

Four key changes to Planning Practice Guidance

1. New guidance on the housing needs of different groups ‘could require councils to consider further evidence on need’.

The updated PPG includes a new section on the housing needs of different groups, designed to work alongside the operation of the government’s standard method for determining overall housing need. The guidance points planners to data sources evidencing local need for affordable housing, rented housing, student housing, self-build and custom-build housing and homes in rural areas. The additional advice acknowledges that the calculated need produced by assessment of this type of evidence "may well exceed, or be proportionally high in relation to, the overall housing need figure calculated using the standard method". In that light, it says, policy-making bodies will need to consider whether the evidence suggests that a higher level of need ought to be considered than that derived from the standard method. Rob Krzyzowski, head of planning policy at Haringey Council and vice-chair of the Royal Town Planning Institute’s England policy panel, said the effect of the guidance could be to reintroduce strategic housing market assessments (SHMAs) by the back door. "This guidance seems to confirm that planning authorities will still require SHMA-type evidence to address the different types of need. The key difference is that this new evidence will somehow need to be retrofitted to the standard methodology calculation, which could be tricky," he warned.

2. The updated guidance aims to minimise the use of planning conditions.

The revised PPG on the use of planning conditions contains several small amendments which, according to Grant Leggett, London head at consultancy Boyer, largely serve to reinforce the centrality of the existing "six tests" that all conditions must meet under the National Planning Policy Framework. These state that conditions must be necessary, relevant to planning, relevant to the specific development, enforceable, precise, and reasonable. Leggett said: "It certainly serves to minimise as much as possible the number of conditions. It’s recognition that discharging these things takes an eternity." However, the updated PPG also contains a new section on the use of deemed discharge notices under article 28 of the Development Management Procedure Order 2015, which allow applicants to require the planning authorities to discharge conditions. Leggett predicted that the procedure would remain ineffective. "It’s a blind alley," he said. "Every time I’ve seen a notice served, the local authority just declines the condition and you end up at appeal anyway." Leggett also suggested that the guidance potentially makes it easier for authorities to use conditions to block the creation of permitted development rights, such as for building extensions, in new developments. Where previously guidance said authorities should only do this in exceptional circumstances, now it merely says that such conditions "may not pass the test of reasonableness or necessity".

3. New advice on estate regeneration, schools and terrorism says councils should involve local communities in policy preparation.

The previous PPG section on health and wellbeing has been doubled in length and relabelled "healthy and safe communities". It includes six new paragraphs covering estate regeneration, planning for school places and ways to tackle crime and terrorism through planning. Krzyzowski said the guidance on estate regeneration is "interesting" as it "explicitly talks about how planning can support estate regeneration for sustainable, inclusive and balanced communities" for the first time. The guidance says that it is "particularly important" that authorities involve local communities in the production of policies and that local plans should set a "strategic vision and framework" to inform development. On schools, the guidance says plans should "allocate sufficient suitable land for schools to meet the need anticipated over the plan period, taking into account needs that may cross local authority boundaries". On terrorism, it states that planning authorities "should consider appropriate security measures in the design of buildings and spaces" for "all" places that will generate large crowds.

4. New guidance on planning enforcement and post-permission matters seeks to encourage councils to use build-out powers.

This section of PPG contains 16 new paragraphs, all related to options for enforcement actions available to councils where developers are not building out sites as expected. These set out how councils can go about deploying completion and discontinuance notices and revoke planning permissions. The guidance follows promises in the 2017 Housing White Paper to give councils tools to ensure faster build-out of permissions. But David Hall, associate director at Boyer, said the advice does little more than summarise existing powers. "It's really just refreshing authorities' memories on powers they have had for some time. You would need something with a bit more kick to impact upon build-out rates. This doesn't seem to go beyond what's already there."