



Housing and Planning Act 2016

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A wide-ranging Act



- Huge amount of detail on both planning and housing side
 - Most of it requires fleshing out through regulations
 - Some of the regulations will need approval by both Houses of Parliament (reflecting difficult 9 month passage of Act)
 - Questions about whether change of Govt might have lost enthusiasm?
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Aims behind the Act

According to Govt when introducing Bill

- To kickstart “*national crusade to get 1 million homes built by 2020*”
- To transform “*generation rent into generation buy.*”

Or, for the more cynical amongst us...

- To win the next election (!) by tackling the housing crisis *without* increasing direct investment



Current indications are that this assessment remains govt thinking



Perhaps a familiar playbook?

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Outline of talk

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1. Starter Homes
2. Permission in Principle (“PiP”)
3. Alternative providers

4. Other important provisions
 - S.106 dispute resolution process
 - Powers of intervention
 - Planning freedom schemes
 - Extension of NSIPs to projects that involve housing
 - Self-build and custom housebuilding
 - Facilitation of office to residential rebuild PD



Part 1: Starter Homes



Starter Homes: what do we know?



- Definition of starter homes:
 - New
 - Available for “qualifying first time buyers”
 - Sold at discount of 20% below market cap
 - Less than £450k in Greater London, £250k outside.
- English LPAs will:
 - have to carry out planning functions with a view to promoting supply of starter homes



Starter homes: still to come?

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- Potential for restriction on grant of pp if “starter home requirement” not met.
- Consultation document indicates that:
 - 20% provision of starter homes will be required
 - On all sites of +10 units/or 0.5 ha
 - Joint purchasers may be eligible
 - Possible exemptions (viability/estate regen/specialist housing)

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Part 2: Permission in principle

PiP: what is known?



- New form of p.p. for housing led development
 - Objective = speed up decisions, boost investor confidence by separating 'in principle' matters (land use, location, amount) from technical issues
 - Two routes: by QD (as prescribed in a development order) or by application to the LPA.
 - QDs will be DPDs, NDPs, or registers.
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- Will run alongside brownfield registers (power to require registers in the Act – pilots announced)
 - PiP will have different duration depending on route:
 - 5 yrs for QD
 - 3 yrs for LPA grant
 - Technical details application will then have to deal with all “reserved matters”.
 - A lot of detail absent from the Act
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PiP: Govt intentions

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- Min and max amount of development
 - Housing-led only and less detail needed
 - Allocation route will be for *future* not existing QDs – NB new s.59A requires the QD to specify that land is allocated for the purposes of the section.
 - PiP will only be granted if EIA (i) either screened out or (ii) carried out.
 - 5 weeks for PiP determination; 5-10 weeks for TDC
 - Conditions may be attached to TDC – also potentially subject to CIL/s.106
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Part 3: Alternative providers



Alternative provider pilots

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- Power to introduce pilot schemes to test competition for the “processing” of applications “to do with planning”
 - DCLG has set up a team to operate pilots and has been consulting.
 - Controversial
 - Rationale familiar from other areas of govt policy
 - Decision-making with remain in hands of LPA
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Part 4: Other planning provisions





- **Intervention in plan-making**
 - Power to give a temporary direction pending further use of intervention powers used on day it came into force by Greg Clark MP to prevent Birmingham taking further steps to adopt their Development Plan 2031
 - New powers now exist to intervene to prepare or amend a local development scheme
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- **S.106 dispute resolution.** Little known at present. Consultation from DCLG suggests:
 - Initiated by any party
 - Two weeks 'cooling off' before person appointed to resolve
 - Then four weeks for appointed person to produce report setting out (a) dispute (b) steps taken to resolve (c) recommendations as to appropriate terms
 - Limits scope for LPA to refuse pp for reasons relevant to s.106
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- **Planning freedoms scheme.**
 - SoS may disapply or modify planning provisions for specified period at request of LPA
 - In order to boost housing supply
- **NSIPs involving housing.**
 - Currently no housing can be provided.
 - Housing could be functionally or geographically linked.
 - Impact Assessment states that maximum will be 500 houses



Other points to note

- Extension of right to buy to housing associations
 - Cause for concern for various housing regeneration schemes
- Reductions in security of tenure
- Recovering abandoned premises
- Changes to land acquisition powers
- Careless approach to drafting?
 - Certainly not in traditional style: NB s.203 “gets rid” of legislation



Conclusion/points for discussion

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- An ambitious range of reforms
 - Difficult to assess given so much detail is left for secondary legislation
 - Will it increase the supply of housing?
 - What will be the consequences for wider provision of AH?
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