

# Opening doors

*Peter Kershaw makes a plea for stakeholders to respond to the latest government consultations around increasing housing supply and improving planning performance*



*Peter Kershaw is a planning consultant with Paris Smith LLP*

**'The government is prioritising trying to find solutions to the housing crisis and is very keen to try and achieve a consensus among stakeholders on the way forward to tackling this complex and multifaceted issue.'**

**W**ritten by Noel Gallagher and sung by Oasis, the lyrics from the hit *Fade Away* have been listened to by millions who grew up in the '90s. Previously described by Noel in *Melody Maker* magazine as a song 'about growing up, but at the same time not growing old', his lyrics for me have come to reflect the current sombre inevitability of life for people of all ages in England who find themselves unable to grow up as they wish, and unable to grow old as they wish, while desperately stuck on the peripheral margins of today's housing sale and rental market unable to secure a suitable home to move into.

The 'housing crisis' we hear described in the media relates to the shortage of available houses for sale or rent in England and the impact this is having on all generations and the wider economy in the short, medium and long term, until solutions are found to increase the supply of the right types of housing in the right locations to meet this demand.

The recent housing white paper is one of a number of policy and consultation responses which the government has published to try and tackle this increasingly complex issue. In it, the government emphasises that it seeks consensus with affected stakeholders 'for a new, positive, mindset to house building'.

This is a consensus which, for me, seems vital if we are to ever effectively begin providing the right type of housing in the right locations which our country so desperately needs now and in the future.

The government is encouraging all affected stakeholders to respond

to the current public consultation, in order to outline their views on its suggested policy initiatives aimed at trying to increase the supply of housing in England.

## **So what is the housing white paper?**

The government published its 106-page housing white paper on 7 February 2017 titled *Fixing our Broken Housing Market*. It is a policy document which sets out the government's proposals for future legislation, aimed at trying to address the lack of the right types of houses in the right locations in England to meet current and future sale and rental demand. The government has put the white paper out to public consultation for 12 weeks until 23:45 GMT on 2 May 2017.

The white paper squarely acknowledges that a lack of the right homes being built in the right places by successive governments over previous decades has led to soaring house prices and rising rents – and has created a housing market which fails to work for many people of all generations.

The paper also acknowledges that this is an urgent problem, one that is upon us now, and one which will continue to have both immediate and longer-term social and economic effects for the country and society as a whole unless it begins to be addressed.

The government prior, during and after the launch has been clear in its message that there is no one 'silver bullet' solution to the housing shortage, and has emphasised that a wide range of policy responses

covering the whole housebuilding process is required. It also explains that one of the challenges of successful policy-making is recognising and taking account of the fact that we have many different localised housing markets across the country.

Analysis of some of the key measures outlined in the housing white paper will be addressed at the end of this article, but it is important to firstly outline the wider context to the white paper's recent release.

### **Did you know that the government recently released a lot more than just a housing white paper?**

To provide some context to the current housing white paper, the government is trying to undertake a truly nationwide consultation on this pressing issue and, despite there having been criticism from some stakeholders that the proposed measures in the white paper have not been radical enough, the length of the consultation period (12 weeks), the length of the white paper (106 pages), the fact that the government has made this a priority despite the unparalleled administrative and legislative demands of Brexit legislation, and the fact that the white paper has been released so soon in the current Parliament, all seems to illustrate that the government is prioritising trying to find solutions to the housing crisis and is very keen to try and achieve a consensus among stakeholders on the way forward to tackling this complex and multifaceted issue.

It is important to note that alongside the housing white paper the government also:

- Announced a new consultation closing on 1 May 2017 on planning and affordable housing for build to rent, which seeks views on planning measures to support an increase in build-to-rent schemes across England. This includes proposals to change the National Planning Policy Framework (NPPF) to support and increase the number of new build-to-rent homes and to provide affordable private rent homes as the main form of affordable housing provision on build-to-rent schemes.

- Published the government's response to the Communities and Local Government Select Committee's inquiry into the report of the Local Plans Expert Group, which examined what measures or reforms might be helpful in ensuring the efficient and effective production of local plans.
- Published the government's response to their previous consultation on upwards extensions in London, which sought views

- Published the final independent report of the Community Infrastructure Levy (CIL) Review Group. The report, *Community Infrastructure Levy review: report to government*, was submitted to the government in October 2016.

### **How might the outcome of the housing white paper and recent consultations/reports impact your assets and interests?**

After the 12-week consultation period ends, the government will review the comments received

*The white paper squarely acknowledges that a lack of the right homes being built in the right places by successive governments over previous decades has led to soaring house prices and rising rents.*

on proposals to deliver more homes in London by allowing a limited number of additional storeys on existing buildings through a permitted development right, local development orders or development plan policies.

- Published the government's response to the technical consultation on implementation of planning changes, which contained detailed proposals to support certain provisions of the Housing and Planning Act 2016.
- Published the government's response to the rural planning review. The rural planning review call for evidence had sought views on how the planning system was operating in rural areas and invited ideas about how the planning system could be improved to support sustainable rural life and businesses. As well as providing a summary of the responses to the rural planning review and the government's response, the document also seeks views on extending the thresholds for agricultural permitted development rights to help farmers, and on a new agricultural-to-residential permitted development right to help provide housing for rural workers.

and intends to eventually publish an amended NPPF later in 2017, because many of the proposed changes will involve amendments to the framework.

The amended NPPF would also consolidate the outcome from the previous and current consultations and incorporate changes made to national policy through various written ministerial statements issued since March 2012 (see box on p22).

### **Is the housing white paper it for this year, or are there more changes to be aware of on the horizon?**

- The Neighbourhood Planning Bill 2016-17, among other legislation, is noticeably currently still making its way through the House of Lords. This is another important Bill which will make provisions around planning and compulsory purchase for legislative connected purposes. It is expected to also again further strengthen the current neighbourhood planning regime.
- At the time of writing, the Spring Budget has been confirmed for 8 March 2017. The Spring Budget sets out the government's plans for the economy based on the latest

forecasts from the Office for Budget Responsibility. (This will be the last Budget to take place in the Spring, as previously announced at the 2016 Autumn Statement – with future Budgets to be delivered in the Autumn.)

- There will also therefore be an Autumn Budget in 2017 where

consultation responses published by the government which particularly caught my attention were in relation to:

- improving the resourcing and performance of council planning departments;
- supporting new settlements and garden villages; and

local authority resourcing, including a 20% increase in planning application fees by summer 2017. Alongside these measures, we will continue to engage with areas interested in reforming their planning service and committing to performance improvements, in return for greater fee flexibility.

This is interesting for me because the government has heard cross-sector concerns for some time now that local authority planning departments may not have sufficient resources to provide an effective service and that developers would be prepared to pay higher planning application fees if it meant a better service and performance.

One way some local authorities have reformed their planning services is to enable greater assistance and partnership working with the private sector. This is because local authority planning teams are increasingly at the coalface of planning at a time of regular political change and budgetary pressure.

Through carefully procuring planning consultants who are immersed in the sector and who have a range of skillsets including local authority experience and legal, planning and political expertise, we are beginning to see a noteworthy shift in the way that local authorities are managing their workloads in the interests of enhancing their guardianship of our cityscape and rural and coastal landscapes.

Councils are particularly seeing opportunities within their constraints by exploring the benefits of supplementing their existing team’s pool of permanent staff, by employing alongside them a carefully procured planning consultancy to work on their behalf on a long-term basis whenever extra backup for their planning staff is required.

Local authorities are beginning to see this option as a smarter way of working in comparison to recruiting new staff at peak times, or trying to refill positions when permanent staff move on or retire, as they are able to flexibly utilise different planning consultants’ skillsets as and when the demands of the planning workload require it.

They also build very effective long-term working relationships with

*We are beginning to see a noteworthy shift in the way that local authorities are managing their workloads in the interests of enhancing their guardianship of our cityscape and rural and coastal landscapes.*

the government has already indicated that it intends to make an announcement regarding the future regime of developer contributions.

- the wide-ranging focus of the consultations.

These will be reviewed in further detail below.

**What does the housing white paper propose changing?**

The 106-page white paper proposes a wide number of proposals covering the whole housebuilding process and can be found in full at [www.legalease.co.uk/housing-paper](http://www.legalease.co.uk/housing-paper). There are a number of questions at the end of the white paper which the government encourages consultation responses on from stakeholders.

Some of the key issues in the white paper and other recent

**Improving the resourcing and performance of council planning departments**

The government’s response to this issue in its publication *Summary of responses to the technical consultation on implementation of planning changes, consultation on upward extensions and Rural Planning Review Call for Evidence* at para 1.13 was that:

We are bringing forward a package of measures in the Housing White Paper to address concerns about

**Recent ministerial statements**

- ‘Support for small scale developers, custom and self-builders’ (28 November 2014)
- ‘Sustainable Drainage Systems’ (18 December 2014)
- ‘Starter Homes’ (2 March 2015)
- ‘Parking: helping local shops and preventing congestion’ (25 March 2015)
- ‘Housing standards: streamlining the system’ (25 March 2015)
- ‘Local Planning, which covers onshore wind farms’ (18 June 2015)
- ‘National Planning Policy Framework: technical adjustment’ (22 July 2015)
- ‘Green Belt protection and intentional unauthorised development’ (17 December 2015)
- ‘Neighbourhood planning’ (12 December 2016)

their chosen consultancy, who deeply understands from experience how both local authorities and developers work and who provides the council with a degree of long-term stability and local expertise and knowledge (which can often be lost in traditional management models where planning officer turnover and absences are routinely unavoidable).

This changing landscape has also been widely emphasised in academia, for example in *The Collaborating Planner? Practitioners in the neoliberal age* by Ben Clifford and Mark Tewdwr-Jones (2014), Policy Press, and in *A managerial state: Power, politics and ideology in the remaking of social welfare* by Clarke J and Newman J (1997), Sage Productions.

Local authorities considering using the services of planning consultants can often be assured that consultants would be offering a helping hand to their planning department in times of high pressure, helping to maximise – and never to undermine – their team’s efforts and expertise.

#### **Supporting new settlements and garden villages**

The second key theme of interest to me was the government’s ideas for new settlements and garden villages.

Garden villages can often help to attract associated infrastructure funding and can often be built in a way which avoids the long-term problems that can become commonplace following large

developments which are built without the necessary infrastructure having first been secured. Planning in this way has great potential for successful outcomes and in turn can consequently help foster greater nationwide public trust towards housebuilding and planning.

Of particular note are the government’s recommendations made in support of new settlements, quoted in the box below.

#### **The wide-ranging focus of the recent consultations**

I believe it is also to be welcomed that there is:

- still a coherent focus on the ongoing need for early

## Government recommendations for new settlements

Extract from the *Government response to the Communities and Local Government Committee Third Report of Session 2015–16 on the Department for Communities and Local Government’s consultation on National Planning Policy*.

Recommendation 6: The Department should provide further detail about how the measures to support the development of garden towns and villages announced in the 2016 Budget will relate to the new settlements proposals in the consultation. (Paragraph 18)

11. The Government recognises the need to encourage local areas to bring forward high-quality large new settlements, not only with supportive national planning policy but with a programme of direct support for new locally-led garden villages, towns and cities. Paragraph 52 of the Framework already recognises the role new settlements can play in meeting housing need. We propose to consult on measures to encourage a more proactive approach toward new settlements in local plans and other local development documents. We do recognise that it is for local authorities to decide the most appropriate approach to housing need in their areas, using the Local Plan process and working with their communities, neighbouring local authorities and other partners.
12. The requirement for a five-year housing land supply has supported the increase in planning permissions granted for new homes. Local authorities should be realistic about the build-out rates of large sites, and take this into account when calculating their five-year housing land supply. The Housing White Paper contains a number of proposals to speed up development once planning permission is granted. It also proposes to amend the Framework to give local authorities the opportunity to have their housing land supply agreed on an annual basis, and fixed for a one-year period.
13. Our ‘Locally Led Garden Villages, Towns and Cities’ prospectus published in March 2016 encourages ambitious proposals which make effective use of brownfield land. The prospectus offers enabling funding and support, brokerage across government to remove barriers to delivery, and a willingness to strike a deal on planning freedoms in return for a strong, deliverable commitment to housing growth. We received fifty-one expressions of interest from local authorities across the country, keen to become part of our garden villages programme. The successful group of garden villages and towns we intend to support was announced on 2 January 2017.
14. High-quality new settlements and their essential infrastructure are not easy to plan or achieve, and Government has to plan for the medium and long term as well as focusing on our commitments for delivery by 2020. Garden villages, towns and cities are a new, long-term pipeline of housing supply, and are already delivering significant numbers of new homes. At Ebbsfleet, we expect over 5,000 homes to have been delivered by 2021; and by the end of this Parliament we expect at least 3,000 homes a year to be built in other garden villages, towns and cities receiving government support.
15. The Government recognises that, in some circumstances, local areas will decide that a statutory development corporation would be helpful in securing delivery of a new garden settlement. We made a number of important changes to the New Towns Act through the Housing and Planning Act 2016. This will make it easier to set up New Town Development Corporations and Areas, and extend their objectives so they can better support the delivery of locally-led garden villages, towns and cities. The Housing White Paper makes clear that we will legislate further to allow new locally-accountable New Town Development Corporations to be created where there is local appetite for them as the right vehicle for delivery.

engagement with communities over new development;

- an acknowledgement that councils need to adequately plan for specific types of housing (including for the elderly);

consultations to those builders who are already actively building and investing in our housing supply.

### Advice for stakeholders

In the present political and economic context, stakeholders should all

*If you are affected by the planning system or the housing market, it may be worth considering the merits of you or your organisation submitting a formal consultation response to the white paper.*

- an acknowledgement that a range of policy responses are required; and
- serious consideration given to diversifying the supply of housing providers, but while importantly still listening very carefully through these

carefully consider the merits of formally making their views known by responding to the current government consultations.

If you are affected by the planning system or the housing market, it may be worth considering the merits of you or your organisation submitting a formal consultation

response to the white paper and the other consultations listed in order for your views to be formally taken into consideration when the government considers future changes to the NPPF, the General Permitted Development Order (GPDO) or other associated legislation.

Perhaps you feel that your interests will be unfairly negatively impacted by the government's suggested proposals, or that their suggested actions may not help housing supply. Or perhaps you like some of the government's ideas and wish to formally support certain measures for improving housing supply. You may even have an idea of where the NPPF or GPDO could be further positively changed to introduce more opportunities for houses to be built in the right areas.

Either way, the government is very keen to hear from all affected stakeholders.

### Conclusion

At a time when the second instalment to Danny Boyle's hugely iconic '90s film *Trainspotting* returns to our cinema screens 20 years on from its first screening, it is perhaps a noticeable indictment of the current predicament we face with our housing supply shortage that its musings on life in Britain no longer refer to 'choose life... choose fixed-interest mortgage repayments... choose a starter home' ... but instead to no mention at all of housing; just to the dark part-assessment 'choose life... choose a two-hour journey to work... and choose the same for your kids, only worse'.

The housing white paper, at a time when our legislators also have Brexit to negotiate, may not currently have all the answers for helping to reverse the supply and availability of houses for sale and rent in England. Its aims however, and the way it is widely consulting to try and seek stakeholder consensus for a multifaceted policy response, is, I truly believe, an important ambition to embrace if we are to ever build a policy consensus in England aimed at starting to reverse the current predicament and its wider future social and economic fallout, which ultimately affect all stakeholders. ■

## Responding to the government consultations

The consultation is open to everyone. It is open for 12 weeks from 7 February 2017 to 23:45 GMT on 2 May 2017.

You may respond by completing an online survey at [www.surveymonkey.co.uk/r/QLLWWSS](http://www.surveymonkey.co.uk/r/QLLWWSS).

Alternatively you can email your response to the questions in the consultation to [planningpolicyconsultation@communities.gsi.gov.uk](mailto:planningpolicyconsultation@communities.gsi.gov.uk).

Any written responses should be sent to:

Planning Policy Consultation Team  
Department for Communities and Local Government  
Third Floor, South East  
Fry Building  
2 Marsham Street  
SW1P 4DF

When you reply you are encouraged to confirm whether you are replying as an individual or submitting an official response on behalf of an organisation, and to include:

- your name;
- your position (if applicable);
- the name of your organisation (if applicable);
- an address (including postcode);
- an email address; and
- a contact telephone number.