

## Guidance

# Effective use of land

Provides guidance on making effective use of land, including planning for higher density development.

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## Supporting more effective use of land

### **What evidence can be used to help determine whether land should be reallocated for a more deliverable use?**

When considering whether there is a realistic prospect of an allocated site being developed for its intended use, it may be relevant to take into account factors such as:

- the length of time since the site was allocated in the development plan;
- the planning history of the site including any planning applications or pre-application enquiries;

- whether there is evidence that the site has been actively marketed for its intended use for a reasonable period, and at a realistic price; and
- whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely.

Where an alternative use for the allocated site is proposed, it will also be relevant to consider the extent to which evidence suggests the alternative use would address an unmet need, as well as the implications for the wider planning strategy for the area and other development plan policies.

Paragraph: 001 Reference ID: 66-001-20190722

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### **What tools can local planning authorities use to assemble land in support of their planning and development objectives?**

Local planning authorities have a range of tools to support proactive land assembly. These include:

- powers to acquire land compulsorily or by agreement;
- powers to dispose of land in their ownership; and
- powers to override easements and other rights in land.

The effectiveness of, and justification for, the use of these powers can be enhanced by having up-to-date plans, which articulate a vision and objectives for the future development of an area and policies to help achieve them.

The government's [guidance on the compulsory purchase process and the Crichel Down Rules](https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance) (<https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>) explains the purposes for which compulsory purchase powers can be exercised and the procedures for doing so. It also sets out the government's expectations for how compulsory purchase powers should be used, and relevant considerations Ministers will take into account when taking decisions on compulsory purchase orders.

Paragraph: 002 Reference ID: 66-002-20190722

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### **How can local planning authorities encourage best use of under-utilised land in the short term?**

Temporary uses can help improve the physical appearance of vacant or partially-utilised land or buildings, and provide space for local services and community spaces, businesses and residential accommodation, until more permanent development is delivered.

Depending on the nature of the temporary use, the change may be covered by [permitted development rights \(https://www.gov.uk/guidance/when-is-permission-required#What-are-permitted-development-rights\)](https://www.gov.uk/guidance/when-is-permission-required#What-are-permitted-development-rights). Planning permission will usually be required for any material changes of use, or for temporary uses that are incorporated as part of a longer term development. Such temporary uses may also affect the lease of a land or building, and may need to satisfy other legal requirements.

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### **How does policy 125(c) (substantial weight to brownfield land proposals) apply to decision making?**

Paragraph 125(c) of the National Planning Policy Framework states planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. When determining such proposals, decision makers will need to take account of this policy alongside other policies within the Framework taken as a whole. As an example, where a proposal would cause less than substantial harm to the significance of a designated heritage asset, paragraph 215 (which requires the public benefits of the proposals to be weighed against the less than substantial harm) would still need to be applied. Where relevant, decision makers will need to provide a clear articulation of how paragraph 125(c) has been demonstrably considered and applied alongside other policies.

## **Planning for higher density development**

### **What tools are available to local planning authorities to help identify appropriate densities?**

A range of considerations should be taken into account in establishing appropriate densities on a site or in a particular area. Tools that can assist with this include:

- accessibility measures such as distances and travel times to key facilities, including public transport stops or hubs (and taking into consideration

service capacity and frequencies and destinations served). A range of tools are available to support such assessments.

- characterisation studies and design strategies, dealing with issues such as urban form, historic character, building typologies, prevailing sunlight and daylight levels, green infrastructure and amenity space;
- environmental and infrastructure assessments, such as the capacity of services and presence of environmental risks (e.g. flood risks or overheating), and the opportunities to address these; and
- assessments of market or site viability.

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### How can density be measured for planning purposes?

Different measures of density can be used to help make effective use of land, including optimising the housing potential of particular areas or sites by identifying appropriate building forms:

- **Plot ratio measures** can help to indicate how a development will relate to its surroundings and the provision of open space within the site. For example the site coverage ratio (gross external ground floor area ÷ site area) indicates the ratio of building cover to other uses.
- **Bedspace per hectare**: indicates the density of potential residential occupation.
- **Dwellings per hectare**: measures the number of homes within a given area.

Dwellings per hectare, used in isolation, can encourage particular building forms over others, in ways that may not fully address the range of local housing needs. For example, an apartment building containing one person studios could deliver significantly more dwellings per hectare, but significantly fewer bedspaces per hectare, than a terrace of family-sized townhouses on a similarly sized site. It is therefore important to consider how housing needs, local character and appropriate building forms relate to the density measures being used.

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### How are daylight and sunlight regulated?

Where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

In some cases, properties benefit from a legal [‘right to light’](https://www.lawcom.gov.uk/project/rights-to-light/#related) (<https://www.lawcom.gov.uk/project/rights-to-light/#related>), which is an easement that gives a landowner the right to receive light through specified openings, and can be used to prevent this from being obstructed without the owner’s consent. Such rights are not part of the planning system, but may affect the scope for development on neighbouring sites.

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### **What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?**

All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.

In such situations good design (such as giving careful consideration to a building’s massing and layout of habitable rooms) will be necessary to help make the best use of the site and maintain acceptable living standards.

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