



HOUSE OF COMMONS

To: Coalition MPs

10 March 2014

Dear Colleague,

LOCAL PLANNING

DCLG has published the final version of our consolidated planning practice guidance and also our response to a consultation on making it easier to change the use of redundant and under-used buildings. The former may be of particular interest to colleagues whose councils are currently working up their new Local Plan to shape where development should and shouldn't go.

The Coalition Government is committed to reforming the planning system to make it simpler, clearer and easier for people to use. We are also committed both to ensuring that countryside and environmental protections continue to be safeguarded, and to devolving power down not just to local councils, but also down to neighbourhoods and local residents.

An accessible planning system

Planning should not be the exclusive preserve of lawyers, developers or town hall officials. This Government inherited over 7,000 pages of complex, overlapping and repetitive planning practice guidance. This is in addition to planning policy contained within the consolidated National Planning Policy Framework. A streamlined version of the practice guidance can now be found online in one place at: <http://planningguidance.planningportal.gov.uk>

We have carefully listened to representations from colleagues in recent Parliamentary debates. In particular, to help councils with their Local Plans, we are:

- Issuing robust guidance on flood risk, making it crystal clear that councils need to consider the strict tests set out in national policy, and where these are not met, new development on flood risk sites should not be allowed.
http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/planning-and-flood-risk/#paragraph_001
- Re-affirming the importance of Green Belt protection and ensuring its robust safeguards are not undermined when assessing unmet housing need.
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/stage-5-final-evidence-base/#paragraph_034
- Stressing the importance of bringing brownfield land into use.
http://planningguidance.planningportal.gov.uk/blog/guidance/viability-guidance/viability-and-plan-making/#paragraph_025
- Making clear that Local Plans can pass the test of soundness where authorities have not been able to identify land for growth in years 11-15 of their Local Plan, which often can be the most challenging part for a local authority.
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/stage-4-assessment-review/#paragraph_027
- Noting that windfalls can be counted over the whole Local Plan period.
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/stage-3-determining-the-housing-potential-of-windfall-sites-where-justified/#paragraph_24

- Explaining how student housing, housing for older people and the re-use of empty homes can be included when assessing housing need.
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/stage-5-final-evidence-base/#paragraph_037 and
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/stage-5-final-evidence-base/#paragraph_038 and
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/stage-5-final-evidence-base/#paragraph_039
- Ensuring that infrastructure is provided to support new development, and noting how infrastructure constraints should be considered when assessing suitability of sites.
http://planningguidance.planningportal.gov.uk/blog/guidance/local-plans/preparing-a-local-plan/#paragraph_018 and
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/methodology-stage-2-sitebroad-location-assessment/#paragraph_022
- Noting that councils should also be able to consider the delivery record (or lack of) of developers or landowners, including a history of unimplemented permissions. This will also serve to encourage developers to deliver on their planning permissions.
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/methodology-stage-2-sitebroad-location-assessment/#paragraph_020
- Incorporating the guidance on wind / renewable energy (including heritage and amenity) published during last summer and also making it clearer in relation to solar farms, that visual impact is a particular factor for consideration.
http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/#paragraph_010
- Allowing past over-supply of housing to be taken into account when assessing housing needs.
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/stage-5-final-evidence-base/#paragraph_036
- On the five year supply of sites, confirming that assessments are not automatically outdated by new household projections.
http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-development-needs-assessments/methodology-assessing-housing-need/#paragraph_016
- Clarifying when councils can consider refusing permission on the grounds of prematurity in relation to draft plans.
http://planningguidance.planningportal.gov.uk/blog/guidance/determining-a-planning-application/how-must-decisions-on-applications-for-planning-permission-be-made/#paragraph_014 and http://planningguidance.planningportal.gov.uk/blog/guidance/local-plans/preparing-a-local-plan/#paragraph_019
- Encouraging joint working between local authorities, but clarifying that the duty to co-operate is not a duty to accept. We have rejected the Labour Party proposals to allow councils to undermine Green Belt protection and dump development on their neighbours' doorstep.
http://planningguidance.planningportal.gov.uk/blog/guidance/duty-to-cooperate/what-is-the-duty-to-cooperate-and-what-does-it-require/#paragraph_001 and
http://planningguidance.planningportal.gov.uk/blog/guidance/duty-to-cooperate/what-is-the-duty-to-cooperate-and-what-does-it-require/#paragraph_021

Encouraging re-use of empty and under-used buildings

In August 2013, DCLG published a consultation paper on a further set of greater flexibilities for change of use. These reforms will save time and money for applicants and councils, encourage the re-use of empty and under-used buildings, and support brownfield regeneration. The reforms include:

- Allowing for **retail to residential** change of use, outside key shopping areas like the town centre and main high street. We recognise the importance of retaining adequate provision of services that are essential to the local community such as post offices, so measures will allow for the protection of such local services.
- Increasing access to **retail banking** and to encourage new entrants in the retail banking market, by allowing shops to change to banks, building societies, credit unions and friendly societies. This does not cover betting shops or payday loan shops.
- Providing new homes in rural areas by a **limited agricultural to residential** change of use. These reforms will make better use of redundant or under-used agricultural buildings, increasing rural housing without building on the countryside. We recognise the importance to the public of safeguarding environmentally protected areas, so this change of use will not apply in protected areas such as National Parks or Areas of Outstanding Natural Beauty.
- **Extending access to education and childcare:** extending the existing permitted development rights for change of use to state-funded schools to cover new registered nurseries. Agricultural buildings up to 500 square metres will also be able to change to state-funded schools and registered nurseries.

I believe that these are a practical and reasonable set of changes that will help facilitate locally-led development, encourage brownfield regeneration and promote badly-needed new housing at no cost to the taxpayer. The reforms complement both the Coalition Government's decentralisation agenda and our long-term economic plan.

Yours truly,



Nick Boles MP
Minister for Planning