

CHANGES TO (ENGLISH) NATIONAL PLANNING POLICY FRAMEWORK, DEC 2023

Winter 2024

(With thanks to the Community Land Trust Network for their work and support with the briefing)

BACKGROUND

In December 2023 the Government published a revised version of the [National Planning Policy Framework](#) (NPPF) for England. It included new policies on community-led development.

This followed [a consultation launched in December 2022](#) which asked how the planning system could support community-led development. These questions were the result of our lobbying for clearer planning policy for community led housing approaches.

UKCN worked with CLTN to submit proposals and responses related to Community Led Housing in particular during March 2023.

UKCN, CLTN and other Community Led Housing Partners submitted proposals in a roundtable meeting with the then-Housing Minister, Rachel Maclean, in September 2023, and she was particularly enthusiastic. We met with officials working on the planning consultation in the summer and autumn to explain and advocate for our proposals.

The new version adopts some, but not all, of our asks. In this briefing paper we go through them in turn.

A note on planning applications and Local Plan policies

You may feel the immediate impact of the new NPPF policies felt in individual planning applications. Planning officers and committees should treat these as '**material considerations**' and ascribe them **weight** when deciding on applications. You should be sure to reference them in your planning statement and draw them to the attention of planners in pre-app meetings and the attention of members at planning committees.

As with many new policies, it is incumbent on cohousing groups and CLTs to start leading local planning authorities in how the policies should be interpreted. You can help to set favourable precedents. We will endeavour to gather and share examples of good practice, so CLTs can point to other cases in support of your own applications.

The new policies also represent an opportunity to introduce supportive policy into your council's Local Plan (or plans if you span more than one area). You can the following guides to help you lobby for local policy changes:

- The [planner's guide to community-led housing](#) which contains lots of good case studies of other councils' policies

For example, Oxfordshire CLT pointed out in their response to the Oxford City Local Plan consultation that the council's proposed policies were no longer sound, as they conflated

community-led development with self/custom build housing; and they made no provision for community-led exception sites.

NEW POLICIES - IMPLICATIONS FOR cohousing groups, CLTs, co-ops.

Definition of community-led development

The Glossary of the NPPF now includes a definition of community-led development:

Community-led developments

A development instigated and taken forward by a not-for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise. The organisation is created, managed and democratically controlled by its members. It may take any one of various legal forms including a community land trust, housing co-operative and community benefit society. Membership of the organisation is open to all beneficiaries and prospective beneficiaries of that organisation. The organisation should own, manage or steward the homes in a manner consistent with its purpose, for example through a mutually supported arrangement with a Registered Provider of Social Housing. The benefits of the development to the specified community should be clearly defined and consideration given to how these benefits can be protected over time, including in the event of the organisation being wound up.

All planning applications submitted by cohousing groups should meet this definition.

The first part of the final clause is worth noting - clearly defining the benefits of your proposals to the community. You can normally do this in a planning statement. It is always good practice to highlight and emphasise any **affordable housing** and **other community benefits** - they have been a significant factor in many successful planning appeals. Don't take for granted that planning officers and committee will recognise this.

This new policy won't, in itself, have much bearing on your applications. But it will help planners to put your approach into context and give more confidence to the laggards that you're not doing anything strange!

Local Plans - you should press for the definition to be included or referenced in your Local Plan.

Small and medium sites

Paragraph 70 supports small sites - defined as smaller than 1 hectare - and medium sized sites, requiring local planning authorities to meet at least 10% of their overall housing requirement on these. The policy is supposed to reverse the decline of SMEs and the total dominance of the large national housebuilders. The full policy covers allocating small sites in the Local Plan; supporting 'windfall sites' which were not allocated; using tools such as area-wide design assessments, permission in principle and Local Development Orders to bring more small sites

forward; and working with developers to subdivide large sites to create parcels for other builders.

(Side note - 'allocating sites' means identifying land with other uses such as farming or industry, or identifying land that is derelict, and drawing a red line around it and saying it will be developed for housing, or some other new uses. Local Plans have to allocate enough land to meet most of their housing needs - the rest being met through other sites gaining permission, known as windfalls. Once a site is allocated its value leaps from its existing use value to residential value.)

The policy now also requires that they:

70 b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;

All planning applications from cohousing on small sites can point to this policy to show that the NPPF expects the planning authority to - in general - support your kind of development.

You could also look at how well your local planning authority is performing on the 10% requirement - is there evidence that they are failing to meet that proportion of housing need from small sites? Have they used the available tools - site allocations, LDOs, windfall decisions, etc. - to support SMEs? If not you should mention this in your planning statement and to the planning committee if it comes to it. It's the sort of argument that could help to win a planning appeal, which might persuade a planning officer/committee not to refuse at this stage.

Local Plans - this policy presents a few opportunities:

- *Site allocations* - you may wish to press for specific sites to be allocated and for the plan to state a preference for, or an assumption in favour of, it coming forward as community-led development. This latter point is important as once a site is allocated for housing it will command a usual residential development price (making higher levels of more affordable housing difficult) and you'll be in open competition with private developers. Sometimes it's better to *not* have the site allocated and rely on exception site policies or the windfall policy.
- *Small sites policies* - often Local Plans put in their own small sites policies, you could ask that they specifically reference community-led development and press for wording that is as positive as possible, attaching greater weight and generally wanting to support community-led proposals on small sites.
- *Large site percentage requirements* - the Local Plan could require that sites over a certain size (say 1,500 homes) include a percentage of community-led development. This is already common for self and custom build housing, usually expecting in the region of 3-5% to be self/custom build. You could press for a separate and distinct policy for community-led development. This would create opportunities for you to go and negotiate with the developer to buy the parcel of the site to develop yourself, or to buy their completed homes turnkey.

- *Large site partnerships* - the Local Plan, and policies / supplementary planning documents / area action plans for specific sites, could promote a larger community-led development component than the 3-5% - for example, in a 500-home development in East Cambridgeshire Kennett CLT will buy half the affordable homes turnkey and all of the open space and public amenities.

Supporting rural schemes

Paragraph 82 has always encouraged appropriate new rural housing. Now it specifically references community-led development:

82. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing.

This is a very minor change. But again, in planning applications you can reference this in support of your proposals.

Community-led exception sites

This new policy replaces the existing 'entry-level exception site', which was designed to promote sites that provided homes affordable for first-time buyers. The policy in full:

73. Local planning authorities should support the development of exception sites for community-led development (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:

(a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and

(b) be adjacent to existing settlements, proportionate in size to them [*not be larger than one hectare in size or exceed 5% of the size of the existing settlement*], not compromise the protection given to areas or assets of particular importance in this Framework [*i.e. National Parks/Broads, Green Belt, Areas of Outstanding Natural Beauty, habitats sites and/or designated as Sites of Special Scientific Interest, Local Green Space*], and comply with any local design policies and standards.

This wording is not what we had asked for, and we are still unsure as to its meaning and application.

However, this could present a significant opportunity for community led housing groups applying for planning permission on unallocated sites that are 'adjacent' to a settlement (i.e. right on the edge or nearby). Unless there is a strong expectation that these sites will be allocated for

housing in a future plan, they will typically have a lower value attached making it more viable for you to develop high levels of affordable housing and other community benefits.

They are similar to the longstanding rural exception sites, a policy which many rural CLTs have used to buy land at around £10k/plot and secure planning consents. We are not clear on what sites that 'would not otherwise be suitable as rural exception sites' would be. But here are three suggestions on how this policy differs from the rural exception site:

1. **Sites on the edge of larger settlements** - often 'rural' is defined as settlements smaller than 10k population, so your local planning authority may not accept that a site could be a rural exception site on the edge of a larger village, town, or city. It should have no qualms about a community-led exception site. In its consultation response the Government specifically highlighted this as benefitting 'urban' settlements.
2. **Broader housing mix** - as with entry-level exception sites, community-led exception sites will require a less demanding housing need justification to support a scheme in comparison to rural exception sites - you won't need to conduct a local housing needs survey for each application and base the tenures on the findings. This may then open the door to providing for a wider range of affordable tenures, e.g. if you would like to attract younger people into the area with Discount Market Sale homes.
3. **Mixed-use schemes** - you should be able to propose a range of uses beyond housing, which would almost certainly not be allowed for a rural exception site. The Government's consultation response stated that 'we recognise that the development may include other supporting land uses'. So proposals for e.g. a new community centre, shared workspace/hotdesking, agricultural premises etc should be permissible.

Although the quotes from the [government's consultation response](#) do not appear in the NPPF text, you should still refer to them if relevant. If it came to a planning appeal, there are a number of methods the inspector and courts use, but primarily they look to ascertain the meaning of the words in light of their context and purpose. They will factor in the likely intention of the policy, but that should not override the meaning of the words. They can look at explanatory notes, consultation papers and within limits ministerial statements reported in Hansard.

It is worth looking at your Local Plan to see if that defines Rural Exception Sites any further, leaving clear opportunities for community-led exception sites. For example:

- The Value of White Horse Local Plan has a Core Policy 25 on Rural Exception Sites which specifies that the scheme must be 'designed to meet the established need of a village (or its neighbouring village)' and 'is located within or on the edge of a village'. So a CLH/Cohousing/CLT in this district could argue to a landowner and the planning authority that a site adjacent to a town such as Abingdon or Wantage would not be suitable for a rural exception site, but that it would be suitable for a community-led exception site.
- The East Devon Local Plan has a policy 'Strategy 35', which specifies that rural exception sites can be on the edge of 'villages, small towns and outside built-up area boundaries', but requires that 'the village or small town has a population that falls below 3,000

persons'. This would preclude a rural exception site on the edge of Honiton (population 11,000) but a community-led exception site should be fine.

- The Draft Babergh and Mid Suffolk Joint Local Plan, by contrast, only requires that sites are 'well-connected to an existing settlement and proportionate in size to it', offering little/no differentiation. The only differences that a CLT *might* want to leverage (or might not!) are the development of non-housing assets, and a higher level of market housing the policy is specific about the maximum amount of market housing permitted for rural exception sites.

Local Plans - you should ask for this policy to be specifically referenced in your Local Plan. You could also press for it to be expanded and clarified, for example citing the above cases as sound applications of the policy in the area. For a very strong version of this policy, look at the East Cambridgeshire Community-Led Development SPD [on this webpage](#), which has been adapted already by North Norfolk, and ask your local authority to adopt something similar, grounded in the NPPF community-led exception site policy.

ONGOING LOBBYING

The NPPF didn't include all of our asks, and the community-led exception site is not quite what we asked for. Community led housing groups can continue to press for:

- The exception site policy to apply to sites within settlements as well as those adjacent to them, which will help infill proposals by CLTs/CLHs/Cohousing; and for the cap on site size to be increased from 1 hectare or lifted altogether.
- A clearer expectation that large sites are subdivided and/or opportunities created for community-led development.
- Greater weight to be given to community-led development in protected areas such as the Green Belt, AONB and National Parks.
- The removal of the implied requirement that homes for sub-market rents are owned by a Registered Provider in the glossary.
- Tweaking the definition of community-led development to remove the expectation that it is always 'instigated and taken forward by' a community-led organisation; sometimes it might be instigated and taken forward by e.g. a private developer or council, in partnership with a CLT/CLH/Cohousing.