

OFFICE OF THE DEPUTY PRIME MINISTER

ODPM Circular 01/2005
Office of the Deputy Prime Minister
Eland House, Bressenden Place, London SW1E 5DU

24 January 2005

THE TOWN AND COUNTRY PLANNING (RESIDENTIAL DENSITY) (LONDON, SOUTH EAST ENGLAND, SOUTH WEST ENGLAND, EAST OF ENGLAND AND NORTHAMPTONSHIRE) DIRECTION 2005

1. Planning Policy Guidance Note 3: Housing (PPG3), issued in March 2000 and as amended in January 2005, sets out a new approach to planning for housing. PPG3 requires new development of the highest quality and for the country's future housing needs to be met in the most sustainable way.
2. Local planning authorities are expected to give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of greenfield sites. The presumption is that new development will use land efficiently and be well designed. To avoid the profligate use of land and encourage sustainable environments, PPG3 requires local planning authorities to examine critically the standards applied to new residential development, particularly with regard to roads, layouts and car parking. They are expected to avoid housing developments which make inefficient use of land (those of less than 30 dwellings per hectare net); encourage developments which make more efficient use of land (between 30 and 50 dwellings per hectare net) and seek greater intensity of development at places with good public transport accessibility.
3. In 2001 the overall density of residential development in England was 25 dwellings per hectare¹. This had remained unchanged since 1996. Over the period 1997 to 2001, more than half of the land used for housing was built at densities of less than 20 dwellings per hectare and over three quarters at less than 30 dwellings per hectare.
4. The Deputy Prime Minister's Parliamentary Statement on 18 July 2002 on sustainable communities announced the Government's intentions for tackling the housing shortage

¹ The Land Use Change Statistical release published by ODPM in October 2004

in London and the South East. The Statement explained that the Government expects the housing numbers already agreed in Regional Planning Guidance for the South East (RPG9)² to be delivered, working within the presumption of making better use of land by improving design, increasing densities and using brownfield sites to the full. In the Statement, the Deputy Prime Minister announced he would intervene in planning applications for housing that involve a density of less than 30 dwellings per hectare net in London and the South East. Since the Direction came into effect, provisional estimates for the average density of new developments in England for 2003 indicate that the overall density of residential development has increased to 33 dwellings per hectare. In particular, the average densities of new development in London and the South East have increased from 55 and 26 dwellings per hectare respectively in 2002 to provisional estimates of 71 and 33 dwellings per hectare in 2003.

5. The Government's publication of 'Sustainable Communities: Homes for All' on 24 January 2005 announced the extension of the Density Direction to include the whole of the four Growth Areas identified in the Sustainable Communities Plan³ and the remainder of the East of England and the South West as regions that are experiencing high housing demand. This will assist the effective delivery of the Government's objectives to maximise the efficient use of land and minimise pressure upon greenfield land, particularly in areas where housing markets are under most pressure.
6. The Town and Country Planning (Residential Density) (London, South East England, South West England, East of England and Northamptonshire) Direction 2005 gives effect to the extension of the Density Direction. A copy of the Direction, which comes into force on 28 February 2005, forms the Annex to this Circular. This Direction replaces the Town and Country Planning (Residential Density) (London and the South East) Direction 2002 which covered London and the South East. This Direction extends the geographical coverage of the 2002 Direction to include the South West of England, the remainder of the East of England and Northamptonshire.
7. The Direction will apply to those applications defined in paragraphs 3 and 4 of the Direction and made to local planning authorities listed in the accompanying schedule. The Direction requires local planning authorities proposing to approve qualifying developments to notify the Deputy Prime Minister at the appropriate Government Office for the Region. The notification requirements will provide the Deputy Prime Minister with an opportunity to check general compliance with the guidance in PPG3 and the relevant regional spatial strategy on making better use of land through well designed higher density development.
8. The approach to calculating the area of a residential development set out in paragraph 4 of the Direction derives from Annex C to PPG3. Planning applications that include proposals in addition to residential development should be notified to the Deputy Prime Minister under the provisions of the Direction only where the residential development meets the criteria set out in paragraph 4 of the Direction.
9. In considering, under paragraph 5 of the Direction, whether an application for planning permission forms part of more substantial proposed development, local planning authorities should be mindful of situations where the particular application for planning

² RPG9 dated March 2001

³ Sustainable Communities-building for the future, dated February 2003

permission could set the context for development over an area larger than that included in the planning application in question.

Cancellation

10. Circular 01/2002 is cancelled with effect from 28 February 2005.

Mrs J.M. Bailey
Head of Planning Policies Division
Office of the Deputy Prime Minister

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ANNEX

THE TOWN AND COUNTRY PLANNING (RESIDENTIAL DENSITY) (LONDON, SOUTH EAST ENGLAND, SOUTH WEST ENGLAND, EAST OF ENGLAND AND NORTHAMPTONSHIRE) DIRECTION 2005

The First Secretary of State in exercise of powers conferred on him by articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995^(a), and all other powers enabling him in that behalf, hereby directs those local planning authorities in England identified in paragraph 1 and specified in the Schedule as follows:

1. This Direction shall come into force on 28 February 2005 and shall apply to those local planning authorities listed in the Schedule.

2. In this Direction –

“the Residential Development on Greenfield Land Direction” means “*The Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000*”;

“the Regulations” mean the “*Town and Country Planning (Initial Regional Spatial Strategy) (England) Regulations 2004*”^(b);

“PPG3” means “*Planning Policy Guidance Note 3: Housing*” dated March 2000, as amended in January 2005;

“the relevant regional spatial strategy” means either:*

- (a) the Regional Spatial Strategy prescribed by Regulation 2 and set out in the second column of the schedule to the Regulations for the South East, the South West, the East of England and the East Midlands; and any revision there of published by the Secretary of State under section 9(6) of the Planning and Compulsory Purchase Act 2004^(c); or
- (b) the Mayor of London’s spatial development strategy for an area in Greater London and any alteration or replacement of it published in pursuance of section 337 of the Greater London Authority Act 1999^(d).

*As appropriate.

3. This Direction shall apply to any application for planning permission which –

- (a) is not an application to which the Residential Development on Greenfield Land Direction applies;

^(a) S.I. 1995/419, to which there are amendments not relevant to this Direction.

^(b) S.I. 2004/2206.

^(c) 2004 c.5.

^(d) 1999 c.29.

- (b) is for development which falls within paragraph 4(1) below; and
 - (c) is received by a relevant local planning authority on or after 28 February 2005.
4. (1) The development referred to in paragraph 3 above is development which comprises or includes-
- (a) the provision of houses or flats on sites of 1 hectare or more; and where
 - (b) the residential density is either not provided in the application for planning permission or will be less than 30 dwellings per hectare.
- (2) In calculating the area mentioned in paragraph (1)(a) and (1)(b) above, the following shall be taken into account-
- (a) the area of land occupied by the houses or flats referred to in that paragraph; and
 - (b) any-
 - (i) access roads within the site,
 - (ii) private garden space,
 - (iii) car parking areas,
 - (iv) incidental open space and landscaping, and
 - (v) children's play areas,which are directly associated with the use and enjoyment of those houses or flats.
- (3) For the avoidance of doubt, in calculating the area in paragraphs (1)(a) and (1)(b) above, the following shall not be taken into account-
- (a) major distributor roads,
 - (b) primary schools,
 - (c) open spaces serving a wider area, and
 - (d) significant landscape buffer strips.
5. If the relevant local planning authority receives an application for planning permission for development which it considers forms part of a more substantial proposed development on the same land or adjoining land, it shall for the purposes of this Direction treat that application as an application for planning permission for the more substantial development.

6. Where a relevant local planning authority does not propose to refuse an application for planning permission to which this Direction applies, that planning authority shall consult the First Secretary of State.
7. Where a relevant local planning authority is required to consult by paragraph 6 above, it shall as soon as practicable send to the First Secretary of State at the appropriate Government Office for the Region-
 - (a) a copy of the application (including any accompanying plans or drawings);
 - (b) a copy of any representations made to the authority;
 - (c) a copy of any report on the application prepared by an officer of the authority;
 - (d) unless contained in a report supplied pursuant to sub-paragraph (c) above, a statement providing sufficient information to demonstrate that, in reaching a decision on the application, the local planning authority has assessed the application in light of the policies for making better use of land set out in PPG3 and the relevant regional spatial strategy.
8. Subject to paragraph 9 below, where a relevant local planning authority is required to consult by paragraph 6 above, it shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date advised in writing by the First Secretary of State to the authority as the date he received the material specified in paragraph 7 above.
9. If, before the expiry of the 21 day period mentioned in paragraph 8 above, the First Secretary of State has notified the relevant local planning authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the local planning authority may proceed to determine the application.
10. The Town and Country Planning (Residential Density) (London and South East England) Direction 2002 is cancelled by this Direction, save that it shall continue to apply to any application for planning permission to develop land which was made and not determined before this Direction comes into force.

Signed by authority of
the First Secretary of State
24 January 2005

Mrs J.M. Bailey
Head of Planning Policies Division
Office of the Deputy Prime Minister

Schedule

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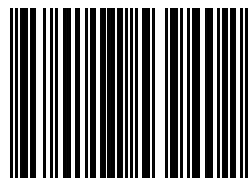
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