

Chartered Institute of Housing submission to the open consultation on strengthening planning policy for brownfield development

The Chartered Institute of Housing (CIH) welcomes the opportunity to respond to this consultation and would be happy to discuss any details of our response. We have only answered the questions which relate to our remit as the professional body for people working in housing.

Initial comment

We have a pressing need for more homes in this country and developing brownfield land can help to address this. However, brownfield land is not evenly distributed and may not align to the places with the highest demand for new homes. Brownfield development can also be extremely complex due to a range of constraints, including contamination which can add significant time and costs to projects and requires local authorities to be sufficiently resourced and skilled to navigate.

Meeting housing need is not just about the numbers of units delivered. We must ensure that new homes are fit for purpose for people's existing and future needs, are affordable, are well connected and meet wider climate change challenges. The desire to develop unutilised brownfield land must not come at the expense of quality and placemaking.

Brownfield land development alone will not solve the housing crisis - we need a long-term plan for housing which recognises it as the foundation for creating healthy and sustainable communities. CIH's [10 point plan](#) and [strategy for housing](#) provide more detail.

Q1. Do you agree we should change national planning policy to make clear local planning authorities should give significant weight to the benefits of delivering as many homes as possible? If not, why not?

For many years housebuilding in this country has failed to keep pace with demand. We need **340,000** new homes each year in England to 2031, including 90,000 for social rent. However, each year, we fall far short of these numbers. For example, in 2021/22 around **233,000** new homes were delivered, of which around only 7,500 were social homes. Given the pressing need for more homes, greater emphasis in national planning policy on the benefits of delivering more homes would be welcome. However, the wording of "as many homes as possible" is concerning. We have a great need for more homes which are decent, safe, accessible, and affordable. Tackling undersupply is not just about numbers. Decent and affordable homes make our lives better – improving our health and wellbeing and providing the safe and secure foundation we all need.

Q2. Do you agree we should change national planning policy to make clear local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development? If not, why not?

No.

Brownfield regeneration has the potential to play a role in meeting our national housing need. Whilst we understand and support the renewed focus on sustainable development in the use of previously developed land (as is already threaded through existing planning policy), we are concerned by the wording in the consultation document suggesting that authorities should be flexible in applying policy related to internal layouts, daylight and sunlight.

The homes delivered through the current Permitted Development Rights (PDR) system have too often been far removed from the quality homes we should be creating. Without the necessary safeguards to support sustainable development and ensure the health and wellbeing of residents, we have seen [poor examples](#) (as highlighted by [the government's own commissioned research](#)) of 'homes' which negatively impact residents' health and wellbeing. We are concerned that without further safeguards the pursuit of delivering homes on brownfield land could come at the expense of the quality of the homes provided, in a similar way as has been demonstrated with PDR.

Whilst the consultation states that the acceptable living standards must be protected, one could reasonably question what it might be like to live in the homes created if guidance relating to daylight and sunlight and internal layouts are set aside. The importance of where we live - our homes and neighbourhoods - for our wellbeing was starkly underlined through the experience of the pandemic. The framing of these policy proposals raises concerns that these lessons have not been fully considered.

Our homes are [critical building blocks](#) for our health, and foundational for our involvement in education, employment and social connection. There are some basic requirements that *all* homes should meet, as set out in the TCPA's [Healthy Homes](#) principles. CIH supports these and does not consider that they should be compromised.

Q3. If we were to make the change set out in question 2, do you agree this change should only apply to local policies or guidance concerned with the internal layout of developments? If not, what else should we consider?

We do not agree, please refer to our answer for question 2.

Q4. In addition to the challenges outlined in paragraph 13, are there any other planning barriers in relation to developing on brownfield land?

Whilst the ‘will’ at local authority level may often exist to develop on brownfield land, there are frequently significant challenges to overcome, particularly around making-safe potentially contaminated sites, which is often an extremely costly and complex endeavour. There is little in the proposals to acknowledge these difficulties and no discussion of support or funding for already stretched local authority teams to realise the ambition to develop brownfield sites.

The brownfield-first strategy has been present in national and local policy for some time. It is unlikely that there is an abundance of easy to develop brownfield sites which have not been developed. More likely is that authorities and developers have already capitalised on the more viable brownfield opportunities, so proposing an intensified focus on these sites without addressing underlying economic and logistical barriers is unlikely to significantly boost housing supply. According to [Lichfields research in 2022](#), the maximum housing capacity from building out all sites on the Brownfield Register amounts to under one third of the annual requirement for 300,000 homes per year over 15 years (if all were to come forward for development of housing). Lichfields’ research also showed that there is less brownfield land available in the places with the highest demand for new homes. The three regions where brownfield land is most prevalent (North West, Yorkshire and the Humber and North East), are those where the price of homes is more closely aligned to average incomes.

It is also disappointing that there are no references in the consultation document to the provision of affordable homes. Analysis Professor Glen Bramley on behalf of Crisis and the National Housing Federation in 2018 identified a need for 145,000 affordable homes per annum over the ten years 2021-31, of which 90,000 would be for social rent and the remainder for low-cost homeownership or intermediate renting. In the most recent [UK Housing Review](#) Bramley links an affordability-based model to a dynamic sub-regional housing market model. The main conclusion of which is that increased provision of housing, but particularly social rented housing, would generate a wide range of beneficial social outcomes, enumerated in the study’s detailed analysis.

[The National Housing Federation's 'People in Need'](#) report in 2021 identified that 8.5 million people in England are facing some form of unmet housing need. For almost half of those people (more than 4.2 million), social rented housing would be the most appropriate tenure to address that need. As already noted, overcoming barriers to develop on brownfield land such as contamination can be very costly, and this will have implications for viability and the ability to deliver affordable homes. It is crucial that housing delivery meets local need, and in many cases the local need will be for genuinely affordable homes. The additional costs that brownfield land often brings and the impact this could have on the provision of affordable homes will need greater exploration.

Q5. How else could national planning policy better support development on brownfield land, and ensure that it is well served by public transport, and creates healthy, liveable and sustainable communities?

Brownfield first as an approach for sustainable development is already weaved through national and local policies. While an intensified focus on planning policy has a role to play, so should analysis of broader opportunities and limitations. Brownfield land can often be particularly suitable for certain types of housing development (such as high-density, high value apartments) given its usually urban location and often high remediation costs but, as already noted above, we need around [90,000](#) homes for social rent each year for the next 10 years to meet demand and the supply of new social homes in England lags far behind this. Differing government proposals for national planning policy changes since 2019 and stop/start planning reform since then have resulted in uncertainty amongst local authorities, planners and developers. Clarity and consistency in the system are urgently needed. Committing to the provision of genuinely affordable good housing must be at the heart of any planning reforms, backed by a comprehensive resource and skills strategy which addresses capacity gaps in the current system and helps to future proof it.

There is also the issue of ensuring that housebuilding on brownfield land does not neglect the importance of allowing this land use for the provision of other types of development. Looking to provide employment opportunities and infrastructure and amenities should be an equal consideration on such sites and might be more suitable in many scenarios as part of balanced placemaking.

Support from DLUHC for planning authorities to audit their brownfield land registers to identify additional capacity within authority areas (in conjunction with local plan progression) would support the development of brownfield land. [Evidence](#) shows that many registers lack the comprehensiveness, accuracy and detail required to make effective policy decisions.

Q6. How could national planning policy better support brownfield development on small sites?

Small sites often play an important role in delivering affordable housing. The challenge of build out rates on small sites are complex and not just because of the availability of sites, or issues around planning policy. There are also cost and financial barriers and uncertainties to overcome (including issues around viability, interest rates and other matters). Enabling support may be what is required to ensure greater use of smaller sites rather than focusing exclusively on national policy.

Auditing and improving the quality of data contained in brownfield registers (as discussed in our answer to question 5) would be of particular benefit for small sites because identifying available and viable land can be a challenge for the small and medium sized developers who tend to focus on small sites.

Q7. Do you agree we should make a change to the Housing Delivery Test threshold for the application of the Presumption in Favour of Sustainable Development on previously developed land?

No.

We do not support changes to the threshold for the Housing Delivery Test for the application of the Presumption in Favour of Sustainable Development (irrespective of whether this is applied to all authorities or just those authorities subject to the urban uplift). Paragraph 23 of the consultation states ‘it is vital that we deliver housing in the right locations’, and yet amending the Test so that more authorities are likely to be subject to a presumption in favour of development does nothing to make sure that homes are delivered in the right place. This approach may lead to the approval of housing which is not of the quality and type and location needed for existing and future generations in a locality.

Setting a rigid threshold does not allow for consideration of the multiple reasons that development may not have come forward and ignores existing and potential viability challenges, cost barriers to remediating brownfield and the funding for associated infrastructure needed for the development for brownfield land for quality placemaking.

Q15. We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

CIH is part of the [Housing Made for Everyone \(HoME\) coalition](#) and a supporter of TCPA’s [Healthy Homes](#) principles. If internal layout and other standards are to be considered ‘flexibly’ in the push for brownfield development as the consultation document indicates, older people and disabled people requiring higher accessibility and space standards than those guaranteed through building regulations, could potentially be negatively impacted. There is a risk that some authorities efforts to meet these targets for brownfield development could undermine the delivery of homes suitable for older or disabled people across their areas. In July 2022, government [committed](#) to raising the accessibility and adaptability standard for new homes and we would urge government to bring that commitment into effect with urgency and to ensure that all policies being introduced do not conflict with the delivery of much needed new accessible and adaptable homes.

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is to provide housing professionals and their organisations with the advice, support, and knowledge they need. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20

countries on five continents across the world. Further information is available at:
www.cih.org.

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