

Agenda Item No 6

Planning and Development Board

6 June 2022

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The report brings Members up to date with recent appeal decisions.

<p>Recommendation to the Board</p> <p>That the report be noted.</p>

2 Consultation

2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 a) Arden Croft, Church Lane, Maxstoke

3.1 This appeal was lodged against the inclusion of a condition in a planning permission for an extension, which took away permitted development rights. The reason was essentially that this is an isolated house in the Green Belt and further extensions and/or outbuildings could impact on the openness of the setting. The Inspector agreed, but only to the extent that not all permitted rights should be withdrawn.

3.2 The Inspector refers to both the quantitative and qualitative tests in the Local Plan and it is encouraging in this instance that she agreed with the Council's policy. However, she does infer that if the appeal site had been in a group of buildings rather than isolated, the decision might have been different. This emphasises the need to treat each case on its own merits and thoroughly examine the qualitative aspects of a proposal, rather than solely rely on the quantitative assessment. It is also a reminder that the removal of permitted development rights should not be treated as normal practice.

... 3.3 The decision is at Appendix A.

4 Report Implications

4.1 Environment, Climate Change and Health Implications

4.1.2 This decision accords with Development Plan policy particularly as it supports protection of the openness of the Green Belt.

4.2 Links to Council's Priorities

- 4.2.1 The decision reflects the Council's priority of protecting the rural character of the Borough.

The Contact Officer for this report is Jeff Brown (719310).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date



Appeal Decision

Site visit made on 8 March 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/R3705/W/21/3287048

Arden Croft, Church Lane, Maxstoke B46 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Robert Lane against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0406, dated 29 June 2021, was refused by notice dated 6 September 2021.
 - The application sought planning permission for erection of single storey new detached garage and side extension without complying with a condition attached to planning permission Ref PAP/2016/0148, dated 25 April 2016.
 - The condition in dispute is No 5 which states that: No development whatsoever within Classes A, B, E and F of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.
 - The reason given for the condition is: In the interests of the amenities of the area and to protect the openness of the Green Belt.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of single storey new detached garage and side extension at Arden Croft, Church Lane, Maxstoke B46 2QN in accordance with application Ref: PAP/2021/0406, dated 29 June 2021, without compliance with condition 5 previously imposed on planning permission Ref: Ref PAP/2016/0148, dated 25 April 2016, but subject to the conditions in the attached schedule. Condition 5 is varied and replaced with an amended version.

Background and Main Issues

2. Planning permission for a proposed extension to the existing dwelling and erection of a detached garage was granted in 2016 (Ref PAP/2016/0148). Condition 5 of that permission prevents certain permitted development rights being exercised without planning permission being granted.
3. The application subject of this appeal seeks to remove this condition to enable full permitted development rights to be reinstated. The Council's refusal reason and appeal statement explain that the condition remains necessary to avoid alterations that could unacceptably harm the openness of the Green Belt, the character of the existing house and have a harmful visual effect on the surrounding area. Consequently, planning permission would be required for any future alterations to the dwelling that would otherwise have been permissible

under Classes A, B, E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

4. Therefore, the main issues are whether the condition is reasonable or necessary in the interests of a) the openness of the Green Belt; b) and the character and appearance of the site and surrounding area.

Reasons

Green Belt Openness

5. Policy LP3 of the North Warwickshire Local Plan (September 2021) (Local Plan) identifies that extensions in the Green Belt will be considered disproportionate development depending on the particular merits of each case, using quantitative and qualitative assessment criteria (criterion b.). In addition, it confirms that removal of permitted development rights will be considered where the development is found to have reached the maximum scale that would preserve the openness of the Green Belt, or where other matters such as visual impact are relevant (criterion d.)
6. Paragraph 54 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance (PPG) also advises that conditions of this nature may not pass the test of reasonableness or necessity, and the scope of such conditions needs to be precisely defined with reference to the GPDO.
7. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects. Notwithstanding that there is a single storey dwelling on the adjacent plot, the appeal site has the appearance of a standalone dwelling, slightly separated from others in Maxstoke by intervening fields. It is set back from, and elevated above Church Lane which slopes down towards Maxstoke Village Hall. It occupies a prominent position when viewed from Church Lane on approach from Packington Lane, as well as from the public right of way adjacent the village hall. Its garden is bound by a wooden post and rail fence allowing open views into the site. Therefore, the openness of the Green Belt is clearly perceptible around the house and in the locality.
8. In this context, further extensions (Class A), roof alterations (Class B), or buildings etc incidental to the enjoyment of the house (Class E) to the full extent possible under relevant permitted development rights, have the potential to be harmful to both the visual and spatial elements of the openness of the Green Belt. In that regard, it is reasonable and necessary for the condition to restrict permitted development rights in relation to Class A, B and E of the Order, to enable the Council to consider any further such proposals.
9. In contrast, I am not persuaded that there is sufficiently clear justification for a restriction on the provision or replacement of areas of hard surfacing for purposes incidental to the enjoyment of the dwelling (Class F). In the particular circumstances of this case, the effect of such alterations to hardstanding as could be undertaken under this permitted development right would preserve the openness of the Green Belt.
10. Accordingly, the removal of reference to Class F from the condition would comply with Policy LP3 of the Local Plan, paragraph 54 of the Framework and the approach in the PPG.

Character and Appearance

11. The appeal house is an attractively proportioned two storey dwelling. Its front facing and side facing gables, together with chimneys that project above the existing roof line are defining positive features of the character of the building. That character is enhanced by its position within the plot and is perceptible from the surrounding area. The approved plans for the 2016 permission show how the various existing extensions, some of which have already been removed, would be replaced by a consolidated design, more closely related to the original building.
12. Given the site's prominence and its positive contribution to the character of the surrounding area, it is appropriate to prevent permitted development rights under Class A, B and E here. Without that restriction, such development could readily conflict with provisions in Policy LP30 of the Local Plan, which requires that developments respect the character and appearance of the surrounding area. However, the effect of exercising permitted development rights in respect of hard surfacing would be sufficiently limited that it would not unacceptably harm the character and appearance of the surrounding area. Such development within Class F could be carried out without conflict with Policy LP30.
13. I therefore conclude that the subject condition is reasonable and necessary in the interests of preserving the character and appearance of the surrounding area, insofar as it relates to Classes A, B and E of the GPDO. As alterations under Class F would not harm character and appearance it is not reasonable and necessary for that condition to include reference to Class F.

Other Matters

14. I note the appeal decisions referenced by the appellant at Betteridges Barn (APP/Q4625/A/12/2170281) and Westbrook (APP/J3720/W/18/3217169). However, in contrast with this appeal site, both appeal sites appear much more closely related to other buildings in their locality. Moreover, in the circumstances of those cases, neither Inspector found that exercising the permitted development rights that had been restricted would result in material harm to the openness of the Green Belt. Whereas, in the context of this site I have found that works under all but one of the permitted development rights would harm Green Belt openness. Therefore, those decisions do not alter my reasoning.
15. I note also the Council's decision to grant planning permission at Yew Tree House (Ref PAP/2021/0259) without imposing a restriction on permitted development rights. Whilst this is on the same road as the appeal site, that house is nevertheless much less prominent in the locality and has a closer relationship with other built development in Maxstoke. Consequently, the circumstances of that site are sufficiently different to justify a different decision here.

Conditions and Conclusion

16. For the reasons given above, I conclude that the appeal should partly succeed. Condition No 5 is only reasonable and necessary in order to prevent extensions, roof alterations and erection of outbuildings. This is in the interests of protecting the openness of the Green Belt, and the character and

appearance of the site and surrounding area. However, it is not reasonable and necessary for that condition to prevent provision of hard surfaces incidental to the enjoyment of the dwellinghouse. Therefore, I will replace the disputed condition with one that excludes reference to Class F, such that permitted development rights for provision of hard surfaces can be exercised.

17. The Council has advised that, in addition to condition 5, only conditions 2, 4 and 6 of the 2016 permission are now required. For the sake of clarity, I have amended the wording of these conditions as necessary, without changing their meaning. Condition 1 is required in the interests of certainty. Condition 2 is required to protect the character and appearance of the surrounding area. Finally, condition 4 is required for certainty over the authorised use of the garages and in the interests of character and appearance.

Rachel Hall

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the plans numbered 5284/01e and 5284/02b, received by the Local Planning Authority on 11 March 2016.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall comprise red facing brickwork and plain roofing tiles, of a colour, size, shape and texture to match the host dwelling.
- 3) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no development comprising enlargement or other alteration to the dwelling, alteration to its roof, and erection of any outbuilding, under Classes A, B and E respectively, shall be carried out, other than those expressly authorised by this permission.
- 4) The garages hereby permitted shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling known as Arden Croft, and shall not be sold off, sub-let or used as a separate unit of accommodation.

Agenda Item No 7

Planning and Development Board

6 June 2022

**Report of the
Head of Development Control**

Levelling Up and Regeneration Bill

1 Summary

- 1.1 The report provides an initial summary of this new Planning Bill as set out in the recent Queen's Speech.

Recommendation to the Board

That the report be noted and that officers update the Board as further detailed information is received and the formal consultation process commences.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Introduction

- 3.1 Members will have seen the recent media coverage in respect of this new Bill which was introduced through the recent Queen's Speech. The Bill replaces the Planning Reforms that were first published by the Government a little while ago, but subsequently withdrawn. The Bill, as its title suggests, covers other aspects, but there are several sections which outline a review of current plan-making procedures, as well some affecting planning decision making.

- 3.2 The Bill is a substantial document and Members can view the whole of this on the GOV.UK website. A Policy Paper has also been published alongside the Bill and this is attached as Appendix A. This report will highlight the main "planning" issues in the Bill. Officers have attended initial briefings with Government's Chief Planners and it is clear that there will be a substantial amount of further information to be published, along with formal consultations. Officers will report to the Board as the Bill progresses through Parliament.

4 Plan Making

- A Local Plan is to contain only “locally specific” matters. National planning and related policies related to decision making would be contained in a new National Development Management Policy document (NDMP). The current National Planning Policy Framework (NPPF) would remain, but be slimmed further, as it would only contain matters to do with plan making, as its current decision-making policies would be transferred to the new NDMP. The NPPF and NDMP would have equal status to the Local Plan, but in the case of conflict, they would prevail.
- There will be a Statutory Duty to prepare a Design Code for each Local Planning Authority area.
- There will be voluntary option for groups of Authorities to produce a spatial development strategy where they wish to provide for strategic planning policies that cut across their areas.
- The Duty to Co-Operate between Local Planning Authorities is to be repealed. The alternative is only described as a “more flexible alignment test”.
- Local Plans will still have to be found to be “sound”, but the definition of this test is to be reviewed
- Time limits are to be prescribed for different stages of plan preparation including earlier involvement with the Planning Inspectorate. The expectation is for Plans to be developed within 30 months with two rounds of public consultation and an independent Examination. They would be reviewed every five years.
- The requirement to maintain a rolling five-year supply of deliverable land for housing is to be removed where a Local Plan is up-to-date– i.e. adopted within the past five years.
- Each Local Planning Authority may prepare Supplementary Plans where policies for specific sites or groups of sites need to be prepared; to set out design codes for a specific area or to set out the approach on specific matters. These would replace Supplementary Planning Documents, but they would become part of the statutory Development Plan and thus carry full weight.
- Neighbourhood Plans will remain as part of the Development Plan. They can now include specific design requirements that need to be met for a planning permission to be granted. But in order to provide communities with a “simpler and more accessible” way of setting out their key priorities and preferences, they can prepare a “Neighbourhood Priorities Statement”. The Local Planning Authority has to take these onto account when preparing a Local Plan. Additionally, further detail will be published to “prescribe what communities can address in their neighbourhood plans”.

4.1 These measures differ significantly from the withdrawn proposals and are generally welcomed as an overall package. The Local Plan preparation is slimmed down and there is to be greater weight given to Design Codes and Supplementary Plans.

5 Planning Decisions

- Developments Plans are to be given more weight in the decision-making process. At present the requirement is that planning permission must be granted if a proposal accords with the Development Plan “unless material considerations indicate otherwise”. This would be altered to decisions being made in accordance with the Development Plan and the NDMP, “unless material considerations strongly indicate otherwise”.
- A new “Street Votes” system will be introduced whereby residents can propose development on their street and hold a vote on whether it should be given planning permission. It is not clear presently, if this will also extend to proposals to extend or redevelop properties in line with their design preferences.
- A new provision to allow greater flexibility for amendments to be made to planning permissions where these amount “non-substantial changes”. This would alter the current “variation” procedures, but there is no detail in the Bill.
- A Commencement Notice would be required before work is commenced on site with a “start date” identified. It may become an offence then not to comply with that start date.
- A Local Planning Authority may serve a Completion Notice, where development has started but has not been finished. Non-compliance means that the planning permission lapses if work is not completed within the specified time.
- There would be widening in the range of assets that can be considered as “heritage” assets.
- Temporary Stop Notices are to be introduced for unauthorised works to a listed building.
- In respect of enforcement matters there are three changes in general terms - giving an Authority longer to take action - e.g. any time within 10 years rather than the differing time periods as now; introducing “warning notices” in respect of unauthorised development and modifications to reduce some duplication and delay in the enforcement process - e.g. limiting the range of grounds of appeal.
- Planning Fees would be increased – by 35% for major applications and 25% for others and the potential for retrospective application fees to be doubled. However, there would need to be revised measures to ensure that performance was also improved.
- There are to be prescribed technical data standards for all planning data and Local Planning Authorities will be required to only use planning data software approved by the Government.

5.1 There are some welcome changes outlined here together with an apparent greater level of control over new development starts and completions. The increase in planning fees is of course welcome, but the “quid-pro-quo” increase on performance measures may have consequences. The detail of the suggested “Street Votes” system will be awaited with interest.

6 Infrastructure

- The Community Infrastructure Levy (CIL) and Section 106 contributions are to be abolished except in London and in Wales. They would be replaced by a new “Infrastructure Levy” which will be defined in later Regulations. It would be a locally determined and mandatory Levy to fund infrastructure.
- Local Planning Authorities will be required to prepare Infrastructure Delivery Strategies – that is to set out how the Levy would be spent. Section 106 Agreements would only be retained for infrastructure delivery on the largest development sites.
- The Bill introduces a “right to require”. This would remove the role of negotiation in determining levels of onsite affordable housing. Local Authorities would be able to determine the portion of the Levy they receive in-kind, as onsite affordable homes.

6.1 There will need to be some significant work undertaken here in preparing the levels and thresholds of the new Levy within the Borough as well as in its administration and monitoring. The retention of 106 Agreements for larger sites is welcome because of the inter-related nature of phasing and infrastructure delivery and the appropriate triggers. In the Borough this would relate to the major strategic housing allocations at Polesworth and Dordon, Atherstone, Hartshill and Ansley Common and at Robey’s Lane.

7 Environmental Impact Assessment

- A new system of “Environmental Outcome Reports” will replace the current EU processes of Environmental Impact Assessments and Strategic Environmental Assessments for both plans and development projects. These would be assessed against Government set environmental outcomes, rather than EU defined outcomes.

7.1 This change is a direct result of Brexit and we will have to await the consultation on the “outcomes” expected by the Government.

8. Report Implications

8.1 Finance and Value for Money Implications

8.1.1 The suggested increase in fees is welcome and if taken across the board as an average 30% increase, it would lead to a possible £180K increase over the revised budget figure for 2021/22. However, the related “performance” measures may reduce the impact of this “growth”. Administration and Monitoring of the new Levy will have a resourcing implication as the Council currently is not a CIL charging authority.

8.2 Environment, Climate Change and Health Implications

8.2.1 The general approach taken in the Bill should have positive implications and benefits. It will be possible to build on the approaches taken in the current Development Plan.

8.3 Human Resources Implications

8.3.1 There are likely to be resourcing implications as a consequence of the measures outlined in the Bill.

8.4 Links to Council's Priorities

8.4.1 The overall approach of the Bill would seem to accord within the Council's priorities of protecting its rural character but also to give added weight and assistance to the delivery of infrastructure where appropriate.

The Contact Officer for this report is Jeff Brown (719310).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

1. Home (<https://www.gov.uk/>)
 2. Business and industry (<https://www.gov.uk/business-and-industry>)
 3. UK economy (<https://www.gov.uk/business-and-industry/uk-economy>)
 4. UK economic growth (<https://www.gov.uk/business/uk-economic-growth>)
 5. Levelling Up and Regeneration: further information
(<https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information>)
- Department for Levelling Up, Housing & Communities (<https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities>)

Policy paper

Levelling Up and Regeneration: further information

Published 11 May 2022

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Introduction

This paper summarises the steps we are taking, through the Levelling Up and Regeneration Bill and other legislation and policy, to devolve power and give local leaders and communities the tools they need to make better places. This is a key component of our wider programme to level up the country, as set out in the [Levelling Up White Paper \(https://www.gov.uk/government/publications/levelling-up-the-united-kingdom\)](https://www.gov.uk/government/publications/levelling-up-the-united-kingdom) published in February this year. The White Paper unveiled an ambitious programme to reduce inequality and close the gap – in productivity, health, incomes, and opportunity – between much of the south east and the rest of the country. It set out 4 broad objectives for achieving this:

- boost productivity, pay, jobs and living standards by growing the private sector, especially in those places where they are lagging
- spread opportunities and improve public services, especially in those places where they are weakest
- restore a sense of community, local pride and belonging, especially in those places where they have been lost
- empower local leaders and communities, especially in those places lacking local agency

The [Levelling Up and Regeneration Bill \(https://bills.parliament.uk/bills/3155\)](https://bills.parliament.uk/bills/3155), given its first reading today (11 May 2022), will put the foundations in place for delivering this agenda and ensuring all parts of the country share equally in our nation's success. As well as delivering against some of the ambitions set out in the Levelling Up White Paper, it also incorporates some of the proposals for planning reform outlined in the earlier Planning for the Future White Paper (August 2020), where they support our approach to Levelling Up.

Beyond the Bill, we are taking a number of other steps to help local leaders and communities make better places, which are summarised in this paper. The approach that we are taking has been informed by the responses to the Planning for the Future White Paper.

The following section summarises the content of the Levelling Up and Regeneration Bill as a whole, before our wider programme to make better places is outlined in more detail.

The Levelling Up and Regeneration Bill

The Bill acts on several fronts to create a robust framework for levelling-up:

Providing a legal basis for the setting and reporting against the levelling up missions. The Bill will create a legal duty for the Government to set and report on a number of missions for levelling up the country. The missions, which were published in the Levelling Up White Paper and which will be set out in a policy paper to be laid before Parliament, will make sure that reducing spatial disparities is at the heart of government decision making. Regular reports to Parliament will be backed by clear metrics to create strong accountability and measure success.

Devolving powers to all areas in England that want them, providing more control over budgets, transport and skills. In England, the Bill provides for new devolution structures and simplifies existing arrangements for devolving power, which are complicated and burdensome. It delivers models that will allow all parts of the country – not just major cities – to benefit from bespoke devolution deals, giving local leaders the powers to meet their communities' needs. Providing these opportunities for all communities will increase innovation and enhance local accountability, leading to more joined up services and decision making, greater flexibility over funding and more inward investment. Alongside these new powers, the Bill includes measures to increase the accountability and transparency of local leaders to their communities.

Empowering local leaders to regenerate towns and cities and restore local pride in places.

The Bill strengthens and adds to the tools that can be used to deliver regeneration and make good use of previously developed land. It will reinvigorate high streets by making changes to outdoor seating permanent and allowing local authorities to fill vacant commercial property, such as shops, through high street rental auctions. It will enhance compulsory purchase powers, make it easier to establish locally-led development corporations and improve transparency about the ownership and control of land. The Bill will also empower local authorities to double the standard council tax rate on any home left empty for longer than a year, rather than two; encouraging more empty homes back into productive use, while raising additional revenue to support local services and keep council tax down for local residents. We will also look to bring forward measures to ensure the police have the powers to ensure communities can feel safe and secure where they live.

Improving the planning process, so that it gives local communities control over what is built, where it is built, and what it looks like, and so creates an incentive to welcome development provided it meets the standards which are set. The Bill includes powers to support our approach to achieving this, which is through reforms to:

- deliver high quality design and **beautiful places**, and protect our heritage
- enable the right **infrastructure** to come forward where it is needed
- enhance **local democracy** and engagement
- foster better **environmental outcomes**
- allow **neighbourhoods** to shape their surroundings, as this is where the impact of planning is most immediately felt

The Bill will also enable further changes to come forward which will enhance the way that planning works, including full digitalisation of the system and improving processes.

The changes to planning and regeneration that we wish to see will not be delivered by the Bill alone. Changes to regulations, national policy, guidance and wider support for councils, communities and applicants will be just as important in achieving success. The following section outlines our devolution measures, planning and regeneration reforms more fully, including the actions which we are taking alongside the Bill.

Our programme for giving more power to local leaders

Simplifying and strengthening devolution arrangements so that more local leaders are empowered to deliver for their communities and local economies.

In the Bill

The government has set a mission for every part of England that wants one to have a devolution deal with powers at or approaching the highest level of devolution, and a simplified, long-term funding settlement by 2030. New and deeper devolution deals will empower local leaders to grow their local economies and improve public services, delivering on the other missions set out in the Levelling Up White Paper. To help achieve this, the Bill will add to existing legislation by:

- Making it easier to devolve powers to more of England through a new type of combined authority model – “combined county authorities” - to be made up of upper tier local authorities (county councils and unitary authorities) only. The model will extend devolution to more areas of

England, especially rural areas beyond city regions. Upper tier local authorities will be expected to work closely with their district councils, who will be able to be “non-constituent members” of a combined county authority.

- Simplifying the processes for establishing and amending new and existing combined authorities, which can be complicated and burdensome. This will quicken the process of devolving new powers, enabling the extension and deepening of devolution, and will focus more on the outcomes for the area.
- Increasing the accountability and transparency of local leaders to their communities, in line with local areas getting more powers and flexibilities. This will include supporting attendance at overview and scrutiny and audit committees through amending remuneration provisions.
- Enabling local authorities to change their governance model to a stronger form (e.g., with a directly elected mayor) more quickly in order to access a deeper devolution deal.
- Allowing areas to choose an alternative title for their directly elected mayor - such as ‘Governor’ and ‘County Commissioner’ – so areas can choose the title which best reflects their local identity.

In addition, the Bill provides a framework within which power can sustainably be devolved locally by providing supporting tools to tackle excessive risk from borrowing and investing. This allows local authorities to do the capital investment needed, in a way that is financially sustainable both now and in the future.

Alongside the Bill

The measures in the Bill will support our wider plans to empower strong local leaders to deliver for their communities and local economies. We will continue to make good progress agreeing new and deeper devolution deals so that more parts of England can see the benefits of empowered and dynamic local leadership, and we are currently in active negotiations with areas named in the Levelling Up White Paper. This will include more power locally to grow the economy, improve local transport systems, and invest in local skills needs. We aim to conclude negotiations with the first new deals later this year.

Our programme for making better places

A genuinely plan-led system

Getting simple, meaningful local plans in place faster that give more certainty to communities that the right homes will be built in the right places.

In the Bill

The Bill makes several changes to strengthen the role of democratically produced plans, so that decisions on applications are more genuinely plan-led:

- Local plans will be given more weight when making decisions on applications, so that there must be strong reasons to override the plan. The same weight will be given to other parts of the development plan, including minerals and waste plans prepared by minerals and waste planning authorities, neighbourhood plans prepared by local communities, and spatial development strategies produced to address important planning issues at a more strategic scale.

- To help make the content of plans faster to produce and easier to navigate, policies on issues that apply in most areas (such as general heritage protection) will be set out nationally. These will be contained in a suite of National Development Management Policies, which will have the same weight as plans so that they are taken fully into account in decisions.
- Several other changes are provided for to improve the process for preparing local plans and minerals and waste plans: digital powers in the Bill will allow more standardised and reusable data to inform plan-making; a series of 'Gateway' checks during production will help to spot and correct any problems at an early stage; there will be a new duty for infrastructure providers to engage in the process where needed; and the 'duty to cooperate' contained in existing legislation will be repealed and replaced with a more flexible alignment test set out in national policy (see below). New Local Plan Commissioners may be deployed to support or ultimately take over plan-making if local planning authorities fail to meet their statutory duties. These changes will increase the numbers of authorities with up-to-date plans in place (currently only at 39%), giving more communities a meaningful say over new development in their area while supporting new homebuilding.
- Opportunities for communities and other interested parties to influence and comment on emerging plans will be retained, with the digital powers allowing both plans and underpinning data to be accessed and understood more easily.
- Local planning authorities will have a new power to prepare 'supplementary plans', where policies for specific sites or groups of sites need to be prepared quickly (e.g., in response to a new regeneration opportunity), or to set out design standards. These plans will replace the 'supplementary planning documents' which councils produce currently, but which do not carry the same weight.
- The Bill will also enable groups of authorities to collaborate to produce a voluntary spatial development strategy, where they wish to provide strategic planning policies for issues that cut across their areas (echoing the powers conferred on some Mayoral combined authorities already).

Proposals which were set out in the Planning for the Future White Paper for all land to be placed in prescribed categories and linked to automatic 'in principle' permission for development in areas identified for development, are not being taken forward. Local plans, including minerals and waste plans, will also continue to be assessed for whether they are 'sound' at examination, but we will review whether the current tests are sufficiently proportionate as part of the work to update the National Planning Policy Framework, detailed below.

As well as giving neighbourhood plans greater weight in planning decisions, the Bill will increase the accessibility of neighbourhood planning by allowing parish councils and neighbourhood forums to produce a simpler 'neighbourhood priorities statement' which the local authority will be obliged to take into account when preparing its local plan. The Bill also includes new 'street vote' powers, allowing residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences. Where prescribed development rules and other statutory requirements are met, the proposals would then be put to a referendum of residents on the street, to determine if they should be given planning permission.

Alongside the Bill

To incentivise plan production further and ensure that newly produced plans are not undermined, our intention is to remove the requirement for authorities to maintain a rolling five-year supply of deliverable land for housing, where their plan is up to date, i.e., adopted within the past five years. This will curb perceived 'speculative development' and 'planning by appeal', so long as plans are kept up to date. We will consult on changes to be made to the National Planning Policy Framework.

This is just one of the changes that we intend to make to the National Planning Policy Framework to support effective implementation of the Bill. Most fundamentally, we will need to identify and consult on the National Development Management Policies which will sit alongside plans to guide decision-making. They will be derived from the policies set out currently in the National Planning Policy Framework, where these are intended to guide decision-making, but we will also identify and seek views on any gaps in the issues which are covered. The rest of the National Planning Policy Framework will be re-focused on setting out the principles to be taken into account in plan-making, whilst also streamlining national policy, making it more accessible and user friendly.

Alongside this, regulations will be updated to set clear timetables for plan production – with the expectation that they are produced within 30 months and updated at least every five years. During this period, there will be a requirement for two rounds of community engagement before plans are submitted for independent examination. We will also produce new guidance on community engagement in planning, which will describe the different ways in which communities can get involved and highlight best practice, including the opportunities which digital technology offers. Any new digital engagement tools will sit alongside existing methods of engagement (such as site notices and neighbour letters). For decision making, the Bill will also enable pre-application engagement with communities to be required before a planning application is submitted, remove the sunset clause, making the powers which currently expire in 2025, permanent.

Delivering infrastructure

A simple, non-negotiable, locally set Infrastructure Levy will ensure that developers pay their fair share to deliver the infrastructure that communities need.

In the Bill

The government wants to make sure that more of the money accrued by landowners and developers goes towards funding the local infrastructure – affordable housing, schools, GP surgeries, and roads – that new development creates the need for. To do this, the Bill will replace the current system of developer contributions with a simple, mandatory, and locally determined Infrastructure Levy. The Bill sets out the framework for the new Levy, and the detailed design will be delivered through regulations.

The Levy will be charged on the value of property when it is sold and applied above a minimum threshold. Levy rates and minimum thresholds will be set and collected locally, and local authorities will be able to set different rates within their area. The rates will be set as a percentage of gross development value rather than based on floorspace, as with the Community Infrastructure Levy at present.

This will allow developers to price in the value of contributions into the value of the land, allow liabilities to respond to market conditions and removes the need for obligations to be renegotiated if the gross development value is lower than expected; while allowing local authorities to share in the uplift if gross development values are higher than anticipated. The government is committed to the Levy securing at least as much affordable housing as developer contributions do now. The Bill will set out the framework to enable this approach, with some of the details set out in regulations.

To strengthen infrastructure delivery further, the Bill will require local authorities to prepare infrastructure delivery strategies. These will set out a strategy for delivering local infrastructure and spending Levy proceeds. The Bill will also enable local authorities to require the assistance of infrastructure providers and other bodies in devising these strategies, and their development plans.

We intend to bring forward legislation to enable the piloting of Community Land Auctions. Piloting authorities will pioneer an alternative way of identifying and allocating land for development, in a way which seeks to maximise the potential uplift in land value. Landowners will be able to submit their land into an allocation process as part of an emerging local plan, offering the local planning authority an option on the land at a price set by the landowner. The local authority will allocate land based on both planning considerations and the option price. It will then auction the development rights onto a successful bidder once land is allocated in the adopted plan. The difference between the option price offered by landowners, and the price offered to develop allocated land, will be retained by local authorities for the benefit of local communities.

Alongside the Bill

Much of the detail of different elements of the new Infrastructure Levy will need to be set in regulations, following consultation. Specifically, we will:

- Introduce a new 'right to require' to remove the role of negotiation in determining levels of onsite affordable housing. This rebalances the inequality between developers and local authorities by allowing local authorities to determine the portion of the levy they receive in-kind as onsite affordable homes.
- Consider how the Levy should be applied to registered provider-led schemes.
- Require developers to deliver infrastructure integral to the operation and physical design of a site – such as an internal play area or flood risk mitigation. Planning conditions and narrowly targeted section 106 agreements will be used to make sure this type of infrastructure is delivered.
- Detail the retained role for section 106 agreements to support delivery of the largest sites. In these instances, infrastructure will be able to be provided in-kind and negotiated, but with the guarantee that the value of what is agreed will be no less than will be paid through the Levy.
- Retain the neighbourhood share and administrative portion as currently occurs under the Community Infrastructure Levy.
- Introduce the Levy through a 'test and learn' approach. This means it will be rolled out nationally over several years, allowing for careful monitoring and evaluation, in order to design the most effective system possible.

Sites permitted before the introduction of the new Levy will continue to be subject to their CIL and section 106 requirements.

Creating beautiful places and improving environmental outcomes

Ensuring new development meets clear design standards which reflect community views, a strengthened framework of environmental outcomes, and expanded protections for the places people value.

In the Bill

We have taken important steps to make sure that good design which reflects community preferences is a key objective of the planning system, reflecting the important recommendations of the Building Better, Building Beautiful Commission. This includes the National Model Design Code and stronger national policy on the importance of good design; changes which are already having positive effects. So that locally informed and clear design standards are in place in all parts of the country, the Bill will require every local planning authority to produce a design code for its area. These codes will have full weight in making decisions on development, either through forming part of local plans or being prepared as a supplementary plan.

Measures in the Bill will also strengthen the critical role the planning system plays in protecting the historic environment. The Bill will give important categories of designated heritage assets, including scheduled monuments, registered parks and gardens, World Heritage Sites, and registered battlefields, the same statutory protection in the planning system as listed buildings and conservation areas. The Bill will also put Historic Environment Records on a statutory basis, placing a new duty on local authorities to maintain one for their area. The enforcement powers available to protect listed buildings will be enhanced as well: by introducing temporary stop notices; strengthening the power to issue Urgent Works Notices by extending them to apply to occupied listed buildings; making the costs of carrying out works a local land charge to aid cost recovery by local planning authorities; and removing the compensation liability in relation to Building Preservation Notices.

This government has set ambitious goals to improve our natural environment and tackle climate change, with last year's landmark Environment Act marking a critical step in taking these ambitions forward. The Levelling Up and Regeneration Bill goes further still. It improves the process used to assess the potential environmental effects of relevant plans and major projects, through a requirement to prepare 'Environmental Outcome Reports'. These will replace the existing EU-generated systems of Strategic Environmental Assessment (including Sustainability Appraisals) and Environmental Impact Assessment and introduce a clearer and simpler process where relevant plans and projects (including Nationally Significant Infrastructure Projects) are assessed against tangible environmental outcomes set by government, rather than in Brussels. This approach will ensure there is a clear focus on protecting our environment, pursuing positive environmental improvements and providing clear join-up between strategic and project scale assessments. In bringing forward a new approach to environmental assessment, we want it to deliver more, not less, for the environment. Reflecting this, the Bill creates a duty on the Secretary of State to ensure that the new system of environmental assessment does not reduce the overall level of environmental protection.

In addition to this, the increased weight given to plans and national policy by the Bill will give more assurance that areas of environmental importance – such as National Parks, Areas of Outstanding Natural Beauty and areas at high risk of flooding – will be respected in decisions on planning applications and appeals. The same is true of the Green Belt, which will continue to be safeguarded.

Alongside the Bill

The 'Office for Place' will support local planning authorities and communities to turn their visions of beautiful design into local standards all new development should meet, to deliver design codes and better design outcomes. We will also continue to support design code pathfinders, offering support and funding to 25 areas across England to produce local design codes, serving as examples to other areas.

We will also consult on a number of changes to the National Planning Policy Framework to improve environmental outcomes and protect our historic environment. This will include changes to make sure that the Environment Act's reforms are embedded fully in plan-making and decisions, in particular the new duty to secure biodiversity net gain in association with development, and the preparation of Local Nature Recovery Strategies. We also want to make sure that national policies support

planning's role in mitigating and adapting to climate change, and that they address the commitments in the British Energy Security Strategy (published April 2022). Existing Green Belt protections will remain, and we will pursue options to make the Green Belt even greener.

In addition, biodiversity net gain will be implemented through the planning system from late 2023 onwards. Active Travel England – the government's new adviser on sustainable transport – will also become a statutory consultee for key planning applications, and the Environment Agency's role will be expanded to ensure development near waste sites is acceptable.

Regeneration

Enabling the regeneration of brownfield and other underused land to support local economic growth, whilst rejuvenating town centres by reducing blight and enabling high streets to thrive.

In the Bill

The Bill proposes a number of measures to support land assembly and regeneration. It will make important changes to compulsory purchase powers to give local authorities clearer and more effective powers to assemble sites for regeneration and make better use of brownfield land. The Bill measures will speed up the delivery of projects where compulsory purchase is needed and clarify local authorities' powers for using compulsory purchase, including providing for the ability for compulsory purchase orders to be conditionally confirmed, allowing for an expiry period of more than three years and increasing the flexibility on the date an acquiring authority becomes the legal owner of land. Flexibility is also increased for the Planning Inspectorate to be able to determine the appropriate procedure for confirmation of a Compulsory Purchase Order.

We also intend to introduce a measure that reforms land compensation by ensuring that fair compensation is paid for the value attributable to prospective planning permission ('hope value'). The relevant planning assumptions in the Land Compensation Act 1961 will be made more realistic, and improvements made to the process of obtaining a Certificate of Appropriate Alternative Development. These changes will make the valuation of land in this context more akin to a normal market transaction.

This Bill will make provision for a new type of locally-led Urban Development Corporation, with the objective of regenerating its area and accountable to local authorities in the area rather than the Secretary of State. It also updates the planning powers available to centrally and locally-led development corporations, so that they can become local planning authorities for the purposes of local plan making, neighbourhood planning and development management. This is to bring them in line with the Mayoral Development Corporation model. The Bill will amend the process for establishing locally-led New Town Development Corporations, remove the cap on the number of board members and remove the aggregate borrowing cap, subject to agreeing borrowing limits with HM Treasury on a case-by-case basis.

To support high street and town centre regeneration, the Bill will make permanent existing temporary measures on pavement licensing. These measures streamline and make cheaper the process of applying for a license to put furniture on the highway. The Bill will also give local authorities an important new power to instigate high street rental auctions of selected vacant commercial properties in town centres and on high streets which have been vacant for more than one year. There will be a two-month notice period during which landlords can evidence a signed lease, and if none is presented, an authority will be able to serve a final rental auction notice, triggering a two-month auction period for bidders to come forward.

Alongside the Bill

We will update guidance on the compulsory purchase process to reflect the changes in the Bill, encourage earlier and more effective engagement between parties, and update the Model Claim Form to make it more user friendly. The government will also look at how expertise on compulsory purchase orders can be accessed by authorities and is exploring a review of compulsory purchase law with the Law Commission.

To support the implementation of rental auctions we will work with local authorities and the commercial property sector to develop and publish clear guidance for how rental auctions will work in practice. We will also consult further on the auction process and a model lease, as well as guidelines for a cooperative process between local authorities, landlords and tenants.

Market reform

Rebalancing the housing and land markets by increasing transparency, addressing second and empty homes, and giving smaller builders greater opportunities to enter the market.

In the Bill

The Bill will increase the transparency of contractual and other arrangements used to exercise control over land. The Government will have the power to collect and publish data on these arrangements to expose anti-competitive behaviour by developers and help local communities to better understand the likely path of development. The Government will also have the power to collect additional real-time ownership, funding and transaction data, enabling a fuller understanding of who owns and controls land and property in England and Wales.

To increase transparency further, the Bill will also introduce new commencement notices which will be required when a scheme with planning permission starts on site, addressing perceptions of 'land banking' and slow build out by larger developers. In addition, by removing the requirement to seek Secretary of State confirmation before they can take effect, the Bill will also give more control to authorities to issue completion notices to developers to complete their project.

We intend to bring forward legislation to clarify what counts as a "suitable permission" in the Self-build and Custom Housebuilding Act to support the delivery of more self and custom build housing, to meet the needs of those who have registered an interest in self and custom build homes. This will help ensure that local authorities make sufficient provision for self and custom build sites in their areas.

The Bill recognises the impact that high levels of second home ownership can have in some areas and will introduce a new discretionary council tax premium on second homes of up to 100%. It will also allow councils to apply a council tax premium of up to 100% on homes which have been empty for longer than one year (rather than two years as currently). This will encourage more empty homes into productive use, while enabling councils to raise and retain additional revenue to support local services and keep council tax down for local residents.

Alongside the Bill

In addition to the measures in the LURB, this government has also been exploring what else can be done to support faster build. Any announcements will be published in due course.

To support the delivery of self and custom build housing, the government will shortly publish its response to Richard Bacon's independent review into scaling up self and custom housebuilding, published in August 2021, which included 6 overarching recommendations to support self and

custom build housing. Our forthcoming £150 million Help to Build: Equity Loan scheme will also help increase the supply of self and custom build while making it a realistic and affordable option for people looking to get on the housing ladder.

We will also continue to support SME developers by leveraging our circa £3 billion of development finance under the Enable Build Guarantee Scheme and Home Building Fund, and its successor the Levelling Up Home Building Fund.

Wider improvements to planning procedures

The digital transformation of planning services, alongside wider improvements to speed up procedures and deter breaches of planning control.

In the Bill

The Bill includes a number of measures which will allow a transformation in the use of high-quality data and modern, digital services across the planning process, including powers to set common data standards and software requirements. It also provides for several technical changes to the processes of planning, to make them work more efficiently and effectively, whilst reducing the administrative burdens felt by local authorities, statutory consultees and other users of the system. These include:

- Ensuring that planning enforcement works effectively by: extending the period for taking enforcement action to ten years in all cases; introducing enforcement warning notices; increasing fines associated with certain planning breaches; doubling fees for retrospective applications; extending the time period for temporary stop notices from 28 to 56 days; and giving the Planning Inspectorate the power to dismiss certain appeals where the appellant causes undue delay. The scope for appeals against enforcement notices will be tightened so that there is only one opportunity to obtain planning permission retrospectively;
- Enabling temporary relief to be given for enforcement action against prescribed planning conditions, where it is necessary to lift constraints on operations (e.g. for construction and delivery times);
- Making permanent existing temporary powers to require pre-application engagement with communities before a planning application is submitted for specified forms of development;
- The Bill will also create a new power to amend planning permissions in limited circumstances to provide greater post-permission flexibility following recent caselaw;
- Speeding up the planning appeals process by giving Planning Inspectors the power to change the procedure for determining a planning appeal if an alternative would be more suitable;
- Reforming existing powers to provide a faster and more effective route for urgent and nationally important Crown development; and
- We will seek to bring forward powers to charge developers and promoters for statutory consultee advice in certain circumstances.

We intend to bring forward legislation to improve the Nationally Significant Infrastructure Projects regime. As set out in the British Energy Security Strategy, we intend to establish a fast track consenting route for priority cases where quality standards are met, enabled by amendments to the Planning Act 2008 so that the relevant Secretary of State can set shorter examination timescales in certain circumstances.

We also intend to take powers to set timescales for the determination of non-material changes to Development Consent Orders (DCOs), to help to make sure major projects are delivered more quickly once they receive consent.

Alongside the Bill

We will continue to progress our wider digital delivery programme, including improvements to planning data and developing modern, data-driven planning software, so that handling and providing information on planning applications is faster and more efficient. We are also working with the PropTech sector to develop tools so communities can engage with planning services through digital means alongside traditional forms of engagement.

We will also take forward our wider Project Speed work to improve performance of the Nationally Significant Infrastructure Project process, including regulatory and guidance changes to streamline the process and support digital transformation. Alongside reviews of National Policy Statements, these changes will enable fast track consenting in priority cases, drive overall improvements in regime performance, and support early meaningful engagement between industry, local authorities, statutory consultees and communities.

To improve capacity in the local planning system, we intend to increase planning fees for major and minor applications by 35% and 25% respectively, subject to consultation. Increasing fees must lead to a better service for applicants. To further boost performance and service quality in local planning authorities alongside this, we will expand the existing planning performance framework to measure performance across a broader range of quantitative and qualitative measures. We will also support local authorities to build the skills they need, initially by working with sector experts to develop a planning skills strategy for local planning authorities.

Next steps

We will continue work on the detail of regulations, policy, and guidance, and will consult on how a number of important provisions could be taken forward. These include:

- Technical consultations on the detail of the Infrastructure Levy and changes to compulsory purchase compensation.
- A consultation on the new system of Environmental Outcomes Reports which will ensure we take a user-centred approach to the development of the core elements of the new system, such as the framing of environmental outcomes as well as the detailed operation of the new system.
- A technical consultation on the quality standards that Nationally Significant Infrastructure Projects will be required to meet to be considered for fast-track consenting and associated regulatory and guidance changes to improve the performance of the NSIP regime.
- Proposals for changes to planning fees.
- Our vision for the new National Planning Policy Framework (NPPF), detailing what a new Framework could look like, and indicating, in broad terms, the types of National Development Management Policy that could accompany it. We will also use this document to set out our position on planning for housing, and seek views on this, as well as consulting on delivering the planning commitments set out in the British Energy Security Strategy.

We will, subsequently, consult on the proposed suite of National Development Management Policies, as well as the revised National Planning Policy Framework.

We will publish further details of our plans for transition, but in broad terms changes to planning procedures will begin to take place from 2024, once the Bill has Royal Assent and associated regulations and changes to national policy are in place. We recognise the importance of minimising disruption whilst transitioning to the new system, so that plans can and do continue to come forward in the meantime. We will work with the sector to agree the details of this transition, beginning engagement following the publication of this document, and will provide more details shortly.

During the Bill's passage, we will work closely with the sector through user research and stakeholder engagement to continue to develop policy and test and refine our plans for implementation. We are interested in hearing from a wide range of groups and individuals, and if you would like to be involved in forthcoming engagement, please [register your interest using this form \(https://forms.office.com/r/eU9rtAjgbD\)](https://forms.office.com/r/eU9rtAjgbD). Alternatively, should you wish to write to the department on the contents of this document, please email correspondence@levellingup.gov.uk.

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Agenda Item No 8

Planning and Development Board

6 June 2022

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 9

Tree Preservation Order – Report of the Head of Development Control

Paragraph 2 – information which is likely to reveal the identity of an individual.

Paragraph 6 – by reason of the need to consider the making of an order.

Agenda Item No 10

Tree Preservation Order – Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider the making of an order.

Agenda Item No 11

Confidential Extract of the Minutes of the meeting of the Planning and Development Board held on 9 May 2022

Paragraph 6 – by reason of the need to consider the making of an order.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Julie Holland (719237).