



NEWS

## Housing planning news, August 2018

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### Headline news

#### Revised National Planning Policy Framework and updated Planning Practice Guidance published

Shortly before recess the Government published the revised National Planning Policy Framework (NPPF).

The Communities Secretary announced the publication of the NPPF in a written statement to Parliament, saying:

‘The new framework is fundamental to strengthening communities and to delivering the homes communities need. It sets out a comprehensive approach to ensuring the right homes are built in the right places and of the right quality, at the same time as protecting our precious natural

environment'.

The Communities Secretary went on to emphasise that 'progress must not be at the expense of quality or design', and referred to the visual tools and design guides and codes that are promoted by the NPPF.

Updates to Planning Practice Guidance regarding viability and housing and economic development needs assessments were published on 24 July, with several more updates to follow – notably regarding town centres and heritage assets.

However, the only new guidance in the update on housing and economic development needs assessments is a guide to calculating local housing need using the standard method. The rest of the update is the deletion of the previous guidance, with notes regarding the transitional arrangements for plan making, and confirmation that the new guidance does not constitute the full guidance, which will be added in due course. The guidance also refers to a potential consultation on a revised methodology once the household projection figures are released in September, suggesting that the complete new guidance may not follow until after that time.

Lichfields has produced a blog highlighting 11 key changes made to the NPPF following consultation (see link below).

[HM Government, Revised National Planning Policy Framework Collection \(including PPG updates\), 24 July 2018](#)

[Lichfields, Revised NPPF: a new beginning at the end of a long and winding road?, 25 July 2018](#)

[Parliamentary Hansard, written statement regarding housing, 24 July 2018](#)

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## Quote of the month



**We are committed to a vibrant housing market with tenures of all types, and for all types of people. In particular, we have emphasised that housing for social rent should be an area of growth. As was stated in an earlier answer, we are targeting a further 12,500 social rent housing for provision in the next few years, but if the hon. Gentleman has any ideas about where, when and who I need to push, prod or harass in order to build more, I will be more than happy to do that.**

Housing Minister Kit Malthouse MP, during a Parliamentary debate on new homes, 23 July 2018

[Parliamentary Hansard, Debate on new homes, 23 July 2018](#)

## **National Green Belt policy – visual impact on openness should be considered**

A new High Court judgment, *Euro Garages Limited v Secretary of State for Communities and Local Government*, cites two other familiar Green Belt ‘openness cases’, those of *Turner v Secretary of State for Communities and Local Government* and *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council*.

The Judge in *Euro Garages* drew all the arguments together from these previous cases and the one before him, commenting on the National Planning Policy Framework Green Belt policy in para. 89 as follows (para. 31 of the judgment):

‘Pulling these points together, the policy requires the decision maker to consider and make an assessment, under bullet point [6], of whether the openness of the Green Belt is impacted or harmed by the proposals to a greater extent than that openness has already been impacted. That is an open-textured assessment and there is no check list to be gone through but, where openness of the Green Belt is in issue, visual impact, as well as spatial impact, requires consideration, subject to a margin of appreciation.’

He went on to conclude before quashing the Inspector’s decision (para. 42):

‘In my judgment, therefore, what the Inspector in fact did was treat any change as having a greater impact on the openness of the Green Belt, rather than considering the impact or harm, if any, wrought by the change. Although the Inspector appeared to set out the right test, she then either went wrong in her interpretation of the policy or failed to apply the policy.’

[Euro Garages Limited v Secretary of State for Communities and Local Government](#)

[Turner v Secretary of State for Communities and Local Government](#)

[Samuel Smith Old Brewery \(Tadcaster\) v North Yorkshire County Council](#)

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## **A new housing minister, and a roundup of planning speeches and debates**

Kit Malthouse MP was appointed Housing Minister on 9 July following Dominic Raab’s promotion.

Speeches given by the new Housing Minister and the fairly new Communities Secretary in the last month often referenced the recurrent themes of home ownership, protecting the Green Belt and good design, in the context of the-then anticipated revisions to the NPPF.

In a variation to this, in a speech at the Policy Exchange, the Communities Secretary discussed build-out rates and the reform of developer contributions, amongst other things.

Remarking on build-out rates and the interim report of the Letwin Review, the Communities Secretary said that he wanted developers to work with the Government as partners to “help build the homes we need” and in doing so

deliver on their commitments to communities. Here the Communities Secretary conflated his concerns about build-out rates with his concerns about developer contributions. The Communities Secretary considered that there are “too many instances of developers wriggling out of these commitments – particularly on providing affordable housing and essential infrastructure”, but did not give the basis for his view.

He went on to say that communities feel let down, and are less likely to welcome new development when the system is ‘stacked against them’. Accordingly, the reform of developer contributions would call for much greater transparency and hold developers to account. He then returned to build-out rates:

‘In future we will require more information from developers on the timing and pace of delivery of new housing – and we’re currently looking at measures that will make this reporting a compulsory requirement.’

Indeed, in response to a written question by Shadow Housing Secretary John Healey, the Communities Secretary confirmed that MHCLG had run a competitive tender to procure data on planning applications and development pipeline:

‘Large sites are often complex in nature and as such the Department is currently working with the supplier to establish a robust methodology to consistently provide build-out information. This is currently being scoped and due to the complexity involved it is not possible to provide a definitive date for completion’.

Related to build-out rates was a Parliamentary debate on the five year housing supply (although the motion lapsed without the question being put). Several MPs expressed concern that despite planning permissions being granted for a significant number of dwellings, in some cases (they claimed) equal to or excess to their five year housing requirement, parts of their constituencies did not have a five year housing land supply, and therefore ‘speculative’ planning permissions were being granted. James Carlidge MP who secured the debate said:

‘What would happen if we said tomorrow, “Councils will now be measured purely on the number of permissions they grant rather than on the build-out rate”? The answer is simple: builders would have to build-out the sites for which they had been granted permission—hey presto! That is surely how the system should work’.

In response to a written answer, and on 24 July, Lord Bourne advised:

‘On 30 June 2018, there were 748,000 homes with full planning permission, of which 431,000 were on projects which had started on site, and 317,000 had yet to start on site. Of these 748,000 homes, 86 per cent are on sites of 50 or more dwellings’.

[HM Government, Policy Exchange Speech by the Communities Secretary](#)

[Parliamentary Hansard, Five-year Land Supply, 4 July 2018](#)

[Parliament, Construction: Written question - HL9381](#)

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## The Lichfields perspective



The publication of the NPPF is an important step forward. Now we await planning practice guidance updates, notably on housing and economic development needs. This category of guidance has been only temporarily updated – perhaps pending the outcome of the anticipated consultation on changes to the standard methodology calculation, which would commence after the household projections are published in September.

Rachel Clements, Senior Planner

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