
From:

To:

Housebuilding

Cc:

Subject:

FW: CMA housebuilding market study

Dear [REDACTED],

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Planning Working Paper

Thank you for mentioning this when we met. The paper rightly highlights the substantial resourcing constraints that planning authorities have been under for a number of years and we support measures to address this. The report also identifies the uncertainty that has arisen from ongoing changes to the planning system over a number of years (which also adds to resourcing pressures on planning authorities). It acknowledges that we have a development plan led system and that planning applications should be decided in line with local development plans unless there are material considerations that indicate otherwise.

The purpose of the plan-led system is to provide greater certainty as to the type and form of development that is acceptable and to reduce unpredictability and delay for proposals that are submitted in line with the policies and requirements set out by the relevant planning authorities. The majority of London authorities have up to date development plans but we recognise that this is not always the case elsewhere. It is also worth noting that the permitted development regime has been expanded significantly in recent years. In some cases this has resulted in substandard accommodation in inappropriate locations, with a lack of supporting infrastructure and affordable housing (see, for example, government commissioned research by UCL and the University of Liverpool [Research into the quality standard of homes delivered through change of use permitted development rights \(publishing.service.gov.uk\)](#)).

We also noted the report’s initial recommendation for a more ‘rules based’ approach and a reduction in ‘discretionary’ decision making. This would be a fundamental change to the UK planning system with similar proposals considered as part of the consultation on the Planning White Paper in 2020. A summary / response to the consultation was not published by the government, however we are aware that the Mayor and a range of other organisations raised significant concerns with this aspect of the proposals.

Further details are available in the Mayor’s response to the consultation (attached) and I have also set out a summary of these below:

- . Rules based/ zonal systems rely on often lengthy plans and plan-making stages, which are necessary for the level of detail required to secure high-quality development. Without such detail in place, there would be limited safeguards for fast-tracking permission processes.
- . Use of plans and codes to determine appropriate development is often slower and significantly less flexible than a discretionary planning application process.
- . Furthermore, many international systems focus on scale and massing criteria rather than aesthetic appearance, and this is at odds with England’s built form and historic focus on uniformity. In the English context, insistence on rigid design features stifle innovation and would preclude many of our best contemporary developments, favouring a tick box approach to specified ‘traditional’ building elements which fail to cumulatively deliver great design or great places.
- . Zonal systems can inflate land values and landowner expectations in areas designated for development. These higher development costs would make it harder to deliver the type, scale and quality of development that is needed and appropriate to the relevant area.
- . The approach risks considerable local authority expenditure to prepare the prescriptive codes necessary to avoid further negotiation at development stage, but which may not match the aspirations of the developer. It is standard practice for developers to seek to change or ‘optimise’ development proposals following the acquisition of land or during the development process, however, rules based systems are far less flexible and able to cope with this.

By comparison, the working paper acknowledges that the majority of applications in England are granted consent and also shows that the rate of permissions has remained relatively consistent. We would also advise greater consideration of the disruption and resources that would be required to introduce such a significant change as well as analysis of housing markets in areas where rules based systems are in place, which are also often subject to similar housing pressures and need to that in England and other parts of the UK.

Kind regards,

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