



By Email Only

1 April 2021

Message from Chief Planner

I hope for many you are feeling ever more optimistic as greater numbers are vaccinated, we can look forward to seeing friends and family and enjoy outdoor spaces and places in the spring sunshine.

I am sure professionally many are also turning their thoughts to the short to medium term impacts and adjustments that we will be making in the coming months. We have lived and worked very differently over the last 12 months, some of the innovations have made us more connected and efficient, but I am sure like many I am looking forward to a site visit, a meeting in person and a creative discussion with colleagues in the same room. We are also dealing with a changed and uncertain landscape, for example the future of retail and the health of our places of entertainment, commerce and culture.

In this newsletter we outline some of the policy responses to these changes and how we support the opening up of the economy and our social lives. The planning system has a job to do to reflect on and address these changes, which is why we continue to underline the importance of local planning authorities progressing their local plans.

I am also delighted to present the opportunity for new, or soon to be, town planning graduates to join the team at MHCLG. We are recruiting four newly qualified planners to work across our areas of policy and practice over a two year programme. As you can imagine it's a really exciting prospect and we are able to offer roles across our offices in England.

Joanna Averley
Chief Planner

Supporting Housing Delivery and Public Service Infrastructure

In 2020, we reformed the Use Classes Order to make it easier for high street premises to change use without the need for a planning application. In particular we created a new Class E 'commercial, business and service' use which means that a wider range of commercial, retail and leisure uses commonly found in town centres can adapt to changing circumstances and respond to the needs of their local communities.



To further the Government's objective to support and diversify town centres, we laid regulations on 31 March 2021 to create a new permitted development right to enable the change of use from the new Class E to residential use to help support housing delivery and enable more homes to be created in town centres.

The right will have effect from 1 August 2021. It is subject to a size limit of 1,500 sqm of floorspace changing use and applies to buildings that have been in a Class E use for two years, including time in former uses now within that class. To protect viable businesses the right only applies to buildings that have been continuously vacant for at least three months. And to protect local amenity the right is subject to prior approval by the local planning authority on a range of planning matters.

Where there are existing Article 4 directions in respect of office to residential rights, these will continue to apply until 31 July 2022. You may be aware that Government consulted on a new policy for Article 4s in the recent consultation to changes to the NPPF. We are now considering responses to the consultation and will be issuing a response as soon as possible. This will set out any changes to Article 4 policy.

To help deliver improvements to public service infrastructure the 31 March regulations also amend permitted development rights to allow for larger extensions to schools, colleges, universities, hospitals and, for the first time, prisons.

In addition, we have made further changes to align the permitted development rights for ports and airports to help deliver Freeports.

Finally, to protect heritage assets, the regulations ensure that a planning application will always be required for the removal of unlisted statues, memorials and monuments which have been in place for 10 years on the proposed demolition date subject to certain exceptions. Those exceptions are statues which are listed buildings or scheduled monuments, within cemeteries, on consecrated land, within the curtilage of places of worship or dwelling houses or in the grounds of museums and art galleries. Changes to the notification requirements will ensure that the Secretary of State is aware of applications and has the opportunity to call them in, if appropriate. This reform will be accompanied by changes to [The Town and Country Planning \(Demolition – Description of Buildings\) Direction 2014](#), [The Town and Country Planning \(Consultation\) \(England\) Direction 2009](#) and the [Arrangements For Handling Heritage Applications – Notification To Historic England And National Amenity Societies And The Secretary Of State \(England\) Direction 2015](#).

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 and the associated Explanatory Memorandum is available [HERE](#)



Further Measures to Enable Businesses to Operate Safely and Support Economic Recovery

On 25 March, the Secretary of State laid a Written Ministerial Statement to Parliament which emphasised local planning authorities should continue to take a positive and flexible approach to planning enforcement action to support economic recovery and support social distancing while it remains in place as England moves towards Step 2 of the COVID response roadmap. Specifically:

- Where there are planning restrictions on retail opening hours, local planning authorities should not seek to undertake enforcement action which would result in unnecessary restriction of retail hours between 7am to 10pm, Monday to Saturday from Step 2 of the roadmap (no earlier than 12 April) until the introduction of Step 4 of the roadmap (scheduled for no earlier than 21 June) to support the safe reopening of non-essential retail shops;
- The current Written Ministerial Statement about planning enforcement and the delivery of food and other essential goods to retailers will be extended until Step 4 of the roadmap (scheduled for no earlier than 21 June); and
- The current Written Ministerial Statement encouraging flexible construction working hours will remain in place until 30 September 2021.

The Written Ministerial Statement can be found [HERE](#)

To further support the hospitality sector as the economy reopens, it is also the Government's intention to create a temporary permitted development right to allow pubs, restaurants and cafes to erect temporary moveable outdoor structures for the summer season. For the first time, this will also apply to listed buildings provided there is no harm to the heritage asset. Legislation will be laid at the earliest opportunity.

Changes to the Current Planning System Consultation – Update on First Homes

On Thursday 1 April, the Government published its response ([HERE](#)) to the First Homes proposals in the consultation on changes to the current planning system. This sets out a summary of the consultation responses and the changes we intend to make to planning policy in response. We will make these changes to planning policy through a Written Ministerial Statement in due course and the implementation date will be set out on



publication. The Written Ministerial Statement will set out the policy framework for First Homes, including:

- policy detail on the process for setting developer contributions for First Homes;
- the types of developments that will be exempt from the requirement to provide First Homes;
- the transitional arrangements that will apply to local and neighbourhood plans depending on their level of advancement through the plan making process, as well as for planning applications; and
- the policy framework for First Homes exception sites.

The consultation response also sets out the Government’s position on the proposal to raise the small sites threshold following consideration of the consultation feedback.

Electronic Communications Infrastructure

We are planning to publish a technical consultation on changes to permitted development rights for electronic communications infrastructure shortly. This will look at how to implement the proposals consulted on in August 2019 to support the deployment of 5G and extend mobile coverage.

Progressing Local Plans and Neighbourhood Plans

On 19th January, the Housing Minister made a written statement to the House of Commons to set out the importance of maintaining progress to get up to date local plans in place. The Written Ministerial Statement can be found [here](#).

As outlined in the WMS: 91% of local planning authorities have now adopted a Local Plan, but we know that many of them are not being kept up to date. In March 2020, the Government set a clear deadline of December 2023 for all authorities to have up-to-date Local Plans in place. It is critical that work should continue to advance Local Plans through to adoption by the end of 2023 to help ensure that the economy can rebound strongly from the COVID-19 pandemic. Completing Local Plans will help to ensure that we can build back better and continue to deliver the homes that are needed across England.

We also want to see Neighbourhood Plans continue to make progress with the support of local planning authorities, to give more communities a greater role in shaping the development and growth of their local areas.



Remote Meetings

On 25 March, Ministers wrote to local authorities to explain that temporary powers permitting remote meetings in the Coronavirus Act 2020 will not be extended after 7 May 2021.

The letter also provides a link to updated guidance on the ways local authorities can apply Covid-19 guidance to ensure meetings can take place safely. A copy of the letter can be viewed [HERE](#).

The government has also launched a call for evidence on the experiences of local authorities regarding remote meetings and to gather views on whether such arrangements should be made permanent. The consultation can be viewed [HERE](#) and is open until 17 June.

Graduate Recruitment

The Ministry of Housing, Communities and Local Government established a Planning Graduate Programme in 2016 and have since recruited three planning graduates each year. We are currently advertising for four graduate posts to start with us in September 2021 [HERE](#).

These are exciting and challenging roles at the heart of the Government and will include placements across our planning functions over a period of two years, supported by a dedicated mentor. **The deadline for applications is Sunday 25th April 2021.**