

Planning Reform Working Paper: Speeding Up Build Out Response

Historic England is the government's statutory adviser on all matters relating to the historic environment in England including the marine planning area. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners, and communities to help ensure our historic environment is properly understood, enjoyed, and cared for.

We welcome the opportunity to respond to the Planning Reform Working Paper: Speeding Up Build Out¹.

We will be responding separately to the open consultation on Implementing measures to improve Build Out transparency².

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

In terms of the evidence base set out in the Working Paper, it states that a factor in delayed or stuck sites is “sometimes because a promoter has overpaid for the land not fully factoring in the policy requirements set out in planning policy” (paragraph 4b). Whilst the Paper is concerned primarily with new build, we note that this is unfortunately also the case when dealing with sites with a heritage dimension; that there are sometimes unrealistic expectations on the part of an applicant regarding the ability of a site to accommodate change. It is important to differentiate between delays attributable to possible deficiencies in the planning system, which can hopefully be addressed through improvements in its functioning, and delays caused by other non-planning matters, such as unrealistic expectations on the part of the owner as to the scope/nature of development of the site.

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

We are broadly supportive of measures which encourage build out, provided appropriate processes and safeguards remain in place, at both pre- and post-consent stages; including those to conserve the heritage assets. Investment in the country's existing built fabric, including its heritage assets, is vital to ensuring that they provide the homes and places that people need, drive growth and are conserved for future generations.

Any measures put forward to encourage build out, including potential penalties, must have a degree of flexibility to allow for locally specific conditions; in that they must be formulated to

¹ <https://www.gov.uk/government/publications/planning-reform-working-paper-speeding-up-build-out/planning-reform-working-paper-speeding-up-build-out>

² https://www.gov.uk/government/consultations/implementing-measures-to-improve-build-out-transparency-technical-consultation?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=49d77d0c-dc70-4bca-bc2c-c07f6af7155b&utm_content=daily

avoid any unintended consequences which might disincentivise developers from bringing forward sites which, for good reason, are outside normal parameters.

Existing planning policies support a brownfield first approach but could potentially do more to support faster build out; through small sites policies (both national, regional and local), encouraging the retention and re-use of existing buildings (such as strengthening paragraph 161 of the National Planning Policy Framework, 2024), and a greater role for master-planning with particular emphasis on bringing forward sites for SMEs.

Paragraph 10 of the Working Paper references a “forthcoming Long Term Housing Strategy for England.” We support preparation of such a Strategy; one that recognises the role that maintenance, repair, and re-use of existing historic buildings can play in providing new homes, and the importance of the historic environment in providing the context for high-quality, characterful new housing development.

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

The Working Paper appears to focus on build out of new homes, by which we understand means new build homes, i.e., it does not include new residential units provided by conversion of existing buildings.

Conversion of historic buildings, such as mill buildings³, to residential has the capacity to contribute significantly to the government’s objectives of delivering 1.5 million new homes over this parliament⁴, and consideration should be given to including conversion and re-use of existing buildings within the scope of these build out measures.

If such development is included then reasonable build out schedules must be tailored to allow for different build out rates for residential conversions and, within that, recognise that build out rates may vary from site to site. Re-use and conversion of historic buildings has both economic and environmental benefits, and also maintains and promotes heritage craft skills in the construction industry.

Paragraph 7b and c highlights the impact of local demand and different housing typologies on building out rates. Any guidance would need to recognise these regional variations and should not, as an example, disincentivise particular housing types in particular areas where they are in response to local distinctiveness and historic character.

³ See Research and Guidance on the Re-Use of Mills (<https://historicengland.org.uk/advice/caring-for-heritage/industrial-heritage/mills-of-the-north/research-and-guidance/>)

⁴ Our research shows that there is an opportunity to provide 560,000 to 670,000 new homes in England by repairing and repurposing existing historic buildings (<https://historicengland.org.uk/research/heritage-counts/heritage-and-economy/vacant-buildings-to-new-homes/>).

f. 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?

The Working Paper rightly recognises that external factors, such as unexpected site issues, might impact on delivery (paragraph 26c) and this should also be reflected in any guidance. An example of this might be unexpected archaeological discoveries when building out a site.

Economic downturns can impact on sites being brought forward, including those with a heritage dimension, which might in turn impact on build out rates.

g. 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 Penalties (or similar mechanisms) have the potential to disincentivise developers taking on sites where funding models/build out rates may not be straightforward, and/or penalise developers when trying to deliver more complex sites. Any measures need to make allowances for more complex sites/scenarios to avoid any unintended consequences.

Any penalties should not impact on the delivery of any public benefits put forward at application stage or be used to justify delivering less than any agreed public benefits.

We hope these comments are of value and would be happy to offer further comments if needed.

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