

Planning Legal Update

December 2015

Consultation on proposed changes to the NPPF

Earlier this month the Department for Communities and Local Government (DCLG) opened a consultation on its proposals to amend the National Planning Policy Framework (NPPF) in line with the reforms contained in the Housing and Planning Bill 2015. The consultation period closes on 22 February 2016.

Below we discuss the key proposals included in the consultation:

Affordable Housing

The consultation proposes broadening the definition of affordable housing to include a fuller range of products giving buyers a wider choice of low cost housing options. The new products would not need to be affordable in perpetuity, or subject to a recycled subsidy requirement. The consultation suggests that these products could include "discount market sales or innovative rent to buy housing".

Supporting new settlements

The consultation proposes that local planning authorities that fail to deliver the homes set out in their local plans could be required to identify 'additional sustainable sites', which could include new settlements.

Presumption in favour of brownfield sites

The consultation proposes amending the NPPF to encourage the effective use of land by reusing brownfield sites creating a "presumption" in favour of brownfield land. Housing proposals on brownfield sites should be supported, unless there are overriding conflicts with the local plan or NPPF that cannot be mitigated. The proposed amendment reinforces the purpose of the Housing and Planning Bill 2015 which proposes to require local planning authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing.

Starter Homes

The consultation proposes to strengthen the presumption in favour of Starter Home developments widening the scope of the current exception site policy to incorporate other forms of unviable or underused brownfield land such as "land which was previously in use for retail, leisure and non-residential institutional uses (e.g. former health and educational sites)".