

Change on the way

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Julia Dixon describes the key changes set out in the Housing and Planning Act 2016

The [Housing and Planning Act 2016](#) (the Act) received Royal Assent on 12 May after 7 months of parliamentary debate. It introduces some key changes to the planning system, essentially designed to increase the supply of new homes and meet the government's stated aim of having 1 million new homes built by 2020. It also introduces changes to the process of compulsory purchase and compensation.

While much of the detail remains to be set out in secondary legislation, the government has been undertaking technical consultations that give an indication of the way some provisions may work in practice. The key planning changes concern:

- starter homes;
- self-build and custom build;
- planning permission in principle and brownfield registers;
- wider definition of [Nationally Significant Infrastructure Projects](#) (NSIPs) to allow schemes that include housing;
- alternative providers for processing applications.

Starter homes

These are covered in [Part 1, chapter 1, sections 178](#) (England only), and are defined as new-build housing for first-time buyers of at least 23 years of age but younger than 40. The housing is to be sold at a discount of at least 20% of the market value and at less than the price cap, which is £450,000 in Greater London and £250,000 elsewhere. Local authorities will be under a duty to promote the supply of starter homes, for example in local plans and when determining planning applications. The National Planning Policy Framework definition of 'affordable housing' is also to be amended to refer to starter homes.

On 23 March 2016, the government published its [Starter Homes Regulations ? Technical Consultation](#), which stated that 20% of all homes constructed should be of this type, and this requirement would be triggered for developments of 10 units or more or on sites of 0.5ha and above. Those in the development sector consider it likely that the requirement will prioritise provision of starter homes over other, more traditional forms of affordable housing.

Self-build and custom build

While there is already a requirement for local authorities to keep and have regard to a register of people seeking to acquire land to build or commission their own home, [Part 1, chapter 2, sections 9?12](#) of the Act explain what is meant by self-build and custom housebuilding and introduces a duty on councils to grant sufficient planning permissions for serviced plots to meet demand. Regulations may specify the circumstances in which an exemption may be sought.

Planning permission in principle and brownfield registers

A new, alternative method of obtaining planning permission for certain housing-led developments is set out in [Part 6](#), sections 150 and 151 (England only).

Permission in principle will establish the basis for development on a specific site. It will be obtained in 2 ways:

- allocation in the new brownfield land registers, development plan documents or neighbourhood plans
- direct application to the local authority (for minor developments only).

The permission in principle will not in itself constitute a planning permission, but will establish location, uses and the amount of development. A subsequent Technical Details Consent will need to be granted in accordance with the permission in principle; together these will constitute a full grant of planning permission.

Local authorities will also be required to maintain a new register of brownfield sites suitable for housing, though regulations are awaited setting out registration criteria. The government has indicated that brownfield sites suitable for five or more dwellings or larger than 0.25ha should be registered.

NSIPs

[Part 6](#), section 160 (England only) enables housing associated with an NSIP to be approved as part of a Development Consent Order for that project, if it constitutes 'related' development, rather than requiring a separate planning application to the local authority. Restrictions and limitations will be imposed on this.

Alternative providers

[Part 6](#), sections 161-164 (England only) of the Act introduce provisions to allow planning applications to be processed by 'alternative providers', that is, parties other than the council. Regulations will be put in place allowing certain applications to be processed by 'designated persons' and specifying whether other local authorities can act as alternative providers, as well as detailing procedures, fees, performance standards and complaints procedures. The alternative providers will only process applications and not be responsible for determining them? that onus will remain on the relevant local authorities.

The Act introduces many more changes in terms of housing and compulsory purchase but this article has considered the key changes from a planning perspective. The Queen's Speech in May 2016 also promised a *Neighbourhood Planning and Infrastructure Bill*, so further changes will be coming our way shortly.

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Further information

- Related competencies include [Inspection](#), [Legal/regulatory compliance](#)
- This feature is taken from the RICS *Building surveying journal* (Oct/Nov 2016)