



PINS NOTE 14/2015r5

To: All Inspectors, England

Relevancy: Planning appeals and Secretary of State casework; NSIPs; and local plans examinations

Date of Issue: 27 March 2015

Currency: review on 27 September 2015

Last Updated: 29 June 2015 – paragraph 2, on Housing Standards, updated with a new bullet point indicating that further advice on casework matters is in the Housing training material.

PLANNING UPDATE MARCH 2015

Action

1. Inspectors should be aware that on 25 March 2015 in a [written ministerial statement](#) (WMS) by Eric Pickles MP, Secretary of State for Communities and Local Government, the government announced a range of measures intended to help streamline the planning system, protect the environment, support economic growth and assist locally-led decision-making. As the WMS covers a very wide range of issues, Knowledge Centre will be updating and/or preparing new advice/training material on more specific aspects where appropriate.

Background

2. The WMS covers the following matters:

- **solar energy** (including provisions for increased solar power generation on non-domestic buildings, which will come into force from 15 April 2015, and the siting of solar farms);
- **housing on brownfield land;**
- **unauthorised development in the green belt;**
- **unauthorised encampments**, (including the revocation of redundant guidance¹);
- **supporting car parking provision**, including new text to be read alongside NPPF paragraph 39²;

¹ DCLG, Local authorities and Gypsies and Travellers: a guide to responsibilities and powers, May 2007 and DCLG, Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies, May 2007.

- a newly **consolidated DMPO** to come into force on 15 April 2015, including changes to the statutory consultation process and the introduction of a new deemed discharge of conditions;
- provisions for **short term lets in London**, which are intended to come into effect two months after Royal Assent to the Deregulation Act (26 March 2015);

Planning Guidance updates

- updating guidance on **NSIP** pre-application and examination stages, **hazardous substances**³, and changes to **EIA screening thresholds**⁴;
- revised guidance to be published following the government's [response](#) to the consultation on '**Section 106 Planning Obligations** – speeding up negotiations' ;
- clarifying that the recent [changes to s106 thresholds](#) are a change in national policy, not just a change in guidance; guidance on the vacant building credit to assist in delivery of the new policy;
- guidance on social housing relief under **amended CIL regulations**, provision of dedicated **student accommodation**, the **built to rent** sector, **pre-application discussions**, and improved awareness of the **New Homes Bonus**;
- updated guidance on **assessments of housing need**.

Change of Use

The '[Technical consultation on planning](#)' covered a range of measures to support housing, the high streets and growth. The [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) introduces new permitted development rights from 15 April 2015. The changes announced in the WMS include:

- more change of use between **shops and financial/professional services**, and to **restaurant or leisure** use, and to adapt retail premises to support click and collect
- change of use from some **business uses to residential**; continuing to **allow larger rear domestic extensions**; clarified wording on **front extensions**;
- allowing **commercial filming** for longer periods, allowing larger capacity **solar panels on non-domestic buildings**, making permanent **larger business extensions**, allowing like-for-like replacements within **waste management facilities** and allowing equipment housings for **sewerage undertakers**

² The following text now needs to be read alongside that paragraph: "Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network."

³ Reflecting changes to regulations being introduced on 1 June 2015

⁴ Coming into effect 6 April 2015

- consolidating 22 amendments to the **Town and Country Planning (General Permitted Development) Order 1995** accordingly
- a new requirement to enable local consideration of a planning application for any change of use to a **betting shop or pay day loan** shop

The government will further consider the case for extending office to residential reforms, which are helping provide more new homes on brownfield land.

- **Zero carbon homes** and supporting small builders (small sites will not be required to support any further off-site carbon abatement measures)

Housing Standards

- A new system of **Housing standards**, with new additional optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations, which are mandatory, and rationalises the many differing existing planning standards for housing into a simpler, streamlined system. The WMS provides comprehensive details covering **plan making** and **decision-taking**, and also sets **transitional arrangements** and details on **compliance**, which **commenced on 26 March 2015 on Royal Assent to the Deregulation Act 2015**.
- To implement this new regime, the written ministerial statement sets out the government's new national planning policy on the setting of technical standards for new dwellings⁵. The statement should be taken into account in applying the National Planning Policy Framework, and in particular the policies on local standards or requirements at paragraphs 95, 174, and 177, in both plan making and decision-taking.
- Advice on the new nationally described space standard and on how the new additional optional Building Regulations are to be implemented (including the Statutory Instrument implementing the regulations, and an explanation of the changes in a building regulations circular 01/2015 and circular letter) is available [here](#). This is the first time in which planning permissions can legally trigger certain aspects of the Building Regulations.
- Further advice on casework matters is in the Housing training material at paragraphs 95-102.

⁵ Note that [Building for Life 12](#) remains extant. It is about urban design rather than the technical standards for new dwellings.

3. Please contact XXXX if you have any queries on this Note. Case-specific queries should be addressed to XXXX for planning appeals, to XXXX for local plans, or to XXXX for NSIPs.

XXXX

Group Manager (Planning)