

## Planning Legislation Update May 2019

### NPPF

The main changes from last year's meeting is the revised NPPF (National Planning Policy Framework).

In fact two separate changes have been issued.

In July 2018 the NPPF was amended to provide revised guidance – threshold on affordable housing clarified as 10 or more dwellings, with 10% minimum level of affordable housing. Principle changes to be aware of are the change to how housing need is to be assessed, the definitions of affordable housing and deliverability, and the requirement that viability assessments are made public (recent changes to PPG clarify what should be included in a viability assessment)

In March 2019 minor changes were made to tie in with revision to CIL and section 106 agreements, plan making, and the need for appropriate assessment for habitats sites. It allows Local Plans to set higher standards for energy efficiency in new development (up to Level 4 of Code for Sustainable Homes for housing).

### Other proposals

The Government are surveying the impact of the 20% increase in planning fees to check if this has led to improvements in service delivery

Proposed changes come from;

Letwin Review of build out rates for housing – intending to issue guidance on housing diversification for large sites, and consider if primary legislation needs amendment.

Roswell Report on Planning Inspectorate is leading to changes in appeal procedures to shorten process and reduce burden (particularly regarding inquiries).

Timson Report on challenges facing the High Street

Following the consultation on “Planning Reform: Supporting the high street and increasing the delivery of new homes” the following measures are set out in the

2019 amendments to the General Permitted Development Order –

- Householder Prior Approval process for rear extensions made permanent with removal of 30 May 2019 deadline.
- Increases permitted height of electric charging points to 2.3m (NB 1.6m height restriction for electric points within curtilage of dwellinghouses or blocks of flats retained)
- New Prior Approval Class JA allows change from A1, A2 or A5, or betting shop, payday loan shop or launderette to B1(a) office use. Can consider highway impact, impact of loss of service, and noise impact on future occupants

- Prior Approval under Class M (retail and other sui generis uses to a dwellinghouse) extended to include change from A5 (takeaways) to a dwellinghouse
- Clarification that Class Q (agricultural buildings to dwellinghouses) does not allow a dwellinghouse of over 465 sq m
- Temporary flexible use under Class D of Part 4 extended from 2 to 3 years and adds flexible use for some D1 uses (but not all)
- PD right to erect telephone boxes removed (as right was being used to secure advertising space in London !)
  
- The prior approval for changes from B8 storage to residential will not be extended

The response to the consultation indicates that the Government will not be amalgamating the A use classes, but will look at a revised definition of A1 retail to clarify when ancillary uses are acceptable. The proposals to introduce a prior approval for upward extensions to provide new housing, and to allow commercial buildings to be demolished and replaced with houses as permitted development are still proposed to be taken forward but it is recognised these proposals will require detailed and careful drafting, and further consideration in the light of a report commissioned to look at the quality of housing being delivered under the prior approval processes.

An Accelerated Planning Green Paper is promised later in year to discuss “how greater capacity and capability, performance management and procedural improvements can accelerate the end-to-end planning process.”