

Sent by email to: [planning.strategy@rother.gov.uk](mailto:planning.strategy@rother.gov.uk)

06/12/2018

Dear Sir/ Madam

### **Response by the House Builders Federation to the Rother Development and Sites Allocations Local Plan**

Thank you for consulting the Home Builders Federation (HBF) on the Development and Sites Allocations Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

In writing our representation we have assumed that the plan will be examined against the latest National Planning Policy Framework and Planning Practice Guidance and consider that the latest policy framework should apply regardless of when the plan is submitted. The primary reason for the use of the transitional period was to allow those authorities preparing plans on the basis of existing housing needs assessments to continue their progress. As the DaSA is not considered to be a strategic plan, as it neither amends a spatial strategy or proposes to increase its development requirements, it should be considered against the latest NPPF and PPG regardless of whether it is submitted prior to the end of the transitional period.

#### **Strategic policies affecting housing delivery**

##### ***DEN3: Strategic gaps***

#### **The policy is unsound as it is not justified, effective or consistent with national policy**

The Development and Sites Allocations Local Plan (DaSA) sets out the development management policies and site allocations required to deliver the level of development needs set out in the Core Strategy. This plan was adopted in 2014 and with regard to residential development seeks to deliver 5,700 homes between 2011 and 2028, an average of 316 dwellings per annum. This level of delivery is substantially below that required by the standard methodology (690 dpa using the latest affordable ratios and the 2014 based household projections). Paragraph 3-030-20180913 of Planning Practice Guidance (PPG) outlines that the housing target identified in strategic policies should be used as the starting point for assessing the five year housing land supply



*“for the first 5 years of the plan”* As such from September 2019 the Council will be required to use the assessment of need resulting from the Standard Methodology when assessing its land supply requirements. Given that the Council’s current level of supply is below that required using the standard methodology any policies relating to the delivery of housing will be out of date. Any decision making on applications will have to be made on the basis of the NPPF and, as established in paragraph 11 of the NPPF and paragraph 3-038-20180913 of PPG, the presumption in favour of sustainable development. In particular paragraph 3-038 of PPG states that this is undertaken to *“enable the development of alternative sites to meet the policy requirement”*. This suggests that where there are policies that restrict development, but which are not highlighted in foot note 6 of paragraph 11, then such policies should be ignored.

DEN3 is an example of such a policy and should not be set out in the DaSA. This policy has the potential to limit the scope of the Council to meet housing needs in future which could enable the Council to meet its housing needs as established through the standard methodology. In addition, strategic gaps, as proposed in DEN3, are not highlighted as a policy that might restrict the overall scale, type and distribution of housing as set out in paragraph 11 footnote 6 of the NPPF. If the Council wishes to continue the application of this local policy, it should do so through a Local Plan review. Paragraph 33 of the National Planning Policy highlights the Government’s concerns regarding the timely review of local plans where housing needs have changed significantly. This paragraph states that local plans are likely to require an early review where *“local housing need is expected to change significantly in the near future”*.

We understand that the Council is currently undertaking a review of its Local Plan Core Strategy document, however according to the Council’s Local Development Scheme this will not be adopted, even with a very ambitious timescale until December 2020. Given that the current assessment of needs will be considerably lower than that established by the standard methodology we would suggest that the Council does not seek to include policies in the DaSA that will restrict their ability to meet housing needs until a new Local Plan can be adopted. Only through a review of the Core Strategy can the Council’s whole spatial strategy, including the use of strategic gaps, be considered against an up to date assessment of housing needs using the standard methodology.

### Recommendation

For the plan to be considered sound both these policies should be removed from DaSA.

### **Other development management policies**

#### ***DHG3: Internal Space Standards***

The policy is unsound as it has not been justified.

Paragraph 56-020-20150327 of PPG sets what is required of a local authority in order to adopt internal space standards. This paragraph states:

*“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.”*

Whilst the Council have tested the impact on viability arising from the introduction of space standards no evidence has been provided in relation to the needs for such homes and whether this could impact on the deliverability of starter homes. Small homes for first time buyers form an essential part of delivery that will improve the affordability of homes for younger people who, as the Council’s evidence shows, are forming households far later than previous generations. It is important therefore important that any potential impacts in relation to needs is considered and without this evidence the Council cannot justify the inclusion of this policy

#### ***DHG4: Accessibility and Adaptability Standard***

The policy is unsound as it is not justified in line with planning guidance

Paragraph 56-007 requires local authorities to demonstrate the need for these requirements to be applied to new homes. This evidence should include the likely future need for housing for older and disabled people, the accessibility and adaptability of existing stock, the different needs across tenure and the overall impact on viability. It is therefore incumbent on the Council to provide a local assessment evidencing the specific case for Rother which justifies the inclusion of optional higher standards for accessible / adaptable homes in policy DHG4. Whilst the impact of the accessibility standard on viability has been tested, we could find no evidence, as required by PPG, with regard to, for example, the existing housing stock and needs within different tenures. It is not the case that all homes will need to be developed to the higher accessibility standard and that many older people will find the higher accessibility standard set out in part M4(1) will be sufficient to meet their needs both now and in future.

### Recommendation

Without the required evidence to support this policy the Council should not require all new homes to be built to the higher accessibility standard.

### **DHG6: Self Build and Custom Housebuilding**

#### The policy unsound as it is inconsistent with national policy and unjustified

Whilst we support the encouragement of self-build custom housebuilding through the local plan, we do not consider the requirements in DHG6 to be justified or consistent with national policy. Firstly, we could find no information on the level of demand for such homes. The Council refer to this register in the Local Plan and in the Council's most recent Authority Monitoring Report but provide no indication as to how many people have registered an interest. There is clearly concern that there may be an over provision of such sites within the Borough given the Council's decision to reduce the requirement on strategic sites. If the Council is to have a requirement for sites to provide plots for self-builders, this must be based on evidence that there is a realistic chance that such plots will be taken up.

Given that the likely demand for such plots will be limited we would suggest that rather than require between 5% and 10% of plots on all sites of over 20 units the Council would be best served by seeking alternative approaches to their delivery. In fact, we consider Government guidance on this issue to be more focussed on engaging with land owners to identify appropriate sites rather than requiring plots to be provided on by the housing building industry for self-builders. Paragraph 57-025 of PPG, for example, outlines that the Council should engage with landowners and encourage them to consider self-build and custom housebuilding. The approach taken by the Council moves beyond encouragement and requires land owners to bring forward plots. As such we consider the policy to be inconsistent with current guidance.

In addition, paragraph 57-024 of the PPG sets out a variety of approaches that need to be considered – including the use of their own land. This is reiterated in para 57-14 of the PPG which sets out the need for Council's to consider how they can support the delivery of self-build custom housebuilding plots through their housing strategy, land disposal and regeneration functions. We could not find any evidence that the Council have examined these options and have instead looked to place the burden of their duty on to the house building industry.

### Recommendation

We recommend that the policy is amended to outline that the Council will work with land owners and developers to encourage the provision of land and plots to support self-build and custom housebuilding.

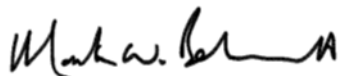
### **Conclusion**

At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 182 of the NPPF, in the following key areas:

- The inclusion of policy DEN3 on strategic gaps that could restrict housing supply on the basis of an out of date housing requirement;
- Failure to fully justify the need for the nationally described internal space standards
- Insufficient evidence to support the need for all homes to be built to part M4(2)
- Requirement for 5% to 10% of plots on sites of over to be provided for self-builders or custom housebuilding is not consistent with national policy and has not been justified.

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination. I would also like to express my interest in attending any relevant hearing sessions at the Examination in Public. Should you require any further clarification on the issues raised in this representation please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

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