

National Planning Policy Framework Housing Focus

The Government published the much-anticipated draft revised National Planning Policy Framework (NPPF) on 30 July and a corresponding consultation document together with a Ministerial Statement. The draft revised NPPF presents a very positive change for housebuilders.

We have identified the key proposed changes relevant to housebuilders and have also included the relevant text. We cover changes relating to the way housing need is calculated for a local authority, local plan making, strategic planning and cooperation between local authorities, the future of the Green Belt and the introduction of 'Grey Belt' land, mansard roofs, design standards and affordable housing tenure types.



What are the changes to housing targets?

The revised draft NPPF reverses the changes made in December 2023 and restores the requirement for all local authorities to continually demonstrate a 5-year housing land supply.

Paragraphs 76 and 77 which exempted authorities from this requirement where they had recently adopted plans or only required to demonstrate a 4-year supply if they were at a late stage of plan making have been deleted.

The revised draft NPPF also restores the requirement to include a buffer of 5% on top of the 5-year housing land supply to account for fluctuations.

The power in paragraph 78 to confirm the existence of a 5-year housing supply through annual position statements will also be deleted.

The ability to allow oversupply in previous years to be counted towards the requirement to demonstrate a 5-year housing supply in subsequent years (paragraph 77) has also been removed.



How will housing need be calculated?

Local housing need will now only be calculated in accordance with the standard method. No other method of calculation may be justified.

The current method for assessing housing need in a local authority's administrative area was introduced in 2018 and is based on 2014 projections (with an uplift of 35% above the baseline target applied to the 20 biggest cities and urban centres). The new method uses existing housing stock levels as the baseline to determine how many additional homes are required. The method should be used in the preparation of local plans and where local plans are out of date. The urban uplift (currently in paragraph 62) is also removed.

As well as the existing housing stock, the method also takes into account the affordability of housing for the local authority's area. The new standard method places increased significance on affordability. Specifically, the method considers the average affordability over the three most recent years for which data is available.



Paragraph 61 of the NPPF previously permitted local authorities to adopt a different approach for assessing housing needs where there are 'exceptional circumstances'. Local authorities will no longer be able to use the 'exceptional circumstances' test to refuse new housing as this has been removed from the draft revised NPPF. However, paragraph 11b of the NPPF remains. Meaning local authorities can argue for a lower figure where they are constrained by certain policies, which are set out more fully in footnote 7 of the NPPF.

The new standard method is designed to result in 370,000 dwellings a year at a national level, in contrast to the previous method which was designed to total 300,000. The uplift is aimed at ensuring the Government's target of 1.5 million homes over the next 5 years is met.

At a local level, this will mean significant increases to housing targets in some areas and reductions in others.



What if there are no relevant development plan policies or they are out of date?



The draft revised NPPF has retained the presumption in favour of sustainable development in paragraph 11.

That presumption has been amended so that decision-takers should grant planning permission where there are no relevant development plan policies, or the policies for the supply of land are out-of-date. This is subject to caveats including where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, in particular those for the location and design of development and for securing affordable housing.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development. For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies **for the supply of land⁸ which are most important for determining the application are** out-of-date⁹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, **in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes.**

⁶ As established through statements of common ground (see paragraph 287).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 74⁹); and areas at risk of flooding or coastal change.

⁸ **Policies for the supply of land are those which set an overall requirement and/or make allocations and allowances for windfall sites for the area and type of development concerned.**

⁹ This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (~~or a four year supply, if applicable, as set out in paragraph 226~~) of deliverable housing sites (with ~~the appropriate~~ a buffer, ~~if applicable, as set out in paragraph 7677~~) ~~and does not benefit from the provisions of paragraph 76;~~ or (b) where the Housing Delivery Test indicates that the delivery of housing was **substantially** below (~~less than~~ 75% of) the housing requirement over the previous three years.

What tenure mix will be expected on housing sites?

Starter Homes are being dropped from the NPPF, however First Homes (which were first referred to in a Ministerial Written Statement of 24 May 2021) have been included in the draft revised NPPF. In addition to this paragraph 64 of the draft revised NPPF now requires that when planning policies specify the type of affordable housing required, that this includes the minimum proportion of Social Rent homes required. Also, paragraph 66 of the draft revised NPPF removes the requirement that at least 10% of the total number of homes on major developments are to be available for affordable home ownership and replaces it with a requirement that the mix of affordable housing meets identified local needs, across both affordable housing for rent and affordable home ownership tenures.

Paragraph 69 of the draft revised NPPF acknowledges that mixed tenures can provide a range of benefits and that these tenures may include build to rent, student accommodation, older people's housing and custom and self-build plots.

64. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required)³², and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

65. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount³³.

66. Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across both affordable housing for rent and affordable home ownership tenures. ~~at least 10% of the total number of homes to be available for affordable home ownership³⁴, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:~~

- ~~a) provides solely for Build to Rent homes;~~
- ~~b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);~~
- ~~c) is proposed to be developed by people who wish to build or commission their own homes; or~~
- ~~d) a) is exclusively for affordable housing, an entry-level a community-led development exception site or a rural exception site.~~

69. Mixed tenure sites can provide a range of benefits including creating diverse communities and supporting timely build out rates and local planning authorities should support their development through their policies and decisions. Mixed tenure sites can include a mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.

³² Applying the definition in Annex 2 to this Framework.

³³ Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

Should brownfield land be favoured for development?

Paragraph 122 of the consultation draft revised NPPF now states that proposals for using suitable brownfield land within settlements for homes and other identified needs should be regarded as acceptable in principle.

~~124:~~ 122. Planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be regarded as acceptable in principle, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

The Government recognises the importance of brownfield sites for tackling the housing crisis and proposes a brownfield first approach whereby local planning authorities will be encouraged to approve those previously developed sites.



Are there any new designations?

The Labour Party has discussed for some time the proposal to designate previously developed land within the Green Belt as "Grey Belt". The draft revised NPPF includes the following definition:

Grey Belt: For the purposes of plan-making and decision-making, 'Grey Belt' is defined as land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework), but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).



Previously Developed Land is defined as:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.



The Government are looking for feedback on whether further criteria or exclusions would be welcomed when defining Grey Belt land.

What does the NPPF say in relation to development in the Green Belt?

Paragraph 142 of the draft revised NPPF makes clear that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Exceptional circumstances will now include where a local authority cannot meet its identified housing, commercial or other development needs through other means.

Paragraph 144 of the draft revised NPPF is amended, introducing a sequential test requirement for development plans to give first consideration, when designating land for development, to previously developed land in sustainable locations, then consider Green Belt land in sustainable locations which is not already previously developed, and only then consider other sustainable Green Belt locations.



Where Green Belt is released for development, major development proposals will be expected to contribute at least 50% affordable housing (with Social Rent and subject to viability – with new detailed guidance on viability considerations for development in the Green Belt set out in Annex 4), necessary improvements to local or national infrastructure, and new or improvements to existing green spaces that are accessible to the public.

In addition to this, paragraph 152 sets out circumstances where housing, commercial and other development in the Green Belt will not be regarded as inappropriate. This would include where Green Belt is utilised in sustainable locations; and where a five-year housing land supply cannot be demonstrated or where the Housing Delivery Test shows that delivery is below 75% of the housing requirement over the previous three years; or where there is a demonstrable need for the land to be released for local, regional or nationally important development; and where development is able to meet the contributions referred to above.

~~145: 142.~~ Once established, there is no requirement for Green Belt boundaries should only to be altered reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the preparation or updating of plans plan-making process. Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing, commercial or other development through other means. In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of 45 the plan as a whole. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non- strategic policies, including neighbourhood plans.

~~147: 144.~~ When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where ~~it has been concluded that~~ it is necessary to release Green Belt land for development, plans should give first consideration to previously-developed land in sustainable locations, then consider Grey Belt land in sustainable locations which is not already previously-developed, and only then consider other sustainable Green Belt locations. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

~~150: 147.~~ Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. Where Green Belt land is released for development through plan preparation or review, development proposals on the land concerned should deliver the contributions set out in paragraph 155 below.

~~154: 151.~~ A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.:

~~–not have a greater impact on the openness of the Green Belt than the existing development; or~~

~~–not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority;~~

152. In addition to the above, housing, commercial and other development in the Green Belt should not be regarded as inappropriate where:

a. The development would utilise Grey Belt land in sustainable locations, the contributions set out in paragraph 155 below are provided, and the development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole; and

b. The local planning authority cannot demonstrate a five year supply of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 76) or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years; or there is a demonstrable need for land to be released for development of local, regional or national importance.

c. Development is able to meet the planning policy requirements set out in paragraph 155.

155. Where major development takes place on land which has been released from the Green Belt through plan preparation or review, or on sites in the Green Belt permitted through development management, the following contributions should be made:

a. In the case of schemes involving the provision of housing, at least 50% affordable housing [with an appropriate proportion being Social Rent], subject to viability;

b. Necessary improvements to local or national infrastructure; and

c. The provision of new, or improvements to existing, green spaces that are accessible to the public. Where residential development is involved, the objective should be for new residents to be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

156. Regarding the provision of green space, development proposals should meet local standards where these exist in local plans, for example local planning policies on access to green space and / or urban greening factors. Where no locally specific standards exist, development proposals should meet national standards relevant to the development. These include Natural England standards on accessible green space and urban greening factor and Green Flag criteria.

157. Additional guidance on viability considerations for development in the Green Belt is provided in Annex 4.



What role will infrastructure play in decision making?

Paragraph 98 of the consultation draft revised NPPF will require that significant weight is placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.

~~100:~~ 98. To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.

How will strategic planning be affected?

The draft revised NPPF recognises that effective strategic planning across local authority areas is vital in delivering sustainable growth including meeting housing needs. Strengthening the existing duty to cooperate, paragraph 27 will require strategic policy-making authorities to make sure that their policies are consistent with others where a strategic relationship exists on such matters (unless there is a clear justification not to) in relation to delivery of major infrastructure; accommodation of unmet housing need from neighbouring areas; and appropriate management of any allocation or designation which cuts across plan area boundaries or has significant implications for neighbouring areas.

Recognising that Plans come forward at different times which can lead to uncertainty, paragraph 28 requires strategic policy-making authorities and Inspectors to come to informed decisions based on available evidence rather than wait.



24. Effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered and key spatial issues, including meeting housing needs, delivering strategic infrastructure, and building economic and climate resilience, are addressed. Local planning authorities and county councils (in two-tier areas) are continue to be under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).

26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

27. Once the matters which require collaboration have been identified, strategic policy-making authorities should make sure that their plan policies are consistent with those of other bodies where a strategic relationship exists on these matters, and with the relevant investment plans of infrastructure providers, unless there is a clear justification to the contrary. In particular their plans should ensure that:

a) a consistent approach is taken to planning the delivery of major infrastructure, such as major transport services/projects, utilities, waste, minerals, environmental improvement and resilience, and strategic health, education and social infrastructure (such as hospitals, universities, major schools, major sports facilities and criminal justice accommodation);

b) unmet development needs from neighbouring areas are accommodated in accordance with paragraph 11b; and

c) any allocation or designation which cuts across the boundary of plan areas, or has significant implications for neighbouring areas, is appropriately managed by all relevant authorities.

27. 28. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency. Plans come forward at different times, and there may be a degree of uncertainty about the future direction of relevant development plans or plans of infrastructure providers. In such circumstances strategic policy-making authorities and Inspectors will need to come to an informed decision on the basis of available information, rather than 11 waiting for a full set of evidence from other authorities.

Will uplifts in density be permitted?

The NPPF requires that development plans include policies to optimise the use of land and meet as much of the identified need for housing as possible and that the use of minimum density standards should be considered for other parts of the plan area. In applying this to existing urban areas, the NPPF currently states that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area, however the draft revised NPPF has deleted this statement.



~~130. In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.~~

Will there be new design standards?

The National Model Design Code will become the primary basis for the preparation and use of local design codes.

~~138. 135.~~ Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. ~~The National Model Design Code is~~ the primary ~~basis~~ ~~means of doing so should be through~~ for the preparation and use of local design codes, ~~in line with the National Model Design Code~~. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life⁵⁵. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

⁵⁵ Birkbeck D and Kruczkowski S et al (2020) *Building for a Healthy Life*

Have mansard roofs been retained?

The support for mansard roofs was much derided as a solution to the housing crisis when introduced by the previous government. The policy will be retained but is less prescriptive in terms of design and appearance.

~~124.~~ **122.** Planning policies and decisions should:

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions - including mansard roofs - where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well- designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. ~~They should also allow mansard roof extensions on suitable properties⁵² where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance.~~ A condition of simultaneous development should not be imposed on an application for multiple mansard upward extensions unless there is an exceptional justification.

⁵²-See glossary for further details.



What will happen next?

The detailed consultation on both the draft revised NPPF and wider planning and policy proposals set out in the consultation document ends on 24 September 2024.

The Government has stated that it intends to respond to the consultation and publish the final NPPF revisions before the end of the year.

It is important to note that as a draft consultation document, the final version of the NPPF that will be published in due course may be subject to changes once the Government has reviewed the feedback from the industry and interested parties.



What is the significance of these proposed amendments?

The Government stated in its election manifesto that it would seek to update the NPPF to restore mandatory housing targets and strengthen the presumption in favour of sustainable development. Within a few days of coming into power it stated that it would publish a draft revised NPPF by the end of July. So far, the Government has followed through on those pledges.

The draft revised NPPF document reverses nearly all the changes to the NPPF that were introduced in December 2023.

It also provides further detail about the reforms to the Green Belt and the Grey Belt that were much discussed during the election. It essentially introduces a sequential test in relation to development in the Green Belt, with development preferred on brownfield sites followed by development on Grey Belt areas and finally on Green Belt land accompanied by contributions that mitigate the impact of releasing such land for development. It also provides a definition of Grey Belt and it will be interesting to see whether there are any revisions to this in the final published version.

Whilst these proposed changes in policy are part of the Government's plan to build 1.5 million homes over the next five years and to use the planning system and construction as a way to grow the economy and attract investment, these policy changes are just a start and will need to be accompanied by further changes to speed up the planning system to increase delivery. For example, it will be the already under resourced and overstretched local authorities who will be responsible for interpreting and applying these policies when determining planning applications and skills shortages in the building industry will need to be addressed in order to deliver such housing.

Nevertheless, the draft revised NPPF and wider policy planning policy proposals are comprehensive and a step in the right direction.

Foot Anstey's planning team will continue to monitor the progress of the draft revised NPPF.

