



Workshop: Introduction to planning policy **Community-led Housing and Self Build** **Conference 2019**

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What are we going to cover in the workshop?

- Government policies to promote more housing
- Measures to promote self-build housing
- Measures to promote community-led housing
- The need for planning permission
- How planning decisions are made



Why is the government promoting more housing?

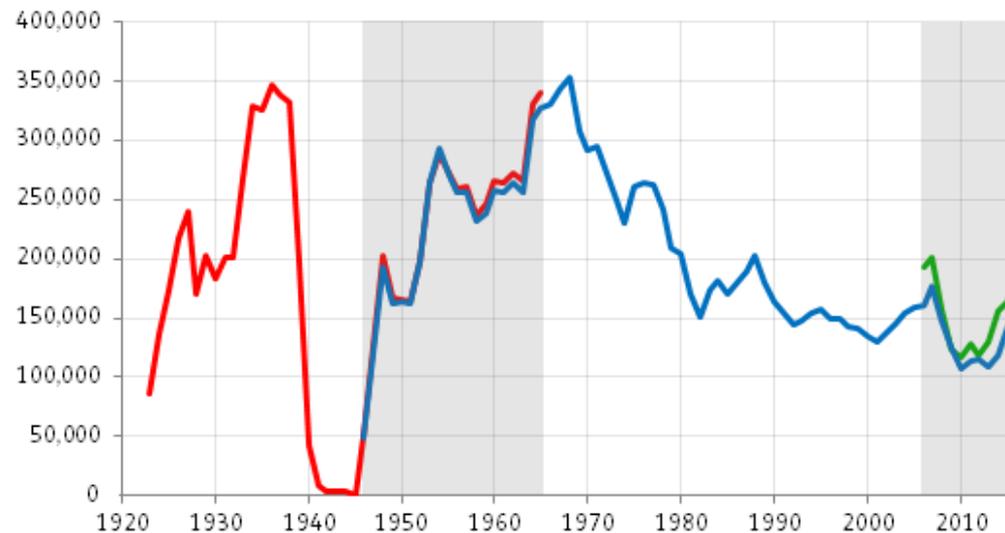
- Too few houses built in UK since the 1970s: so a big backlog of housing needs
- Rising demand from a growing population with some special housing needs
- Supply dominated in many areas by a few big national housebuilders
- Rising prices, rents and homelessness
- Economic benefit, particularly in promoting labour mobility



Housebuilding rates in England

House building since the 1920s

Permanent dwellings completed in England*, 1923-2017**



* discontinuity of data 1946-65. Pre-1965 (red) includes Wales. Post-1946 data in blue. Post-2006 data (green) relates to the new builds outlined in the net additional dwellings release, this measure is more comprehensive than previous counts.

** data in blue is for calendar years. Data in red and green is for financial years.

Source: DCLG live table on house building 244 (post-46 blue) and 120 (post-2006 green) and data provided by Construction Products Association (pre-65 red)



What is the Government doing to deliver more housing?

- Reforming the planning system to deliver more permissions for housing, with more demanding housing delivery targets for most local authorities
- Making provision for all sizes, types, and tenures of housing demand (such as affordable housing, elderly, disabled, students, travellers etc.)
- Putting more pressure on housebuilders to build out permissions quickly
- Grant aid to help unlock big and complex housing sites
- Measures to help young people “get on the housing ladder”
- Reforms to the rental market to protect tenants
- Helping regional and local builders to get a larger market share
- **Helping self-build and custom house builders**
- **Helping local communities to build the housing they need**
- No “magic bullet” to reach Government target of 300,000 new homes per year by mid-2020s : needs action on many fronts

If you want to read more about the Government's proposals

- Fixing our Broken Housing Market (March 2017)



- Building More of the Right Homes in the Right Places (September 2017)



Measures to promote self-building

- Self-Build and Custom House Building Act 2015 and (follow up) regulations 2016
- Duty on local authorities to set up self-build register
- The starting point : “a serviced plot” with adjacent road access and essential services
- Who is eligible for the register?
 - over 18
 - British or (for now)EU national
 - satisfy local eligibility criteria (usually based on having a local connection and being financially solvent)
 - you can pay any fee required to register
 - you are seeking a serviced plot for a self build or custom build project



Different types of self-build development

Self-build is where you organise and design the construction of your own home. Below are some of the self-build options available:

- **Self-build one-off home:** you manage the design and construction process and are physically involved in part or all of the construction of your home
- **Contractor built one-off home:** you manage the design process and appoint a contractor to build the home to your specification
- **Kit home:** you select your preferred kit home and possibly establish the foundations. The kit home company then erects the home
- **Independent community collaboration:** you work with others to acquire a site to split into plots then organise the design and construction of your own home
- **Supported community self-build group:** a social landlord or the Community Self Build Agency helps you build a group of homes together.
- **Custom build** – where you work with a specialist developer to deliver your own home. There are also different options available with this method as follows:
 - developer built one-off home: a developer builds a single home that the self builder completes
 - developer led group project: a developer will organise a group and builds the homes that the self builder completes



Which one is best for you ?

Effect of the register on local authority functions

- **Planning** : the council must find sufficient land to meet local demand for self-build and custom building within three years and then grant planning permissions on suitable sites
- **Housing** : the council must take account of demand for self-build and custom housing in developing its local housing strategy
- **Land disposal**: the council has to consider the demand for self-build and custom housing when it sells off land and should also encourage private landowners to consider it too
- **Regeneration**: the council should consider local demand for self-build and custom building when drawing up regeneration proposals



What is Community-led Housing ?

- Housing provided by Community Land Trusts, Housing Co-ops, Tenant Management Groups , Town & Parish Councils
- Can be new build, conversion or change of use of existing buildings
- Three main features:
 - local community selects site and the type/tenure of housing, with the aim of meeting a particular local housing need
 - a community based group owns ,manages and looks after the housing
 - the housing is retained in perpetuity for the local community
- The Government's Community Housing Fund provides £60 million per year grant aid to help bring forward schemes

Measures to promote Community-led Housing

- Localism Act 2011 and Neighbourhood Planning Regulations 2012 : towns, parishes and communities can prepare neighbourhood plans
- Updated by Neighbourhood Planning Act 2017 and regulations 2017: makes it easier to revise and update plans
- “The Community Right to Build”
- **Neighbourhood Development Orders(NDO)** and **Community Right to Build Orders (CRBO)** : effect is to grant planning permission
- Scope of NDOs and CRBOs; can be used creatively to provide development to meet local needs
- NDO/CRBO process: preparation, consultation, submission to LPA, more consultation, examination and referendum
- Supporting planning applications for Community-led Housing



The need for planning permission

- New housing will almost always require planning permission from the local authority (in UK development rights are “nationalised “ and so require permission from the state)
- There are several different types of planning permission : you need to choose the right one for you
 - Full planning permission
 - Outline planning permission
 - Reserved matters application
 - Temporary planning permission
 - Neighbourhood Development Order
 - Community Right to Build Order



Types of planning application (1)

A. Full planning permission

- Shows all the details of the development
- Always required for applications involving alterations and extensions; changes of use ; engineering and mining operations

B. Outline planning application

- Establishes **principle** of development only
- Details (known as reserved matters) usually left for subsequent submission , but can be considered at outline stage if critical to development (e.g access)
- Can be accompanied by illustrative material , but this is not part of the application or binding on the applicant
- Cannot be used for small scale development etc. (see above)
- The LPA may decline outline applications in sensitive areas and require a full application

Types of planning application(2)

C. Approval of Reserved Matters

- Follows up the grant of outline planning permission and provides details of siting , design, external appearance, access , landscaping and other matters specified by LPA in planning conditions
- An application must be made within three years of outline planning permission

D. Temporary permission

- For short life buildings , or changes of use where the Council wishes to assess impact before considering a permanent application

Types of planning application(3)

E. Neighbourhood Development Order (NDO)

- Can grant planning permission for a specific type of development within a neighbourhood plan area
- Can only be promoted by a Town or Parish Council , or a constituted neighbourhood forum
- Community involved in drawing up the proposal
- Assessed by independent examiner and subject to a local referendum

F. Community Right to Build Order (CRBO)

- A special type of NDO, subject to same procedures
- Can be promoted by a local community group , not just town/parish Council or neighbourhood forum
- Must be for community benefit , not private gain

Exercise A: Which type of application?

You want to carry out a self-build or community-led development . Which is the best way for you to progress it?

1. You want to promote a self-build one –off home on a site which doesn't have planning permission.
2. A site already has had outline planning permission for two years for a single dwelling . You now want to get a self-build project going there.
3. You are a parish council who want to promote a community-led housing project in association with your neighbourhood plan
4. You want to live in a mobile home whilst you carry out a self-build project elsewhere on a site
5. You are a community group who want to promote an affordable housing project in your local area

Pre-application discussions

- Strongly recommended that you discuss your proposals with DDC before you formally submit your planning application and find out:
 - whether your proposals are in line with national and local planning policies
 - whether there are any potential difficulties that may prevent the grant of planning permission and what you can do to overcome them
 - what information you need to support your application
 - whether you need to also seek specialist views : for example KCC highways (access) and Environment Agency (flood risk)
- Informal comments from DDC offices at Whitfield or by phone, or via the Planning Portal
- Paid pre-application service with written guidance also available
- More information at preappadvice@dover.gov.uk or via 01304 872 486

Getting the application together



- Application forms
- Drawings: location plan, site plan, elevations, floor plans, levels
- Design and Access Statement
- Other supporting information , depending on the site
- Applications usually submitted electronically via Planning Portal

Some tips to help your planning application

- Always talk to the neighbours before you submit an application
- Think carefully about how your proposal fits into its surroundings : in planning “the frame is as important as the picture”
- Think about whether you need professional support with your planning application and talk to others about who are the competent local agents
- You will be working within a budget , but try to get the best quality development you can
- Monitor progress of the application online and talk to the case officer if problems come up
- You can amend a “live application” to make it more acceptable , or to respond to objections , but DDC may need to re-consult on revised plans
- You have a right of appeal if the application is refused

The planning application process

- Validation: is it all complete and the right application fee paid?
- Registration: allocation of case number and case officer
- Consultation with neighbours and statutory consultees
- Case officer site visit
- Case officer review when all information collected: where is the application going?
 - approval, amendments or refusal?
 - committee or officer delegation?
- Case officer report
- Decision
- Notification of decision (usually within 8 weeks, but can be longer by agreement)



How are planning decisions made? (1)

The Local Planning Authority 'may grant planning permission, either unconditionally , or subject to such conditions as they think fit, or they may refuse planning permission.'

Town and Country Planning Act, 1990

'the determination must be made in accordance with the (development) plan unless material considerations indicate otherwise.'

Section 38(6) Planning and Compulsory Purchase Act 2004

See next slide for development plans in Dover District

This means that:

- The development plan has primacy and is the starting point for decisions
- Material considerations also have to be identified and weighed in the balance
- If material considerations weigh against relevant development plan policies , they will normally need to be significant in order to override planning policy
- Applications have to be determined on **their individual merits** having regard to the development plan and other material considerations

Development plans in this area

There is a **hierarchical system** : each level sets context for level below.

- **National Planning Policy Framework (NPPF) (2019)**
 - **National Planning Practice Guidance (2014 and updates)**
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- **Dover District LDF Core Strategy (2010)**
 - **Dover District Land Allocations Local Plan (2015)**
 - **New Dover District Local Plan (to 2037) consultation draft expected later in 2019**
 - **Kent Minerals and Waste Plan (2016)**
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- **Neighbourhood plans prepared by town and parish councils (6 underway in Dover District including Dover and Sandwich)**

All are available online: important that you are familiar with their content, the process by which they are prepared, and how you can get involved

How are planning decisions made? (2)

Planning policies

There is a **hierarchical system** : each level sets context for level below.

- **National Planning Policy Framework (NPPF) (2012)**
- A revised draft NPPF was published for consultation in spring 2018
- **National Planning Practice Guidance (2014 and updates)**

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- **Dover District LDF Core Strategy (2010)**
 - **Dover District Land Allocations Local Plan (2015)**
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Material planning considerations include :

Access / Trees on site and surroundings / Design of buildings / Flood risk and surface water drainage / Planning history of the site / Archaeology / Listed buildings and Conservation areas / Impact on views from public vantage points / Overlooking and privacy / Building materials / Parking provision / Landscaping and planting

But not

Legal covenants and other private property rights / loss of a private view/ matters covered by non-planning legislation / alleged character or behaviour of an applicant / whether or not applicant owns the site/ whether development on site has already begun

These are not exhaustive lists !

How are planning decisions made(3)

This is how a planning officer assesses a planning application;

1. **Identify** the relevant national and local planning policies affecting the proposed development
2. **Identify** other material planning considerations
3. **Identify** which of the above are positive and support the grant of planning permission
4. **Identify** which of the above are negative and do not support the grant of planning permission
5. **Consider** whether any of the negative factors could be the subject of negotiation to secure revised proposals, or can be satisfactorily mitigated by planning conditions or a legal agreement
6. **Use judgement** to determine whether –on its individual merits- the application should be recommended for approval , approval with conditions and/or legal agreement , or refusal

Exercise B: What do you want to do next ?

What do you want to go next with your project?

- Get on the self-build register?
- Promote a community-led housing project ?
- Work up a planning application?

What are your next steps?

Thanks for listening

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