model design code and local design guidance), and
- planning for infrastructure and connected places (including the end of Section 106 (s106) and the Community Infrastructure Levy (CIL), and the introduction of a new combined Infrastructure Levy).

CIH's consultation response can be found [here](#). Whilst we welcomed many of the aspirations in the White Paper, we raised concerns over the removal of s106 and the lack of modelling for the assurance of the same "if not more affordable housing". We also noted that barriers to housing delivery are not the result of a weakness of the planning system, and questioned how build out will be ensured in the new system. We raised concerns over the

removal of duty to cooperate and a centralised method for housing requirements. We suggested the proposals were not ambitious enough in tackling the climate emergency and suggested 'beauty' was a subjective term which overlooks other important elements of a well design home such as space, adaptability, accessibility.



Changes to the current planning system (consultation August to October 2020)

Published at the same time as the White Paper was a consultation on [changes to the current planning system](#). The proposals explained the intention to make the planning system more efficient now, before the introduction of a new system at a later time. Included were proposals on:

- changes to the standard method for assessing local housing need,
- securing First Homes through developer contributions, and

- temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing.

Our consultation response can be found [here](#). We questioned the proposals, abilities to 'level up' and voiced our concern that First Homes could displace other genuinely affordable housing. We also opposed lifting of the small sites thresholds and the loss of affordable homes that this would lead to.

Use Class E (September 2020)

A new Use Class E was introduced which amalgamated previous uses A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure).

Government announcement on changes to the standard method of assessing housing need (December 2020)

In [response](#) to consultation feedback on the proposed changes to the standard method, the government announced that it would not be proceeding with the changes set out in the consultation. Instead, the current standard method would be amended by adding a 35 per cent uplift to the post-cap number for London and other most populated urban centres.

Housing Delivery and Public Service Infrastructure (consultation December 2020 to January 2021)

The [consultation](#) proposed a new permitted development right (PDR) for the change of use from class E to residential. This would go much further than previous rights, proposing that all kinds of business premises in the new use class E, of any size and in any location would be able to be converted to residential use through PDR.

CIH's consultation response can be found [here](#). We suggested that this would impact directly on local planning authorities' abilities to 'plan' to meet their specific local needs and that land use planning would effectively be side stepped. We also suggested extension of PDR risks delivering more poor-quality, poorly located homes. Without developer contributions being secured there will be a loss of much needed affordable homes and homes will be created without the necessary infrastructure and facilities to support them.



Revisions to the National Planning Policy Framework and National Model Design Code (consultation January to March 2021)

In early 2021 consultation responses were sought on [revisions to the National Planning Policy Framework \(NPPF\) and National Model Design Code](#). The proposals related largely to text amendments in the NPPF in response to the [Building Better Building Beautiful Commission's work](#). There were also amendments to strengthen environmental and climate change policies including those relating to flooding. In addition, there were proposals for a significant tightening up around the use of Article 4 Directions, limiting them to the smallest geographical areas possible. Article 4 Directions are a tool for planning authorities to help them to manage and resist uses where they consider the blanket use of PDR would cause harm. The proposals significantly curtail their already limited use.

Views were also sought on the National Model Design Code and supporting guidance notes, the objective being to provide a toolkit and checklist of good design principles to be considered such as street character, building type and façade as well as environmental impact and wellbeing factors.

Our consultation response can be found [here](#). We welcomed the holistic design principles in the Design Code but argued that local authorities' use of Article 4 Directives should not be curtailed.

PDR changes announced (March 2021)

On 31st March the government announced a new PDR to allow conversion from Class E to residential use from the 1st August 2021. There are some new limitations which did not feature in the consultation version, including that the building must have been vacant for at least three months and must have been in Use Class E for two years before the application. There is also a space limit of 1,500sqm.

Small sites policy turn around (April 2021)

In [response](#) to the consultation feedback on 'changes to the current planning system' the government announced that they would not be changing the small sites policy threshold to increase the number of market dwellings in a scheme that trigger a requirement for affordable homes. CIH had argued that this would have a significant impact for rural areas in particular, so welcomed this step. However, a less positive measure was the commitment to amend the entry-level exception site policy to become a new First Homes exception site policy, allowing only a small proportion of market homes and/or other forms of affordable housing to support viability. It was also confirmed that 25 per cent of s106 units should be delivered as First Homes.

HCLG select committee inquiry into expansion of PDR (March - April 2021)

In March HCLG launched an inquiry to consider the government's approach to PDR. The inquiry sought to examine the impact that an expansion of the PDR system has had, and will continue to have, on the planning system and targets for new homes and economic growth. The inquiry also set out to reflect on the impact at a local level, including the ability of local authorities to plan development holistically, developer contributions and the provision of services to meet changing local needs.

We have submitted evidence to the inquiry which we will publish once the inquiry has taken place. We maintained that the current expansion of PDR is an inappropriate application of PDR with impacts on housing quality and design; residents' health and wellbeing; the provision of sufficient physical and social infrastructure; housing delivery of all tenures; the future of our high streets; democratic engagement; and local authorities' abilities to 'plan' to meet the needs of their communities. A link to a blog on this can be found [here](#).



CIH's view

Many of the proposals and changes over the last year have the explicit aim of increasing housing delivery numbers. Whilst we absolutely do need more homes, successfully tackling our housing crisis is not only about numbers; it is also about delivering the right homes in the right places as part of communities in which residents want to live and can afford. Whilst the government seems to be in "listening mode" with a change of direction on several elements (particularly the decision not to increase the small site threshold which we very much welcome), we urge them to place the provision of affordable homes of all tenures front and centre of policy. We have a particularly pressing need for social rented homes. Whilst the ending of s106 and proposed new levy is promised to provide the same or more affordable homes, there is no modelling to support this, which is gravely concerning.

Whilst there are many admirable ambitions and commitments which have been outlined over the last year such as more meaningful engagement and a more transparent and secure planning application process, there is also much which is missing. The focus on

'beauty' overlooks many of the elements which are so important to how we experience the place we call home including space standards, adaptability and accessibility. It also seems entirely at odds with the extension and expansion of PDR. The continued trajectory of deregulation in this area has potentially very negative and long-lasting consequences.

Useful resources

[Housing Made for Everyone \(HoME\)](#)

TCPA's [Healthy Homes Act](#) and [principles](#)

[CIH blog on the focus on beauty](#)

[CIH blog on PDR](#)

[CIH blog on planning reform](#)

[WYNTK about changes to the current planning system](#)

