

# Brownfield land registers present new opportunities

On April 16 this year, the Government brought into force the Town & Country Planning (Brownfield Land Register) regulations 2017.

Regulation 3 of the Act requires Local Planning Authorities (LPA) to maintain and publish registers of brownfield land by the end of 2017.

The register will enable LPA's to grant permission in principle for residential development on brownfield sites, which is a new route and opportunity for development in England.

A brownfield site is defined under Annex 2 of the National Planning Policy Framework as: "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

"This excludes land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."

The definition does not make reference to equestrian development and it therefore may be possible to include these types of sites as brownfield land. However this could only apply to the developed building area of the land and not the field parcel used for grazing or riding if it is applicable.

The initial aim of the new legislation is not to exclude all

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development from the greenbelt but to allow for limited infill of brownfield sites which will not have a greater impact on the openness of the greenbelt.

There are two parts to the Brownfield Land Register. Part 1 is a list of all brownfield sites within a LPA's district which have been assessed as appropriate for residential development with the LPA having carried out procedures which they consider appropriate to determine this. This will include sites with existing full planning permission, outline planning permission or planning permission that has now expired, as well as sites without planning permission. Part 2 will comprise those sites from Part 1 that the LPA has determined as suitable to grant Permission in Principle for residential development.

The permission in principle consent route consists of two stages, and is an alternative method to obtain planning permission. Stage 1 of the route assesses whether a site is suitable for residential development in principle, and stage 2 of the process involves submitting detailed development proposals which are then assessed by the LPA. Once the LPA has entered a site into Part 2 of their Brownfield Land Register, a site has been granted Permission in Principle. However, before a development can proceed Technical Details consent for the site must be obtained which involves submitting a valid application to the LPA with all the relevant accompanying documents.

Sites which have been entered into Part 1 or Part 2 of the Brownfield Land Register can still be put forward for



The new legislation may provide an alternative route to planning permission, says Hugh Townsend

PICTURE: PA

outline or full planning permission, and therefore there is no disadvantage in terms of planning permission for having a site registered on a Brownfield Land Register. LPA will be required to update their registers annually and sites can be granted Permission in Principle at any time as long as they meet the relevant criteria.

The legislation is currently

silent on the treatment of sites previously used for horticulture or equestrian but this may become clearer as the implementation develops.

The legislation does not replace any of the other methods of gaining consent, but may provide an alternative route to planning permission. Owners of relevant brownfield sites should consider seeking professional advice as

to whether approaching an LPA to put their site on the Brownfield Land Register would be a preferable route to obtaining permission for a development than making standard planning permission.

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