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Dear Caroline

Thank you for your letter of 23 March enclosing correspondence from your constituent, Mr Jerry Gillen, Chairman of North Southampton Community Forum, c/o 4 Woodstock Drive, Highfield, Southampton SO17 1WY, about the planning system.

Local authorities already have a wide range of powers to tackle unauthorised development with severe penalties for non-compliance. These include unlimited fines where enforcement notices are not complied with. If non-compliance continues after conviction, a further conviction can result in a daily fine. In determining the amount of any fine the court is required to have regard to any financial benefit which has accrued or appears likely to accrue in consequence of the offence. Local authorities can also apply for confiscation orders under the Proceeds of Crime Act 2002 against those convicted of planning enforcement offences in order to recover the financial benefits accrued from unauthorised development. I believe these powers remain appropriate and that introducing a new system of financial penalties would simply open up a whole new area of litigation and place substantial new burdens on local authorities.

The purpose of a lawful development certificate is to provide written confirmation that an existing or a proposed land use, operation or activity is lawful for planning purposes. It is not an alternative to, or a means of evading a requirement for, planning permission.

The licensing of Houses in Multiple Occupation (HMOs) is a separate regime to planning and should not be conflated. The purpose of planning is to ensure the accommodation fits in with local needs and design requirements. In contrast, licensing's primary concern is about the well being of tenants and the management of the accommodation, not the built environment. HMOs can provide affordable accommodation both for those starting out in life living independently and for some of the most vulnerable people in society. Unfortunately, there are unscrupulous landlords who are willing to exploit such tenants. The purpose of the licensing regime is to help ensure this does not happen which is why it may be appropriate to license a property even while its planning status is under consideration. In addition, local authorities have powers to intervene to ensure landlords are not letting substandard accommodation.

Under powers introduced in the Localism Act 2011, we have limited the opportunities to obtain planning permission after the event. This means local authorities can decline to determine a retrospective planning application if an enforcement notice has been issued in relation to any part of the development. Conversely, if a retrospective planning application has been made and an enforcement notice issued before the expiry of the time limit for making a decision, the applicant will not be able to appeal against the notice on the ground that planning permission ought to be granted.

We recognise that unnecessary appeals can be a source of delay and waste taxpayers' money. Therefore, the Housing White Paper, *Fixing our broken housing market*, <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>, includes a proposal for a fee for making a planning appeal. It seeks views generally and one option suggested is for a fee of up to £2000 for the most expensive appeal route with a lower fee for less complex cases. The closing date for responses is 2 May 2017.

By definition, business rates are a tax paid on non-domestic property. HMOs and student accommodation do not fall within that since these properties primarily provide domestic living accommodation for their occupants. The Government has no plans to make HMOs liable for business rates.

Neighbourhood Plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. Measures in the Neighbourhood Planning Bill which is currently before Parliament will also require local planning authorities and others who decide planning applications to have regard to neighbourhood plans that have been independently examined, once the decision has been taken to put the plan to a referendum. The Housing White Paper commits to take forward the protection for Neighbourhood Plans, as set out in the Written Ministerial Statement of 12 December 2016, in the revised National Planning Policy Framework. We have invited comments on specific questions, including on site allocations, and would welcome Mr Gillen's views on these.

Finally, responsibility for motorways and major roads rests with Highways England. I would suggest therefore, that Mr Gillen gets in touch with them to confirm whether Bassett Avenue falls under their remit (email: info@highwaysengland.co.uk; telephone: 0300 123 5000).

Yours ever,
Gavin

GAVIN BARWELL MP