

Submitted to Planning Reform Working Paper: Speeding Up Build Out
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Introduction

About You

1 What is your name?

Name:
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2 What is your email address?

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3 What is your organisation?

Organisation:
Horsham District Council

4 What type of organisation are you representing?

Local Authority

If you answered 'other' please provide further details:

Questions

5 Do you agree with the evidence base and theory we have set out on build out rates?

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Whilst Horsham District Council supports the principle underpinning the Planning and Infrastructure Bill to build 1.5 homes and the focus on poor 'build out' rates in the Government's working paper, the Council disputes the premise that the planning system is the barrier to delivery.

Local Planning Authorities already must monitor rates of new housebuilding and whether they are meeting the five-year housing land supply targets in their local plans. Developers also already track build-out rates on their sites.

6 How could we go further to support models of housebuilding which build faster, such as small sites, strategically master-planned and mixed tenure?

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Creating the positive environment for macroeconomic factors.

7 For mixed tenure, what would you consider to be an appropriate threshold level?

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Horsham District Council welcomes the testing of a new requirement for larger sites (residential developments of 50 or more homes) to be mixed tenure by default.

8 Do you have any views on how the proposed Compulsory Purchase Order measures would work best in practice?

Do you have any views on how the proposed compulsory purchase order measures would work best in practice? :

Horsham District Council welcomes stronger Compulsory Purchase Order (CPO) powers. It supports the District Council Network recommendation for protections for agricultural land in certain circumstances to ensure food security; 'build it or lose it' style powers with stronger compulsory purchase type powers where planning permissions have expired and development has not commenced; simplification of CPO for town centre regeneration; and CPO to create or link active travel route to serve new development.

9 How should MHCLG guide local authorities and developers towards reasonable build out schedules (noting that ultimately this will be negotiated locally)?

How should MHCLG guide local authorities and developers towards reasonable build out schedules (noting that ultimately this will be negotiated locally)? :

To avoid slowing down the application process and prevent disagreement between parties arising, MHCLG should provide clarity in planning practice guidance on what is a potentially another complicated document into planning negotiations. The introduction of 'reasonableness' for assessing the cause of delay risk has potential to cause legal uncertainty.

Clarity should be provided to what is meant by where delivery falls 'substantially behind the pre-agreed build out schedule' (i.e. what factors could justify slow build out) and advise on what is expected timescale to the trajectory, clarification consideration to give to any site-specific constraints, housing tenure mix, information on diversification of mix to support build out, and any other risks to delivery (including requested additional MHCLG clarification on ambiguity such as "unusually severe weather" or "unexpected site issues", and what weighted). Government should clarify when the delivery trajectory should start from, i.e. if it is intended to exclude obtaining the necessary legislative consents and permits and/or site assembly to be able to commence.

The term 'schedule' needs important emphasis in guidance, to set expectation that the developer presents a timetabled work commitment to the Local Planning Authority; it is not a 'statement' of intent. This will ensure developers carefully consider the link between the build out schedule and the delayed homes penalty, factoring in the passage of time between the agreed schedule between produced for outline planning application and meeting forecast delivery in future years and market conditions, particularly for longer build outs on strategic sites, ahead of clarity over infrastructure provision, which housebuilder might secure the site, and the mix of homes set through reserved matters.

10 What are the right set of exemptions for external factors that impact build out rates? Should this include economic downturns which reduce sales rates, or does that mean that payments would be too weak to induce the shift toward the partnerships business models we want to see?

What are the right set of exemptions for external factors that impact build out rates? Should this include economic downturns which reduce sales rates, or does that mean that payments would be too weak to induce the shift toward the partnerships business models we want to see? :

Consideration should be given to any site-specific constraints, housing tenure mix, information on diversification of mix in the negotiated build out schedule, so it is not necessary for these issues to be exemptions.

Whilst it is important that macroeconomic factors and market constraints such as labour shortages, materials costs, are accounted for, the economic cycle (business cycle) typically averages around five and a half years, so accounting for this would hold up delivery. Developers will typically buildout if it is financially beneficial to do so; having an exemption on having to build out when it is financially less favourable on the basis of the business cycle, would seem to largely undermine this proposal.

11 For the Delayed Homes Penalty, do you agree with the intention to use it to incentivise the shift towards higher build out models of housebuilding?

Delayed Homes Penalty:

Yes. This new power that local authorities can use is an effective 'stick' to the importance of deliverability and timescales for bringing units forward as part of planning applications or proposals for allocation in Local Plan making.

12 How should the Penalty be calculated? What are the strengths and weaknesses of using a percentage of house price, or reference to local council tax rates? What information would local authorities require?

Penalty calculated:

The definition of the Delayed Homes Penalty (a developer consistently falling materially (10% or more) behind the build-out schedule in a planning permission without a good reason) is welcomed as it is at a level that incentivises build out. There needs to be clarity on very large housing sites like an urban extension with multiple builders, how the build-out rate be measured / shared across the entire site.

13 Are there wider options you think worth worthy of consideration that could help speed up build out of housing?

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Clarity on requirements of complex delivery partnerships. Is this in addition to allocated scheme and/or have obtained planning permission? Horsham District Council Supports the District Council's Network (DCN) on additional powers for a 'build it or lose it' clauses for councils to set expiry dates on permission and to levy council tax on sites that have not been built after a specified period.

14 Do you anticipate any environmental impacts from these proposals that the government must consider and the Environmental Principles Policy Statement?

Environmental Principles:

No comment.

15 Do you anticipate these proposals giving rise to any impacts on people who share a relevant protected characteristic, as defined by the Equality Act 2010, that the government must consider under the Public Sector Equality Duty?

Equality Act:

No comment.