

Planning Legal Update

April 2016

Budget 2016 Planning Reforms

Introduction

On 16 March the Chancellor George Osborne delivered the Government's 2016 Budget. We discuss below the key planning reforms announced in the Budget.

Local plans

The expert panel set up by the Government to consider how to simplify the making of local plans (Local Plans Expert Group) published its Report to the Communities Secretary and to the Minister of Housing and Planning alongside the Budget.

Some of the recommendations in the Report include additional consequences for local authorities that have failed to produce a local plan by early 2017. The Government has also stated that it will consider reducing the weight that can be attributed to outdated plans in decision-making.

The Government is also considering moving to a more zonal and 'red line' planning system where local authorities use their local plans to signal their development strategy at an early stage and maximise use of "permission in principle" giving developers more certainty from the outset and to cut down as far as possible the stages in obtaining planning permission.

Use of planning conditions

In response to the Government's concern that delays by local planning authorities in discharging certain types of planning conditions were slowing down the commencement of developments, a deemed discharge of pre-commencement planning conditions was introduced in April last year under the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, the Government's concern remains and therefore it intends to legislate to ensure that pre-commencement planning conditions can only be used with the agreement of the developer and to review the process of deemed discharge for conditions to ensure it is effective and its use maximised.

Deadline for Secretary of State decisions

The Government will set a new statutory three month deadline for the Secretary of State to make its decisions on called-in applications and recovered planning appeals to stop delays on decisions on infrastructure, housing and regeneration projects.

Increasing housing land supply

The Government will release more public sector land for housing and has stated that local authorities are working with the Government to release land for 160,000 homes. The Homes and Communities Agency will work with Network Rail and local authorities to provide land around stations for housing, commercial development and regeneration.

Compulsory purchase reform

Last year the Government consulted on reforms to the compulsory purchase process and this resulted in the publishing of updated guidance on compulsory purchase in October. In the Budget the Government has confirmed that it will consult on a second tranche of compulsory purchase reforms to continue to improve the process including making it quicker and clearer.

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Building up!

The Government has previously indicated an intention to provide developers with greater freedom to build upward extensions for housing in London in its consultation paper entitled Consultation on Upward Extensions in London which was published in February. This consultation seeks views on proposals to increase housing supply in London by allowing a number of additional storeys to be built up to the roofline of an adjoining building through permitted development rights, local development orders or development plan policies. The purpose of this measure is to increase densities on brownfield land and reduce the need to build-out. In the Budget the Government has said that it will consult with city regions on extending similar powers to them.

Building more garden cities, towns and villages

The Government has announced its intention to support the construction of new garden cities, towns and villages across the country to deliver 100,000 homes. Apart from the compulsory purchase reforms already discussed, the Government will also legislate to improve the process for delivering new settlements and introduce planning and financial incentives as well as providing technical support to areas that want to establish these settlements. The Government will legislate to update the New Towns Act 1981 to ensure that there is a 'fit for purpose' vehicle for the delivery of new garden towns and villages.