



**The policy implications of the changes to planning policy note 3:  
Housing (PPS3)**

**RECOMMENDATION**

1. To note the report

**SUPPORTING INFORMATION**

- 2.1 A revised Planning Policy Statement 3: Housing (PPS3) was published on 9 June 2010 by the Department for Communities and Local Government (DCLG). The revised guidance sets out the national planning policy for housing development and supersedes the previous version of PPS3 which was published in November 2006. The specific changes made were that;
- The definition of 'previously developed land' ('brownfield land') now excludes private residential gardens, and;
  - The national indicative minimum density of 30 dwellings per hectare was deleted.

Both of these points are considered in more detail below.

**Reclassification of Garden Sites**

- 2.2 There is a national and local objective to make the most effective use of previously developed land. Therefore, being classed as 'brownfield' has previously added weight to the case for approving development within residential curtilages. The exclusion of garden land from this category is removes a perceived in-built 'presumption' in favour of development on garden sites. The change reflects the Government's intention to reduce inappropriate development within domestic curtilages, sometimes referred to as 'garden grabbing'.
- 2.3 By categorising gardens as greenfield, the Government has sent out a signal that this 'presumption' no longer applies. There is, therefore, a material change in the balance of arguments that need to be considered in determining such proposals. It is important to note, however, that this does not necessarily mean that development on garden sites is prohibited. Rather than introducing a blanket ban, the change to PPS3 means a difference in emphasis and gives greater discretion for the Council to resist applications to develop garden land where such development is considered inappropriate.

- 2.4 As always, each case should be assessed on its merits in line with current national and local policy. The existing policies within the City of Derby Local Plan Review (CDLPR) are still fit for this purpose. In particular, policies GD2 (Protection of the Environment), GD4 (Design and the Urban Environment), H13 (Residential Development – General Criteria) and E23 (Design) are all designed to ensure that new development protects and enhances the city's environmental and local distinctiveness and that it makes a positive contribution to good urban design. These policies also seek to ensure that development respects the urban grain of the surrounding area in terms of its scale, layout, density, massing and other architectural factors.
- 2.5 Planning permission can, therefore, still be granted where the above policies, and all other relevant policies, can be satisfactorily addressed. A Supplementary Planning Document (SPD) on 'Residential Intensification' is being prepared that will expand on these policies. Due to the changes to PPS3, the content of this document is currently being revisited. As a result of this, and on-going resource issues, the publication of this has had to be delayed until further notice.

### **Removal of Minimum Densities**

- 2.6 The removal of the national minimum density target is intended to give councils more discretion in deciding what the most appropriate form of development within their areas. The change to the PPS indicates that local authorities should set their own density targets based on a number of criteria.
- 2.7 Policy H13 of the CDLPR already sets out a locally derived target of 35 dwellings per hectare. However, it also states that lower densities are acceptable where there are clear environmental justifications. Impact on the character of the surrounding area and local distinctiveness will be relevant in determining whether a lower density is appropriate on a case by case basis. Whilst our policies would appear to be completely in line with the Government's intentions, the change in national policy does suggest that more weight can be given to accepting lower densities in the interests of townscape character than was previously the case.

### **Conclusion**

- 2.8 In conclusion, the changes to PPS3 are important and material to decisions made on garden development. The new guidance reflects a change in the emphasis of national policy but does not create an automatic 'presumption against' residential development in gardens. Each case is still to be assessed on its merits based on the existing policies in the CDLPR, all of which are still relevant and appropriate for dealing with such applications.

**This report has been approved by the following officers:**

**Legal officer**  
**Financial officer**  
**Human Resources officer**  
**Service Director(s)**

<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Rob Salmon 01332 255020 e-mail <a href="mailto:rob.salmon@derby.gov.uk">rob.salmon@derby.gov.uk</a> None Appendix 1 – Implications
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<b>IMPLICATIONS</b>
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**Financial**

1. None directly relating to this report.

**Legal**

2. None directly relating to this report.

**Personnel**

3. None directly relating to this report.

**Equalities Impact**

4. None directly relating to this report.

**Health and Safety**

5. None directly relating to this report.

**Carbon commitment**

6. None directly relating to this report.

**Value for money**

7. None directly relating to this report.

**Corporate objectives and priorities for change**

8. None directly relating to this report.