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working locally and nationally to  
protect and enhance a beautiful,  
thriving countryside for everyone to  
value and enjoy

## **Consultation on proposed changes to national planning policy - CPRE Oxfordshire response, January 2016**

It would appear that the government is concerned that the NPPF is not accelerating house building at the rate they intended, particularly the building of affordable housing.

The suggested changes fail to address the supposed problem and are likely to make the planning system operate less efficiently, putting the countryside at increased risk.

### **OVERVIEW: Major faults with current operation of the NPPF**

#### **1. *Housing numbers are based on flawed SHMA forecasts.***

These are supposed to be objective assessment of need, but are not objective at all. They are as much an imposition of numbers from government as the discredited regional housing targets. In fact, without the regional scrutiny, SHMA figures are likely to be double counted from one Market Housing Area to another.

- When asked at a public meeting how the figures would compare with previous targets, GL Hearn, who produced the Oxfordshire SHMA, acknowledged that the government was looking for higher figures.

- Companies producing SHMAs, such as GL Hearn, are frequently not disinterested advisers. (The GL Hearn website describes their mission as being “one of the UK’s leading property consultancies providing trusted commercial property advice to the public sector, developers, investors and occupiers. Our goal is a simple one - to understand our clients’ business, bring our expertise and enthusiasm to bear and work with them to create, develop, protect and enhance their business interests”). In Oxfordshire, we are aware of at least two potential conflicts of interest, for example we have seen a GL Hearn representative involved in the production of the SHMA then appear at the Examination in Public on behalf of a developer.

- Because District Councils are anxious to get local plans agreed to stop house building companies winning unsuitable planning applications at appeal because a five year supply has not been agreed, SHMA figures are being treated as gospel and agreed without question. Applicants are even threatening districts with the expense of appeals if planning permission is not given. Where publicly consulted Local Plans fall below SHMA levels, because of careful consideration of constraints, they are being rejected by Inspectors who are overruling elected Councils and the public they represent, as has happened to both Cherwell and West Oxfordshire District Councils. This is despite the NPPF advising that SHMA figures should be regarded as evidential, and subject to social and environmental considerations.

- The most grotesque error in the figures is the acceptance of future job growth (inflated to attract grants) as givens, and then incorporated into the housing need figures.

2. ***The government is supposing that changing the planning system will increase the number of houses being built.*** This is a complete misunderstanding of the situation. The main reason more houses are not being built is that the house building industry is not organised to build houses at double the current level of activity.

- Planners do not build houses, builders do. There is no shortage of land in developers' banks, or of land on which development is permitted. Builders are cherry picking sites where they are likely to be more profitable. There is even evidence to show that some planning permissions are being sought only to increase the value of a site, before it is then sold on, or developed at a future date.

3. ***Despite government protestations<sup>1</sup> that the NPPF will not result in housing estates being tacked on to existing communities without the approval of local people, this is exactly what is happening.*** There is a rejection of localism. District Councils are not working in harmony with DCLG which is the way the planning system ought to operate, quite possibly because they are terrified of having planning powers stripped from them, and losing the new homes bonus on which they are being forced to rely.

## **RESPONSE TO SPECIFIC CONSULTATION QUESTIONS**

***Q1. Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost homes?***

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<sup>1</sup> See Prime Minister David Cameron's statements in Telegraph article '*Housing estates will not be 'plonked' next to villages, pledges David Cameron*' <http://www.telegraph.co.uk/news/earth/hands-off-our-land/9002655/Hands-Off-Our-Land-Housing-estates-will-not-be-plonked-next-to-villages-pledges-David-Cameron.html>

We generally support the government enthusiasm for a wider range of starter and affordable homes. We are not convinced that the changes proposed will in fact make a great deal of difference. Generally speaking most people, when setting up home for the first time, do not expect to live in new build homes, however attractive the incentives to occupy them might be. However many new homes are built, existing homes will still be far and away the largest part of the market. Contrary to the Government's plans, incentivising turnover in existing dwellings might be the best way to grow the market.

We can see no advantage in the proposal to relax the 'in perpetuity' restrictions. We fail to see how this will produce any benefit and it will in fact disadvantage future generations.

***Q3. Do you agree with the Government's definition of commuter hub? If not, what changes do you consider are required?***

It must not allow development around newly created "hubs" at Park and Rides and in open countryside where development would otherwise be not allowed, and it must not allow development in Green Belts.

The definition of a commuter hub should be changed to include this restriction otherwise it might open up development in totally unsuitable places.

***Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?***

No. If the housing shortage is as critical as supposed, introducing a minimum density nationally would be beneficial. A key reason for Oxford's "housing crisis" is the City, though constrained by Green Belt, has built, and continues to build, at low densities.

***Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?***

We support a policy of new settlements in suitable places, if only to avoid the sprawl of housing estates around existing towns and villages.

There should however be no presumption that new settlements will be provided. Decisions must be left entirely to Local Authorities, although there should be a close definition of the sorts of places where new settlements would be acceptable.

***Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?***

There are clear benefits to prioritising brownfield land in urban areas for development (although clearly not all brownfield sites are suitable for development, due to being either of high biodiversity value or poorly located).

We have opposed over many years councils hanging on to future development land for employment when it was clearly inappropriate.

However, the constraints that new development must be no more damaging to Green Belt/AONB must be retained. These designations are highly valued by the public.

***Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of local planning authorities' five-year land supply?***

If the government wants to encourage small developments of less than 10 units then it is necessary to do something about the availability of finance to small builders, who in present circumstances are not able to access finance, and are therefore going out of business. This sort of support is much more valuable than changing planning rules.

However, the constraints that new development must be no more damaging to Green Belt/AONB must be retained. These designations are highly valued by the public.

***Q11. We would welcome your views on how best to implement the housing delivery test, and in particular***

- What do you consider should be the baseline against which to monitor delivery of new housing?***
- What should constitute significant under-delivery, and over what time period?***
- What steps should be taken in response to significant under-delivery?***
- How do you see this approach working when the housing policies in the Local Plan are not up-to-date?***

***AND***

***Q12. What would be the impact of a housing delivery test on development activity?***

We strongly oppose the proposal to identify additional development sites. This would provide a bigger pool of possible sites which builders could cherry pick from, and simply move the houses developers are prepared to build to more and more damaging locations. In fact the best way to get developers building to capacity is to stop lifting the skirts of potential new releases, but make it clear that existing released land must be built out first.

We see no point in a housing delivery test. It would be bureaucratic complication without any reason why it would lead to more houses being built, as well as a further ratcheting up of centralised control over elected local councils.

We believe the correct solution to under-delivery is for all permissions to be subject to rigid, and non negotiable, conditions requiring significant building operations to start within a short period (suggest 6 months) but more importantly instating a reasonable completion date. This would ensure that planning permissions were not sought without clear plans for operations to start, and would stop the policy of some companies requesting planning applications to increase the value of sites, for future sale or negotiation.

***Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?***

We can see no need for this change. And we cannot see why it should be regarded as an improvement.

Local connection tests are absolutely necessary if local communities are to accept exception sites.

***Q19. Should local communities have the opportunity to allocate sites for small scale Starter Home developments in their Green Belt through neighbourhood plans?***

We absolutely oppose the proposal that local communities should be able to identify sites in the Green Belt. This is completely contrary to Green Belt policy, which the government supports, and would be impossible to control. The Green Belt as a whole is an asset for all, not just the settlements to which it is adjacent, and it should not be possible to dismantle it by degrees.

The NPPF policies on Green Belt are not being implemented strongly enough, and the 'exceptional circumstances' test for releases in Local Plans needs to be tightened.

***Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?***

Some brownfield land in the Green Belt could be built on without loss of amenity. But some brownfield sites are very open and should be left as such as contributing to the essentially open nature of the Green Belt. The NPPF already allows the redevelopment of Green Belt sites as long as this is not more harmful to openness than the pre-existing. It is essential to the integrity of the Green Belt that this caveat remains.

**Q21. We would welcome your views on our proposed transitional arrangements.**

We are not convinced that these are necessary if the correct changes are made to the NPPF.

## SUMMARY CONCLUSIONS

A major opportunity has been missed to put right the obvious flaws in the way the NPPF is operating.

The problems lie not with the NPPF but, firstly, with the SHMAs which the Government imposes. Because these are so recklessly overstated, and because Councils fail to accept them at their peril, the impression is given that far more houses must be built than actual need requires. This supposed deficit is at the root of the Government's panic, and is easily resolved by reducing SHMAs to local need alone.

Secondly the constant hinting that yet more valuable land will be released unless the SHMA's notional targets are met, has the effect of halting the development of already released sites in the hope of yet more profitable sites being released. Ending the false panic would go a long way to unblocking development.

For these reasons we do not believe that the changes proposed will have anything like the effect the government is clearly hoping for.

The minor redefinition of affordable homes may have a slight effect. But most people who need them cannot afford affordable homes anyway.

There are ways of ensuring that planning permissions are carried out. We totally oppose the idea of additional sustainable sites. This worsens the problems that currently arise from five year supply, and increase the opportunity for developers to cherry pick the most profitable sites. There is absolutely no reason to suppose it will increase the amount of house building.

Rather than antagonise district councils, by encroaching even further onto their authority, and putting more burdens on their planning departments, the Government should be trying to work in tandem with local authorities on agreed procedures.

Brian Wood  
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