

Debate Pack

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Planning policy

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1 Background

A Westminster Hall debate on planning policy has been scheduled for 3.00pm on Thursday 26 January 2023. The subject for the debate was selected by the Backbench Business Committee, and the debate will be opened by Mr Bob Seely MP.

In his representation to the [Backbench Business Committee on 5 July 2022](#) (PDF), Bob Seely said he would discuss the following topics:

- The Levelling Up and Regeneration Bill
- The use of homes as holiday lets and the repurposing of primary residences for the Airbnb market
- Housing targets
- Incentivising brownfield over greenfield development
- Protecting designated areas, such as Sites of Special Scientific Interest (SSSIs) and Areas of Outstanding Natural Beauty (AONBs)
- Enforcement of planning policy¹

Further information on current planning policy in these areas and proposed changes is set out below. This briefing applies only to England as planning is a devolved matter.

2 Current planning policy

2.1 Assessing and meeting local housing need

The Government's [National Planning Policy Framework \(NPPF\)](#) provides a framework against which local plans are drawn up and planning applications are decided. The Commons Library briefing [What next for planning in England?](#) examines the changes that were made to the NPPF in 2019.

Local planning authorities are expected to follow a “standard method” to assess local housing need. In their local plan, they should include policies to meet that need and identify sites that are suitable for development. Local planning authorities should maintain a supply of specific deliverable sites

¹ Backbench Business Committee, [Representations: Backbench Debates](#) (PDF), 5 July 2022, Q19

sufficient to provide five years' worth of housing.² The following Commons Library briefings and Government webpages provide further information:

- A Commons Library briefing on [calculating housing need in the planning system](#) explains the method used to assess housing need in planning. Another briefing on [tackling the under-supply of housing in England](#) covers the role of the planning system in meeting housing need.
- Government guidance provides further information on how [local housing need is calculated](#) using the standard method, how local authorities should [identify sites for development](#), and how they can [demonstrate a five-year housing supply](#).

2.2 Enforcement of planning policy

Failure to obtain with planning permission where it is required is considered a “planning breach” that can result in enforcement action.³ The Commons Library briefing [Planning enforcement in England](#) examines the powers that local authorities have at their disposal to deal with planning breaches.

For example, a local planning authority can issue an enforcement notice, requiring a developer to take certain steps to remedy a planning breach. If a developer fails to comply with the notice, a local authority can carry out the works itself and to recover the costs from the developer.⁴

2.3 Incentivising brownfield development and protecting designated areas

The NPPF says that planning policies and decisions should promote the “effective use of land”, making “as much use as possible of previously-developed or ‘brownfield’ land”.⁵

Local planning authorities are instructed to give “great weight” to conserving and enhancing designated areas, such as AONBs. Development in these areas should be limited, and major development should only occur in “exceptional circumstances” where it is in the public interest.⁶

² MHCLG (now DLUHC), [National Planning Policy Framework \(NPPF\)](#), last updated July 2021, chapter 5

³ [Section 171A of the Town and Country Planning Act 1990](#)

⁴ [Section 172 of the Town and Country Planning Act 1990](#)

⁵ MHCLG, [National Planning Policy Framework \(NPPF\)](#), last updated July 2021, paragraph 119

⁶ As above, paragraphs 176-177

Local planning authorities should also “normally” refuse development “on land within or outside a Site of Special Scientific Interest”. The only exception is where the benefits “clearly” outweigh the impact on the SSSI.⁷

Furthermore, the NPPF says that Green Belt boundaries should be changed only in “exceptional circumstances” and development on the Green Belt should be approved only in “very special circumstances”.⁸ A Commons Library briefing provides further information on the [protection of Green Belt land](#).

2.4 Use of homes as holiday lets

A Commons Library briefing on [the growth in short-term lettings \(England\)](#) examines the growth in short-term lettings and calls for greater regulation of the sector. Section 2 covers planning policy, including whether (and when) using a property as a holiday let might constitute a material change of use and requires planning permission. A Commons Library constituency casework note discusses whether [access to housing can be restricted to local people](#).

The Government consulted on the “[benefits and challenges presented by the rise in short-term and holiday lettings](#)” between June and September 2022.⁹ The Government has not yet responded to the consultation but said it would use the findings from the consultation to develop policy options (see below).

3 Proposed changes to planning policy

3.1 Levelling Up and Regeneration Bill

The [Levelling Up and Regeneration Bill](#), which has completed its Commons stages and is now at Committee Stage in the House of Lords, would make a number of changes to the planning system. Among other things, it would:

- introduce National Development Management Policies (NDMPs) which would, alongside local plans, determine decisions on planning applications. Any conflict between a local plan and an NDMP would have to be resolved in favour of the NDMP.¹⁰
- introduce a new Infrastructure Levy (IL) to replace the current system of developer contributions. IL rates would be locally set, and different rates could be charged within an area. IL receipts would go towards funding

⁷ As above, paragraph 180

⁸ MHCLG, [National Planning Policy Framework \(NPPF\)](#), last updated July 2021, paragraph 140 and 147

⁹ DCMS, [Developing a tourist accommodation registration scheme in England](#), June 2022

¹⁰ Clauses 86-87 of the [Levelling Up and Regeneration Bill 2022-23](#) [as brought from the Commons]

the local infrastructure – affordable housing, schools, GP surgeries, and roads – that development creates the need for.¹¹

- extend the time limit for enforcement action against unauthorised development from its current four to ten years.¹²
- introduce, through regulations, a registration scheme for short-term rental properties. The Government said it would consult on going further to classify the [use of a property as a short-term let](#) as a change of use.¹³
- strengthen powers to tackle land banking and slow build-out, that is, failure to start and/or finish developments for which developers have permission. For example, developers of certain residential estates would be required to provide annual progress reports to the local authority.¹⁴

A Commons Library briefing provides further information on the [clauses in the Bill](#). A Lords Library briefing provides information on the [clauses that were added to the Bill](#) during its passage through the Commons.

3.2

Changes to national planning policy

Alongside the proposals in the Bill, the Government said it would make further changes to planning policy. On 6 December 2022, the Secretary of State for Levelling Up, Housing and Communities set out the [proposed changes in a written statement](#), and the Government published a [consultation on the revised NPPF](#) on 22 December 2022.¹⁵ The Government has said it would:

- retain a method for calculating local housing need figures but introduce new flexibilities, for example where housing need could only be met at densities that would be out-of-character with the area.¹⁶
- remove the requirement for local authorities to maintain a rolling five-year supply of land for housing if they have an up-to-date local plan.¹⁷
- making sure protecting the environment and tackling climate change are central considerations in planning, for example, by requiring at least 10 percent biodiversity net gain on all development sites.¹⁸

¹¹ Schedule 11 of the [Levelling up and Regeneration Bill 2022-23](#) [as brought from the Commons]

¹² Chapter 5 of the [Levelling up and Regeneration Bill 2022-23](#) [as brought from the Commons]

¹³ Clause 210 of the [Levelling Up and Regeneration Bill 2022-23](#) [as brought from the Commons]; HC Deb 6 December 2022 [WS415](#) [Update on the Levelling Up Bill]

¹⁴ Clauses 103-106 of the [Levelling Up and Regeneration Bill 2022-23](#) [as brought from the Commons]

¹⁵ HC Deb 6 December 2022 [WS415](#) [Update on the Levelling Up Bill]; DLUHC, [Levelling-up and Regeneration Bill: reforms to national planning policy](#), December 2022

¹⁶ As above, chapter 3

¹⁷ As above, chapter 4

¹⁸ As above, chapter 7

Neither the Levelling Up and Regeneration Bill nor the proposed changes to national planning policy would affect the protection of designated areas, such as AONBs or SSSIs. The Government said that areas of environmental importance and the Green Belt would [continue to be protected](#) in planning.¹⁹

3.3 Select committee reports and Government responses

The following list of recent Select Committee reports and Government responses provide further information on planning policy:

- Levelling Up, Housing and Communities Committee, [Levelling Up and Regeneration Bill](#), Letter to the Department for Levelling Up, Housing and Communities, 24 August 2022
- Housing, Communities and Local Government Committee, [The future of the planning system in England](#), First Report of Session 2021-22, June 2021
- [Government Response to the Committee Report on: The future of the planning system in England](#), May 2022

¹⁹ DLUHC, [Levelling Up and Regeneration: further information](#), May 2022

4 Parliamentary material

4.1 Debates

Westminster Hall debate: Housing Targets: Planning System

[HC Deb 15 November 2022 | Vol 722 c244WH-](#)

Lords debate: Housing (Built Environment Committee Report)

[HL Deb 8 November 2022 | Vol 825 c593-](#)

Commons adjournment debate: Rural Communities: Housing and Planning

HC Deb 20 July 2022 | Vol 718 c1075-

Westminster Hall debate: Affordable Housing: Planning Reform

[HC Deb 7 December 2021 | Vol 705 c53WH-](#)

Opposition day debate: Planning Decisions: Local Involvement

[HC Deb 21 June 2021 | Vol 697 c621-](#)

4.2 PQs

[Second Homes: Databases](#)

Asked by: Maskell, Rachael

To ask the Secretary of State for Levelling Up, Housing and Communities, if he will commission a review of (a) the disposal of public land and (b) its potential use for social housing.

To ask the Secretary of State for Levelling Up, Housing and Communities, what steps he is taking to help ensure local communities are heard in the planning process.

To ask the Secretary of State for Levelling Up, Housing and Communities, if he will develop a database of the number of second homes in every local authority area in England.

Answering member: Lucy Frazer | Department: Department for Levelling Up, Housing and Communities

The Government collects data on the number of second homes in England. The latest data can be found [here](#). National planning policy sets out that planning policies and decisions should consider the need for safe and accessible green infrastructure and open space, and local planning authorities should pursue opportunities for securing measurable net gain for biodiversity, including on brownfield sites. National planning requires local plans to provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking. Plans should also protect and enhance public rights of way and access. National Planning Policy already states that local planning authorities should pursue opportunities for securing measurable net gain for biodiversity.

Regarding York, the York local plan remains at examination. The Inspectors have yet to conclude the examination but it is important that the Independent Inspectors are given the opportunity to complete their final report.

The Government is working to release public land for new housing.

Communities must be at the heart of the planning process. The Government's reforms, detailed in a recent WMS, will increase and enhance opportunities for involvement, so it is simpler, faster and easier for communities to engage with local plans.

We intend to consult shortly on an increase to planning fees that will help provide additional resources to further support the delivery and improvement of planning services.

HC Deb 21 December 2022 | PQ 109638; PQ 109645; PQ 109646

[show related items](#) (2)

[Derelict Land: Regeneration](#)

Asked by: Lewis, Brandon

To ask the Secretary of State for Levelling Up, Housing and Communities, what steps he plans to take to encourage further regeneration of vacant brownfield sites.

Answering member: Felicity Buchan | Department: Department for Levelling Up, Housing and Communities

The Government strongly encourages the re-use of brownfield land. National policy already sets out that planning policies and decisions should make

efficient use of land and give substantial weight to the value of using suitable brownfield land.

The Government has already introduced a range of policy and funding incentives to support the development of brownfield land and the Levelling Up and Regeneration Bill will further empower local leaders to regenerate towns and cities by strengthening and adding to existing measures. For example, it will provide:

- the new Infrastructure Levy which will be set locally by local planning authorities. They will be able to set different Levy rates in different areas, for example lower rates on brownfield over greenfield to increase the potential for brownfield development. That will allow them to reflect national policy, which delivers our brownfield first pledge by giving substantial weight to the value of using brownfield land;
- local authorities with the power to fill vacant commercial property, such as shops, through high street rental auctions;
- a power for local authorities to be able to double the standard council tax rate on any home left empty for longer than a year, rather than two, encouraging more empty homes back into productive use.

Further to this, we have committed to launching a review to identify further measures that would prioritise the use of brownfield land.

HC Deb 13 December 2022 | PQ 102795

[Affordable Housing: Rural Areas](#)

Asked by: Double, Steve

To ask the Secretary of State for Levelling Up, Housing and Communities, what plans he has to help ensure that people in rural communities can access affordable housing, in the context of high prices in the housing market and announcements on the abolition of affordable housing targets.

Answering member: Lee Rowley | Department: Department for Levelling Up, Housing and Communities

The National Planning Policy Framework already makes clear that planning policies and decisions should be responsive to local circumstances in rural areas. Our Rural Exception Sites policy allows for the development of small affordable housing sites in rural areas, with the majority of housing on these sites being available to local people in perpetuity. We published planning practice guidance in 2020 to help local authorities and developers bring more of these sites forward.

We have not made any announcements of changes to affordable housing policy.

HC Deb 24 October 2022 | PQ 63261

[Housing: Green Belt](#)

Asked by: Dowden, Oliver

To ask the Secretary of State for Levelling Up, Housing and Communities, what the Government's policy is on the calculation of new housing targets in local authorities which are predominately made up of Green Belt land.

Answering member: Lee Rowley | Department: Department for Levelling Up, Housing and Communities

Existing Government policy is to help make home ownership affordable for more people and to help more people rent their own home. To do that, we will need to deliver more homes. The standard method for assessing local housing need is used by councils to inform the preparation of their local plans and, as part of the local plan process, Councils are responsible for determining the best approach to development in their areas, including taking into consideration important matters such as Green Belt.

The previous Government undertook a review of the standard method formula in 2020 and, after carefully considering consultation responses, they retained the existing formula providing stability and certainty for planning and for local communities. As with all policies, we are monitoring the standard method, particularly as the impact of changes to the way we live and work and levelling up become clear.

HC Deb 10 October 2022 | PQ 53430

5

Press and media articles

CPRE – the countryside charity

20 December 2022

[Brownfield land for 1.2 million homes lying dormant, our report shows](#)

Inside Housing

19 December 2022

[Government reviewing small-sites policy as part of Levelling Up and Regeneration Bill](#)

Inside Housing

6 December 2022

[Government to consult on local housing targets amid pressure from backbench MPs](#)

DLUHC press release

5 December 2022

[Communities put at heart of planning system as government strengthens Levelling Up and Regeneration Bill](#)

Local Government Chronicle

28 November 2022

[Nearly 9 in 10 authorities struggle with planning enforcement backlog](#)

DLUHC press release

19 November 2022

[Derelict land to be transformed into new homes in boost for local regeneration](#)

Planning policy

Guardian

10 October 2022

[Levelling up secretary's 'planning reset' could reopen Tory splits over housebuilding](#)

Inside Housing

21 September 2022

[Short-term lets are turning parts of Britain into Airbnb communities](#)

The Planner

Updated 26 August 2022

['Comprehensive' brownfield-first policy needed in NPPF, says report](#)

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