



Policy Fact Sheet: Permission in Principle

This fact sheet is designed to give Members of Parliament further information about the aims of the Housing and Planning Bill, and how ministers intend each individual policy to work in practice. If you have any questions you would like to ask, please email Baroness.Williams@communities.gsi.gov.uk

What is the Bill hoping to achieve?

The Government's ambition is to speed up and increase the efficiency of the planning process and to deliver more homes. The current planning application process asks developers to provide substantial amounts of information up-front, even as part of an application for outline planning permission. This means that developers will often have to expend significant time and cost prior to achieving certainty that any development will be able to go ahead in principle.

Through the Housing and Planning Bill, the Government will introduce a new consent route called 'permission in principle' that is designed to separate the decision making on 'in principle' issues (such as 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 are acceptable before developers need to get into costly, technical matters. It will also ensure that the principle of development only needs to be established once in the process. Permission in principle must be followed by an application to agree the technical details of the scheme before the applicant can regard full planning permission to have been granted and start work on site.

The Bill will allow permission in principle to be granted when local authorities or neighbourhood groups choose to allocate housing-led development in future local and neighbourhood plans or identify it on brownfield registers. The choice about where to give permission in principle will be a local one, reached through involvement of communities and Members within the current plan making process. This will utilise the work that local authorities and communities already do as part of the plan making process and further strengthen local and neighbourhood plans by helping to ensure that development takes place on sites that people want to see built

Recognising the specific challenges that developers of smaller sites can face, the Bill will also make provision for permission in principle to be granted for minor development on application to the local authority.

Permission in principle will not replace the need to consider development properly against the National Planning Policy Framework and local policy. Permission in principle will only be granted where development is considered to be locally acceptable in principle. The technical details stage will provide the opportunity to assess the detailed design, ensure appropriate mitigation of impacts and that contributions to essential infrastructure are secured. If the



technical details are not acceptable then refusal on this basis would be justified.

Why is legislation needed, and how can Members influence the details?

Legislation is needed to firstly introduce permission in principle as a new planning consent route that seeks to separate the decision on the fundamental principle of development from matters of technical detail. It is also needed to a) enable permission in principle to be granted on sites chosen and allocated by local authorities within their local plans b) enable applicants to apply directly to their local authority for permission. It is not possible to achieve this within the existing law.

Outline planning permission provides a route for applicants to get some certainty, subject to later agreement of reserved matters. However, this does not deliver consent via a plan or register as it is only possible on application to the local authority. The structure of outline permission also means that the local authority needs a higher level of clarity up-front on the technical details before they can issue outline permission. This comes at a cost to applicants, who are asked to invest in technical detail earlier than necessary and means that the local authority is not able to make a genuine 'subject to' decision.

The Government will be discussing the detailed process throughout the Bill to inform subsequent secondary legislation. This will include a consultation on the technical details in due course. The Government is open to any discussions with Members who have an interest in the detailed process.

How do we see this working in practice?

An example of permission in principle working in practice is as follows. A neighbourhood forum, in developing their emerging plan, may decide that they wish to grant permission in principle to a site to promote local, plan led development. Once the plan is formally adopted by the local authority, permission in principle will be granted automatically if it satisfies the basic requirements as to type and scope of development and is expressly allocated with permission in principle. The allocation may also contain policy about the sorts of matters that would need to be covered at the technical details stage (including affordable housing and other requirements).

Subsequently, an application for technical details consent would need to be made to the local authority. While the principle of development could not be revisited, the matters of technical detail would be properly considered in line with local and national policy. It is only on the securing of technical details consent that full planning permission will be regarded to have been given. In addition there will no duty to determine technical details in accordance with the permission in principle granted on the site, where there permission in principle has been in force for longer for a prescribed period (which we will consult on in due course) and there has been a material change in circumstances.



Some key facts, initial reactions, and answers to questions you may find helpful.

The Government has informally engaged with a range of key stakeholders with different interests – including local government, planning sector, house builders, other developers, lenders, and environmental and community groups. This engagement has been tremendously useful and has influenced our thinking. We look forward to continuing discussions as we further work up the finer details, and expect to publish a detailed consultation shortly.

How will permission in principle deliver more homes?

Permission in principle will make an important contribution to the delivery of new homes by giving applicants greater certainty that the suitability of land for an amount of housing development is agreed and the confidence to invest in the technical detail without fear that the fundamental principles of the development will be re-opened. The result will be a quicker and more predictable planning process.

Won't permission in principle just add complexity to the system?

Using locally produced plans and registers to grant permission in principle will utilise the work already undertaken as part of plan production. It will bridge the gap between plan making and the planning application process by providing greater certainty that the suitability of land for an amount of housing development is agreed and are established once.

What type of development can be granted permission in principle?

The Government's intention is to enable permission in principle to be granted for housing led development when sites are allocated in Local Plans, Neighbourhood Plans or identified on Brownfield Registers. Developers will be able to apply for permission in principle directly to their local authority for development on small sites only. The Government has no intention of enabling permission in principle to be granted for development involving fracking

Will permission in principle restrict local authorities and communities from commenting on or objecting to proposals?

No, quite the opposite. Permission in principle will be granted on a site that the local authority or neighbourhood groups allocate in their local plan and identify as being suitable for permission in principle. That means that permission in principle will be granted where development is considered to be appropriate – in line with national and local policies. Where permission in principle is granted through neighbourhood plans, this will truly ensure communities are in the driving seat of local planning.

**How will you ensure that appropriate safeguards remain in place, development is of good quality, and that contributions are made to infrastructure?**

Permission in principle will be granted where development is considered to be locally acceptable in principle. It will not replace the need to consider development properly against the National Planning Policy Framework and local policy. The technical details consent will provide the opportunity to assess the detailed design, ensure appropriate mitigation of impacts and that contributions to essential infrastructure are secured (through the use of section 106 agreements for example). Any Community Infrastructure Levy (CIL) contributions will still be payable. If the technical details are not acceptable then refusal on this basis would be justified.

How will permission in principle deliver the 'zonal system' promised in the Government's Productivity Plan?

Using locally produced plans and registers to grant permission in principle incorporates some of the essential characteristics seen in the zonal systems of other successful countries throughout Europe and beyond. It will enable the land identified as being suitable for development in plans and registers to be given permission in principle, subject to the later agreement of technical details. It will provide greater certainty and strengthen further our plan-led system.

How will permission in principle deal with issues relating to heritage/conservation?

The choice about where to grant permission in principle will be a local one and will therefore be granted where development is considered to be locally acceptable in line with the requirements of the National Planning Policy Framework, Local Plan policy and with statutory duties relating to heritage.

The technical details consent will still provide the opportunity to ensure appropriate mitigation of impacts and protection of historic environment. If the technical details are not acceptable then refusal on this basis would be justified.

In the exceptional circumstances where archaeological remains are discovered at technical details stage and would mean that the development cannot take place in accordance with the permission in principle, then a refusal on the basis of an inability to protect the heritage asset would be justified.