

# Planning law and policy in 2017 - a busy year ahead!

There remains much political uncertainty at the beginning of 2017, especially surrounding Brexit and the eagerly awaited Housing White Paper. What is already clear is that planning continues to feature heavily in the Government's thinking and many changes are expected in the year ahead.

We have included a separate article on the White Paper in this edition of Housebuilder. The other main changes are summarised below, in order to give you an overall flavour of what the year might bring.

## 1. Neighbourhood Planning Bill

- i This is likely to receive Royal Assent soon. It will amend existing legislation and is intended to support the Government's aims of providing homes, by freeing up land for housing and helping create greater certainty for developers.
- i In particular, it will:
  - i Supplement other legislation, in particular the Housing and Planning Act 2016.
  - i Contain measures which will mean that neighbourhood planning will continue to gain even more significance within the planning regime.
  - i Make changes to planning conditions, by introducing a requirement for the issue of any pre-commencement planning conditions to be agreed in writing by the applicant, prior to their imposition.
  - i Reform compulsory purchase powers and payment of compensation. This follows changes introduced in the Housing and Planning Act 2016 and is looking likely to lead to reforms including the following:
    - (i) The payment of interest is expected to alter.
    - (ii) It will tackle the calculation of compensation for any existing land affected by a CPO. Currently based on the 'no scheme world',

new provisions will apply so that the impact of the scheme itself can be taken into account in the relevant valuation

- (iii) Currently, the compensation for business tenants who hold leases outside the security of the Landlord and Tenant Act 1954 is calculated on the assumption that the tenancy would come to an end on the earliest date that it could do. When the Bill is enacted, however, regard will be had as to how long a tenancy would have continued, had there been no CPO at all.

## 2. Starter Homes

We hope that we will soon have more clarity from the Government on this subject. However, the Government has already launched the first 30 Council partnerships to spearhead the initiative, which will make new homes available to first time buyers under 40 at a discount of at least 20% on full market value.

## 3. Permission in principle

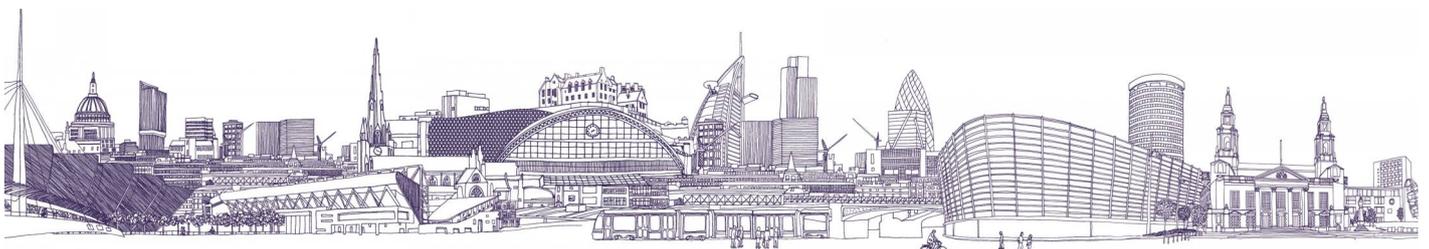
Confirmation is still awaited from the Government as to how and when it will bring in powers under Section 150 of the Housing and Planning Act 2016 for applicants to seek 'planning permission in principle' i.e. automatic consent for housing led development on certain allocated sites or via applications.

## 4. Changes to the NPPF

Key changes are expected. These are likely to include broadening the definition of Affordable Housing and amending the NPPF to create a 'presumption' in favour of housing development on brownfield land.

## 5. Permitted development rights

2017 may see the addition of rights permitting the demolition and replacement of office buildings with housing.



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## 6. Local and neighbourhood plans

Back in 2015, Brandon Lewis announced that the Government will intervene in cases where Local Authorities have failed to produce a Local (post NPPF) Plan by early 2017 and arrange for the documents to be written by Central Government, in consultation with local people. Other moves are also under discussion in order to improve efficiency, encourage co-operation between neighbouring authorities and help Local Plan-making become more effective.

## 7. Special measures

Revised criteria in November 2016 mean that Councils deciding fewer than 65% of non-major applications (excluding householder cases) in time, over a two-year period, will face being placed in special measures. Should this occur, a developer can choose to submit applications to the Planning Inspectorate, bypassing the LPA entirely.

## Conclusion

In addition to the numerous statutory and policy changes that are believed to be afoot, there will no doubt be key decisions arising out of case law which will significantly affect the planning regime and the way we will operate. Whilst many of the promised changes do appear to be housebuilder-friendly, there is clearly a lot of change to be

aware of and accommodate. Therefore, if you do have any specific issues, and need assistance, please do not hesitate to let us know.

If you would like to discuss any of the issues raised in this update, please contact:



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