Purpose of Report

To inform Members of the introduction of permission in principle for small sites, which is introduced on the 1st June 2018.

Recommendation(s)

The Committee notes the contents of the Report.

Reasons for Recommendation(s)

To bring to Members’ attention the introduction of permission in principle for small housing-led development sites.

Alternative Options Considered

Not applicable.

Detailed Information

Permission in Principle

The Town and Country Planning Act 1990 (as amended by the Housing and Planning Act 2016) sets out powers to grant permission in principle (PiP). Permission in principle is designed to separate decision making on ‘in principle’ issues addressing land use, location, and amount of development from matters of technical detail, such as what the buildings will look like.
The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to get into matters that are more technical. It will also ensure that the principle of development only needs to be established once in the process.

PiP in itself is not a planning permission. Effectively to obtain planning permission is a 2 stages process:

a) the first stage (or permission in principle stage) establishes whether a site is suitable in-principle for residential development (i.e. development in which the residential use occupies the majority of the floorspace), and

b) the second (‘technical details consent’) stage is when the detailed development proposals are assessed.

PiP + Technical detail approval = Planning permission.

Permission in Principle for small sites
From 1st June 2018, Regulations allow an application to be made for Permission in Principle for small-scale sites. Small scale means developments of nine residential units or less, with less than 1000 sq m of commercial floorspace, and/or on a site of less than 1ha. The ‘main purpose’ of the application must be housing development.

The PiP application
The PiP application includes limited information consisting of:

- Location – site plan;
- Land use - Description of the development that covers the proposed use;
- Amount of development - the minimum and maximum ranges of dwellings.

The local planning authority cannot ask for more information to support the application although the developer can volunteer additional information. There is a more limited consultation period of 14 days including statutory consultees, parish councils and neighbourhood forums.

Decisions are made in accordance with the development plan (local plan and neighbourhood plans) and other material considerations (including NPPF). The PiP cannot be refused on issues of detail, which would be considered at the Technical Detail stage. However, if the site is unacceptable for residential development this may be grounds for refusal.

If a decision is not made within 5 weeks of receipt of a valid application, and no extension of time has been agreed, the applicant may appeal to the Secretary of State for non-determination.

Technical details approval
A PiP must be followed by an application for technical details approval for planning permission to be granted. The numbers of dwellings must be within the range identified in the PiP.

The application must specify all matters necessary to enable full planning permission to be granted for the whole of the site. As part of the Technical details approval consideration of all the usual aspects will be undertaken such as detailed design, mitigation, impacts etc. Technical details consent can be refused if the detail is not acceptable. However, the local planning authority will not be able to revisit the decision on the fundamental principles of development as this has been settled at the permission in principle stage.
The determination period is five week and, where appropriate, conditions or a S106 can be attached. There is a right of appeal against non-determination, refusal or against a condition.

The introduction of PiP for small sites reflects one of the objectives of the Housing White Paper to back small and medium sized builders. It is anticipated that this helps to improve the supply of housing land by reducing risks to small builders in relation to costs of initially applying for planning permission.

It is anticipated that an application for PiP could be made where:

- There is an element of doubt about whether a proposal for small-scale residential development would not be acceptable in principle.

- An applicant wants the greater certainty a PiP will give compared to an informal opinion from the Council in response to a request for pre-application advice. For example, a small builder requires greater certainty to reassure lenders knowing that the planning risk is mitigated to some extent having secured a PiP.

However, it is unclear at this time whether many applications for PiP will be submitted. Small builders may not be aware of the introduction of these changes to the planning system and much will depend on whether they see the system as beneficial in bring residential sites forward.

**Implications**

**Corporate Plan:** There are no direct implications in relation to the Corporate Plan.

**Legal:** The Housing and Planning Act 2016 amended the Town and Country Planning Act 1990 introducing Permission in Principle. The statutory details for the operation of Permission in Principle are set out in the following:

- The Town and Country Planning (Permission in Principle) Order 2017;
- The Town and Country Planning (Local Authority Consultations etc.)(England) Order 2018.

The legal implications are summaries within the report.

**Finance:** There are no direct financial implication in relation to the consultation.

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<th>Budget Area</th>
<th>Implication</th>
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<tbody>
<tr>
<td>General Fund – Revenue Budget</td>
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<td>General Fund – Capital Programme</td>
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**Human Resources:** There are no direct HR implications contained within this report.

**Equalities:** There are no equalities issues relating to the report.

**Other Implications:**

- **Reason(s) for Urgency**
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- **Reason(s) for Exemption**
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**Background Papers**

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