

Welcome to the Planning Bulletin prepared by **Tetlow King Planning**. This Bulletin provides an update of recent publications across the housebuilding and planning sectors from a wide range of public, private and quasi-governmental organisations.

First Homes

On 1 April 2021, the Government published its response to the consultation on the Proposed Changes to the Current Planning System, including securing First Homes sold at a discount to market price for first time buyers and key workers through developer contributions.

The Government has confirmed that a First Homes tenure will be introduced and that it will update the Planning Practice Guidance to set out how it will be implemented. The MHCLG Chief Planner, Joanna Averley, confirmed in the latest [Planning Newsletter](#) that the Secretary of State will lay a Written Ministerial Statement before Parliament in due course, which will outline changes to national planning policy in order to ensure First Homes are built. These changes will take effect on a date to be specified.

In summary, the Government response confirms the following points:

- First Homes will be targeted at first time buyers, key workers and members of the armed forces not earning more than £80k, or £90k if in London. The homes will have a minimum 30% discount on market value. The overall value must not exceed £250,000, or £420,000 if in London. Councils can increase the discount to 40% or 50% if there is an evidenced need to do so.
- The discounts on the properties will be maintained in perpetuity and letting/sub-letting is banned.
- The Government will not be going ahead with the proposals to temporarily lift the small site threshold to 40 or 50 dwellings for affordable housing contributions for SME builders.
- It is expected that local authorities prioritise securing their policy requirements on social rent once they have secured the 25% First Homes requirement. Where other affordable housing units can be secured, these tenure-types should be secured in the relative proportions set out in the development plan.
- Build to rent developments, specialist accommodation, self/custom build and 100% affordable developments are exempt.
- The new requirement for 25% First Homes will not apply to sites with full or outline planning permissions already in

place or determined (or where a right to appeal against non-compliance has arisen) before 10 November 2021 (or 10 February 2022 if there has been significant pre-application engagement), although local authorities should allow developers to introduce First Homes to the tenure mix if they wish to do so.

- Local or neighbourhood plans submitted for Examination before the implementation of the policy or that have reached publication stage before implementation and are subsequently submitted for Examination within six months of implementation will not be required to reflect the First Homes requirements.

There is significant concern within the industry that First Homes may hinder the delivery of other affordable housing products, specifically shared ownership properties. In terms of shared ownership, the Government's response was as follows:

"The government acknowledges concerns that this proposal may reduce the number of Shared Ownership properties delivered through section 106 compared to current volumes, and acknowledges the effect this may have on the finances of registered providers who use Shared Ownership sales to cross-subsidise affordable and social rented units. The government is fully committed to the delivery of Shared Ownership homes, as evidenced by plans to rejuvenate the tenure through a new standard model and investing £12bn in the Affordable Homes Programme to support the development of thousands of Shared Ownership units. We therefore do not expect local authorities to prioritise the replacement of other affordable home ownership tenures (such as Shared Ownership) with First Homes. We will continue to monitor the effect the First Homes policy has on registered providers and their finances, working with the industry to understand the impacts and how they can be mitigated if necessary."

View the full Government response [HERE](#)

Housing Minister backs delivery contracts proposal

Housing Minister Christopher Pincher has backed a new Centre for Policy Studies (CPS) report calling for planning consents to be replaced by legally binding delivery contracts with penalties for developers and councils that breach them.

[The Housing Guarantee](#) was published last week by free-market think tank Centre for Policy Studies (CPS). The report says the introduction in 2012 of the National Planning Policy Framework's presumption in favour of sustainable development "did not have the desired effect" in delivering more homes, although it did increase the number of planning permissions. The report argues that the system has helped create a "bottle-neck" that concentrates land supply in the hands of giant house builders, with the six biggest builders holding around a million plots in their strategic land banks.

The introduction of delivery contracts would mean developers have an obligation to build a number of homes within a specified timeframe. This change would be specifically aimed at large housebuilders who currently control around a third of the market; and would give small and medium sized house builders a greater role in delivering more homes and helping the UK's economy build back better.

Housebuilders which fail to meet the specified delivery timeframes would be expected to pass the land onto local

SMEs. This comes alongside a wave of other planning reforms and the growing emphasis of SMEs in changing and shaping house building and planning reform.

The report also recommended placing greater emphasis on the Housing Delivery Test for councils. The report states:

"The housing delivery test needs to be strengthened and put at the heart of the system, rather than the five-year land supply test."

"It is too easy for councils to simply approve a few large sites to meet land supply tests while failing to meet need. Instead, councils should focus on ensuring that sufficient homes are built in their area each year, and that the supply of homes matches demographic – and so market - need, (e.g. retirement homes) and penalties should focus on this."

Read Planning Resource's article [HERE](#)



Industry concerns about the current Future Buildings Standard

A letter has been sent to Jeremy Pocklington, the permanent secretary at the MHCLG, regarding the proposed Future Building Standard. This document will set out a pathway to highly efficient non-domestic buildings which are zero carbon ready, better for the environment and fit for the future.

The letter, which has been signed by 21 organisations including the RTPI, wants to see several additional areas added that are critical to success in achieving the UK's net-zero ambition. RIBA president, Alan Jones, has acknowledged that the built environment is responsible for approximately 40% of the UK's total carbon output. Whilst the signatories welcome the direction set out in the proposed Future Building Standard, they don't believe that it goes far enough.

Failings include no intention to regulate the total energy consumption of buildings; set targets for actual energy

performance, or embodied carbon. Alongside more ambitious targets, signatories also call for a National Retrofit strategy.

The signatories believe that this document offers the opportunity to make a real difference and it is critical that essential changes are made to protect the environment. Alan Jones urges policy makers to 'realise its potential.'

Find the full article in the Planner [HERE](#)

New Help-to-Build scheme

On 24 April Housing Secretary Robert Jenrick announced a £150 million Help-to-Build scheme backed by Government funding which should help to make it easier and more affordable for people to build their own homes.

Help-to-Build will provide an equity loan on the completed home, similar to the Help-to-Buy scheme. The Help-to-Build scheme is intended to ensure that self and custom-building is a more realistic option to get on the housing ladder through lower deposit mortgages. Lowering the required deposit, according to the Government, will free up capital for people to embark on building their home. The Government believes self and custom-build homes could deliver 30,000 to 40,000 homes a year – helping it to achieve its target of delivering 300,000 homes a year by the mid-2020s.

“Building your own home shouldn’t be the preserve of a small number of people, but a mainstream, realistic and affordable option for people across the country. That’s why we are making it easier and more affordable – backed by

over £150 million new funding from the government”, said Jenrick.

“Our plans will help get more people on to the housing ladder, ensure homes suit people’s needs like home working or caring for relatives, whilst providing an important boost to small builders and businesses too.”

To increase the delivery of self and custom-build homes, Prime Minister Boris Johnson has commissioned Conservative MP Richard Bacon to lead a review on how it can be achieved. It is expected that the findings and recommendations will be published in the summer.

Read the MHCLG press release [HERE](#)

In the News



Planning Applications:

A total of 77,289 applications in England and Wales were submitted in March 2021 to the Planning Portal, 22% more than submitted in February and a new monthly record

[CLICK HERE](#)



Special Measures:

New MHCLG data has been released showing the councils that determined the fewest applications within Government time limits in 2019 and 2020. 11 UK authorities are sitting below the governments ‘special measures’ threshold for speed of decision making on applications.

[CLICK HERE](#)



Energy:

Five of the UK’s biggest housing associations have formed a landmark partnership to tackle energy efficiency and decarbonisation across their combined 300,000 homes.

[CLICK HERE](#)



Permitted Development:

At the end of March the Government introduced a new permitted development right allowing a range of commercial uses to convert to housing without planning permission.

[CLICK HERE](#)



UK Woodlands:

UK native woodland in ‘poor’ ecological condition with just 7% in good condition according to a report by the woodland Trust.

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About Us

Tetlow King Planning is a leading town planning and development consultancy operating nationwide, with specialisms in housing, affordable housing, care, custom and self-build housing. We have been established for over 35 years and operate from our offices in Bristol and West Malling, Kent. Testimonials and news stories on development proposals are available to view on our website www.tetlow-king.co.uk. Follow us on social media at:



TKP Spring Successes

Tetlow King Planning (TKP) is delighted to have assisted in five appeal successes and a Green Belt approval across March and April 2021.

Ledbury, Herefordshire

A recovered appeal success for a mixed used development of up to 625 dwellings and 2.9 hectares of employment land on the edge of Ledbury, on behalf of Bloor Homes Western. James Stacey, Senior Director, provided expert evidence on the need for affordable housing in Ledbury and across Herefordshire. It was agreed between parties that “in the context of the market and affordable housing shortfall, the housing delivery benefits of the appeal scheme are substantial.” The Secretary of State concurred with the findings on past and future affordable housing delivery specific to Ledbury itself, awarding substantial weight to the delivery of affordable housing on site.

Westwells, Wiltshire

Appeal success for 81 dwellings on the edge of Corsham, Wiltshire, on behalf of Summix SRD Developments Limited. James Stacey, Senior Director, provided expert evidence on the need for affordable housing and Andy Moger, Associate Director, gave expert evidence in respect of demand for self-build and custom housebuilding serviced plots within Wiltshire. Inspector Owen Woodward affirmed at paragraph 6 of his report that “the weight to be attached to the provision of affordable and self-build/custom build housing are key components of both parties cases.” In undertaking the planning balance exercise, the Inspector found that “The provision of housing, including affordable housing and self-build/custom build housing, and contributions towards local infrastructure all weigh positively in the planning balance.”

Footzie Social Club, London Borough of Bromley

Appeal success for 254 dwellings in Bromley including First Homes. James Stacey, Senior Director, provided expert evidence on the need for affordable housing across the London Borough of Bromley with a specific focus on the



acceptability of providing 'First Homes' as the affordable housing offer at the site in light of viability considerations. This decision is timely given that on 1 April the Government published its response to the proposals on First Homes which seeks a minimum of 25% of homes secured via Section 106 agreements to be provided at a 30% discount to market values (subject to caps). Overall, the Inspector considered that very special circumstances existed to justify the grant of planning for the scheme, and subsequently allowed the appeal, in the first appeal approval for First Homes.

Pocklington and Swanland, East Riding of Yorkshire

Double appeal success in the East Riding of Yorkshire for 380 dwellings on the edge of Pocklington and 150 dwellings on the edge of Swanland. James Stacey, Senior Director, provided expert evidence on the need for affordable housing in both settlements as well as across the wider local authority area. In undertaking the planning balance exercise the Inspector found in both decisions that the benefits of the schemes included affordable housing of which she afforded 'substantial weight'.

Green Belt apartments, Thurrock

TKP's West Malling team are delighted to have been able to assist Montana Property Development Company Ltd with their

proposals to demolish an existing bungalow with associated stable buildings and other outbuildings to facilitate the development of 36 apartments on a site in Thurrock. The site fell within the Metropolitan Green Belt meaning Very Special Circumstances had to be identified. The site was also identified within an employment zone under the adopted local plan. Turning to the VSC, the council accepted that: (i) the lack of a 5-year housing supply would amount to a significant benefit; (ii) the identification of the site as being suitable for employment initially but now proposed for residential was of some weight; (iii) the site had been identified as being suitable for release from the Green Belt as part of the evidence base to the emerging local plan and therefore afforded weight in favour; and (iv) the site was in a sustainable location that was of weight in support. The sum of these benefits was found to be sufficient to outweigh the harm. Although there were various amendments to detailed elements of the scheme the application passed without the need for any substantive amendments which is some achievement given the Green Belt designation and the scale of the proposed development compared to the existing scale on site. Iain Warner, Director of TKP West Malling office commented, "This scheme just demonstrates the value of engaging in pre-app on sites like this to understand the principle constraints for a scheme, and then working with a team of experts to ensure that every angle of the scheme is well covered."

