

Town and Country Planning Act 1990 (as amended)

Rebuttal Proof of Evidence on Housing Mix On behalf of Keepmoat Homes Ltd.

An appeal by Keepmoat Homes Ltd against Newark and Sherwood District Council's decision to refuse an application for planning permission. The appeal proposal is for residential development of 103 dwellings and associated access and infrastructure, on Field Reference Number 7108, Eaking Road, Bilsthorpe.

PINS Reference: APP/B3030/W/3265876

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Planning Application Ref: 20/00873/FULM

Appeal Site: Field Reference Number 7108, Eakring Road, Bilsthorpe

Town and Country Planning Act 1990
Section 78

Rebuttal Proof of Evidence on Housing Mix

Prepared on behalf of
Keepmoat Homes Ltd

Evidence of
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CONTENTS	PAGE
1.0 Introduction.....	4
2.0 Affordable Housing Need and AFFordability	5
a) Affordable Housing.....	5
b) Affordability.....	5
3.0 The Needs of Older People and Need for Adapted Homes	6
a) Older Persons Needs.....	6
b) Adapted Homes	6
4.0 Dwelling Mix at District and Sub-Area Level.....	8
a) District-level analysis	8
b) Sub-area analysis	8
5.0 Summary and Conclusions	9

1.0 INTRODUCTION

- 1.1 The rebuttal has been prepared on behalf of Keepmoat Homes Ltd ('the Appellant'), in response to the proof of evidence prepared by Dr Michael Bullock. At paragraph 1.5 Dr Bullock sets out that his evidence focuses on affordable housing need, the needs of older people and the need for adapted dwellings and finally the dwelling mix evidence in the 2020 HNA.
- 1.2 I consider that this rebuttal has proved necessary, because several areas Dr Bullock focusses on within his proof are not within the Council's reasons for refusal and are not within the Council's Statement of Case. Therefore, I had not anticipated needing to cover these additional points in my proof. Furthermore, it is my hope that through this rebuttal the areas of dispute are narrowed.
- 1.3 Dr Bullock's proof is split into 6 sections, the sections which I will be covering in my rebuttal are:
 1. Affordable Housing Need and Affordability
 2. The Needs of Older People and Need for Adapted Homes
 3. Dwelling mix at District and Sub-Area Level
- 1.4 In addition to this I will also be referring to the optional technical housing standards of the Planning Practice Guidance which are now included as Appendix 1 to this rebuttal.

2.0 AFFORDABLE HOUSING NEED AND AFFORDABILITY

a) Affordable Housing

2.1 For the purposes of this inquiry, I accept the general methodology in the 2020 HNA to calculate Newark and Sherwood affordable housing need. As set out in paragraph 2.2 there is a gross need of 617 affordable dwellings each year and when considering the existing supply, a net shortfall of 243 dwellings is calculated.

2.2 I have reviewed MHCLG live tables to analyse the delivery of affordable housing in the District. Table 1 provides a summary of this information on different types of affordable housing completions. The delivery of affordable housing in the District has been low, none of the previous 5 most recent years have come close to achieving the target set out in the 2020 HNA.

Table 1. Newark and Sherwood Total Affordable Housing Completions in the last 5 Years

2015-16	2016-17	2017-18	2018-19	2019-20
53	115	107	101	142

Source: Summary of MHCLG Live Tables 1006 - 1009

2.3 The appeal scheme will deliver 10 affordable homes on site.

b) Affordability

2.4 Affordability is considered at paragraphs 2.5 to 2.8 and within table 2 of Dr Bullock's proof. Table 2 sets out the Council's position on affordability, highlighting the least affordable house prices. Within Keepmoat's market research report (CD 2.15), page 19 (PDF version), are recommendations for house types and sales values. It is important to note that only one of these recommended house types (4 bedroom detached £245,000 to £250,000) only partial falls into Dr Bullock's analysis at table 2. Therefore, it is questionable whether any of the Keepmoat product's on this site would fall into this analysis of higher priced properties.

3.0 THE NEEDS OF OLDER PEOPLE AND NEED FOR ADAPTED HOMES

a) Older Persons Needs

3.1 I cover older persons needs in my proof of evidence.

b) Adapted Homes

3.2 Paragraphs 3.5 to 3.7 of Dr Bullock's proof set out a summary of the Council's evidence on the need for adapted homes. Reference is made to paragraph 4.58 of the 2020 HNA which again summarises this part of the evidence.

3.3 Paragraph 3.7 of the proof, Dr Bullock states these should be recognised in the proposed development. I consider that irrespective of the evidence for adapted homes, there is a specific process to go through in Plan Making, before any such standards can be applied.

3.4 The Planning Practice Guidance (Appendix 1) provides the necessary clarity on how a need for adapted homes can be calculated and then how these can be applied to decision making.

3.5 Paragraph: 002 Reference ID: 56-002-20160519 – sets out that a LPA can set technical standards in their area, using evidence and setting **appropriate policies in their Local Plans.** Paragraph: 003 Reference ID: 56-003-20150327 goes on further and states a LPA **should consider the impact of using standards as part of their Local Plan viability assessment.** With reference to the PPG I consider it is very clear that these technical standards should only be applied once an appropriate policy is contained within a Local Plan.

3.6 arc4 through their advice to the Council in the 2020 HNA at paragraph 4.60, go further and state:

When setting a target for M4(3) standard housing, the council should be mindful of PPG which states that Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. It should also be noted that any percentage requirements for accessible housing are subject to cumulative viability testing. It is also recommended that needs are monitored closely given the ageing population over the plan period.

3.7 Paragraph: 007 Reference ID: 56-007-20150327, asks *What evidence should local planning authorities use to demonstrate a need to set higher accessibility, adaptability and wheelchair housing standards?* A list is provided within the PPG of the evidence that could be used:

Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- *the likely future need for housing for older and disabled people (including wheelchair user dwellings).*
- *size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).*
- *the accessibility and adaptability of existing housing stock.*
- *how needs vary across different housing tenures.*
- *the overall impact on viability.*

To assist local planning authorities in appraising this data the government has produced a

summary data sheet¹. This sets out in one place useful data and sources of further information which planning authorities can draw from to inform their assessments. It will reduce the time needed for undertaking the assessment and thereby avoid replicating some elements of the work.

- 3.8 In addition to my principal position that technical standards can only be applied once a suitable policy is adopted, I do not consider the evidence in the 2020 HNA address the requirements of the PPG. However, a public inquiry is not the appropriate forum to analyse this evidence, it is clear that this should be done through the preparation and examination of a Local Plan.

¹ <https://www.gov.uk/government/publications/building-regulations-guide-to-available-disability-data>

4.0 DWELLING MIX AT DISTRICT AND SUB-AREA LEVEL

a) District-level analysis

4.1 I have no further comments to make on this.

b) Sub-area analysis

4.2 At paragraph 4.8 I agree with Dr Bullock that on the Council's own evidence the strongest need is for 3 and 4 bed houses, a total of 73.1%.

4.3 Within paragraph 4.9 Dr Bullock has merged the data analysis for 1 to 2 bedroom houses and 3 bedroom houses, to give a 1-3 bed profile. I consider that it is important to retain clarity between the groupings, as it is clearly shown that the highest need is in 1-2 bed houses.

5.0 SUMMARY AND CONCLUSIONS

- 5.1 I consider the evidence produced by Dr Bullock goes beyond the Council's Reason for Refusal and their Statement of Case. For that reason I have prepared this rebuttal.
- 5.2 I agree with Dr Bullock's assessment of Affordable Housing Need, for the purposes of this inquiry. I have provided further analysis which shows the Council failing to meet affordable housing need in recent years and a low level of affordable housing provision generally.
- 5.3 Dr Bullock's use of the least affordable house prices is miss placed. As I set out in my proof of evidence, the Keepmoat Homes product does not fall into this category. Furthermore, the advice given to Keepmoat Homes at the planning application stage and before the 2020 HNA was published, advises that the types of homes to be built on the appeal site would not be within Dr Bullock's table 2.
- 5.4 I do not agree that technical standards for adaptable homes can be applied now. I consider that these can only be used through the implementation of a development plan policy, following the examination of a Local Plan.

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