

Changes to the current planning system

This note provides an overview of the changes to the planning system due to be implemented from 1 September 2020 and current consultations on further changes.

Changes to the Use Classes Order

Changes to the Town and Country Planning (Use Classes) Order come into place from 1 September 2020, aimed at supporting the high street by allowing vacant commercial properties to be quickly re-used.

Among the changes, is a new Use Class E which encapsulates the former Class A1 (shops), A2 (Financial & Professional Services), A3 (Food & Drink), B1 (Business), D1 (Medical or health services, creches, day nurseries and centres) and D2 (indoor sport, recreation or fitness, gyms) such that movement between these uses will no longer require planning permission.

Pubs, drinking establishments, hot food takeaways, cinemas and music halls/venues will now be *sui generis* and therefore require planning permission for change of use. There is also a new local community use – F2 class – for shops selling essential goods at least 1km from another similar shop, to ensure important community facilities are protected.

Other use class changes are proposed and are detailed in the following link:-

<https://www.legislation.gov.uk/uksi/2020/757/made>

Changes to Permitted Development Rights

From 31 August 2020, a series of new Permitted Development Rights (PDR) will be introduced that allows for the construction of up to two additional storeys of residential accommodation (or one storey if the existing premises only has one storey), subject to the prior approval of specified matters and certain limitations, including restrictions on height and a requirement that it relates only to buildings having been constructed between 1 July 1948 and 28 October 2018.

Other PDR changes include the demolition of offices, research and development or industrial processes or purpose-built flats and replacement by a detached block of flats. Again, this is subject to a prior approval application and is subject to certain limitations. Further details are available from this link:-

<https://www.legislation.gov.uk/uksi/2020/755/contents/made>

Consultation on changes to planning policy and regulations

This consultation which runs to 1 October 2020 sets out proposals for measures to improve the effectiveness of the current planning system. The 4 main proposals are:

1. changes to the standard method for assessing local housing need

The consultation proposes a new approach based on a number of principles for reform. These include ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where they are least affordable.

Lichfields <https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/> have analysed the methodology for all authorities in England. Under this revised method the housing requirement for Epping Forest District would be 868 compared to 953 under the current standard methodology. This compares to 518 which is the housing requirement in the emerging local plan.

2. securing of First Homes through developer contributions in the short term until the transition to a new system

The introduction of a First Homes exception sites policy, to replace the existing entry-level exception sites policy. Exception sites are small sites brought forward outside the local plan to deliver affordable housing. Under the amended policy, national policy will specify that the affordable homes delivered should be First Homes for local, first-time buyers.

3. supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing

To support SMEs in the medium term during economic recovery from Covid-19, we are also proposing to reduce the burden of contributions on SMEs for more sites for a time-limited period. The consultation is seeking views on raising the small sites threshold to up to either 40 or 50 new homes through changes to national planning policy. These thresholds balance the aim of supporting SMEs with the need to deliver new affordable homes. This will be for an initial period of 18 months in which we will monitor the impact of the raised threshold on the sector before reviewing the approach.

4. extending the current Permission in Principle to major development

The Government wants to make it easier for landowners and developers to have certainty that the principle of development for housing only needs to be established once in the process before developers need to get into more costly, technical matters. The consultation document is seeking views on extending the scope of the current Permission in Principle by application route to major development (not subject to EIA or habitats assessments);

The intention is that this will enable applications for Permission in Principle to be made for a far wider range of sites, enabling more landowners and developers to use this route to secure permission for housing development. Currently, 84% of planning applications for residential development are for schemes of 10-150 homes, which deliver 46% of new housing development each year.

The consultation document can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907215/200805_Changes_to_the_current_planning_system_FINAL_version.pdf

Following the consultation, a decision will be taken on whether to proceed with this approach. If it is taken forward, this could be through the introduction of a Written Ministerial Statement in the Autumn.

Consultation on proposals for reform of the planning system in England

The Planning for the future consultation is running alongside the above consultation – see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf This proposes reforms of the planning system to streamline and modernise the planning process including new provisions for plan making, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed. The consultation closes on 29 October 2020. A report will be brought to October Cabinet with the proposed response from the Council to the consultation.