



# PINS NOTE 14/2022

To: All Inspectors, Examining Inspectors, APOs, RTPI Apprentices and Casework Managers

Relevancy: All Planning and Enforcement casework, Local Plans, Infrastructure and Specialist

Topic Area: Local Plans; Housing; Planning Reform

Date of Issue: 8 December 2022

## Written Ministerial Statement on changes to the planning system

### Introduction

1. On 6 December the Rt Hon Michael Gove made a [Written Ministerial Statement](#) (WMS) in which he announced the government's intentions to make further changes to the planning system alongside those in the Levelling Up and Regeneration Bill. Details of the changes are to be set out in an upcoming National Planning Policy Framework prospectus, which will be put out for consultation by Christmas.
2. Meanwhile, the main areas for change listed in the WMS are summarised below (but please read the WMS for the full picture):

#### Community Control

- "I will retain a method for calculating local housing need figures but consult on changes. I do believe that the plan-making process for housing has to *start* with a number. This number should, however, be an advisory starting point, a guide that is not mandatory."
- "My changes will instruct the Planning Inspectorate that they should no longer override sensible local decision making, which is sensitive to and reflects local constraints and concerns."

#### Local Plans

- "We will end the obligation on local authorities to maintain a rolling five-year supply of land for housing where their plans are up to date. Therefore, for authorities with a local plan, or where authorities are benefitting from transitional arrangements, the presumption in favour of sustainable development and the 'tilted balance' will typically not apply in relation to issues affecting land supply."
- "...consult on dropping the requirement for a 20% buffer to be added for both plan making and decision making...In addition, I want to recognise that some areas have historically overdelivered on housing."

- “Where authorities are well-advanced in producing a new plan, but the constraints which I have outlined mean that the amount of land to be released needs to be reassessed, I will give those places a two-year period to revise their plan against the changes we propose and to get it adopted. And while they are doing this, we will also make sure that these places are less at risk from speculative development, by reducing the amount of land which they need to show is available on a rolling basis (from the current five years to four).”
- “...increase community protections afforded by a neighbourhood plan against developer appeals – increasing those protections from two years to five years.”
- “...consult on what areas we propose to be in scope of the new National Development Management Policies...National Development Management Policies will also not constrain the ability of local areas to set policies on specific local issues.”

### **Build Out**

- “I will consult on two further measures:
  - i) on allowing local planning authorities to refuse planning applications from developers who have built slowly in the past; and
  - ii) on making sure that local authorities who permission land are not punished under the housing delivery test when it is developers who are not building.”

### **Character of a Developer**

- Consult on how to address “...irresponsible developers and landowners who persistently ignore planning rules and fail to deliver their legal commitments to the community.”

### **Brownfield First**

- “The new Infrastructure Levy will be set locally by local planning authorities. They will be able to set different Levy rates in different areas, for example lower rates on brownfield over greenfield to increase the potential for brownfield development.”
- “I will also provide further protection in national policy for our important agricultural land for food production, making it harder for developers to build on it.”

### **Housing Market**

- “I intend to deliver a new tourist accommodation registration scheme as quickly as possible, working with DCMS, starting with a further short consultation on the exact design of the scheme. I will also consult on going further still and reviewing the Use Classes Order so that it enables places such as Devon, Cornwall, and the Lake District to control changes of use to short term lets if they wish.”

3. A WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework and local plan examinations. It should be noted, however, that this WMS states that further details of the intended changes are yet to be published and consulted upon.

## **Action**

4. You may be presented at events with the WMS or the Secretary of State's letter to MPs (which preceded the WMS by a day, and which is largely reflective of the content of the WMS).
5. No action is required in any casework areas, at present, as the WMS sets out proposals for consultation rather than immediate changes to government policy. Consequently, the starting point for decision making remains extant policy, which we will continue to implement and to work to until such time as it may change.
6. The Head of Profession and Professional Leads will continue to work closely with DLUHC colleagues on these proposals and their potential implications.

### **Further Information**

7. Please contact the [Knowledge and Horizon Scanning Team](#) if you have any general queries on this Note.
8. For case-specific queries, Inspectors should contact their IM in the first instance. The IM may raise the matter with the relevant Pfl if necessary.
9. Planning Appeal Decision Suppliers should approach [Resource and Process Ownership Team](#) with any queries in the first instance.