

CABINET (LOCAL DEVELOPMENT FRAMEWORK) COMMITTEE

22 July 2010

REVISIONS TO PLANNING POLICY STATEMENT 3: HOUSING (PPS3)

REPORT OF HEAD OF STRATEGIC PLANNING

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

The new Coalition Government has re-published PPS3 with two changes, which take private gardens out of the definition of 'previously developed land' and remove the national minimum density requirement of 30 dwellings per hectare. This report considers the implication of these changes for the Council's planning policies and decisions.

Individually the impact of the changes is quite minor as they do not prevent garden development or higher development densities, despite the impression that may have been given by the publicity surrounding them. They are part of the new Government's 'localism' agenda and are aimed at returning choices and decision-making to local authorities. It will be for local authorities to decide how to respond to these changes through the policies in their Local Development Frameworks.

In Winchester's case, the cumulative impact of the changes is that more emphasis can be placed on conserving important local features and character, although these are already important considerations. The emerging LDF provides a process to consider and debate whether local policies need to be adjusted and to decide on which sources of housing land will be prioritised. It is recommended that the implications of the changes to PPS3 are noted and that any changes to local policies on density and the sources of housing land are considered through the LDF process.

RECOMMENDATIONS:

TO CABINET

- 1 That in determining planning applications for housing, emphasis is placed on local 'character' issues, in accordance with Local Plan policy, but that the Council should not seek to resist development simply because it is on garden land or of a higher density than surrounding development.
- 2 That the changes to PPS3 be taken into account in developing policies on density and design through the emerging Local Development Framework (or any replacement planning policy system), along with consideration of the emphasis to be given to the various potential sources of housing land supply.

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DETAIL:

1 Introduction

- 1.1 The new Coalition Government has been quick to implement some of the changes proposed in the constituent parties' manifestos relating to the planning system. The Secretary of State for Communities' letter of 27 May 2010 (the 'Pickles letter') highlights the intention to abolish regional Spatial Strategies (RSS) and the ability of local authorities to consider housing land supply issues 'without the framework of regional numbers'. The RSS has now been formally revoked, and the implications of this for the LDF are discussed in report number 2040(LDF) on this agenda.
- 1.2 This report considers the changes made to Planning Policy Statement 3: Housing (PPS3) which was republished on 9 June 2010. The revised PPS3 <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps3/> contains a small number of detailed changes as follows:
- A small change to the definition of Previously Developed Land (PDL) in Annex B to exclude 'private residential gardens'. The definition states that PDL is 'often referred to as brownfield land'. However, there is no definition of 'greenfield' land in the PPS so the change does not mean that private residential gardens are now 'greenfield' land;
 - An addition at the end of paragraph 41 (under the heading of 'Effective use of land') as follows: *'There is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole curtilage should be developed'*. This change was in fact made by the previous Government in January 2010 and repeats text already within the definition of PDL in Annex B;
 - A deletion of text in paragraph 47 (under the heading of 'Efficient use of land') as follows: *'Reflecting the above, Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range although 30 dwellings per hectare (dph) not should be used as a national indicative minimum to guide policy development and decision-making, until local density policies are in place. Where Local Planning Authorities wish to plan for, or agree to, densities below this minimum, this will need to be justified, having regard to paragraph 46'*. This deletes the 'default'

national density standard of 30dph, although other statements about the importance of using land efficiently remain.

2 Implications of the Changes – Garden Land and PDL

- 2.1 The exclusion of garden land from the definition of PDL is seen by the Government as part of its 'localism' agenda, giving power to local authorities to prevent overdevelopment of neighbourhoods and 'garden grabbing'. The Government also see it as relieving pressure on authorities to permit garden development as a way of meeting the national target of 60% of development on PDL (NI 170) which is recorded annually. However, the revisions to PPS3 do not actually give new planning policy advice in relation to development on garden land and, despite the impression that may have been given, do not ban development on gardens (or even specifically discourage it).
- 2.2 The Government's Chief Planner at DCLG has written to local authority Chief Planning Officers (15 June 2010) to clarify the situation:
- "Together these changes emphasise that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas. The amended policy document sets out the Secretary of State's policy on previously developed land and housing density. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications."*
- 2.3 In Winchester, the adopted Local Plan policies allow in principle for development within defined settlement boundaries (Policy H.3) and for infilling in smaller sustainable settlements (Policy H.4). There is no mention of PDL in these policies, which rely instead on settlement boundaries and sustainability criteria. Therefore, the removal of garden land from the definition of PDL makes no practical difference to whether the principle of development on a particular site is acceptable. Garden land was previously acceptable because it was within a defined settlement boundary (or infilling in a sustainable location), not because the land fell within the definition of PDL, and this will remain the case.
- 2.4 This may not be easy to reconcile with the impression given in Ministerial statements and therefore the (mis)understanding which the public may have. However, there has not been a specific change to local (or Government) policy on developing on garden land, providing it is within a defined settlement and otherwise suitable for development. It is open to the Council to promote a change to its policies through the LDF process, if it felt this was desirable taking account the contribution that such sites make to housing supply. This aspect is reinforced in the letter to Chief Planning Officers referred to above.
- 2.5 Development on garden land has made a substantial contribution to housing land supply over recent years. Estimates submitted to DCLG as part of its study of development on garden land in 2009 were that 83% of dwellings

permitted in Winchester District in the 5 years from 2003/4 - 2007/8 involved development within the curtilage of a dwelling (i.e. on garden land or redevelopment of existing housing), amounting to permissions for 1330 dwellings. Information on housing completions does not split development between garden and other sites, but it does categorise development on previously developed land. Since 2006/7 the proportion of housing in the District on PDL has exceeded 90%, reaching 98% in 2008/9.

- 2.6 For the future, the SHLAA estimates that 20% of capacity within existing urban areas will be on garden sites (222 dwellings). One reason that this is much lower than experience of previous permissions is likely to be that sites in multiple ownership are generally excluded from the SHLAA because they are unlikely to meet the requirements for 'deliverability'. Also, it is very difficult to know which garden sites may be brought forward unless they have already been subject to development interest. However, in practice, sites in multiple ownership do come forward and are likely to continue to do so. Experience suggests that they are some of the larger sites to be developed in built-up areas, contributing substantial numbers of dwellings.
- 2.7 Whilst the Government proposes the abolition of RSS and regionally imposed housing numbers, the need for housing provision remains, especially for affordable housing. The Council's waiting list indicates that 2,600 households are actively seeking accommodation, and approximately 1,600 of these are single person households and 1,000 families. In addition, there are around 600 households awaiting other forms of affordable housing such as shared ownership. On average the Council receives 100 new applications a month, however added to these are an increasing number of homeless applications. The last 3 months have seen the active case load increase from 45 to 91 applications. Any reduction in the sources of housing land supply could, therefore, have a serious impact on the availability of housing for waiting list applicants.
- 2.8 The supply of affordable housing is directly linked to the overall supply of housing in general. For example, during 2009/10 it is estimated that 20% of all affordable housing completions involved the use of garden land, whilst in total 65% of all affordable housing came from planning 'quota' sites (as a proportion of market housing). If the changes to PPS3 are interpreted as an increased constraint on new developments this may significantly reduce the provision of new affordable housing.

3 Implications of the Changes – Housing Density

- 3.1 The changes to paragraph 47 of PPS3 effectively remove the 'default' national policy of seeking a minimum of 30 dwellings per hectare (dph). However, PPS3 still advises that local planning authorities should use land efficiently, including developing their own density policies. The Local Plan already includes these, albeit that they are based on the previous PPS3 target of 30-50dph. Again, without a formal change to the Council's planning policies (through the LDF) the 30-50dph target would remain.

- 3.2 However, the Local Plan policy (H.7) already refers to the contribution that site features may make to the character of the area and how these may be taken into account. In practice the 'character' issues are already used in some cases to justify densities lower than 30dph, especially where they are acknowledged in guidance such as Village Design Statements, Local Area Design Statements, or development briefs.
- 3.3 The removal of the requirement on local authorities to justify the granting of schemes under 30dph may lead to applicants and/or objectors promoting lower densities. Where the features of a site or character of the area provide clear justification, such an approach may be justified. However, in view of the Local Plan's requirements and the continued need identified in PPS3 to make efficient use of land, lower densities should not be accepted without clear 'character' justification.
- 3.4 It should be noted that PPS3 continues to state that 'the density of existing development should not dictate that of new housing', so lower densities should not be accepted simply on the basis that they reflect the density of surrounding development. Density is a measure of the number of dwellings per hectare, not necessarily of the character of the area. Therefore, it should not be the starting point for planning development and, in this respect, the removal of strict density guidelines (whether for minimum or maximum densities) is to be welcomed.
- 3.5 As well as risking wasteful use of land, there is the risk that lower densities may be promoted to keep developments below the thresholds for affordable housing provision. In view of the clear need for affordable housing, schemes which attempt to do this should not be approved without clear justification of the need to reduce densities to retain local features or character.

4 Conclusion

- 4.1 Individually, the changes to PPS3 relating to the definition of PDL and housing densities do little to change the current local approach to development. However, when taken together, the relaxation of pressure on garden sites and on achieving minimum densities allows more emphasis to be placed on local 'character' issues, although this approach is already followed on the basis of Local Plan policy.
- 4.2 Nevertheless, PPS3 continues to promote the efficient use of land, as does the Local Plan, so there will still be a need to justify densities which are lower than those expected by the Local Plan. The fact that a development may be proposed on garden land or may increase existing densities does not in itself justify refusal, but there may be cases where proper analysis shows that densities need to be lower (or that there should not be development) in order to maintain important local features or character.
- 4.3 Therefore, the changes to PPS3 enable more emphasis to be placed on retaining local character but, in the absence of changes to local policies, do not go as far in limiting garden development as some people may believe.

Despite concerns about 'garden grabbing', residential gardens and redevelopment form an important existing and future source of housing supply. It remains important that land which is otherwise suitable for development is not unnecessarily sterilised or under-used and that affordable housing opportunities are achieved wherever possible.

- 4.4 Therefore any significant changes to the local approach to garden development should be made in the context of the emerging LDF policies. In fact, the emerging Core Strategy's policy on density already give more weight to character issues than density, where there is a conflict, and the changes to PPS3 support this approach. The LDF process is the appropriate mechanism to ensure that all the options for making adequate housing provision (PDL, garden land or greenfield allocations) are properly considered and debated and that informed decisions on the relative emphasis to be given to each source of housing supply are made.

OTHER CONSIDERATIONS:

5 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 5.1 The Sustainable Community Strategy promotes an inclusive society, which includes providing housing to meet people's needs and improving the supply of affordable housing. The LDF is a key mechanism for delivering various outcomes of the SCS and progressing it is a corporate priority and project within the Corporate Business Plan.

6 RESOURCE IMPLICATIONS:

- 6.1 No additional resources are required as a result of the recommendations of this report, as resources are already allocated to progress the LDF and deal with planning applications.

7 RISK MANAGEMENT ISSUES

- 7.1 Planning Policy Statements (PPSs) are material considerations which should be taken into account in making planning decisions (on applications or in developing policy). Failure to do this may result in the Council's decisions being challenged, with the risk of costs being awarded against the Council if it acts unreasonably. The recommendations of this report propose an approach which accords with Government policy and therefore should minimise these risks.

BACKGROUND DOCUMENTS:

Revised PPS3 (June 2010)

APPENDICES:

None.