

**Ministry of Housing, Communities and Local Government Consultation**

**Brownfield Passport: making the most of urban land**

**Response from Propertymark**

**October 2024**

**Background**

1. Propertymark is the UK's leading professional body of property agents, with over 18,000 members representing c. 12,500 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

**Consultation – overview**

2. Following the Ministry of Housing, Communities and Local Government's (MHCLG) 30 July 2024 consultation on reforms to the National Planning Policy Framework, MHCLG is releasing a series of papers covering multiple different areas of planning reforms. These papers are designed to ensure that the industry can feedback to MHCLG as it considers steps to take when reforming the existing planning system.
3. The first paper looks at how setting clear parameters for development proposals on brownfield land, which can help to reduce costs, time and increase certainty of planning proposals being accepted. This would form a "brownfield passport" which local authorities would use to accept proposals more quickly, as long as the proposals met the criteria set out in the passport. The paper is looking for comments on what the criteria within the passport should look like.

**Propertymark response – summary**

4. Propertymark welcomes the opportunity to respond to MHCLG's paper on the Brownfield Passport. Propertymark agents are regularly concerned with the supply of new homes, which impacts the cost of homes to buy and rent. Considering the mismatch between the demand and supply of homes, particularly within the private rented sector, it is vitally important that any reforms to planning policy leads to an increase in supply across all tenures. Having responded to MHCLG's consultation on Reforms to the National Planning Policy Framework, our response to the

planning reform working paper on the Brownfield Passport reflects our previously stated position that planning policy should ultimately ensure that approved planning proposals directly respond to the specific housing needs of local communities.

5. Broadly, our response follows our position that planning policy should lead to the development of homes that are in demand by the local or surrounding communities. This would be the most effective way to reduce the severity of the housing crisis, as the homes built would be more quickly filled in direct response to what local residents would like to be built. This would prevent issues where there is a lack of a particular tenure of housing and where homes built are unaffordable to the majority of residents.

### **Questions**

**Question 1: Could national policy be clearer if it were explicit that development on brownfield land within urban settlements is acceptable unless certain exclusions apply?**

6. We agree in principle with the proposed approach to make it clearer that the development on brownfield land within urban settlements is acceptable unless certain exclusions apply. However, we would propose that the exclusions should not automatically prevent planning proposals from being accepted. For example, where it can be evidenced that housing need is extremely acute, then proposals that meet a few exclusions should still be considered. Effectively, we would ask for clear criteria where the exclusions do not apply or where the benefits of a proposal (such as number of homes built or percentage of affordable housing) can override certain minor exclusions.

**Question 2: What caveats should accompany any general expectation that development on brownfield land within urban settlements is acceptable?**

7. Ultimately, Propertymark estate agents have been calling for homes to be built that are not at risk of being left empty and are in demand from local residents or those who can easily move to the local area. Not only does this ensure a growing prosperous housing sector, but it ensures that the new homes built reflect local needs and can be a benefit to the local community. As such, Propertymark calls for the following caveats for the expectation that development on brownfield land within urban settlements is acceptable:

- There is no evidence linked to demand for the proposed new homes within the proposal (or that the evidence provided is unsubstantiated), this includes for the price, size and tenure of new homes.
- The sale price of the new homes exceeds the average local income (we would welcome a national formular on this to ensure that new homes can be purchased by local residents where possible)
- The proposals do not adequately address infrastructure requirements of the local community.
- The proposals do not make it difficult for future homes to be built within the local area.
- The proposed homes do not meet expected structural or environmental standards.

8. The above caveats would ensure that proposals directly respond to the specific housing needs of communities while providing additional certainty for developers.

**Question 3: How best can urban areas be identified and defined if this approach is pursued?**

9. We would define urban areas by the density of housing. To make it clear for developers, local authorities should be encouraged to provide a map of qualifying urban areas within their remit. Local authorities should also identify areas that would become urbanised through planning proposals (e.g. where a substantially large development could connect an existing urban area to a non-urban area) which would enable more areas to become applicable for brownfield development.

**Question 4: Could national policy play a role in setting expectations about the minimum scale of development which should be regarded as acceptable in accessible urban locations?**

10. Yes, we agree that national policy could play a role in establishing minimum scale of development where appropriate and beneficial for the local area. Again, this would depend on the scale of demand for housing within a particular area which would have to be evidenced within a planning proposal.

**Question 5: What parameters could be set for both the scale of development and accessibility?**

11. We would encourage local authorities to establish their own minimum scale of development based on their understanding of local need and demand for housing in their area. This would prevent a single national policy of scale from undermining each local authority's ability to address their own housing needs. For example, one local authority experiencing high levels of demand may need a higher minimum scale than is set by a national policy. Any minimum scale should be flexible enough for local authorities to change the scale where it can be shown that demand for homes has changed, or new evidence comes to light. Regardless of the form that the minimum scale and accessibility requirements take place, they must always facilitate the development of homes that directly respond to local needs.

**Question 6: Could more use be made of design guidance and codes to identify specific forms of development that are acceptable in particular types of urban area?**

12. We would urge caution against making greater use of design guidance and codes, given the current scale of undersupply. We are concerned that planning proposals that respond to demand for homes could be rejected due to design concerns from local authorities who may decide on proposals that produce fewer homes but to a design that planning offers find more appealing. If the design is taken into consideration, it must not undermine the need to build more homes.

**Question 7: What sort of areas would be most suited to this approach, and at what geographic scale could such guidance and codes be used?**

13. Should design codes be introduced, this should be decided at a local level rather than national policy. Areas with lower demand for housing should have greater flexibility on the design of buildings as there is a less urgent need for new homes.

**Question 8: How could Local Development Orders be best used with these proposals?**

14. As long as applications can still be judged against the Brownfield Passport criteria that we have laid out, we see the combination of Local Development Orders and Brownfield Passports as a positive development to fast-track planning permission.

**Question 9: Are there any other issues that we should consider if any of these approaches were to be taken forward, in particular to ensure they provide benefits as early as possible?**

15. We have no further comments to make at this time.

**Question 10: In addition to streamlining permissions on urban brownfield sites, where else do you consider this type of policy could be explored to support economic growth?**

16. We have no further comments to make at this time.