



Department for
Communities and
Local Government

07 JAN 2013

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from Cllr Cook

- 2 JAN 2013

Thank you for your letter of 12 November to the Rt Hon Eric Pickles MP, setting out a motion agreed by Stockton-on-Tees Borough Council about proposed changes to the planning system. I am replying as national planning policy falls within my Ministerial responsibilities and I apologise for the delay in doing so.

The Government shares the Council's view that councils, working with their communities and developers, are best placed to decide the type of development that is suitable for their areas. Our programme of reforms, through the National Planning Policy Framework and the Localism Act, has demonstrated our commitment to local decision taking and significantly extended the opportunities for local communities to shape the places in which they live.

We propose to introduce a decision-making process on S106 affordable housing requirements. If councils and developers cannot agree on a viable level of affordable housing delivery, an appeal to the Planning Inspectorate can be made and a decision issued. We believe these proposals present a real opportunity to boost housing growth, by ensuring that agreements are realistic in the current market. The proposed policy will impact mainly on stalled sites, where development and the associated affordable housing are not viable.

Developers will need to put forward clear viability evidence to justify revisions to affordable housing requirements, which will be independently assessed by the Planning Inspectorate. Only where the evidence shows that no affordable housing can be delivered will the complete removal of affordable housing be justified. Changes to S106 agreements can be agreed voluntarily at any point between councils and developers. We strongly support this approach and we are aware that many councils have renegotiated agreements to take account of market changes.

We published a consultation document on 12 November, setting out proposals to extend permitted development rights for homeowners and businesses. As set out in the consultation document, extensions can only be single- storey. Councils can continue to use existing powers to restrict permitted development rights, using Article 4 directions where necessary, and development will not be able to cover more than 50% of the curtilage of the house. The existing safeguards under planning and other regimes will also remain in place. Our proposals do not remove requirements such as the common law Right to Light, the Party Wall Act, building regulations or environmental legislation, and the changes will not apply in

protected areas. Our consultation document is available online at:
www.gov.uk/government/consultations/extending-permitted-development-rights-for-homeowners-and-businesses-technical-consultation

With regard to poor performing local authorities, we propose to give applicants a choice of applying to the Planning Inspectorate only where an authority has a track record of making excessively slow or ill-judged decisions. We are consulting on the proposal and would welcome the Council's views. The consultation document is available on our website at: -
<https://www.gov.uk/government/consultations/planning-performance-and-the-planning-guarantee>.

With best wishes,

Nick Boles

NICK BOLES MP