

Ministry of Housing, Communities and Local Government consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system

Response from Propertymark

September 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. On 30 July, the Ministry of Housing, Communities & Local Government (the Ministry) published the consultation on Proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system. Proposals to reform the UK's planning regime were featured heavily in the Labour Party's 2024 manifesto, presented as a key factor behind the UK's housing crisis and the under-delivery of homes. Within the manifesto, the Party committed to "immediately update the National Planning Policy Framework" and is now consulting on what these immediate changes should look like.
3. The key changes introduced by the Ministry include:
 - Introduce a new Standard Method for assessing housing needs
 - Introducing measures to recategorise Greenbelt to "grey belt" which can be released for development.
 - Strengthening planning obligations to provide more affordable housing.
 - Promoting mixed-tenure development
 - Introducing more explicit expectations to meet commercial requirements of a region within planning applications.
 - Amending the NPPF to support the provision of public infrastructure
 - Amending the NPPF to support renewable energy schemes
 - Considering removing local plan intervention policy criteria
 - Changes to planning application fees

- Changes to how local planning authorities should prepare local plans

Propertymark response – summary

4. Propertymark welcomes the opportunity to respond to the Ministry of Housing, Communities and Local Government's (MHCLG) consultation on the proposed reforms to the National Planning Policy Framework and other changes to the planning system. While property agents are not directly involved in the planning process, the delivery of new homes impacts all industries involved in the property sector.
5. Propertymark fully supports the ambitions of the UK Government to maximise the number of new homes delivered every year. Currently, the overwhelming demand for homes across all tenures, including rented, owned, social and private homes has not matched the supply of new homes for decades. As a consequence, many first-time buyers are priced out of the market, tenants struggle to find an affordable place to live and those on the lowest incomes are unable to move into affordable housing. One of the barriers to building new homes has been the planning system, which will need to balance delivering new homes while retaining their quality and ensuring they are building in the right place at the right tenure.
6. Upon reviewing the UK Government's plans, Propertymark is concerned that there are key barriers to the delivery of homes that are not being considered. Propertymark members are concerned that little has been proposed to incentivise the sale of land and its release for development. Ultimately, if land cannot be sold, then the UK Government will fail to meet its housing targets. We therefore call for the introduction of incentives to encourage landowners to release their land for development. This can be achieved through tax breaks, including Stamp Duty Land Tax, especially for projects which would deliver a large percentage of affordable or social housing. In addition to providing incentivising the sale of land, Propertymark's response to the consultation has been underpinned by the following four positions:
 - **The number, affordability and tenure of homes must effectively respond to local demand –** New homes must reflect the needs of the local area, ensuring that new homes that are built can be filled by local residents or those moving into the area. Propertymark members often report that new housing developments are often left unfilled, due to the size and tenure of the homes built. We therefore reject proposals that would base a new standard method that uses a baseline set at a percentage of existing housing stock levels. Any method used to

determine the number of homes built must directly respond to demand for homes in the area. While this may not necessarily distribute the number of new homes evenly across the country, it will mean that homes are built where they are needed most.

- **Introduce incentives for developers where demand demonstrates a need for affordable housing** – As the cost of labour and materials increases, the returns developers can make on more affordable homes is diminishing. As a result, fewer developers are willing to be involved in affordable housing developments which will undermine the Ministry's efforts to improve the affordability of housing. The UK Government must therefore subsidise or provide incentives for developers to build affordable homes, in areas where local authorities can demonstrate demand for these properties. While this will come at a short-term cost to the UK Government, currently billions are spend every year on temporary accommodation¹. Additionally, poor housing alone costs the NHS £1.4bn every year, with an estimated £18.5bn in wider societal costs².
- **Remove or considerably limit subjectivity from the planning system** – developments that meet local needs are often delayed or cancelled due to the subjective nature of planning decisions. This acts as a further deterrent for developers. When reforming the NPPF, subjectivity must be kept to a minimal.
- **Introduce an independent, non-governmental body to establish a long-term planning strategy** – it is very difficult to plan for the long term when housing is often very politicised. We recommend that the Ministry introduce an independent, non-governmental body to establish a long-term planning strategy, with commitments from the Ministry to take any report produced by the body into account.

Questions

**Note while Propertymark has aimed to respond to every question within the consultation, some are not relevant to property agents or require the experiences of another industry. These questions have been omitted from our response.*

¹ [Inside Housing - News - Council spending on emergency accommodation tops £2.2bn](#)

² [BRE Report the cost of poor housing 2021.pdf \(bregroup.com\)](#)

Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

7. Yes, we agree in principle that the December 2023 changes made to paragraph 61 of the National Planning Policy Framework (NPPF) should be revised. We agree with MHCLG's assessment that the changes can cause delays to establishing house needs and could provide local authorities with more options to reduce the number of homes they build. However, we still believe that there may be cases where a local authority can present evidence that the demand for homes could be substantially higher or lower than the number of homes produced by the local housing needs assessment. Ultimately, demand must drive where new homes are built, which the local housing needs assessment may not always be the best system to identify.
8. Rather than completely removing the ability for local authorities to use alternative assessments of housing need, there should be different cases where local authorities can justify alternative assessments. This would ensure that housing needs are met in the vast majority of cases, the only exception is when a larger number of homes built would have negative consequences for the local community. As part of this, we would urge that local authorities can only use alternative assessments when there is substantial evidence of negative consequences from meeting their housing targets.
9. We urge MHCLG to consider the following cases where an alternative approach to assess housing need could be applicable:
 - If the number of new homes identified through the standard method would prevent the local authority from building the wider infrastructure needed to support the new homes. This would again risk producing homes that are not filled or cause wider issues within the community such as a lack of school places, pressure on local healthcare facilities and rising traffic.
 - The local authority can present to the Ministry conclusive evidence that the number of homes that are
 - If the number of new homes established through the standard method would require the new homes built to be of lower quality.

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

10. We do not agree that references to the use of alternative approaches to assessing housing need should be removed. Instead, we would call for greater clarity and stricter requirements for when alternative approaches should be used. Ultimately, these changes should reference where demand can be shown, which the Ministry should provide a list of evidence that local authorities can use.

Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?

11. We agree with the removal of urban uplift in favour of an approach that distributes growth to a wider range of urban areas that facilitates greater collaboration across regions to accommodate need. This would enable the planning system to support the delivery of new homes where they are needed rather than due to a potentially arbitrary uplift. However, again, the replacement system must ensure that the number of homes built is based on demand.

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

12. We agree with MHCLG's assessment that paragraph 130 of the NPPF should be removed as we are concerned this could be used by local authorities to avoid their home building targets. Given the scale of the housing need in England, improving the density of new homes can help tackle the housing crisis while utilising existing infrastructure and maximising available space. If local authorities are able to take the local character into account, which we consider a nebulous and largely interpretable term, this could be used to justify a lower number of homes built in areas where demand for new homes is high.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

13. We disagree that the focus of design codes should move towards greater density and the development of large new communities. While we agree with the positive outcomes of local plans that focus on these outcomes, plans must be allowed to be flexible to respond to demand, pressures on particular tenures and to ensure an infrastructure-first approach. A focus on one

particular type of development based on housing need rather than providing local authorities with the flexibility to build new homes in the way that best works for the local community will lead to inferior development projects.

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

14. We agree with the changes made to the presumption, so that the primary role of sustainable development is to address inadequate land supply and that it cannot be used to offer a route to creating poor quality places.

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

15. Yes, we agree with the changes to ensure that all local planning authorities must demonstrate five years of specific, deliverable sites. Propertymark opposed removing this requirement in the first place as demonstrating five years of specific deliverable sites enables long-term planning for the delivery of new homes.

Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

16. We agree with the proposal to remove wording around addressing over-supply within paragraph 77 of the NPPF. Propertymark was also opposed to introducing this paragraph to the NPPF for two reasons:

- Firstly, we do not consider an oversupply of homes to be an issue given the current undersupply of homes. This is however, only if the local authority can demonstrate the need for these additional homes.
- Secondly, maintaining the same housing target, as if the local authority did not oversupply homes in the previous year, helps prevent an overall housing shortfall if the local authority is unable to meet its housing target for that year.

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

17. We agree with the 5% buffer to local planning authorities five-year housing land supply calculations. This would provide further flexibility to ensure that the right homes can be built in the right places and, as the Ministry stated within the consultation document, account for fluctuations in the market.

Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?

18. We agree that 5% is an appropriate buffer. Our concerns are that a higher buffer could lead to housing targets being missed to a degree that would produce worse consequences than local authorities would benefit from greater flexibility to respond to their housing targets.

Question 11: Do you agree with the removal of policy on Annual Position Statements?

19. We have no issue with the removal of the option for local authorities to fix their five-year housing land supply through Annual Position Statements.

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

20. We agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters. This would enable multiple local authorities to work together to develop larger projects that cut across authority boundaries. Before the election, Propertymark surveyed our members on what the priorities should be for the UK Government. On the question of addressing the undersupply of homes across England, the majority of agents selected that UK Government should focus on providing the infrastructure needed to create working communities that people would like to live in. If multiple local authorities can collaborate to create larger communities, this can help facilitate the creation of more effective infrastructure close the local authority boundaries which will be essential for supporting the delivery of new homes. For example, local transport plans set by county councils often do not work in tandem with local plans set by borough councils. This issue needs to be resolved for effective planning policy making.

21. In further correspondence with our members, Propertymark is aware that there are situations where neighbouring local authorities do not communicate and work with each other. As a result, local amenities such as schools or hospitals could be shut down due to low demand while neighbouring areas see a substantial increase in housing developments, meaning that demand is likely going to rise for neighbouring services very shortly. The Ministry must ensure that greater local authority collaboration can limit or remove such occurrences.

Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

22. Yes, prioritising strategic long-term scale plans and proposals would have the benefit of ensuring that housing targets can be met in the long-term with strategic approaches to the delivery of homes, reducing the risk that local authorities will focus on short-term gains which could lead to a fewer total number of homes being built in the long-term. As with the previous example provided in paragraph 21, local authorities should be incentivised to collaborate on larger strategic infrastructure projects.

Question 14: Do you have any other suggestions relating to the proposals in this chapter?

23. Considering the move towards strategic plans, we would recommend including a requirement for local authorities to consider the feasibility of future development within their plans. For example, proposed developments that do not have room for expansion or to develop additional homes within the area should be rejected even if they would produce more homes than competing development proposals.

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

24. No, we believe that the Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is the current demand for housing over five years, potentially longer if appropriate. This would provide local authorities with the best method to

ensure that the homes they build best respond to community needs and can be quickly occupied once built.

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3-year period for which data is available to adjust the standard method's baseline, is appropriate?

25. We have no issues with the proposed changes to the standard method's baseline for affordability.

It is vital that new homes built are affordable to respond to these two key issues:

- Firstly, we have an aging population who require suitable homes. The elderly population are going to need homes that are suitable for them, which are going to be smaller more affordable homes in the majority of circumstances.
- Secondly, newer homes must respond to demand from all income levels, ensuring that lower-income households can afford to move into new property or purchase their first home. A failure to account for all income levels risks properties being left empty.

Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?

26. We agree that affordability is given an appropriate weighting within the proposed standard, as it does appear that the weighting would lead to the delivery of houses that are demanded by the local community. However, we are concerned that this may not always be the case. Therefore, local authorities should have the ability to offer an alternative method for calculating the number of and type of homes that will be built. We envision that this would occur if a set percentage of newly built homes remain empty after a set period. This would enable local authorities to more effectively respond to the demand for homes in their area, if the standard method is not appropriate or does not lead to the delivery of homes that can be filled.

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

27. We agree that the standard method should factor in evidence on rental affordability as long as it can be evidenced that the standard method accurately portrays the demand for homes. In the event that the standard method does not accurately reflect the demand for rental (or other)

properties, the Ministry should provide a list of alternative measures that local authorities can use to calculate and demonstrate demand. One example that Property would promote is that sales and letting agents should be involved in the process of determining demand, as they would understand the demand for rental properties in the area, where sales agents understand that landlords demand are demanding suitable properties and letting understand the number of potential new renters registering with their branch.

Question 19: Do you have any additional comments on the proposed method for assessing housing needs?

28. Yes, we would urge the UK Government not to prioritise development on Green Belt land. The primary reason for this is that expanding or densifying existing towns and cities can ensure that new homes benefit from existing infrastructure. Development on new sites would come at a significantly higher cost per unit sold. Therefore, any assessment of housing need must prioritise developments that would address that need through increasing the size of existing communities.

29. An additional complication for declassifying Greenbelt land is when properties next to Greenbelt land have been sold under the presumption that the land will stay Greenbelt. Changing land and releasing it for development can cause legal issues for estate agents.

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

30. We agree with the strengthening of paragraph 124c of the NPPF. This would, as we have laid out in paragraph 26, promote the development of previously developed sites that can more easily benefit from existing infrastructure and can help densify existing areas.

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

31. We accept, in theory, the proposed change to paragraph 154g, that would allow for development of Green Belt land that is Previously Developed Land. However, as stated before, all other options for development should be considered before Green Belt is utilised. As a rule, if Green Belt is to be built upon, we would encourage that Previously Developed Green Belt Land be prioritised since

it was developed before and would more likely have access to the surrounding infrastructure required for new homes to be built.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

32. The development of horticultural land is outside of the scope of PropertyMark, and we would recommend taking on the views of organisations and individuals whose are experts in this field.

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

33. We agree with the definition of grey belt land: *“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).”* We accept that there may be cases where land classed as Green Belt, or its surrounding area has changed significantly as the Green Belt label is no longer suitable. It would therefore be beneficial to remove the restriction of Green Belt for this land.

34. However, as previously stated, the release of grey belt land for development and the reclassification of Green Belt should only be considered as a last resort.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

35. We would welcome two additional measures to prevent high performing Green Belt from being degraded to meet grey belt criteria:

- Firstly, it should be made a criminal offence for developers or local authorities to take action that would purposefully downgrade existing Green Belt Land, specifically for the purpose of ensuring that it becomes Grey Belt Land. This would help to better protect high performing Green Belt Land.

- Secondly, we would welcome public appeals to be made that could be taken to the Ministry for Housing, Communities and Local Government, where Green Belt Land has been designated Grey Belt by the local authority. This should be done where a case can be made that the Green Belt Land is “high performing”. The only exemption to this is if degrading Green Belt is the only way for local authorities to meet their housing targets. Both actions will prevent local authorities from prioritising development on Green Belt where there are clear ways to develop more homes on brownfield sites.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

36. Yes, we very much welcome the additional guidance on what constitutes a “limited contribution to the Green Belt purposes” which can help reduce planning disputes where it is not clear if the proposed land for development is Green or Grey Belt. In order to reduce disputes further, we would welcome further planning practice guidance on how to define Grey Belt Land.

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

37. We agree that the proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes. We would however urge for the UK Government to ensure that there is little room for interpretation within the guidance, as arguments over the limited contribution to Green Belt purposes could cause delays and uncertainty in the planning process.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

38. We agree that if Green Belt can be enhanced, it should be enhanced but only if the following three factors apply:

- Firstly, if there would be a significant benefit for the surrounding area. This could be for historical reasons, environmental or wildlife protections, or to provide another benefit for the local population.

- Secondly, the enhancement of Green Belt Land should not be considered when the land would be the only feasible way for local authorities to meet their home building targets.
- Thirdly, the second point only applies if local authorities have explored all other development options before developing on Green Belt Land. This in our view provides the balance between improving Green Belt Land while ensuring that housing targets can still be reached.

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

39. We agree with the proposals that prioritise brownfield land, then Previously Developed Land within the Green Belt before allowing a local authority to develop on Green Belt land. This follows our response to previous questions within this consultation and provides a way to maintain high housing targets where needed, while also protecting the Green Belt.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

40. Yes, we agree that if Green Belt must be developed on, that it must not undermine the function of surrounding Green Belt land. This ensures that the surrounding Green Belt land is not ruined as a consequence of any development.

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

41. We agree that in exceptional circumstances, that where a local authority cannot demonstrate a five-year housing land supply or is delivering less than 75% against the Housing Delivery Test or where there is unmet commercial or other need, development on the Green Belt should be considered. We would however recommend that an additional caveat be included, that a review of the options available to the local authority must be assessed by MHCLG to ensure that all options available to the local authority have been explored. This would prevent instances where local authorities could be pursuing easier or cheaper options through Green Belt and are ignoring alternative development options.

Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

42. Yes, we agree that the release of grey belt land to meet commercial and other development needs may be required to meet demand for housing. It is vitally important that land be used for wider commercial use and for buildings that are necessary to create liveable communities. Failure to release grey belt for these purposes, where land has already been released for residential purposes, would risk homes being created without the wider infrastructure they need. This would risk homes being left empty, which is counterproductive for the UK Government to tackle the undersupply of housing in the UK.

43. The triggers for release should be related to the achieving the outcome of producing well supported communities that would attract people to move into the new homes. This can be broken down into minimum requirements for land for commercial and other development needs. Examples of commercial and other development needs include shops, developed outdoor recreation space and other essential community amenities.

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

44. We do not feel confident in responding to this question, this should be discussed with the traveller communities.

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

45. As with our response to question 32, this is not something that Propertymark should comment on, rather it should be discussed with traveller communities.

Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?

46. We disagree and have serious concerns regarding the feasibility of achieving affordable housing targets. While understand the scale of the demand for affordable housing, which will need to be addressed by the UK Government, we have two concerns as to why this approach may not work. Firstly, developers and landowners will require financial incentives in order to deliver these new homes. Without incentives, the Ministry may struggle to find developers willing to build on sites designated for affordable homes and landowners willing to sell their land. Secondly, 50% affordability targets may not be suitable for every development. Our position remains that homes built need to respond to demand, therefore any targets need to be flexible enough to meet the actual demand for affordable homes in each given area. Consequently, some affordability targets may be higher than 50% and could be lower than 10% in some areas.

47. The Ministry should consider the following three incentives to promote developments where the financial returns for developers are low, such as where the affordability ratio is high. Firstly, the Ministry should provide Capital Gains Tax exemptions from landowners, if the agreed development would lead to the delivery of 50% affordable homes. Secondly, the Ministry should consider reducing or removing Stamp Duty Land Tax for affordable homes, to reduce their price while not impacting the incentive for developers. Thirdly, the Ministry may wish to consider providing additional payments to developers per affordable home, artificially driving down the price of the home.

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

48. We disagree that the 50 percent target should apply at all in its current state. The new homes built on any site needs to reflect demand for the homes in the area, which a flat 50% target does not allow for.

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

49. We have no issues with the proposed approach to deliver improved public access and protections for nature and green space.

Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

50. We agree in principle with the idea of increasing land values in order to promote the release of land. This addresses one of our main concerns which is that landowners may not be willing to sell their land for housing development. This issue cannot be taken lightly as failure to secure land for development would undermine the UK Government's housing targets. We therefore agree that land values may need to be increased, especially if used to promote more affordable housing where demand for affordable housing is present. Rather than the benchmark land value however, we would recommend a more flexible solution where land values can be raised depending on the need to incentivise the sale of land or a particular purpose.

Question 38: How and at what level should Government set benchmark land values?

51. The UK Government should set benchmark values only when the land is struggling to sell. Any additional land value set must be used to facilitate an earlier sale of land for a development that would best respond to the demand for homes in a given area.

Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

52. We disagree that negotiation should not occur when land transactions take place over the benchmark land value. The option to increase land value should be considered if development proposals are being rejected due to the difficulties in acquiring the land. If increasing land values can lead to the release of land for homes, then it should be considered.

Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

53. As stated throughout our response, contributions to affordable housing should reflect local demand. If the demand for affordable housing can be evidenced to not have been met, then developments that deliver more affordable homes must be prioritised. We therefore reject

proposals to not seek additional contributions for affordable housing, unless planning authorities can evidence there is no demand for these properties.

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

54. We agree that a late-stage viability review should be considered in order to help identify any potential increase in affordable homes if this would help the local authority meet their demand for affordable housing. We would hope that local authorities receive guidance on ensuring that agreed development projects should contribute to meeting the demand for the size, cost and tenure of homes that their communities need.

Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?

55. As mentioned earlier in our response, any non-residential development must be in the service of creating new infrastructure for the new homes built, turning them into desirable communities to live in. Any commercial development that is not in the service of these new homes should not be considered.

Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

56. We have no views other than those that we have previously stated.

Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?

57. We have no further comments to make, other than our response to questions 39-41 which disagree with the content within NPPF Annex 4.

Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?

58. We have no further comments to make.

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

59. We would also recommend that the Ministry considers applying our suggestions to non Green Belt land as well. This would facilitate the greater release of land for development projects that better meet the demand of local areas.

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

60. Yes, we agree that local authorities should consider the needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements. This, if done correctly, can help to increase the number of affordable rented homes built every year.

Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

61. Yes, we agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership. Targets should always reflect the level of demand for all tenures, which is undermined by a fixed requirement to deliver 10% of affordable home ownership housing. Local authorities should be required to evidence the needs of their communities and base targets off of the different tenures their community requires. In some cases, this may be more than 10% of affordable home ownership but the percentage must always be evidenced.

Question 49: Do you agree with removing the minimum 25% First Homes requirement?

62. Yes, we agree, due to the same reasoning as mentioned in our response to question 48. Targets must always reflect community need rather than having to meet an arbitrary figure. That does not

mean however that a local authority may agree to a 25% or higher figure if they can evidence there are a large number of renters in their area looking to purchase their first home.

Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?

63. Based on our understanding, affordable First Homes should still be considered a priority by the UK Government. However, we disagree with maintaining fixed targets that do not reflect community needs. Establishing the requirement for local planning authorities to flexibly respond to the needs of local residents will help to ensure the right homes are built for the right people in the right location.

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

64. Yes, we agree that promoting mixed development is highly beneficial for those who live in the communities. There is a wealth of evidence to suggest the importance and benefits of mixed tenures, types and affordability³.

Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

65. High percentage social rent and affordable housing developments should be prioritised where a local planning authority can show where the need for these homes is most acute. The UK Government should consider a fixed metric where if a local authority can show a certain percentage of an area is on an affordable housing waiting list, (or similar metric to measure demand for affordable homes and rent) then the local authority should be given incentives to deliver high percentage housing developments. Developers should also be provided with financial incentives to ensure development projects deliver the right homes the community needs.

³ [mixed housing evidence | Social Life \(social-life.co\)](https://social-life.co)

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

66. We would recommend reaching out to developers and housing associations who specialise in high percentage and mixed affordable housing developments. This is an area outside of PropertyMark's expertise.

Question 54: What measures should we consider to better support and increase rural affordable housing?

67. The difficulty in ensuring affordable housing is the recent costs from the construction industry which make delivering affordable homes more difficult and less financially viable. Where it can be shown there is high demand for rural affordable housing, local authorities should be given incentives or fixed targets to ensure that a percentage of the affordable homes that are built are in rural areas. Developers should be provided with financial incentives and tax breaks to develop these homes, and landowners should be made exempt from paying capital gains tax on the sale of land for the development of affordable housing.

Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

68. Yes, we agree that there should be provision in the NPPF to support the housing of all vulnerable groups, including looked after children. However, consideration should be taken by local authorities to build for needs of the community in an appropriate and thoughtful way. Meaning that assessments into whether there is infrastructure in place (schools with available spaces, access to the healthcare etc.) in the locality or the provision for such infrastructure to be built into plans.

Question 56: Do you agree with these changes?

69. Yes, we support the easing the delivery of community-led housing as it gives greater options to homeowners and supports diversity of tenures which is required to meet all housing needs.

Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?

70. We agree that the provision of affordable housing to rent is essential to easing the high demand for rented accommodation in the UK, however, we would be wary of any re-definition which might result in local authorities being able to reduce the amount of affordable housing for rent delivered. A broader definition could enable providers who are not registered providers to build within the scope of ‘affordable housing to rent’.

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

71. Our members agree that there is a need to build on small sites, especially those which are brownfield. These sites are often small by their nature and therefore greater access to them for planning would be beneficial. Our members have noted that there is often a lack of demand for large sites and that the struggle to sell big houses on big estates, they expressed a desire to see more smaller site which would deliver what is required in the local community i.e. small blocks of four flats with outdoor space and bungalows for the elderly.

72. We disagree with the requirement for arbitrary percentage targets but feel that the NPPF should have a more flexible approach to meet the needs of the community, thus allowing landowners and developers of small sites to access planning more easily.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?

68. We agree that the words ‘beauty’ and ‘beautiful’ are extremely subjective. Our members believe that there should be less subjectivity in the planning decision process and more objective decision making.

Question 60: Do you agree with proposed changes to policy for upwards extensions?

69. Propertymark agrees that there should be more flexibility built into the NPPF to allow for a variety of extensions that are in keeping with the design of the building and locality. This will enable homeowners to extend their property to meet their needs more easily, as well as adding value to their existing property.

Question 61: Do you have any other suggestions relating to the proposals in this chapter?

70. We have no further comments.

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

71. Propertymark commercial members agree with the expansion of the paragraph to include new and upgraded facilities and infrastructure. There should be consideration for the needs of the local community in planning decision making.

Question 63: Are there other sectors you think need particular support via these changes? What are they and why?

72. Other sectors which may benefit for additional planning support are those which provide energy efficiency measures to homeowners, as being able to access this industry locally could reduce costs to homeowners in retrofitting their properties to higher energy efficiency standards. Additionally, our members are interested in alternative building methods which may bring down the cost of housing construction, such as modular housing. Industries which can supply cheaper, more energy efficiency and quick to construct building materials would be welcome.

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

73. As above, Propertymark supports any additional planning support for new industries where it is appropriate in the community and required i.e. there is a need for jobs in that area.

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

74. Propertymark does not have a comment on the scale of these types of development.

Question 66: Do you have any other suggestions relating to the proposals in this chapter?

75. We have no further comments.

Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

68. Yes, we agree that there should be more weight placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development. One Propertymark member told us about a development which knocked down a school to build houses with the promise of a new school building but after the Covid-19 pandemic it was deemed unaffordable, so the school plan was scrapped but the houses were still built.

Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?

69. Yes, as with above answers to this consultation, we believe that the needs of the community are the most important factor. Arbitrary targets and quotas are not helpful, but where planning can adapt to the needs of the local area which may include sufficient early years and post 16 places.

Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

70. Yes, we would be happy to see a revision of travel planning in the reforms. Our members want to ensure that properties that are built are sellable, this includes having access to good road and public transport routes which are in commutable distance to major towns and cities.

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

71. This question is outside the remit of Propertymark.

Question 71: Do you have any other suggestions relating to the proposals in this chapter?

72. We have no further comments.

Question 72: Do you agree that large onshore wind projects should be reintegrated into the s NSIP regime?

73. Propertymark supports the move towards Net Zero, where it is appropriate and reasonable to do so withing a local context. Consideration should be made to the views of local residents, for example if there are already other on shore wind sites nearby or if it would compromise a tourist area, and whether it will impact the wellbeing of local residents.

Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

74. As above, Propertymark supports the move towards Net Zero and therefore is happy to see greater support to renewable and low carbon energy, especially if these sites can help local residents reduce their energy bills and potentially increase the value of the area.

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

75. This question is outside the remit of Propertymark.

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

76. This question is outside the remit of Propertymark.

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

77. This question is outside the remit of Propertymark.

Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

78. This question is outside the remit of Propertymark.

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

79. Propertymark members would like to see better implementation of energy efficiency measures in properties at the planning stage. This could increase the value of the property by making it more desirable to potential buyers and would also reduce energy bills and potential future retrofitting costs. However, there is a need for more energy efficiency providers and suppliers in UK to drive down costs and make the inclusion of energy efficiency measures more cost effective for developers.

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

80. This question is outside the remit of Propertymark.

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

81. This question is outside the remit of Propertymark.

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?

82. We have no further comments.

Question 82: Do you agree with removal of this text from the footnote?

83. No, our members are against the use of greenfield sites for planning and therefore would want to ensure that these sites are protected by the NPPF, the inclusion of this text ensures that local planning authorities take the availability of agricultural land used for food production into consideration.

Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?

84. Our members want to ensure that greenfield sites are protected and that brownfield and, in some cases, greyfield sites are used first. This could include a specific power for the planning Inspectorate to monitor brownfield sites with planning permission which has not begun development and to encourage development to begin.

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

85. Yes, there should be improvement requirements within planning for all infrastructure provision including water. We have no suggestions on best methods.

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

86. This question is outside the remit of Propertymark.

Question 86: Do you have any other suggestions relating to the proposals in this chapter?

87. We have no further comments.

Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?

88. Yes, we agree that the UK Government should replace the existing intervention policy criteria with the revised criteria.

Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?

89. N/A

Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?

90. Yes, we agree that the fee should be increased to meet cost recovery. Propertymark thinks that local authorities do need greater financial resources to improve the speed of planning application decisions and to hire and retain staff.

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

91. N/A

If Yes, please explain in the text box what you consider an appropriate fee increase would be.

92. Meeting cost recovery is important but a significant jump in the price would be unfair to individuals, therefore we propose a year-on-year incremental increase rather than one significant jump in cost.

Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

93. No – it should be lower than £528 – as outlined above, an incremental increase would be fairer and easier for residents to plan for.

If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.

94. N/A

Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

95. Propertymark has no specific data in order to answer this question.

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

96. Propertymark has no specific data in order to answer this question.

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

Please give your reasons in the text box below.

97. No, Propertymark think that by localising the fee structure this would create a “postcode lottery” which is unfair to residents. Furthermore, if the fee for developers was also changed it could deter developments in expensive areas and encourage more developments in the cheaper areas which would be detrimental to the needs of both communities.

Question 95: What would be your preferred model for localisation of planning fees?

98. Neither.

Please give your reasons in the text box below.

99. Fees should be set at a national level to ensure fairness across the country. The localisation of fees could mean that a house on one side of a street has to pay more than a house on the other side.

Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?

100. Planning fees for small householder applications should not be increased above cost recovery levels. However, fees for developers, particularly of larger sites where there will be more impact on public services, more requirement for local authority time and considerations and the requirement for local authorities to work with other stakeholders and infrastructure providers, as well as publicity and legal services, should be increased to meet the wider demands of the local authority planning services.

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

101. As above, there should be an increase for developments. This could be on an incremental scale proportional to the size of the development. I.e. small developments of less than 10 properties charged 10% extra, 10 – 50 properties charged 20% extra and major developments of 50 or more properties charged 50% extra.

Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

102. Media relations, legal fees related to planning disputes for developments, councillor and officer time in assessing applications, planning enforcement and planning policy teams all require additional resources on the local authority.

Questions 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

103. We do not have enough relevant information to answer this question.

Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

104. We do not have enough relevant information to answer this question.

Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?

105. We do not have enough relevant information to answer this question.

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

106. We do not have enough relevant information to answer this question.

Question 102: Do you have any other suggestions relating to the proposals in this chapter?

107. We have no further comments.

Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

108. Yes, the transitional arrangements seem appropriate. We welcome additional funding to local authorities which are required to update their plans sooner due to the change in calculation.

Question 104: Do you agree with the proposed transitional arrangements?

109. Yes, we agree with the proposed transitional arrangements.

Question 105: Do you have any other suggestions relating to the proposals in this chapter?

110. We have no further comments.

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

111. Propertymark does not have the expertise to represent protected groups.