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SENT BY EMAIL  
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Dear Planning Policy Team,

### **RYEDALE LOCAL PLAN: KEY DECISIONS CONSULTATION**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Ryedale Local Plan Key Decisions consultation.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF notes that Ryedale will become part of the new North Yorkshire Council from April 2023, and that North Yorkshire Council have committed to making a new plan within 5 years if its vesting date.

#### **Plan Period**

4. The document considers alternative options in relation to the Plan period but appears to consider that the plan will be required to cover a Plan period of 15 years. The HBF would concur that any new Plan needs to cover a 15-year period from the date of adoption. The NPPF<sup>1</sup> states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery.

#### **Proposed Housing Requirement**

5. The current Ryedale Plan identifies a housing requirement of at least 200 dwellings per annum (dpa). The Strategic Housing Market Assessment (September 2022) identifies that Ryedale should deliver at least the 186 dpa target of the Standard Method. The Council are proposing to continue with the current plan figure of 200 dpa.

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<sup>1</sup> NPPF 2021 Paragraph 22



6. The HBF considers that it is appropriate for the Council to use the Standard Method as the starting point for determining the housing requirement, as set out in the NPPF and the PPG. However, the HBF also recommends that the Council consider the potential circumstances when it might be appropriate to plan for a higher housing need figure than the standard method indicates as set in the PPG<sup>2</sup>. This includes growth strategies for the area, strategic infrastructure improvements, taking unmet need from neighbouring authorities, previous levels of delivery or previous assessments of need. This will help the Council to determine if the housing requirement figure should be higher.
7. The current Plan seeks to concentrate new housing at the market towns, with a focus on Malton and Norton, and ten key service villages. The key decisions document highlights challenges with continuing this distribution including the capacity of infrastructure. Therefore, the Council are proposing to move towards a less concentrated, more dispersed approach to distributing growth, with development focused at the market towns and specific villages including the existing service villages and selected additional villages.
8. The HBF considers that it is important that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas. The NPPF sets out how important it is that a sufficient amount and variety of land comes forward where it is needed and to meet the needs of groups with specific housing requirements.

#### **Local Needs Occupancy Condition**

9. The Council propose to not continue with the Local Needs Occupancy Condition, as it is not in the spirit of national policy, there are implications in relation to its implementation, it does not deliver affordable housing and it stymies small-scale builders. The HBF considers that it is appropriate to cease the Local Needs Occupancy Condition. The HBF does not consider that the Local Needs Occupancy Condition was in line with current policy and considers that it does not support the objective to boost supply or promote sustainable development in rural areas where it can enhance or maintain the vitality of rural communities.

#### **Primary Residence Condition**

10. The Council propose that a primary residence condition is not imposed in the review of the Ryedale Plan. The HBF considers that this is appropriate, as the HBF did have concerns that this approach could be an impediment to the effective delivery of homes and could impact on the prices of second-hand homes.

#### **Small-scale windfall housing schemes**

11. The Council have suggested that rather than reviewing the Development Limits they will consult on a criteria-based policy which could be applied to small scale housing developments outside of Development Limits.

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<sup>2</sup> PPG: 2a-010-20201216

12. The HBF generally considers that the principle of the policy is appropriate, but consider that a number of the criteria proposed are not necessary or that the detail is not appropriate. The HBF considers that the Council should reconsider what it is they are trying to achieve, assuming that this is development in locations well related to settlements, that provide residential developments that are of an appropriate scale proportionate to the settlement and take in to consideration the local character, this could be a much shorter and more concise policy. It is not necessary to repeat policies found elsewhere in the plan, such as density, housing mix, protection of heritage assets or to require schemes to apply with other policies as these will already apply.

### **Accessibility Standards**

13. The Council are considering whether the 5% bungalow requirement should be retained, or whether there should be a requirement for dwellings to be built to the M4(3) standards or whether the two should be combined so that the 5% bungalow requirement also requires these dwellings to be built to the M4(3) standard.
14. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG.
15. PPG<sup>3</sup> identifies the type of evidence required to introduce such a policy, 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. It is incumbent on the Council to provide a local assessment evidencing the specific case for Ryedale which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. 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.
16. The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, this is not just in relation to the ability to provide step-free access.
17. The Council should also note that the Government response to the Raising accessibility standards for new homes<sup>4</sup> states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.

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<sup>3</sup> ID: 56-007-20150327

<sup>4</sup> <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

18. The HBF considers that 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. The HBF considers that this may not always be in the form of bungalows or M4(3) homes, and may need further consideration.

### **Sustainable Build Standards**

19. The Council propose to update Policy SP18 to reflect factual updates and the new Building Regulations. They suggest they are unable to set specific sustainable build standards as that would require viability testing and further evidence in relation to deliverability. However, they suggest that new allocations will be expected to have some form of decentralised renewable / low carbon energy generation employed on their schemes.
20. The HBF generally supports the Council in seeking to update this policy to reflect factual changes. However, the HBF does not consider that the Council setting its own standards in relation to decentralised renewable or low carbon energy generation is necessary. The HBF is concerned that the Council is adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers.
21. The HBF acknowledges that Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 outlines that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The NPPF<sup>5</sup> looks for all plans to take a proactive approach to mitigating and adapting to climate change. However, PPG<sup>6</sup> refers to the Planning and Energy Act 2008, the Deregulation Act 2015, and the Written Ministerial Statement (March 2015) and states that policies in relation to energy performance standards should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (approximately 20% above the then Building Regulations across the build mix). Part L of Building Regulations was updated in 2021 to achieve a 31% reduction in carbon emissions for new dwellings. Current Building Regulations, which took effect on 15 June 2022, therefore exceed Level 4 of the Code for Sustainable Homes. This therefore means the policy would directly conflict with both the PPG and the 2015 Ministerial Statement.
22. The Council also propose to introduce the 110 litres / person / day standard. The Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The Optional Technical Housing Standard is 110 litres per day per person.

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<sup>5</sup> NPPF 2021 paragraph 11(a), 20(d), 152-154

<sup>6</sup> ID: 6-012-20190315

23. As set out in the NPPF<sup>7</sup>, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. Therefore, a policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG<sup>8</sup> states that where there is a *'clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'*. PPG<sup>9</sup> also states the *'it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement'*. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. Yorkshire and Ryedale are not considered to be an area of Water Stress as identified by the Environment Agency<sup>10</sup>. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability.

### **Future Engagement**

24. I trust that the Council will find these comments useful as it continues to progress its Local Plan or moves towards the North Yorkshire Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

25. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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<sup>7</sup> Paragraph 31

<sup>8</sup> ID: 56-014-20150327

<sup>9</sup> ID: 56-015-20150327

<sup>10</sup> 2021 Assessment of Water Stress Areas Update:

<https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>