

APPENDIX A – POLICY H6 (RURAL EXCEPTION SITES)

RESPONSES TO PROPOSED POLICIES

CHAPTER: 7	POLICY NUMBER: H6	POLICY NAME: Rural Exception Sites
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MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENTS ID	RESPONDENTS NAME
Support				
Support	Support welcomed	No change	92	Ashby Town Council
The approach to rural exception sites is supported and in particular H6 (3) which recognises the need for some sites to be supported by an element of market housing in order to secure delivery.	Support welcomed	No change	341	LCC (Property)
Policy criteria				
H6 3(a-c) will open the floodgates to development.	Rural exceptions sites are a long-established policy approach. An equivalent policy in the adopted Local Plan and has operated successfully without the negative outcomes raised in this representation. The benefits for affordable housing delivery and the NPPF support for the approach means it is both worthwhile and appropriate.	No change.	289	Swannington PC
S106 agreements that stipulate that properties remain ‘affordable in perpetuity’ can limit the number of lenders that households are able apply for affordable ownership properties	The policy wording mirrors the NPPF definition of rural exception sites as “small sites used for affordable housing in perpetuity where sites would not normally be	No change.	641	EMH

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MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENTS ID	RESPONDENTS NAME
with. We would request that NWLDC support an RP with a DPA Waiver to Homes England and/or a cascading mechanism that satisfies any RP and prospective purchasers.	used for housing...” (emphasis added). This requirement is both NPPF-compliant and necessary to help sustain the overall stock of rural affordable housing. If exceptional circumstances are demonstrated which merit a deviation from this approach, this could be dealt with through a Designated Protected Area waiver as suggested.			
This appears as a laudable proposal. Please consider the criteria/guidance used very carefully so that this policy is not abused.	<p>Comment noted.</p> <p>Although not directly linked to this comment, it is considered that part 3 of the policy could be amended to clarify the circumstances when an element of market housing would be acceptable on an exceptions scheme to better align with NPPF paragraph 82.</p>	<p>Amend Part 3 to read: (3) On sites which are well related to a Sustainable Village or a Local Housing Needs Village, the inclusion of market housing on a Rural Exception Site will be supported where...</p>	396	Siobhan Dillon
Other issues				
Consider the opportunity to allocate rural exception sites through the Local Plan to provide greater certainty and aid delivery of rural exception sites. Land off Worthington Lane, Newbold Coleorton (Cn6) is a suitable site for a rural exception site. This site could provide much needed affordable housing for	To date the council has not opted to allocate rural exceptions sites in its Local Plan. The criteria-based approach of Policy H6 is considered to be a more responsive approach, enabling applications to be considered on the basis of the most up to date	No change	206	Taylor Wimpey UK

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MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENTS ID	RESPONDENTS NAME
young families and key workers, supporting a mixed community and the continued provision of services and facilities within Newbold Coleorton, such as the primary school.	local needs information. Also, the plan's overall spatial strategy allocates sites down to 'sustainable villages' tier of the settlement hierarchy which in turn will help to deliver affordable housing to more rural parts of the district.			

APPENDIX A – POLICY H7 (SELF-BUILD AND CUSTOM BUILD HOUSING)

RESPONSES TO PROPOSED POLICIES

CHAPTER: 6	POLICY NUMBER: H7	POLICY NAME: SELF-BUILD AND CUSTOM HOUSEBUILDING
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* A standard response was submitted by the following respondents. This table of respondents is cross referenced in the main table of responses below.

Respondent ID	Respondent Name
11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 56; 58; 59; 266; 281	Simon Haggart; Claire Palmer; Gerald Palmer; Don Davies; Paula Haggart; John Tomlinson; Alison Tomlinson; Kevin Anderson; Ann Stafford; Peter Bell; John Robinson; Colin Jones; Jayne Jones; April Robinson; Anthony Smith; Rowan Smith; Lesley Winter; Ken Winter; S Kaur & T Singh; Mr T E Moon; A Mason; Keaton Kular; Chantel Kaur; Sharna Kaur; Charles Stanton; Christine Gibson; Steve Gibson; Terry Singh; Timothy Roberts; Joan Roberts; Michael Roberts; Di Vallender; Fiona Anderson, Michael Greasley; Jenny Greasley; Worthington Parish Council; Coleorton Parish Council

MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENT ID	RESPONDENT NAME
H7(1) The Council will support proposals for self-build and custom housebuilding where the site is located within the Limits to Development, as defined on the Policies Map, for the Principal Town, Key Service Centres, Local Service Centres or Sustainable Villages.				
Support	Noted	No change	11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.

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<p>[Part (1) is pointless. People won't apply for self-build in locations where general market housing is acceptable].</p>	<p>General market housing <i>is</i> acceptable in the Limits to Development (LtD) but some SBCH is expected to be secured in the Limits to Development because SBCH is now exempt from providing Biodiversity Net Gain. We have noted an uptick of applications for SBCB within the Limits to Development – this will be monitored and the implications considered as we work our way towards the Reg 19 Plan.</p>	<p>No change</p>	<p>8</p>	<p>JJM Planning</p>
<p>Part 1 of the policy should be rewritten:</p> <p><i>(1) The Council will support proposals which meet the definition of self-build and custom housebuilding in any location considered to be suitable for housing in accordance with the policies of this local plan, including allocated sites, committed sites and windfall sites</i></p>	<p>Part 1 of the policy was written with clarity in mind. However, it is acknowledged that the policy could be expanded to cover homes permitted in other locations and specific reference to previously developed land and policies S3 and S5 would make this clear. References to allocated sites, committed sites and windfall sites are not considered necessary; allocated sites are covered by part (2); committed sites already have planning permission making this reference ineffective and windfall development is covered up by reference to sites within the LtD and PDL.</p>	<p>Amend part 1) as shown on the accompanying Appendix F.</p>	<p>92</p>	<p>Ashby de la Zouch Town Council</p>

APPENDIX A – POLICY H7 (SELF-BUILD AND CUSTOM BUILD HOUSING)

<p>H7(2)(a) On general market housing sites of 30 or more The Council will require the delivery of a minimum of 5% of the site's capacity as serviced plots for self-build and custom housebuilding. On these sites, developers will be required to enter into a legal agreement to facilitate the delivery of serviced plots with access to a public highway and utility services. A lower proportion of self-build and custom house build plots will only be accepted where a viability assessment clearly demonstrates that the full policy requirement cannot be achieved.</p>				
<p><i>Comments on the proposed 5% requirement on sites of 30 or more homes</i></p>				
<p>[Support the promotion of self and custom build but 5% is inadequate. In Europe 30% self and custom build is achieved and the Council is missing an opportunity to push for more provision.]</p>	<p>The NPPF (para b) is clear that plans should “be prepared positively, in a way that is aspirational but deliverable.” Plans need to be justified and based upon proportionate evidence (NPPF, para 36). Officers have had regard to these requirements when drafting Policy H7.</p>	<p>No change</p>	<p>6</p>	<p>Malcolm Ball</p>
<p>[The requirement should be increased to 6% which would meet the whole of the Council's self-build requirement and ensure the countryside is protected]</p>	<p>The figures underpinning the Self Build Topic Paper will be updated as the plan makes more progress towards Regulation 19, however, the methodology underpinning the requirement is sound and the numbers are not anticipated to change so significantly that they would alter the % requirement.</p>		<p>11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281</p>	<p>*Please refer to the full list of names in the table at the top of this document</p>
<p>[The forecasted demand should be 299 dwellings which would result in a requirement of 4.5%]</p>			<p>243;</p>	<p>Avison Young (Jelson Homes)</p>

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<ul style="list-style-type: none"> • [There is no justification for the % of plots or the threshold of 30 dwellings. The rationale behind the 'forecast demand' is unclear. • [In marginal cases the threshold will encourage the delivery of fewer homes to avoid the requirement] • [On large sites, the 5% will result in an excessive requirement in one location] 	<p>Comments are noted. The Topic Paper confirmed that "To avoid placing an unnecessary burden on small and medium sized housebuilders, we think it could be unreasonable to place this requirement on sites of 30 dwellings or less."</p>	No change	130; 136; 150; 172; 174; 214; 237	Fisher German (Richborough); Fisher German (William Davis Homes); Savills (David Wilson Homes); Fisher German (Cora Homes); Fisher German (Mr Botham); Stantec (Bloor Homes and Taylor Wimpey Strategic Land); Home Builders Federation;
<p>[Inspectors have rejected similar policies that sought to require a % of self-build on allocated sites (see Blaby Part 2 Local Plan Inspector's Report)]</p>	<p>The Examination into the Blaby Local Plan (2019), found the Council's approach was not justified by evidence. Policy H7 on the other hand is underpinned by evidence. The application of a percentage requirement is established practice and operated by many Local Planning Authorities, including Fareham, Central Bedfordshire and Mid Devon.</p>	No change	211; 235;	Pegasus Group (Davidsons); Pegasus Group (Davidsons and Westernrange)
<p>At pre-app stage, the Council should discuss with developers whether they would be interested in accommodating an element of SBCH and marry this interest with known interests sitting on register</p>	<p>The Council is not obliged to match permissions to individuals on the register. The purpose of this policy is to direct SBCH to the district's more sustainable locations.</p>	No change	243	Avison Young (Jelson Homes)

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[The policy should be more flexible and make reference to sites being considered on a site by site basis]	The provision of a percentage requirement provides a clear benchmark. Flexibility is provided by part 2(b) of the policy.	No change	150; 214;	Savills (David Wilson Homes); Stantec (Bloor Homes and Taylor Wimpey Strategic Land);
[It would be appropriate to allow a lower proportion of SBCH plots where a Viability Assessment demonstrates the full policy requirement cannot be achieved]	<p>Noted, the policy is deemed to comply with NPPF paragraph 59</p> <p><i>“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.”</i></p> <p>The policy also still needs to form part of the Local Plan Viability Assessment.</p>	Undertake a whole plan viability assessment at Regulation 19 stage	187;	Turley (Clowes Developments, Redrow Homes and Wilson Enterprises);

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Comments on the suitability of large-scale sites for self-build homes				
<p>[Large-scale sites are not appropriate for self-build]</p> <ul style="list-style-type: none"> • [To date, no SBCH in the district has been delivered on large-scale sites] • [Self-builders are unlikely to want to build homes on large-scale, urban housing developments] • [Applications approved/submitted to date demonstrates that people are not looking for sites on large open market developments] • [The aspirations of self-builders should be taken into account to ensure the policy is effective] 	<p>To date there has only been one planning permission on a major site in the district. The applicants have implemented this permission but there are no signs that it has ever been actively marketed. There has therefore been limited opportunity to assess the demand for homes on such a site. This policy seeks to be proactive and provide certainty about the locations in the district which the Council deems appropriate for SBCH plots.</p>	<p>No change</p>	<p>8; 130; 136; 161; 172; 174; 183; 184; 187; 193; 206; 211; 235; 243; 245; 256; 656</p>	<p>JJM Planning; Fisher German (Richborough); Fisher German (William Davis Homes); Mather Jamie (The Trustees of Lord Cranshaw 1997 Discretionary Settlement); Fisher German (Cora Homes); Fisher German (Mr Botham); Turley (Clowes Developments, Redrow Homes and Wilson Enterprises); Pegasus Group (Hallam Land Management); Define Planning and Design (Bloor Homes); Pegasus Group (Taylor Wimpey); Pegasus Group (Davidsons); Pegasus Group (Davidsons and Westernrange); Avison Young (Jelson Homes); Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes); Define Planning & Design (Rosconn Strategic Land)</p>

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<p>[Evolve has listed all the applications submitted for SBCH in the last 12 months and say whilst it is accepted that not all will be approved, it demonstrates there are a opportunities to deliver SBCH without relying on sites of 30+ dwellings. The applications submitted in the last 12 months and pending determination provide for a yield in excess of the number of new registrations between 31st October 2022 and October 2023. The nature of the applications outlined above also demonstrate that in the main, those seeking permission for self/custom build are not looking for sites within large open market developments.”]</p>	<p>This argument is not accepted. Much of this potential supply will not be in a suitable location. The Council refuses SBCH on a regular basis and where these have been appealed, the majority have also been dismissed by the Planning Inspectorate.</p>	<p>No change</p>	<p>245; 256</p>	<p>Evolve Planning (Bloor Homes; Evolve Planning (Cameron Homes)</p>
<p>[Requiring self-build on large-scale sites has the potential to negatively impact on the design of a scheme:</p> <ul style="list-style-type: none"> • [Provision of SBCH on larger sites presents issues in achieving a comprehensive/ consistent design] • [There is the potential for long term gaps in the street scene] 	<p>Noted but these issues are not considered insurmountable. Early consideration should be given to how SBCH plots can be brought forward and the measures/ actions needed to address potential issues.</p> <p>For example: -</p> <ul style="list-style-type: none"> • SBCH delivered in the early phases of development can help manage potential 	<p>Amend supporting text to clarify what is meant by a serviced plot and include reference to design codes/plot passports.</p>	<p>130; 136; 172; 174; 184; 187; 211; 216; 235; 656</p>	<p>Fisher German (Richborough); Fisher German (William Davis Homes); Fisher German (Cora Homes); Fisher German (Mr Botham); Pegasus Group (Hallam Land Management); Define Planning and Design (Bloor Homes); Pegasus Group (Davidsons); Pegasus Group (Westernrange);</p>

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	problems, for example, disturbance of neighbouring residents occupying market homes or the creation of long-term gaps in the street scene			Pegasus Group (Davidsons and Westernrange); Define Planning & Design (Rosconn Strategic Land)
<p>[Requiring self-build on large-scale sites presents practical/operational difficulties:</p> <ul style="list-style-type: none"> • Who is responsible for providing utilities and at what point? • Health and safety risks • Amenity impacts from unfinished SBCH plots • Uncertainty for the purchasers of neighbouring conventional plots • Incomplete sites whilst SBCH are under construction] 	<ul style="list-style-type: none"> • Use of Design Codes/Plot Passports, providing design parameters, and support for a development that responds to its context. • Phasing and location of development to support site safety i.e. construction arrangements and access, security and the provision of/access to storage compounds. <p>The site wide developer will be expected to provide a 'serviced plot with access to a public highway, and connections for electricity, water, wastewater, telecommunications and gas (where there is a viable connection). Connections are usually provided just within the plot boundary. These must be in place before the required marketing period can commence.</p>		130; 136; 161; 172; 174; 187; 193; 211; 216; 235; 243; 245; 256; 656	<p>Fisher German (Richborough); Fisher German (William Davis Homes); Mather Jamie (The Trustees of Lord Cranshaw 1997 Discretionary Settlement); Fisher German (Cora Homes); Fisher German (Mr Botham); Pegasus (Hallam Land Management); Define Planning and Design (Bloor Homes); Pegasus Group (Davidsons); Pegasus Group (Westernrange); Pegasus Group (Davidsons and Westernrange); Avison Young (Jelson Homes); Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes); Define Planning & Design (Rosconn Strategic Land)</p>

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<p>[This policy does not address how enforcement would be taken for custom build plots and needs to be considered and addressed When there is a group of houses being built, that are to be progressed as individuals, there needs to be some creative consideration of how conditions imposed over the whole site are to be enforced - for example</p> <ul style="list-style-type: none"> • How will the BNG be divided, assessed, maintained and evidenced? • How will the archaeology be protected and by whom? • How will the flooding risk be mitigated? • How will you ensure the visibility splay is maintained? • And for these and all other conditions, just who will you hold accountable and enforce against, if any conditions are not complied with – it needs to be an individual and not a group of individuals? <p>A policy statement on this matter needs to be made, so an enforcement process can be created.]</p>	<p>We would expect the developer to submit an outline planning application which would cover all technical matters such as highways, flooding, archaeology and BNG.</p> <p>The SBCH dwellings would need to be subject to a detailed planning approval. Homes need to be built in accordance with the approved plans and accompanying conditions/S106 agreement, otherwise, enforcement action can be taken in accordance with the Council's Local Enforcement Plan (Planning) 2024.</p>	<p>No change</p>	<p>11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281</p>	<p>*Please refer to the full list of names in the table at the top of this document.</p>
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[The provision of custom-build is not in the business model of many housebuilders]	The Local Plan needs to plan for the likely demand of SBCH housing over the plan period. The proposed Local Plan policy provides certainty allowing business models and working practices to be adapted to meet the SBCH requirements. Furthermore, it is becoming more common for local planning authorities to seek SBCH plots as part of site allocations.	No change	130; 136; 172; 174;	Fisher German (Richborough); Fisher German (William Davis Homes); Fisher German (Cora Homes); Fisher German (Mr Botham)
<ul style="list-style-type: none"> • [This part of the policy will not boost the delivery of housing] • The PPG sets out how local authorities can increase the number of planning permissions which are suitable for self and custom build housing. These include supporting neighbourhood planning groups to include sites in their plans, effective joint working, using Council owned land and working with Home England. 	The provision of SBCH will contribute towards the Council's overall housing requirement; to which a 10% flexibility allowance has been built in to allow for any sites which may not come forward as anticipated. The Council has limited land in its ownership to allocate a SBCH site and to ensure that a SBCH plots can be delivered in a variety of sustainable locations, this policy is considered the best approach.	No change?	183; 211; 214; 216; 235; 237;	Define Planning and Design (Bloor Homes); Pegasus Group (Davidsons); Pegasus Group (Westernrange); Pegasus Group (Davidsons and Westernrange); Home Builders Federation;
Support a proposal for site specific allocations for serviced plot and encourage the Council to add greater policy weight to delivering this type of housing	Noted	No change	188	C Green Planning Ltd (Cadwallader Family)

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<p>Draft Policy H7 should be modified so as to (i) note the Council's obligations as regards self-build and custom-build homes; (ii) note its support for such proposals and the circumstances in which planning permission will be granted for standalone self-build and custom-build projects (possibly by exploring exception sites or policies); and (ii) note that the whilst the Council will support an element of self-build or custom-build housing within all major housing developments, it will not require that self-build or custom-build housing is so provided</p>	<p>A supportive policy is unlikely to be effective and general support for standalone sites could result in sites coming forward in unsustainable locations. The application of a percentage requirement of SBCH on larger development sites is established practice and operated by a number of Local Planning Authorities, including Fareham, Central Bedfordshire and Mid Devon. This approach is also supported by the Right to Build Task Force.</p>		243	Avison Young (Jelson Homes)
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Section 106 considerations				
<p>Important to take SBCH into account when setting trigger points for infrastructure delivery and contributions.</p> <p>If a trigger point is reliant on the delivery of some SBCH, there is a risk this could never happen. Conversely, if SBCH is excluded from the trigger points, this may result in a considerable number of houses coming forward without the delivery of infrastructure being triggered.</p>	<p>These comments are noted and the provision of infrastructure, including appropriate trigger points on each individual site will be dealt with through a S106 legal agreement. The County Council will be able to provide input on how this is best achieved on specific sites.</p>	<p>No change.</p>	<p>341</p>	<p>Leicestershire County Council</p>
<p>From an education perspective, SBCH has no impact on how education infrastructure requirements are calculated.</p>	<p>Noted.</p>	<p>No change</p>	<p>341</p>	<p>Leicestershire County Council</p>
<p>H7(2)(b) Where a plot has been made available and appropriately marketed for a period of at least 12 months (or an alternative timescale agreed with the Council subject to specific site delivery timescales), and has not been sold, then the plots may either remain available for purchase on the open market or be built out by the developer for sale on the open market.</p>				
<p>[Supports H7(2)(b)]</p>	<p>Noted</p>	<p>No change</p>	<p>147; 245; 256;</p>	<p>Gladman Developments; Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes)</p>

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[Not supported. If self-build plots are not sold within 12 months this indicates the price is not right or there is no demand for the plots and this should be used as data to inform policy change which should be immediate]	The Council has a legal duty to grant sufficient permission for enough suitable serviced plots to meet the demand for SBCH in the <i>district</i> (as opposed to a particular location). The level of demand is established by the number of entries on the register. We would expect a Marketing Strategy to be secured either through a condition or Section 106 agreement. The Marketing Strategy must be agreed by the Council prior to the commencement of development and would include, but not limited to, the following information: <ul style="list-style-type: none">• Marketing methodology, including reaching out to those on the register• The commencement of the 12 month marketing period• Plot valuations (to be provided by an experienced local agent)	Amend part (2)(b) to reference the requirement for a Marketing Strategy and add text regarding the independent verification of evidence which is consistent with other policies. At Regulation 19, add further clarification on these points to the supporting text.	11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.	
[To assess whether the attempt to sell was genuine (as developers will not make so much money from selling as self build plots) the Council would need to employ a land agent expert who can assess the nature of the sale and determine if it was genuinely marketed for sale as a plot. If it were found that it was not genuinely marketed you would need to determine the penalty for such a situation.]			213		Osgathorpe Parish Council
To minimise manipulation of the process, any plot not sold after being marketed for a period of at least 12 months, should be offered to the self-build market through an open auction process			161; 183;		Mather Jamie (The Trustees of Lord Cranshaw 1997 Discretionary Settlement); Turley (Clowes Developments,
[Clarity would be welcomed on at what point the 12 month period begins and how a site should be ‘appropriately marketed’.]	Agreed				

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				Redrow Homes and Wilson Enterprises);
[Reversion of these plots to the original housebuilder creates practical difficulties in terms of co-ordinating construction activity on the wider site]	This approach represents best practice and is operated by several other local planning authorities in adopted policy and supporting guidance (e.g. Central Bedfordshire Local Plan, Fareham Local Plan) [These issues could be managed, for example, with the early phasing of SBCH housing on developer-led sites facilitating the marketing of SBCH plots in the earlier stages of development,	No change	211; 214; 216; 235;	Pegasus Group (Davidsons); Stantec (Bloor Homes and Taylor Wimpey Strategic Land) Pegasus Group (Westernrange); Pegasus Group (Davidsons and Westernrange)
These plots should remain as SCHB and not be converted to market plots.	To make efficient use of land and to ensure plots are not sitting empty indefinitely (which has design, visual amenity and potential anti-social behaviour implications), the part of the policy is deemed reasonable.	No change	396	Siobhan Dillon
[Reversion of units to open market would presumably require a new planning permission which comes with cost and time implications]	Comments are noted. However, the substitution of housetypes through new planning applications is not an unusual practice on large sites.	No change	130; 136; 172; 174;	Fisher German (Richborough); Fisher German (William Davis Homes); Fisher German (Cora Homes); Fisher German (Mr Botham)

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[The 12 month marketing period is excessive and should be reduced to 6 months]	A 12-month marketing period is considered a reasonable length of time and not too onerous. It appears to be best practice and is an approach found within a number of adopted plans, e.g. Central Bedfordshire Local Plan (2021) and Fareham Local Plan (2023). However, the policy does allow flexibility for an alternative marketing period should circumstances justify.	No change	214	Stantec (Bloor Homes and Taylor Wimpey Strategic Land)
(3) The Council will only support proposals for self-build and custom house building in the countryside, where: (a) The application is supported by clear evidence of demand for self-build and custom house build plots, as evidenced by the most up to date Self and Custom Build Register; and (b) The site adjoins the Limits to Development, as defined on the Policies Map, for the Principal Town, Key Service Centres, Local Service Centres or Sustainable Villages; and (c) The size of the development is reflective of its location and setting and is of a scale and character that is proportionate to the settlement at which it is located; and (d) The site is within a reasonable walking distance to a good bus service route; and (e) The site is within a reasonable walking or cycling distance to a range of local services and facilities.				
[Not supported – there should be no derogation from limits to development for self and custom builds. This policy is perversely incentivising and drives the wrong behaviours, by creating a loophole to the limits to development.]	<p>If we do not meet our demand on the register then such applications are likely to be determined via appeal.</p> <p>Part 3 provides a set of guidelines designed to determine where we deem development acceptable and is the approach currently used in the absence of a SBCH policy.</p>	No change	11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.

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[The policy goes against the Levelling Up agenda which was intended to make homes more affordable, not promoting the destruction of the countryside or enabling developers or already comfortably housed individuals to make even more money out of the housing market]			11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.
[This part of the policy should be deleted. Policy supports the principle of obtaining low cost/high value houses in the countryside]			92	Ashby de la Zouch Town Council
[Allowing SBCH on greenfield land goes against government policy as set out in Michael Gove's key housing speech in July 2023]	It is unlikely to be possible to meet the demand on brownfield sites alone.	No change	11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.
[The Self Build Topic Paper makes it clear that 5% of plots in new development of over 30 houses should provide SBCH to satisfy the expected demand. Part 3 of the policy should be deleted]	If we are able to meet the necessary demand for the allocation sites, then any applications in the countryside would fail to meet the requirements of Part (3)(a) and could be refused on that basis. This policy adds some flexibility and provides clear guidance for decision makers.	No change	92	Ashby de la Zouch Town Council

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Charley is a hamlet and this criterion would not apply. There should be an exception that allows for SBCH in Charley	The policy seeks to direct the delivery of SBCH plots to the district's more sustainable settlements. Charley is classed as a hamlet and not a sustainable location. On the basis of the redrafted part (1), a SBCH would be acceptable on previously developed land or if a proposal accorded with Policy S5.	No change	527	Julia Howard
<p>[Support the principle of allowing SBCH in the countryside:</p> <ul style="list-style-type: none"> • this criteria based policy should be the primary route to addressing SBCH requirements • the requirements should be applied for smaller sites exclusively for SBCH (this would help meet demand which is unlikely to be for plots on larger schemes) 	<p>Noted. The policy offers a multi-faceted approach to SBCH, reflecting local circumstances, and provides a clear mechanism for the provision of SBCH.</p> <p>The criteria would apply to smaller sites, as well as individual plots in the countryside.</p>	No change	183; 193; 206; 237;	Turley (Clowes Developments, Redrow Homes and Wilson Enterprises); Pegasus Group (Hallam Land Management); Pegasus Group (Taylor Wimpey); Home Builders Federation;

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H7(3)(a) The Council will only support proposals for self build and custom housebuilding where: The application is supported by clear evidence of demand for self-build and custom house build plots, as evidenced by the most up to date Self and Custom Build Register				
[Allowing development outside of the Limits to Development gives an incentive to be on the register. This will lead to an increase in the numbers of the self-build register. This in turn drives a policy to allow development in the countryside]	We have a legal obligation to keep a self-build register of those who wish to acquire a serviced plot of land upon which to build their own home. No evidence has been provided that this policy approach would impact the number of people seeking to acquire a SBCH plot/signing up for the register.	No change	11; 12; 13; 14; 15; 16;17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.
If the self build policy was to allow registrations ONLY inside limits to development, then the register would reduce dramatically			92	Ashby de la Zouch Town Council
[Policy supports the principle that registering for self-build would be a way to circumvent restrictions on building in the countryside, increasing the number on the self-build register]				
H7(3)(b) The site adjoins the Limits to Development, as defined on the Policies Map, for the Principal Town, Key Service Centres, Local Service Centres or Sustainable Villages				
[Part (3)(b) will prevent SBCH being delivered in the Local Housing Needs Villages]	Those wishing to build their own homes in the LHNVs would need to demonstrate a local connection in line with Policy S3.	No change.	8	JJM Planning

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<p>[It is unclear if it is the site that needs to be adjacent, or the development? Some sites can be acres so the development is really in the countryside – this is ambiguous]</p>	<p>The term ‘adjoins’ is not defined in the Local Plan however it has been established by the courts not to mean contiguous but has a broader meaning which is a matter for planning judgment. Site-specific circumstances will be taken into account, for example, does the proposal feel more closely related to the countryside or the built-up area of the settlement?</p>	<p>No change</p>	<p>11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281</p>	<p>*Please refer to the full list of names in the table at the top of this document.</p>
<p>[Allowing development adjacent to the limits of development will just allow development to creep into the countryside. Would any new SBCH housing represent the new limits to development and is therefore a process that could go on and on until no countryside remains.]</p>	<p>The development of SBCH plots in the countryside must satisfy Policy S4 of the draft Local Plan. Development in the countryside is not supported if it would create or exacerbate ribbon development.</p> <p>Policy H7 clearly references the Limits the Development as defined on the Policies Map. Any SBCH plots approved will not alter the defined Limits to Development.</p>	<p>No change</p>	<p>11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281</p>	<p>*Please refer to the full list of names in the table at the top of this document.</p>
<p>Could this approach lead to ribbon development?</p>	<p>Policy H7 clearly references the Limits the Development as defined on the Policies Map. Any SBCH plots approved will not alter the defined Limits to Development.</p>	<p>No change</p>	<p>289</p>	<p>Swannington Parish Council</p>

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H7(3)(c) The size of the development is reflective of its location and setting and is of a scale and character that is proportionate to the settlement at which it is located;				
Not supported. If any such development were to be allowed outside limits, reasons for why it should not be above, this is a sensible consideration and should apply to any application for development anywhere	Noted	No change	11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.
H7(3)(d) The site is within a reasonable walking distance to a good bus service route;				
Not supported.. ...notwithstanding no such development should be outside limits, all developments would benefit from being within a reasonable distance of a good bus service. I assume these aspects are defined somewhere as to what is reasonable and what constitutes good, if not they need to be.	The supporting text states: "We will have regard to the distance to each facility, in line with the Chartered Institute of Highways and Transportation (CIHT) acceptable and preferred maximum walking distance for the type of service or facility as well as the nature and convenience of the route	No change	11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.
The word 'reasonable' is not sufficiently precise	such as safety, the provision of a footpath and street lighting and terrain."		213	Osgathorpe Parish Council

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(e) The site is within a reasonable walking or cycling distance to a range of local services and facilities.				
The word 'reasonable' is not sufficiently precise	The supporting text states: "We will have regard to the distance to each facility, in line with the Chartered Institute of Highways and Transportation (CIHT) acceptable and preferred maximum walking distance for the type of service or facility as well as the nature and convenience of the route such as safety, the provision of a footpath and street lighting and terrain."		213	Osgathorpe Parish Council
H7(4) Requirement for planning permissions to be tied to a Section 106 legal agreement				
<p>In your topic paper about self and custom builds, dated February 2024, you state that self and custom build within limits to development do not require a S106 – in fact it would be easier to satisfy the register numbers if this were not a consideration.</p> <p>The [planning?] application form should instead be amended to include whether or not a proposal is a self-build, so these numbers will be included; these types of self builds within limits should not be considered as 'windfall' as they are genuine and must be included in the</p>	<p>This is because market housing is acceptable in the Limits to Development – it does not have to adhere to the requirements for SBCH.</p> <p>However, we are starting to see applications in the limits to development for SBCH in order to be exempt from providing Biodiversity Net Gain. In such circumstances, a S106 agreement is required.</p>	No change	11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.

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consideration of fulfilling the register				
[S106 requirements are unenforceable and, by the time an offence is discovered, it is too late – the dwelling is already in place].	The SBCH dwellings would need to be subject to a detailed planning approval. Homes need to be built in accordance with the approved plans and accompanying conditions/S106 agreement, otherwise, enforcement action can be taken in accordance with the Council's Local Enforcement Plan (Planning) 2024	No change	11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281	*Please refer to the full list of names in the table at the top of this document.
General comments on the self-build register				
There is a general lack of understanding of this type of development and its availability. Whilst the authority keeps a register as required more could be done to promote self-build and custom build development.	The Right to Build Taskforce have undertaken a health check of the Council's policies and procedures and identified improvements to be made.	Outside of the Local Plan process, prepare an Action Plan having regard to the recommendations in the 'Right to Build' health check', to facilitate measures to raise awareness and improve engagement.	6	Malcolm Ball

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<p>[Policy H72a would make a big difference to the provision of SBCH IF those on the register are genuinely in need of self build plots and will be removed from the register once their need is satisfied]</p>	<p>The shortfall/oversupply of plots is based upon the demand at a given point compared to the total number of dwellings granted planning permission since 2016. Any unmet demand gets carried over.</p> <p>If we were to remove people from the register once they received planning permission this would be a form of double counting.</p>	<p>No change</p>	<p>11; 12; 13; 14; 15; 16; 17; 19; 22; 23; 24; 25; 26; 28; 29; 30; 31; 32; 35; 36; 37; 39; 40; 41; 43; 46; 47; 48; 49; 50; 51; 52; 58; 59; 266; 281</p>	<p>*Please refer to the full list of names in the table at the top of this document.</p>
<p>[The NWL self-build register does not align with national policy and should annually review the register. The Council's current approach allows for entries to be made even if the person does not wish/expect to develop a property more than three years in the future. This means the Council's Register is most likely over-stating the amount of interest</p>	<p>The Right to Build Taskforce advises:</p> <p><i>The legal obligation to provide permissions based on numbers entering the register does not disappear once the trigger base period has ended. If individuals or groups do not wish to remain on the register in subsequent years, the record of demand persists until it is matched by a permission. This has been incorporated in the Self Build and Custom Housebuilding Act 2015 through amendments brought about by the Levelling Up and Regeneration Act (LURA) 2023.</i></p>		<p>213</p>	<p>Osgathorpe Parish Council</p>
<p>[There is no indication of how many people have left the register/whether those on the register are still interested in a plot]</p>			<p>147; 161; 183; 243; 245; 256</p>	<p>Gladman Developments; Mather Jamie (The Trustees of Lord Cranshaw 1997; Discretionary Settlement); Turley (Clowes Developments, Redrow Homes, Wilson Enterprises); Avison Young (Jelson Homes);</p>

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				Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes)
The register is purely interest and the Council do not have to provide the means for everyone on the register	The Council has a legal duty to grant sufficient permission for enough suitable serviced plots to meet the demand for SBCH in their area. The level of demand is established by the number of entries on the register. The counting of all windfall permission or all permission on smaller sites is not an appropriate approach. For a home to meet the definition of SBCH, the Council must be satisfied that the initial owner of the home will have primary input into its final design and layout.	No change	150	Savills (David Wilson Homes)
[The Council should marry the data on its register with details of small site planning permissions]			243	Avison Young (Jelson Homes)
The register does not reflect whether people have the financial resources to build their own home. The Council should prepare additional evidence on this issue to inform the Local Plan]	The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) enables relevant authorities to include a financial solvency test. However, this can only be applied if there is strong justification for doing so. We do not consider there to be a case for applying a financial solvency test and no evidence	No change	187; 214; 243; 245; 256; 656	Define Planning and Design (Bloor Homes); Stantec (Bloor Homes and Taylor Wimpey Strategic Land); Avison Young (Jelson Homes); Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes); Define Planning & Design (Rosconn Strategic Land)

APPENDIX A – POLICY H7 (SELF-BUILD AND CUSTOM BUILD HOUSING)

	has been provided to justify this approach.			
<p>NWL does not align with national policy and should charge a fee to be on the register to ensure:</p> <ul style="list-style-type: none"> • Maintaining the register is cost neutral • The provision of an available revenue stream • The risk of non-genuine applications/inflation of demand by developers is reduced 	<p>There is no statutory requirement to charge a fee. The setting of a fee is optional. National Planning Policy Practice advises fees should be set solely on a cost recovery process and not act as a deterrent or mechanism to manage demand. There is also no direct link between being on the Register and accessing a plot of land.</p> <p>On this basis we do not consider there to be a case for charging a fee to be on the register. The Right to Build Taskforce supports the Council's approach not to set a fee, as in their experience fees act as a deterrent and 'mask' the true level of demand for SBCH plots.</p>	No change	213	Osgathorpe Parish Council
<p>Seeking more clarification on who can be on the Register in light of the legal definition of self-build and custom housebuilding:</p> <p>Do the entrants have to live in the house they get to build? Can one individual register for more than one house?</p>	<p>The register details the number of individuals and association of individuals who are seeking to acquire serviced plots of land in North West Leicestershire for self-build and custom housebuilding. It is not a register of available SBCH plots.</p> <p>To be added to the register you must be seeking to acquire a</p>	No change	396	Siobhan Dillon

APPENDIX A – POLICY H7 (SELF-BUILD AND CUSTOM BUILD HOUSING)

<p>Who Registers self-build plots? i.e. individuals who wish to buy or developers?</p> <p>Is section 6.62 about matching those on the register who wish to build?</p>	<p>served plot of land in the district to build a house to occupy as your own or main residence. However there are no restrictions preventing people joining more than one register, although this is discouraged.</p> <p>SBCH is where individual or groups of individuals or groups are involved in creating their own home, although the amount of personal involvement will vary. For example, self-build projects are defined as those where someone directly organises the design and construction of their own home. Custom build homes are where an individual or group works with a developer to deliver customised or bespoke homes.</p> <p>To ensure any planning permission for a SBCH home is used for its intended purpose, we will secure a Section 106 agreement to ensure the initial occupier (s) of the dwellings meet the legal definition of self-build and custom housebuilding.</p> <p>The level of demand is established by the number of</p>			
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APPENDIX A – POLICY H7 (SELF-BUILD AND CUSTOM BUILD HOUSING)

	entries on the register although there is no requirement to directly match permissions land to those on the register. However, the register does provide evidence of the type of demand in the district and used to inform local plan policy.			
Other Comments				
Supports self- building	Noted	No change	175	Oakthorpe, Donisthorpe and Acresford Parish Council.
Inspectors are passing applications on appeal.	We are aware of some SBCH permissions allowed at appeal although the majority to date have been dismissed in line with the Council's decision to refuse these applications (using an approach similar to part (3) when making our decisions).	No change	289	Swannington Parish Council
From a landowner perspective, the delivery of SBCH is accepted. Policy appears positive and includes provisos dealing with viability and potential lack of demand for the permitted plots.	Noted	No change	341	Leicestershire County Council
[H7 should identify exactly where SBCH should be delivered in the district as this would remain consistent with the requirements for plan making as set out in the NPPF]	The policy offers a multi-faceted approach to SBCH, reflecting local circumstances, and provides a clear mechanism for the provision of SBCH, including as part of housing land allocations.	No change	232	Stantec (Caddick Land)

APPENDIX A – POLICY H7 (SELF-BUILD AND CUSTOM BUILD HOUSING)

Without prejudice to the earlier comments, our client would support the inclusion of Land off Worthington Lane, adjacent to Newbold Coleorton to assist in meeting the current and future demand for self and custom build housing delivery within the Local Plan over the plan period. Our client would welcome further discussions with the Council.	Newbold is a local housing needs village and is not considered suitable for SBCH.	No change	xx	Pegasus Group (Taylor Wimpey)
[There is unnecessary duplication between policies H4 and H7. The requirement for SBCH housing should be deleted from H4.]	Policy H4 will be reported to a later Local Plan Committee.	Consider response in relation to Policy H4	237	Home Builders Federation
[Caution on the use of policies that place a greater burden upon the delivery of development without a thorough understanding of viability]	We will be conducting a whole plan viability assessment at the Reg 19 stage.	Undertake a whole plan viability assessment at Regulation 19 stage	280	Marrons (Richborough)
[Since the register was opened in 2016, only 126 people have registered for a self / custom build plot (16 per year).	The Topic Paper underpinning the policy explains why we have based our forecasted supply on 24 plots a year.	No change	183	Mather Jamie (The Trustees of Lord Cranshaw 1997 Discretionary Settlement); Turley (Clowes Developments, Redrow Homes, Wilson Enterprises)

APPENDIX A – POLICY H10 (SPACE STANDARDS)

RESPONSES TO PROPOSED POLICIES

CHAPTER: 6		POLICY NUMBER: H10	POLICY NAME: SPACE STANDARDS		
MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENT ID	RESPONDENT NAME	
[Support]	Noted	No change	45; 92; 135; 341; 280; 641	Leicester, Leicestershire and Rutland Integrated Care Board; Ashby Town Council; Marrons Planning (Strata Limited); Leicestershire County Council; Marrons Planning (Richborough Estates); emh	
[The expected bedspace requirements for affordable rented homes set out at paragraph 6.108 are far too restrictive, unnecessary and not conducive for creating a mix of house types and sizes].	The supporting text sets out why we have set out these expectations (information on household size from our housing register and a result of the bedroom tax).	No change to the policy; update the supporting evidence underpinning this request as part of the Regulation 19 Plan.	135	Marrons Planning (Strata Limited)	
[The statement at 6.111 that the floorplans for affordable housing should be clearly distinguishable from those for market housing is contrary to Policy H5(4) which states affordable housing should be integrated within the design and layout of the scheme such that they are externally indistinguishable from the market housing]	The intention behind this paragraph was that applicants should clearly mark their housetype (floorplan) <i>drawings</i> as either market or affordable homes; a request of the Council's affordable housing team.	Amend the wording of the supporting text for clarity at Regulation 19 stage.	135	Marrons Planning (Strata Limited)	

APPENDIX A – POLICY H10 (SPACE STANDARDS)

[The policy requires viability testing]	The Space Standards Topic Paper made clear that the policy would be subject to a viability assessment of the whole Local Plan.	Undertake a whole plan viability assessment at Regulation 19 stage.	147; 161; 184; 193; 187; 211; 214; 216; 235; 243; 245; 256; 280; 341; 656	Gladman Developments Ltd; Mather Jamie (The Whatton Estate); Pegasus Group (Hallam Land Management); Define Planning & Design (Bloor Homes); Pegasus Group (Davidsons); Stantec UK (Bloor Homes and Taylor Wimpey); Pegasus Group (Westernrange); Pegasus Group (Davidsons & Westernrange); Avison Young (Jelson Homes); Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes); Marrons (Richborough Estates); Leicestershire County Council (landowner); Define Planning (Rosconn Strategic Land)
[Concerned that the policy is going to impact viability and reduce the number of dwellings delivered on 100% affordable housing projects]	The viability assessment will assess the impact on both market and affordable dwellings		641	emh
[The policy should <i>encourage</i> rather than <i>require</i> the nationally described space standards for major developments.]	An encouragement policy would be ineffective in securing the NDSS.	No change	150	Savills (David Wilson Homes)

APPENDIX A – POLICY H10 (SPACE STANDARDS)

[The policy should be more flexible and be applied on a site by site basis. It should take into account factors such as site specific circumstances, the product being produced and give weight to well-designed house types which fall slightly below the given standard, particularly on sites where the majority of dwellings comply.]	It is not unusual for local planning authorities to set a requirement for all new homes to meet the NDSS and it is not clear what site-specific circumstances or products would justify consideration of NDSS on a site by site basis. The policy provides a clear and consistent benchmark and is underpinned by evidence.	No change	150; 161; 211; 214; 216; 235	Savills (David Wilson Homes); Mather Jamie (The Whatton Estate); Pegasus Group (Davidsons); Stantec UK (Bloor Homes and Taylor Wimpey); Pegasus Group (Westernrange); Pegasus Group (Davidsons & Westernrange)
[The Council should consider requiring the NDSS on a percentage of new homes so that there remains choice in the market and consumers can choose what is important to them when purchasing a home.]	Within the NDSS, homes can be built for differing occupancy levels (i.e. different combinations of single and double bedrooms); this would allow some choice in the size of property and a subsequent range of affordability options.	No change	243	Avison Young (Jelson Homes)
The requirement for increased floorspace will impact the affordability of homes/customer choice			161; 211; 216; 235; 237; 243;	Mather Jamie (The Whatton Estate); Pegasus Group (Davidsons); Pegasus Group (Westernrange); Pegasus Group (Davidsons & Westernrange); Home Builders Federation; Avison Young (Jelson Homes)

APPENDIX A – POLICY H10 (SPACE STANDARDS)

[Space standards should be looked at in the round and there will be overlap between Policy H10 and Policy H11, particularly in respect of bedroom sizes, which appears to be the main issue the Council appears to wish to resolve.]	The NDSS is regarded as a minimum and not suitable for M4(3) homes (wheelchair housing) where additional internal floorspace is required to accommodate increased circulation and functionality needs.	No change	245; 256	Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes)
<p>[The policy is not justified by the evidence. There is no evidence that:</p> <ul style="list-style-type: none"> • homes falling below the standards have not sold. • Homes below the standards do not meet the needs of residents • Whether local residents consider that these standards are important when balanced against cost • That homebuyers opt for floorspace over the number of bedrooms] 	The evidence provided in the Space Standards Topic Paper is consistent with the evidence accepted by Local Plan Inspectors elsewhere, including the recently adopted East Riding of Yorkshire Local Plan (where the policy was underpinned by a Housing Standards Background Paper).	No change	150; 161; 211; 216; 232; 235; 237; 245; 256;	Savills (David Wilson Homes); Mather Jamie (The Whatton Estate); Pegasus Group (Davidsons); Stantec UK (Caddick Land); Pegasus Group (Davidsons & Westernrange); Home Builders Federation; Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes)

APPENDIX A – POLICY H10 (SPACE STANDARDS)

[If the policy is retained, the transition period should run for at least 24 months from the date of adoption; this would enable housebuilders to progress work on sites purchased before the plan was adopted and adjust their house types for future land purchase negotiations]	The 2024 Space Standards Topic Paper made clear that the Council's intention to introduce NDSS into the Local Plan was first presented at Local Plan Committee on 8 September 2021 and that the Regulation 18 Local Plan consultation following in January 2022. The fact that there is still some time before the Local Plan is adopted is considered a sufficient transition period. This approach has been accepted elsewhere.	No change	243	Avison Young (Jelson Homes)
[The introduction of NDSS could be phased in a way that allows market forces to determine land values that take account of their introduction.]			341	Leicestershire County Council (landowner)
[Existing built fabric, including designated or non-designated heritage assets, should be excluded from the policy as it may preclude conversion and repurposing schemes such as barn conversions. The policy also has the potential to conflict with other policies such as AP4 which seeks to maximise opportunities for the reuse of materials - by virtue of the wording, repurposing existing fabric could be said to constitute the reuse of materials.]	We acknowledge that there may be circumstances where it would be impractical or inappropriate to apply the NDSS to conversions, subdivisions and changes of use. This part of the policy could be more flexible to reflect this.	Amend this part of the policy to incorporate some flexibility and amend the supporting text at Regulation 19 stage to provide explanation and clarification.	357	Historic England

APPENDIX A – POLICY H11 (ACCESSIBLE, ADAPTABLE AND WHEELCHAIR USER HOMES)

RESPONSES TO PROPOSED POLICIES

CHAPTER: 6		POLICY NUMBER: H11	POLICY NAME: ACCESSIBLE, ADAPTABLE AND WHEELCHAIR USER HOMES		
MAIN ISSUES RAISED		COUNCIL RESPONSE	ACTION	RESPONDENT ID	RESPONDENT NAME
H11(1) All new homes will be required to meet Part M4(2) of the Building Regulations (accessible and adaptable homes)					
[The requirement for all homes to meet M4(2) is a potentially unnecessary duplication of the Building Regulations / the requirement should be led by the Building Regulations rather than local policy]	The 2024 consultation document noted that the government intended to make Part M4(2) mandatory but that there had been no further announcements on this subject since July 2022. The lack of progress in implementing M4(2) was raised in a House of Lords debate in February 2024 where a timeframe for progressing the issue was not given. There has been no update on M4(2) since the change of government in 2024. Category M4(2) remains an optional requirement and has to be tested through the Local Plan process.	Monitor any changes to the Building Regulations between now and the Regulation 19 Plan.	147; 161; 184; 193; 211; 216; 235; 237; 245; 256; 553	Gladman Developments; Mather Jamie (The Whatton Estate); Pegasus Group (Hallam Land Management); Pegasus Group (Davidsons); Pegasus Group (Westernrange); Pegasus Group (Davidsons & Westernrange); Home Builders Federation; Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes); The Planning Bureau (McCarthy Stone)	
[This requirement appears to originate in the 2022 HENA. This evidence does not identify particular local circumstances which demonstrate that the needs of NWL differ substantially to the region or country as a whole. More detailed, localised evidence is required to justify the policy].	The requirement was a recommendation of the HENA but also the NWL Local Housing Needs Assessment. The HENA is the more recent document and notices a 65% increase in those with mobility problems (aged 65+) between 2020 and 2041 in North West Leicestershire.	No change, subject to any updates to the Building Regulations between now and the Regulation Plan	147	Gladman	

APPENDIX A – POLICY H11 (ACCESSIBLE, ADAPTABLE AND WHEELCHAIR USER HOMES)

[Part M4(2) would be unachievable on the first floor of self-contained flats/maisonettes which is emh's and residents' preferred housetype for 1 bed dwellings. The provision of lifts is financially unviable both in capital cost and future service charge provisions and dwellings.]	Officers agree it would not be practical to provide step-free access to a first floor maisonette.	Add supporting text to the Reg 19 Plan which confirms that M4(2) in maisonettes is another example where step-free access would not be viable.	641	emh
[The increase in minimum floor areas will make including for adaptable features such as wider doorframes and corridors achievable.]	It is assumed this is a reference to the nationally described space standards in Policy H10 (Space Standards) under which M4(2) is achievable.	No change	641	emh
[M4(2) does not provide the on-site support, care and companionship of specialist older persons' housing; the wider community benefits of releasing under occupied family housing; savings to the public purse by reducing the stress of health and social care budgets. The Healthier and Happier Report by WPI Strategy (September 2019) calculated that the average person living in specialist housing for older people saves the NHS and social services £3,490 per year.]	Draft Policy H4(4) – Housing Types and Mix provided support for housing for older people, which would include extra care housing and care homes.	Policy H4 will be reported to a later date of the Local Plan Committee	553	McCarthy Stone

APPENDIX A – POLICY H11 (ACCESSIBLE, ADAPTABLE AND WHEELCHAIR USER HOMES)

<p>H11(2) On housing developments comprising 10 or more dwellings (or on a site of more than 0.5 hectares): a) At least 9% of all market homes will be required to meet Part M4(3)(2)(a) of the Building Regulations (wheelchair adaptable dwellings); and b) At least 23% of all affordable homes will be required to meet Part M4(3) of the Building Regulations (wheelchair user dwellings). The expectation is that these will be built to M3(3)(2)(b) standard (wheelchair accessible dwellings), although provision of M4(3)(2)(a) (wheelchair adaptable dwellings) will be considered where justified and agreed with the Council’s Strategic Housing Team prior to the granting of planning permission.</p>				
We would encourage the Council to remove the specific figures of 9% and 23% from this policy and, instead, refer to the latest HENA in the policy wording	The Planning Practice Guidance says that local planning authorities “ <i>should clearly state in their Local Plan what proportion of new dwellings should comply with [M4(2) and/or M4(3)].</i> ”	No change	183	Turley (Clowes, Redrow and Wilson Estates)
[H11(2) is not justified by the evidence. It should be evidenced and balanced against the need to make the most efficient use of land available and ensure site viability in line with the Planning Practice Guidance]	This justification for this policy is the Leicester and Leicestershire HENA. Some flexibility is built into the policy and it will be viability tested (see viability section below).	No change	150	Savills (David Wilson Homes)

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<p>[The Local Housing Needs Assessment concludes that NWL has an ageing population although it has a slightly younger age structure (in terms of older people) than Leicestershire as a whole and a lower percentage of those aged 75+ than the East Midlands and England. An ageing population is not an issue specific to NWL.]</p>	<p>In addition to an ageing population, the HENA demonstrates that there NWL has the highest proportion of people in Leicester and Leicestershire with a health problem; and that there is anticipated to be a 64.8% increase in those with a mobility problem between 2020 and 2041. The HENA also provides projections for wheelchair user housing, estimating 16.3% of homes between 2020 and 2041 will need to be wheelchair user; again this is the highest need in in Leicester and Leicestershire. It is acknowledged that some of this data incorporates information from the 2011 Census which could be updated.</p>	<p>Provide an update to the evidence which incorporates data from the 2021 Census</p>	<p>245</p>	<p>Evolve Planning (Bloor Homes); Evolve Planning (Cameron Homes);</p>
<p>[The Local Housing Need Assessment identifies a need for around 420 dwellings for wheelchair users. The provision of 5% M4(3) is justified for affordable homes but the requirements of 9% M4(3)(a) and 23% M4(3)(b) is not justified]</p>	<p>The proposed 5% M4(3) is derived from the Local Housing Needs Assessment which is now five years old.</p>			

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In respect of market housing the proportion of housing that is required to meet M4(3)(a) should be aligned with the level of need identified within the housing needs assessment for the District and take account of the level of provision delivered through affordable housing and supported housing	The Leicester and Leicestershire HENA is a more up to date document, although some of the evidence is based upon the 2011 Census and could be updated.	Provide an update to the evidence which incorporates data from the 2021 Census	341	Leicestershire County Council (as landowner)
[The requirement for 9% M4(3)(2)(a) without the appropriate evidence could: <ul style="list-style-type: none"> • reduce the saleability of plots if they are not being sold to individuals in need of these standards • result in larger than necessary circulation space when internal space could be better used in bedrooms or living spaces.] 	The policy is based upon evidence of need, although some of the evidence is based upon the 2011 Census and could be updated.		135	Marrons (Strata Homes)
[The requirement for 23% M4(3)(2)(b) without justified need would significantly reduce the number of standard affordable homes on each site. Paragraph 6.120 says the figures are based on estimates rather than actual evidence of need.]	The PPG says that evidence for M4 homes should be based upon the <i>likely</i> future need for housing for older and disabled people (including wheelchair user dwellings). The HENA provides a detailed explanation of how and why these estimates have been reached.	Amend the supporting text at Regulation 19 stage for the purposes of clarity. Consider if the evidence can be updated to make it more robust.	135	Marrons (Strata Homes)
Given these figures are based on 'estimates' it is considered that further evidence			214	Stantec UK (Bloor Homes and Taylor Wimpey)

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on actual need levels should be prepared by the Council as the proposed percentages are considered to be high.				
<p>[The requirements for M4(2) and M4(3) are lower in neighbouring authorities.</p> <ul style="list-style-type: none"> The draft Hinckley and Bosworth Borough Council Local Plan requires 5% M4(3) <i>“unless evidence of local need dictates otherwise”</i> and adopts an approach that wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating homes. Charnwood seeks at least 10% M4(2) and that <i>“an appropriate proportion of affordable homes to meet M4(2) and M4(3) should be sought in consultation with relevant RPs]</i> 	<p>The Hinckley Local Plan is at Regulation 18 stage.</p> <p>The Charnwood Local Plan draft was submitted for examination in December 2021 and included reference to ‘an appropriate proportion of . The HENA upon which Policy H11 was based was published in April 2022 (updated July 2022). The Inspector’s concern (letter dated 22 March 2024) was that CBC had not provided the necessary evidence, <i>including viability testing</i>, and that a modification was required to delete the requirement for ‘an appropriate proportion of M4(3) homes’.</p>	Undertake a whole plan viability assessment at Regulation 19 stage	135	Marrons (Strata Homes)
<p>[The Charnwood Local Plan Inspectors recently concluded that they did not have the evidence necessary to justify M4(3) housing and this requirement would therefore need to be deleted from the plan. As a partner in the same HENA, this raises questions about whether</p>			184 193; 211; 216; 235	Pegasus Group (Hallam Land Management); Pegasus Group (Davidsons); Pegasus Group (Westernrange); Pegasus Group (Davidsons & Westernrange)

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the evidence available for North West Leicestershire is sufficient.]				
[If the Council has the evidence to introduce this policy, it may want to consider the most appropriate way to deliver the homes they require to meet their needs. This may not always be in the form of M4(3) homes, and may need further consideration]	Policy H4 supports a mix of different housing, including extra care and care homes. Further clarification is required from the respondent on this point.	No change	237	Home Builders Federation
The requirement for M4(3)(2)(a) and M4(3)(b) would have a significant impact on plot design, site capacity, and overall housing provision	M4(3) do need to be larger than homes under the nationally described space standard. The Local Plan has built in a 10% flexibility buffer to the housing requirement.	No change	280	Marrons (Richborough)
[It is suggested the policy stipulates the location of M4 dwellings within the site for transport/accessibility purposes, namely: <ul style="list-style-type: none"> Proximity to existing/proposed passenger transport and/or LTN 1/20 compliant cycle infrastructure (on the basis that such infrastructure would serve modes of travel aimed at target occupants of such dwellings (mobility scooters etc. - i.e. the 'wheeling' part of cycling and wheeling). Potentially grouping such dwellings together/in close 	Noted	Amend the supporting text at Regulation 19 stage to set out expectations regarding location and grouping of M4 dwellings.	341	Leicestershire County Council

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proximity on the basis that occupants of such dwellings are more likely to have wider supported transport and/or social care needs – grouping together may have logistical/operational efficiency and carbon reduction benefits (e.g. potential to combine pick-ups/drop-offs for supported transport).				
[The Council should note that ensuring that residents have the ability to stay in their homes for longer is not, in itself, an appropriate manner of meeting the housing needs of older people. A supportive local planning policy framework will be crucial in increasing the delivery of specialist older persons' housing and it should be acknowledged that although adaptable and accessible housing can assist it does not remove the need for specific older person's housing. Housing particularly built to M4(3) standard may serve to institutionalise an older person's scheme reducing independence contrary to the ethos of older	Draft Policy H4(4) – Housing Types and Mix provided support for housing for older people, which would include extra care housing and care homes.	Policy H4 will be reported to a later date of the Local Plan Committee	553	McCarthy Stone

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persons and particularly extra care housing]				
H11 (3) Exceptions to the requirements in Parts 1) and 2) will be considered by the Council only when the applicant has demonstrated that provision of a safe, step-free access is not viable.				
[This part of the policy should be more flexible to cover things such as topography, drainage, vulnerability to flooding market/RP buyer requirements and viability. It should not relate to just step-free access]	The supporting text does make reference to issues such as flooding and topography. However, after further reviewing the PPG and in particular the reference to ' <i>other circumstances which may make a specific site less suitable for M4(2) and M4(3)</i> ', officers recommend part (3) is rewritten. We have also included further wording to make clear that it is for the applicant to demonstrate where the standards can be met and that robust evidence is required where the standards cannot be met.	Amend part (3) to refer to site-specific factors and update the supporting text at Regulation 19 stage to provide clarification.	135; 183; 187; 237; 656	Marrons (Strata Homes); Turley (Clowes, Redrow and Wilson Estates); Home Builders Federation; Define Planning & Design (Rosconn Strategic Land)
The term "not viable" should be changed to "not feasible" to better reflect the practical considerations of implementing step-free access	Viable is the term used in the PPG in relation to step-free access, although in light of the above comments, we are proposing to rewrite part (3).	See above	232	Stantec UK (Caddick Land)
General comments				
[General support]	Noted	No change	45; 92;134	Leicester, Leicestershire and Rutland Integrated Care Board; Ashby Town Council; Kegworth Parish Council; Oakthorpe and Donisthorpe Parish Council;

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The policy of ensuring all housing meets current Building Regulation standards is logical as is the need for a proportion of the dwellings to be wheelchair friendly.			341	Leicestershire County Council
Evidence				
[The PPG outlines the evidence required to introduce a policy such as H11, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability]	Noted, these concerns about evidence and viability and site specific factors have been addressed above.	No additional actions	147	Gladman
[The policy needs to be underpinned by robust evidence as set out in the Planning Practice Guidance. Planning policies for accessible housing need to be based on evidence of need, viability and a consideration of site specific factors]			184; 193; 211; 216; 235; 237	Pegasus Group (Hallam Land Management); Pegasus Group (Davidsons); Pegasus Group (Westernrange); Pegasus Group (Davidsons & Westernrange); Home Builders Federation
[It is not clear whether there is a need for all homes to achieve these standards taking into local demographics]			232	Stantec UK (Caddick Land)

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If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.	Our approach to a transition period for Policy H10 is that the period of time between consultation and adoption of the policy is a sufficient transition period and it would be reasonable to adopt the same approach with this policy.	No change	237	Home Builders Federation
It's not clear in the Local Plan on the demand for adaptations via Disabled Facilities Grant or waiting on the Housing register. Where there is known demand has this been reflected in the plan?	This policy applies to the construction of new housing and cannot facilitate the adaption of existing housing stock (if that is the point being made here). Projected demand has been factored into the policy.	No change	651	Amanda Hack
Viability				
[The policy needs to form part of a Local Plan Viability Assessment as there is an extra cost in delivering M4 homes]	The supporting text (6.115) noted that viability is a consideration for this policy given that these homes cost more to build. The whole Local Plan will need to undergo a viability assessment in accordance with national policy and guidance.	Undertake a whole plan viability assessment at Regulation 19 stage	150; 161; 184; 187; 193; 211; 216; 232; 235; 280; 553; 656	Savills (David Wilson Homes); Mather Jamie (The Whatton Estate); Pegasus Group (Hallam Land Management); Define Planning & Design (Bloor Homes); Pegasus Group (Davidsons); Pegasus Group (Westernrange); Stantec UK (Caddick Land); Pegasus Group (Davidsons & Westernrange); Marrons (Richborough Estates); Define Planning & Design (Rosconn Strategic Land); McCarthy Stone

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[If the Viability Assessment finds that the proposed level of provision would render development unviable, then it should be capped at a level that would allow for viable schemes to be delivered]	Noted		187; 656	Define Planning & Design (Bloor Homes); Define Planning & Design (Rosconn Strategic Land)
Flexibility				
[There needs to be a degree of flexibility within this Policy to allow for viability, market conditions, and also specific housing needs at the time of a planning application]	It will be for the applicant to provide robust evidence on why provision of M4(2) and M4(3) is less suitable for meeting the standards. The policy will be viability tested as part of a whole plan assessment.	No change	135	Marrons (Strata Homes)
Requirements for M4(2) and M4(3) should be done on a site by site basis.	The Planning Practice Guidance says that local planning authorities “ <i>should clearly state in their Local Plan what proportion of new dwellings should comply with [M4(2) and/or M4(3)].</i> ” However, the policy does build in flexibility based on site-specific factors.	No change	150; 214	Savills (David Wilson Homes); Stantec UK (Bloor Homes and Taylor Wimpey)
There should be balancing clauses in the policy to enable reasonable flexibility. This would avoid the potential for developments, which would otherwise be acceptable, to fail due to rigid requirements	Above, we have suggested that part (3) is amended and we think this amendment satisfies these comments.	No change	232	Stantec UK (Caddick Land)