

What do the proposed planning reforms mean for landowners??

The planning system has been in the headlines recently, with much consternation regarding the Government's proposed reforms to the planning system. It has been some achievement to unite the Royal Town Planning Institute, Local Government Association, Town & Country Planning Association, Home Builders Federation and The Land Promoters & Developers Federation, but the Government managed to achieve it. Put simply, all of these organisations have stated that whilst the current system isn't perfect, it is delivering more new houses than we've seen for a very long time and to rip it all up and start again would result in a big step backwards.

So, what was so controversial that united these groups that are not normally in unison?

At the heart of the controversy lies a new (albeit as I will discuss later, not so new in reality) Local Housing Need calculation that was to be imposed upon Local Authorities in England. Following the imposition of this number, they will need to put in place a new Local Plan within 30 months (the current average is 7 years). These Plans will categorise areas for growth, renewal or protection. Each category will bring with it different routes for securing the necessary consent for development. Designation as a growth area will in effect grant outline planning permission. Renewal areas will receive in principle support for development albeit applicants will still need to submit a planning application beforehand. Protection areas will require submission of planning applications, as now but against potentially a less flexible policy background.

As the housing need figure has been decided already, local authorities will be expected to

deliver this housing requirement in full. In some cases, the figure that was recently consulted upon by the Government was substantially higher than the current figure for some Local Authorities, particularly those in the South East of England. Inevitably, this got Conservative MP's in the home counties very interested in the new reforms. As a result, change was expected and inevitably arrived; the Local Housing Need calculation which suddenly became known as another 'mutant algorithm', was no more, and replaced by the original version, which rather confusingly could also be described as an algorithm...albeit one that generates less housing need in the home counties. However, the White Paper is still intact for now, albeit further consultation on these reforms are expected.

So, what does all this mean for landowners? In short, the new system is designed to be front loaded; in order for your land to be considered suitable for growth, a substantial amount of information will need to be provided to the local authority before they decide which sites to allocate. To my reading, the level of information required is akin to that required for an outline application with its associated level of detail and resultant costs. Depending on the size of site, the cost could easily extend to six figures and beyond. Bearing in mind that an average Local Authority will receive hundreds of sites when carrying out a 'call for sites' exercise, your submission will need to be very special indeed to stand out from the crowd.

More generally, organisations such as The Country Land and Business Association (CLA) have quite rightly identified that a 'considerably more nuanced approach to the proposed 'zoning'

is needed or perhaps more or different kinds of 'areas'. The CLA suggests that the Government should aim for an approach that encourages investment in existing and new rural businesses, and sustains rural community needs too. For the reasons set out above, the CLA argues that the 'default position for all open countryside must be that it automatically falls into the 'Renewal area' land-type,' which would require planning authorities to map all the open countryside in their administrative areas as Renewal area status.

There is much to admire in this suggestion, as it would then be up to planning authorities and local residents to argue, with supporting evidence, why an area of open countryside should be classified as Growth or Protected areas. The difficult part of this equation lies in assessing those areas within National Parks or Areas of Outstanding Natural Beauty; it is a tricky balance to encourage those communities to thrive without causing harm to the natural environment.

All of the respondents I listed at the start of this article agreed that a more streamlined, efficient planning system was a good thing. Not many of us can object to that. However, we have a long way to go yet to see how many of these reforms will survive moving forward and what the resultant impact upon landowners will be. At present it seems that what is proposed will make it more difficult for landowners to promote alternative uses for their land and will stifle the ability for rural enterprises to expand and diversify. It almost certainly makes the promotion of land for development more expensive, with obvious implications for those who choose to go it alone rather than in partnership with a land promoter. Watch this space...

Could your land have development potential?
Find out more about land promotion:

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