

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT TOWN AND COUNTRY PLANNING (FEES
FOR APPLICATIONS, DEEMED APPLICATIONS,
REQUESTS AND SITE VISITS) (ENGLAND)
(AMENDMENT) REGULATIONS 2020

Monday 20 July 2020

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The Committee consisted of the following Members:

Chair: SIR GRAHAM BRADY

- | | |
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| † Aiken, Nickie (<i>Cities of London and Westminster</i>)
(Con) | † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) |
| † Amesbury, Mike (<i>Weaver Vale</i>) (Lab) | † Levy, Ian (<i>Blyth Valley</i>) (Con) |
| Benn, Hilary (<i>Leeds Central</i>) (Lab) | Lloyd, Tony (<i>Rochdale</i>) (Lab) |
| † Campbell, Sir Alan (<i>Tynemouth</i>) (Lab) | † Mullan, Dr Kieran (<i>Crewe and Nantwich</i>) (Con) |
| Cooper, Yvette (<i>Normanton, Pontefract and
Castleford</i>) (Lab) | † Pincher, Christopher (<i>Minister for Housing</i>) |
| † Costa, Alberto (<i>South Leicestershire</i>) (Con) | † Richards, Nicola (<i>West Bromwich East</i>) (Con) |
| Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Syms, Sir Robert (<i>Poole</i>) (Con) |
| Hopkins, Rachel (<i>Luton South</i>) (Lab) | † Wakeford, Christian (<i>Bury South</i>) (Con) |
| † Hughes, Eddie (<i>Walsall North</i>) (Con) | |
| | Dominic Stockbridge, <i>Committee Clerk</i> |
| | † attended the Committee |

Fourth Delegated Legislation Committee

Monday 20 July 2020

[SIR GRAHAM BRADY *in the Chair*]

Draft Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2020

4.30 pm

The Minister for Housing (Christopher Pincher): I beg to move,

That the Committee has considered the draft Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2020.

It is a pleasure to serve under your chairmanship, Sir Graham, although it is not such a pleasure to see the Government Whip sitting with the Opposition. I trust that social distancing does not extend as far as political distancing.

The regulations were laid in draft before the House on Monday 6 July. If approved and made, they will introduce a fee for a new permitted development right that allows detached purpose-built blocks of flats of three storeys or more to be extended upwards by two stories to provide new homes without making an application for planning permission. They will be subject instead to obtaining prior approval from the local planning authority. The regulations will come into force on 1 August.

As hon. Members are aware, the Government's moral mission is to build the homes we need, and that is more critical than ever. It is fundamental to our economic recovery following the pandemic to get Britain building back better, faster and greener, and uniting and levelling up our entire country. To achieve that, we must make the most of land that has already been developed. That is what this new permitted development right does, creating new homes for sale and rent that would not otherwise exist. That will benefit families, young people and many others at the heart of established communities.

I turn to the draft regulations. The prior approval process means that, instead of going through a full planning application process, a developer must secure the prior approval of a local planning authority for specific planning elements of the development before work can proceed. That allows for a more streamlined planning process while maintaining local oversight of key planning matters. In relation to the new permitted development right, the number of additional considerations as well as consultation and scrutiny by local authorities is greater than for existing permitted developments' prior approval applications but less than otherwise required on a full planning application.

That has resource implications for local authorities. It is therefore right that a higher fee should be paid compared with other prior approval applications but less than that for a full planning application. That is reflected in the regulations in the new part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which introduces a fee for applications for prior approval for such upward extensions

of existing blocks of flats of £334 per dwelling house for development proposals of 50 or fewer new dwelling houses. For development proposals of more than 50 new dwelling houses, the fee is £16,525 plus an additional £100 for each dwelling house in excess of 50, subject to a maximum fee of £300,000.

The £334 fee represents a modest midway point between the £206 fee for an application for prior approval for the change of use of a building to residential and the fee for a full planning application of £462 per new dwelling house. As such, it strikes an important balance between accelerating the delivery of much-needed homes and ensuring that local authorities, which will be required to assess applications for prior approval for this new permitted development right, are paid for the service they provide. If there was no application fee, this cost would have to be funded by the taxpayer.

The approach that I have set out was welcomed in our consultation, "Planning Reform: Supporting the high street and increasing the delivery of new homes", which was published in October 2018. The responses to it recognised that the proposed changes would require significant local planning authority resources and should therefore be subject to an appropriate fee. Planning fees are an important source of income for councils, as the basis of a well-resourced, effective and efficient planning system, underpinning housing delivery and economic growth.

In January 2018 the Government raised planning application fees by 20%, which was the first uplift since 2012. The increased income that generated for the planning system has driven up the performance of local planning authorities, which I believe we will all agree with.

Sir Robert Syms (Poole) (Con): I do not disagree with what the Minister is saying; it may be a good idea. I presume there is guidance on how that will be dealt with. If a developer has a three-storey block of flats and wants to build over the top, would the practice be to move the residents out or to build over them, and what consultation would there be of the residents affected by the additional floors going above their property? That might be one of the key factors that the local authority and other people will be concerned about.

Christopher Pincher: I am obliged to my hon. Friend for his question. The individual leaseholder agreements with the freeholder will determine some of the issues that he has raised. Certainly, as part of prior approval it will be necessary for the local authority to consider such matters as the effect on leaseholders' or residents' amenity, so the prior approvals process will apply in that sense.

We are keen to keep up the momentum to help us, in the words of the Prime Minister, "Build, build, build" towards a brighter future, following an extraordinarily challenging period for our country. That is why we are considering wider reform of the planning system, with these draft regulations underlining our commitment to a system that is fit for the 21st century. I commend the regulations to the Committee.

4.37 pm

Mike Amesbury (Weaver Vale) (Lab): It is a pleasure to serve under your chairmanship, Sir Graham. Ultimately, we will not oppose the regulations, which introduce, as

the Minister said, much needed fees for applications prior to approval on extending blocks of flats of three storeys or more upwards, to create new residential homes. However, I want to take a few minutes to outline why this does not mean that we support the Government's extension to permitted development, to give it context.

The Minister will already have seen that I have put my name to a prayer, alongside the shadow Minister for Housing, my hon. Friend the Member for Bristol West (Thangam Debbonaire), against the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020. Our concern centres around the impact on those already living in the blocks of flats that will be extended upwards, those who will be moving into those new homes and those on the housing register, who need developers to contribute to schemes to provide vital social and affordable housing.

I am sure that the Minister will say that the issue of the quality of these new homes has been addressed now that councils will consider the adequate provision of light in the extensions, but the fact remains that permitted development has previously allowed what has been classed as "slum housing" to be built without any windows at all. That is disgraceful. A rabbit hutch with large windows is still a rabbit hutch; it is not fit for human habitation. The permitted development system has led to the delivery of homes as small as 13 square metres—smaller than the average living room. For reference, the national guidance for most housing developments states that the minimum internal floor space area should be 37 square metres—just under three times the size of the smallest permitted development homes.

The fact that the Government are continuing the permitted development system without addressing the fact that it bypasses space standards shows that they are not interested in ensuring that housing is fit for habitation; they are seeking only to avoid more headlines about the lack of windows in permitted development homes. Given that we have just come out of a pandemic in which we have rightly asked the public to stay at home, we cannot continue to allow housing to be built that risks the physical and mental health, and the dignity, of the people living in those homes in normal times, let alone when they are asked to be in them for 24 hours a day.

I also have concerns about the impact on existing leaseholders in those blocks. Leasehold Knowledge Partnership and the hon. Member for Worthing West (Sir Peter Bottomley) have raised concerns that this legislation will give a windfall to freeholders while compromising the value of flats owned by leaseholders. It offers no compensation for disruption while the work takes place, and potentially increases the cost to residents who want to buy their freeholds in the future. Given that we also have a broken system of leaseholds—a feudal system of leaseholds—with no legislation or reform in sight, why are the Government introducing an instrument that will exacerbate the problems for leaseholders?

The expansion of permitted development will also increase the number of developments that can bypass schemes that fund affordable housing and the things that we want in our constituencies—GP surgeries, schools, transport and green spaces, through section 106 and the community infrastructure levy. As the Local Government

Association noted earlier this year, 13,500 affordable homes have potentially been lost in the past four years as a result of the permitted development rules. Instead of good-quality affordable and social homes that could have been funded by development through the planning system, low-quality slum housing has been propped up in all our constituencies.

Instead of finding ways to get around the current rules, the Government need to build—build, build, build—an alternative that delivers the communities that our constituents want and need. The Government should stop slashing planning departments' funding and seeing section 106s and the community infrastructure levy as nuisances to be avoided. They can hardly state that that is not their attitude, given the recent Westferry saga.

Given that the draft Building Safety Bill was published today, I find it rather odd that buildings that are clad in flammable materials and have been built without the necessary firebreaks and additional safety measures are being given the green light through this statutory instrument and the Government's direction to be extended upwards. I look forward to the Minister's response.

4.44 pm

Christopher Pincher: I am obliged to the Committee for its time, and to the hon. Member for Weaver Vale for his questions and his support in principle for this measure.

The hon. Gentleman mentioned three key points, the first of which was building quality. He is right to suppose that the Secretary of State's decision was made as a result of conversations that he had with several colleagues, including my right hon. Friend the Member for Harlow (Robert Halfon) and Opposition Members, about requiring that there be appropriate windows and lighting in all habitable rooms with this PDR. That is an important piece of progress that we have made.

I remind the hon. Gentleman that the regulations surrounding the PDRs will still require building regulations to be met. There will still be the prior approval test to be applied in any prior approvals that any local authority might apply. I also remind him that the report that we commissioned on PDRs for conversion, and the quality standards in those conversions, has been undertaken. We look forward to considering the report's recommendations in due course.

The hon. Gentleman mentioned the rights of leaseholders. As I said in response to my hon. Friend the Member for Poole, leaseholders will certainly have the right to consultation and will be part of the prior approval process. Beyond that, of course, on the question of leasehold reform, the White Paper and the legislation that the Under-Secretary of State for Housing, Communities and Local Government, my hon. Friend the Member for Thornbury and Yate (Luke Hall), will introduce in due course will encompass many of these matters. I am sure that we will debate them again, so I will not dwell on them further now.

Finally, the hon. Gentleman mentioned affordable homes. We reckon that building more homes in this way will be worth about 8,000 extra homes a year that would not otherwise be built. We are providing properties that people want. Housing associations, which own some of these blocks, can build upwards more effectively and provide affordable homes if they wish for their potential tenants. I also point out that if it is appropriate, the

[Christopher Pincher]

extra floor space created might generate CIL payments, which can be contributed towards the local community. The wider planning reforms that my right hon. Friend the Secretary of State is considering will include further consideration of how developer contributions work and what that might mean for our affordable housing programme.

I hope that my remarks have answered the hon. Gentleman's questions. I look forward to further such collaborations with him in future, and perhaps also the occasional joust. On that note, I commend the regulations to the Committee.

Question put and agreed to.

4.47 pm

Committee rose.

