

Vale of White Horse Draft Local Plan 2031 (“the Plan”)

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Matter 12

Are the policies relating to the presumption in favour of sustainable development and building a healthy and sustainable communities soundly based.

12 Introduction

12.01 This statement refers to the latest Government statement on carbon emission reductions, figures on the need for smaller dwellings, and the Housing and Planning Bill. **There is the very important consideration that a number of local communities are embarking on neighbourhood plans that are likely to be seeking to contribute to the achievement of sustainable development, including the 60% reduction in carbon emissions deemed to be unfeasible by the VWH. The Local Plan should not include strategic policies which would limit the scope of NDPs to achieve sustainable development in their areas.**

12(a) Presumption in favour of sustainable development CP1

12.02 The position of the Secretary of State can be found in the Foreword to the NPPF where Greg Clark states that ,“The purpose of planning is to help achieve sustainable development” (see also s39(2) of the 2004 PCP Act), and, “Sustainable development means ensuring that better lives for ourselves don’t mean worse lives for future generations”. In the words of an Inspector, to benefit from the ‘presumption’, development must “consume its own smoke”.¹ The Plan should be found to be unsound if development could accord with the policies and but not be carbon neutral.

12.03 The Energy Secretary has made it clear² that the country is falling substantially short of its legally agreed carbon reduction targets and has identified the need to reduce carbon from heat (inc water heating) and transport. A development plan should not be found to be sound where it supports sub-standard housing and very high levels of car dependency.

12.04 The Sustainability Appraisal shows that most of the new development carried out in accordance with the Plan will have ‘minor negative’ impacts. There is no counterbalancing ‘major positive’ impact, the only basis on which the planned development could be ‘sustainable’.

12.05 Just on the question of the objectively assessed need for new housing, a paper was produced on the SHMA which explains why this should be only one part of such an assessment in terms of both the number of

¹ APP/N2345/A/12/2169598

² Speech to Parliament 18 November 2015

dwellings and the type which are needed as part of a programme of sustainable development. This must include a strategy which addresses the unsustainable level of under-occupation of the existing housing stock and prevents the building of further uncaring, unneighbourly and unsocial residential areas.

12.06 A public meeting was held by the LPA on 19 November 2014 to explain the strategy set out in the Plan and answer questions. The question was put as to **whether either the LPA or its Local Plan was in any way responsible for ensuring that the proposed 40% growth in jobs and housing (and associated infrastructure) would comply with the law (Climate Change Act 2008) and policy (NPPF para 94) that require carbon emissions from new and existing development to decrease by between 50% and 60% during the Plan period?** The following answer was given by the Cabinet member for Planning Policy:

- neither the Plan nor the District Council are immune from having to deal with these targets,
- it is doubtful that the UK will meet its EU obligations,
- The locational strategy (eg larger villages and Green Belt sites) would reduce emissions.

“Sustainable development” (the NPPF ‘Golden Thread’) is not a term to be found in the Foreword signed off by the councilors nor in any of the promotional material. It seems that the Council has taken the view that carbon reductions targets are very **unlikely** to be achieved, and it would be unrealistic to expect the Plan to reflect or help achieve the reduction of carbon emissions required by law and policy, and to accord with the views of the Communities Secretary.

12.07 The following analysis of the Plan shows that it has succumbed to the rhetoric of economic growth and lacks the necessary ambition to achieve Government or EU carbon reduction targets, despite there being proven ways of constructing carbon negative buildings, effecting a modal shift to low carbon transport and localizing and de-carbonising the food supply chain. It would be contrary to both the CCA 2008 and the NPPF to find a Plan to be sound that has been prepared on the premise that such targets are unattainable. The Council should be required to reconsider the way in which jobs and homes might be created to assist in the creation of a low carbon economy.

12.08 In contrast, the Oxford Environmental Change Institute has responded to the prospect of 100,000 new homes in the County by explaining how these could contribute and actually drive the process of change to a low carbon economy.³ And in recent research into the attitudes of young people, the most popular Narrative was.

“Climate Change is here and now - Climate change isn’t a problem for the future, it’s happening now. Current generations

³ Oxfordshire’s low carbon economy [Environmental Change Institute](#) 2014

are going to have to live with its consequences but are also the ones who can take the lead in getting to grips with it. We need to de-carbonise the economy, starting with the power sector, and keep global temperatures within the '2 degrees' target to avoid the worst consequences of climate change.”⁴

Those responsible for producing the Plan appear to be out of touch with what experts regard as feasible, what is necessary, what is statutorily required, and what people actually want.

- 12.09 However, the Plan starts with a false dichotomy at para 1.14 suggesting that, ‘this means that we should consider the long-term consequences of development alongside our short-term priorities.’⁵ Notwithstanding the need to blend the social and economic elements of sustainability, to be ‘sound’ **Core Policy 1** should include a requirement, “... **to accord with the CP1 all new development must demonstrate how it would be carbon neutral and not increase the carbon emissions from existing development (eg through increased congestion).**”

12 (b) Housing Mix – CP22 (12)

- 12.10 Under-occupation of the existing housing stock is the least recognized but most unsustainable aspect to national and local housing provision. This is something that could be addressed through new residential development. Nationally, the provision of smaller dwellings is necessary to meet the demand for suitable down-sizing options from the 8 million households identified by the All Party Parliamentary Group on Housing and Care for the Elderly⁶. Small dwellings are also required to meet the needs of new households in terms of both space and affordability. Dwellings vacated by downsizers could meet the need for larger dwellings or subdivided to contribute to the need for smaller dwellings.
- 12.11 Housing provision is heavily influenced by the concept of ‘objectively assessed need’. In these circumstances the need (see ONS – QS-408EW and average size of household about 2.4 and declining) is for smaller dwellings and, due to the process described in 12.11, there is no need for any larger dwellings. Larger dwellings would actually create a need for more smaller dwellings as children age and leave the ‘nest’ resulting in two or more small households. No doubt some larger dwellings will continue to be built, lowering densities and using more land and materials, as exceptions for which there is no objectively assessed need. Such dwellings should be designed to be easily and cheaply sub-divided to meet future needs. CP22 is insufficiently clear and sound to deal with this important issue and should be re-worded to prioritise 2 bedroomed dwellings.

⁴ *Young voices; How do 18 to 25 year olds engage with climate change?* 2014 Climate Outreach Information Network - the Paris COP might change this target to 1.5 degrees

⁵ This reflects statements made by the councillor responsible for the Plan referred to at para 1.05 above.

⁶ Reporting September 2015

- 12.12 The fact that the SHMA finds that the need for small housing is greater in the social rented sector, and the need for larger housing is in the private sector shows the lack of objectivity of the SHMA assessment of need and its reliability and credibility.
- 12.13 A crude calculation shows that in the District there are currently about 80,000 spare bedrooms in the existing 50,000 dwellings, equivalent to about 40,000 2 bedroomed dwellings. This unused space⁷ is twice the 'need' for new housing (ie about 20,000) that has been identified in the SHMA. It can be seen that the need for new housing would vary substantially depending on the size of new housing being built. Building predominantly smaller houses and supporting subdivisions of existing larger dwellings (providing flats/apartment/annexes) would not only go towards meeting the needs of the smaller households but substantially reduce the assessed need for 20,000 new dwellings set out in the SHMA. That figure would only be 'needed' if the Plan were to perpetuate the current levels of under-occupation. This unsound Plan would miss the opportunity to create a better balance of the size of housing and households and would be supporting unsustainable residential development on a grand scale.⁸
- 12.14 Before the Plan is adopted the Housing and Planning Bill will have been passed. There is no reason to believe that the provisions relating to self and custom building by individuals and associations of individuals will not be included in the legislation. The requirement for LPAs to keep registers of these needs should be referred to in development plans – together with any definitions which might be delegated to the local level. It will then be essential for the development plans to explain how the demands are to be met. In the case of the VWH this should include a proportion of the demand that might have been expressed through registers kept by Oxford City Council.
- 12.15 Whilst it is clearly not possible to predict the level of demand on registers that do not yet exist⁹, it is known that the Government expects self and custom building by individuals and associations of individuals to make a significant contribution to housing supply (currently limited by the capacity of about 9 volume builders) and not just as a fulfillment of individual choice (as per NPPF para 50). The new legislation would be ineffective if local plans failed to provide the opportunities for self and custom building and this could most easily be done through a policy which required, **"CP22... conditions to be imposed on all housing developments of 5 units or 0.2 ha and above to reserve 20% of the net area for self and custom building."**
- 12.16 The Plan would explain, **"CP22...the 'reserving' of land would be for a period relating to the size of the site and a formula for**

⁷ Of course this space is often used for hobbies, work, guests and storage but in a discussion of housing need the scale of under-occupation and the potential for addressing some of the local needs should be appreciated.

⁸ Under-occupation has a substantial negative impact on carbon emissions from heating and transport that the Government now understands need to be urgently reduced.

⁹ 145 of the 2000 responses to the Drayton NDP village survey expressed an interest in self-building and 50 in co-housing

assessing the cost to the self/custom builders (with an arbitration clause). The formula would include a provision for the servicing of the land and carrying out some of the construction costs.”

- 12.17 Given the importance of housing size and mix to the sustainability of new residential development CP22 should, **“...support the imposition of conditions requiring planning applications to be made (ie limiting permitted development rights) to maintain an appropriate mix of housing (and energy efficiency).”**

12(c) Housing Density – CP23

- 12.18 It might not be appropriate for the Plan to specify precise densities as these would be site specific and also a result of approving sustainable developments in accordance with other policies in the Plan.
- 12.19 However, the Plan should be requiring, **“...most new housing to be terraced (or flats in appropriate locations) as the easiest and cheapest way of improving energy efficiency.”**
- 12.20 Building the smaller housing that would meet the needs of smaller households would probably result in somewhat higher densities. However, a sound Plan would seek to, **“...meet the needs and demands of potential down-sizers (and some new households) for some smaller dwellings with proportionately larger gardens.”**

12(d) Affordable Housing – CP24

- 12.21 It was only through a Court judgement in 1992 that the affordability of housing (relative to local wage levels) became accepted as a material planning consideration. In most if not all of the area covered by the Plan a 20% discount on the purchase price (the proposal in the Housing and Planning Bill) or the same discount on the rent (40% discount for a social rent) would not make the new housing affordable to local people. In these circumstances the distinction identified by the Courts as a ‘material consideration’ does not apply, and it would be inappropriate if not illegal to base planning policy on ‘affordable housing’ that is not genuinely affordable.
- 12.22 The housing and planning system works in a way that builders will continue to build houses for sale and rent just so long as there are purchasers and renters/registered providers prepared to pay prices to give a viable return. However, purchasers receive a range of inducements and discounts only very tenuously related to matters covered by planning controls (eg Starter Homes, Help to Buy, Housing Benefit, bank of ‘mum and dad’) all prone to changes over which there is no control or certainty. The definition of affordable or social rents can change, under 25s might be excluded from housing benefit and the rents being charged by registered providers might /are being reduced. In these circumstances the only level of genuine affordability that can reasonably be relied on by the Plan **is a factor of average wage levels**. This must be specified in the Plan so that it can be factored into estimating the value of building land in the district. This would also relate to the provision of housing affordable for key workers.

- 12.23 Subject to the contribution made to self/custom building projects, this form of housing could and should be accepted as part of any affordable housing quota. This would be entirely consistent with the current regulations excluding affordable housing and self-building from paying s106 and other financial contributions to infrastructure. Without such a policy, self-building would be very unattractive to an LPA seeking to finance the necessary infrastructure to service the growth of housing and business. It could also be consistent with the Government's proposal to make private purchases affordable.

12(d) Rural Exception Sites – CP25

- 12.24 The concept of 'exception sites' was originally based on the idea that a discounted land value was necessary to provide housing affordable to local people. This was at a time when there was insufficient understanding that the principle of affordable housing established by the Courts was in fact based on local affordability.
- 12.25 Re-applying the original basis for distinguishing housing on the basis of local affordability might remove the need for 'exception sites'. However, if such sites are to be identified they should be, **"CP25..... 'reserved' as part of any larger site receiving planning permission in or on the edge of a village."** This policy requirement would be factored into the value of these sites. The contingency of allowing badly located (and unsustainable) sites of little hope value would no longer be necessary.

12(f) Accommodating the current and future needs of the elderly population – CP26

- 12.26 Since the draft Plan was produced the All Party Parliamentary Group for the Housing and Care of the Elderly have found that about 8million elderly households are looking for suitable opportunities to downsize. This is not evident from **Core Policy 26**.
- 12.27 The concept of Lifetime Homes that encourage under-occupation and isolation is being reconsidered and replaced by Lifetime Neighbourhoods within which people can move as household circumstances change, including aging and caring. This does not mean that there should not be a supply of homes built to high mobility standards, but these will mostly be smaller dwellings and there should be a policy, **"CP26 ...the original design of larger dwellings must show how they can be easily and cheaply re-configured through sub-division."**
- 12.28 This section should have referred to the design of dwellings 'suitable' for the elderly but not 'for' the elderly'. These can be attractive to downsizers in their 50s or 60s rather than more specialist accommodation designed to meet special needs which normally occur in later life. The Plan has not picked up the reference to bungalows in the SHMA. The Plan should address this issue (so many small bungalows continue to be extended into large houses) and explain the benefits of dwellings with self-contained ground floor, but with

accommodation provided at the first floor to take advantage of the foundations and roofspace. The Plan should then provide the justification for, “... **conditions removing permitted development rights and limiting extensions to retain the required balance of dwelling types, affordability and energy efficiency.**” Such controls might seem to be strict, but are justified in the context of the lax control that has resulted in a legacy of unsustainable residential development, most if not all of which now requires to be upgraded.¹⁰

- 12.29 In many other countries senior co-housing has become normal while in the UK it is exceptional and the ‘choice’¹¹ is not available. Given the extraordinary benefits of co-housing, particularly to those in later years,¹² development plans should ensure that policies positively support this type of housing by, “**CP26...reserving land on all permitted and allocated sites of over 1 ha for co-housing.**”¹³

12.3 Are the policies relating to protecting the environment and responding to climate change soundly based?

- 12.30 The absence of any policies supporting access to affordable land and suitable housing for the purposes of smallholding¹⁴ renders the Plan unsound. Whilst soundness is not normally reliant on additional policies, the food supply chain is so important to climate change (estimated carbon emissions between 13% and 50%) that a Plan that fails to address this issue cannot be contributing to the achievement of sustainable development.

12(d) Sustainable design and construction – CP40

- 12.31 Any policy that does not, “**CP40... require new buildings to be carbon neutral or negative.**”, would be contributing to the achievement of unsustainable development – contrary to s39(2) of the 2004 Act. The London Mayor is insisting on zero carbon homes and experts believe that the scrapping of the target is short-sighted, claiming that the additional costs would be negligible¹⁵. There are an increasing number of carbon neutral developments, illustrating the unsustainability of development applying lesser standards.

¹⁰ 80% of existing dwellings are EPC Band D or below

¹¹ See NPPF para 50 and the Housing and Planning Bill reference to ‘associations of individuals’

¹² the potential savings to the health and care bills will soon raise the profile and popularity of this form of housing, whether purpose built or as lifetime neighbourhoods

¹³ Not restricted to those co-housing groups Registering their desire to self-build

¹⁴ 200 of the 2000 respondents to the Drayton NDP village survey expressed an interest in smallholding

¹⁵ <http://www.businessgreen.com/bg/news/2435504/london-to-keep-zero-carbon-homes-goal-says-mayor-boris>