

Sent by email to: [Planning.policy@cherwell-dc.gov.uk](mailto:Planning.policy@cherwell-dc.gov.uk)

03/11/2023

Dear Sir/ Madam

### **Cherwell Local Plan Review 2040**

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

### **Formatting of policies**

2. At present none of the individual elements within each policy are numbered. The HBF would recommend that to improve the useability and the referencing of elements within each policy by decision makers and applicants they should be numbered.

### **Plan Period**

3. Cherwell District Council (CDC) are proposing a plan period of 2020 to 2040 which will require the plan to be adopted by the end of 2025 to ensure that the plan looks forward for a minimum of 15 years as required by paragraph 22 of the NPPF. Whilst it should be possible to adopt the plan within this timeframe the HBF would suggest that the plan is extended by an additional year to 2041 to ensure that the plan period is consistent with national policy.

### **Core Policies 1 to 6**

4. All these policies are inter linked to require development to be zero carbon. This is to be achieved through improvement in fabric efficiency and the use of renewable energy. Where

this cannot be achieved it will require development to offset any carbon through a payment to the Council's carbon offsetting fund.

5. The HBF recognises the need for new homes to be more energy efficient and support reductions in CO<sub>2</sub> emission and support the Government's phased approach that will see the future Homes Standard (FHS) being implemented with all new homes being zero carbon ready from 2025. However, the HBF is concerned that the Council is seeking to push energy efficiency standards of new homes beyond those in the FHS and which all new development delivered through this local plan will have to abide by. This will mean that as the national grid decarbonises the energy used by these homes will produce less and less carbon. Given that decarbonisation of the National Grid will be reached by 2050, in line the Government's time frames for achieving net zero, the approach set out by Government through building regulations is consistent with the country's legal obligations. The HBF therefore does not consider it necessary for the Cherwell to adopt alternative standards.
6. In addition, it is not clear from the Council's evidence how the standard they are proposing relate to those that are expected to be delivered by the Future Homes Standard. The Council must provide evidence as to how buildings can achieve the standards set out in both CP3 and CP4 in relation to Fabric Energy Efficiency and carbon emissions and whether these are deliverable. It is not clear how much of an improvement these are compared to FHS that is expected to be in place prior to the likely adoption of this local plan and in particular the additional cost of achieving the proposed standard. The Council paper on Net Zero Homes refers to evidence from other areas indicating that similar approaches are feasible and viable, but it will be for the Council to provide justification that the specific approach proposed by the Council is feasible and viable in Cherwell.
7. In particular we note that the Whole Plan Viability Assessment provides very little recent evidence as to the cost of delivering higher energy efficiency standards in new homes and appears to consider an approach that does not reflect that being proposed in in the draft local plan. For example, the cost in table 8.5 on are from a study published in 2018 and relate to improvements compared to the 2013 Building Regulations. It is also it is not clear whether it is considering the same approach set out in this policy given that it refers to policy ESD3 and makes no mention of the standards set out in CP2, 3 and 4. THE WPVA states at paragraph 8.58 that the base assumption used is that development will be zero carbon but does not state how this is to be achieved (fabric improvements, carbon offsetting, renewable energy etc) with the broad assumption taken that it will add 11% to the cost of

development. It is assumed that this relates to the 2013 Building Regulations as WPVA refers to the 75% improvement achieved by 2025 which would be consistent with the improvements achieved by the FHS, but this needs to be clarified by the council's consultants.

8. However, the costs used would appear to be inconsistent with recent evidence published by the Future Homes Hub to inform the delivery of the 2025 Future Homes Standard<sup>1</sup>. Fig 7 and Appendix E of this report provides detailed costings with regard to a range of technical specifications for an end of terrace house which indicates that the costs of achieving the fabric energy efficiency ratings suggested in CP3, the carbon reduction in CP4 and the provision of renewable energy required by CP2 that is required to achieve zero carbon emissions will be significantly higher than that considered in the viability assessment. For example, to achieve all the policy elements proposed by the Council would seemingly require specification 3, 4 or 5 which respectively add 15%, 19% and 17% to the cost of meeting current requirements of Part L of the Building Regulations published in 2021. This is significantly higher than the 11% increase above the 2013 building regulations suggested in the WPVA.
9. However, whilst the costs suggest by the Future Homes Hub provide an indication of the significant increase in build costs in meeting similar standards they are not like for like comparisons with the Council's proposed policies. Further detailed assessment as to the costs of meeting the proposed policies will be necessary to ensure these standards do not render development unviable in combination with all the other policy costs placed on development through this local plan.
10. Regarding CP3 the Council will require development to achieve a Fabric Energy Efficiency (FEE) metric of no more than 15-20 kWh/m<sup>2</sup>/year. Firstly, if the council is to require development to deliver an FEE of between 15 and 20 kWh/m<sup>2</sup>/year it is unnecessary to prefix this with "no more than". Secondly the council need to be clear as to whether this applies to individual homes or if this to be achieved as an average across the whole development. For some typologies delivering an FEE below 15-20kWh/m<sup>2</sup>/year will be achieved relatively easily yet for some homes, detached houses and bungalows for example, will struggle to achieve this level of performance. It therefore makes sense, and does not alter the outcome of the policy, to ensure that across a development the average FEE of 15-20 kWh/m<sup>2</sup>/year

---

<sup>1</sup> Ready for Zero, Task Group Report (Future Homes Hub February 2023)

is achieved. This will also provide greater flexibility in how these higher standards are achieved and support a mix of homes in line with the Council's expectation in policy CP37.

11. CP4 and CP5 set out the Council's approach to carbon offsetting. These policies require a residual carbon produced from regulated and unregulated emission over the buildings lifetime – 30 years – to be offset through a payment to the Council's carbon offsetting fund. The HBF consider this approach to be unreasonable given, as mentioned above, that the aim is for national grid to be decarbonised by 2050. This means that development delivered following the adoption of this plan will not be emitting carbon from energy use over the full 30-year life span of the building as suggested by the council. Also, as the grid decarbonises the emissions from the energy use of new homes built in the early years of the plan will reduce over time. The emissions factor used to calculate carbon emissions from energy use obtained from the national grid will be reduce over that time and as such a payment based on the current emissions factor used in SAP may not be reasonably and fairly related in scale and kind to the development.
12. CP4 also states in the opening paragraph that development will be required to achieve net zero regulated carbon emissions that are 63% below those achieved by Building Regulations Part L 2021. However, CP2 and part iv of CP4 refer to both regulated and unregulated emissions/ energy use. Not only is the approach inconsistent the HBF considers it inappropriate for the developer to take account of unregulated energy use or carbon emissions given that these relate to how a home is used rather than fabric of the building itself.
13. Finally, the HBF is concerned that CP3 requires the implementation of the energy hierarchy and the need for monitoring verifying and reporting on energy performance. Whilst providing feedback to residents as to their energy use is understandable it is not appropriate for such information to be reported to the Council. How an individual uses their home will impact on their energy use and the developer cannot be held accountable in future should this be beyond the standard set out in this policy. Clarity as to what is actually required with regard to monitoring and reporting is essential.

### **Core Policy 9: Water Resources**

14. This policy states that development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses. The HBF consider this part of

the policy to be unsound as developers, in law, have a right to connect, and accompanying this is a legal duty on companies providing water supply and wastewater services, to meet the needs of the plan-led system.

15. In law, by virtue of s106 of the Water Industry Act 1991 (WIA 91), developers, including housebuilders, have an absolute right to connect to the public sewage system. In a modern-day context this right has persisted since the Public Health Act 1936. It has also been upheld in several Court decisions since the 1950's and more recently in the Supreme Court decision (2009) in Barratt versus Welsh Water. It is accompanied by a statutory duty placed on the water industry (companies providing water supply and wastewater services) to meet the infrastructure needs of the plan-led planning system - a material requirement under s94 (1)(a)(b) of the WIA 1991. The duty of a sewerage undertaker pursuant to s94 is enforceable under s18 of the WIA1991 by the Secretary of State or on the direction of the Secretary of State by the Regulator (Ofwat). In addition, the duty under s94 is supplemented by the need to comply with the Urban Waste Water Treatment (England and Wales) Regulations 1994 which provide that the duty under s94(1)(b) shall include a duty to ensure that urban waste water is, before discharge, subjected to the appropriate treatment as required/influenced by other facets of environmental legislation.
16. The requirements of this policy would, consequently, be contrary to the approach that has been established nationally, and in law, as it places the onus on the applicant to demonstrate capacity rather than the provider of water services to ensure that it invests to meet planned requirements as established through this and other local plans. The Council therefore needs to work with the relevant water companies to ensure there is sufficient water resources to support new development across the plan period.

### **Core Policy 11: Protection and enhancement of Biodiversity**

17. The policy outlines in the third from last paragraph that new development will need to secure the long-term management and monitoring of biodiversity features created on site and off site to compensate development impact through a biodiversity improvement plan. This would appear to be a reference to securing biodiversity net gains and we would suggest this would be more appropriate under Core Policy 12.

## **Core Policy 12: Biodiversity Net Gain**

18. The Council will require 20% in BNG on urban extensions and in Nature Recovery Network Core and Recovery Zones. Everywhere else will be 10%, however, the council asks whether 10% should be made a requirement at the expense of other requirements. The HBF does not consider it to be justified for the Council to require net gains of more than 10%. There are significant uncertainties as to the cost of delivering 10% net gains let alone requiring development to go beyond that are difficult to assess through the whole plan viability assessment. The WPVA produced to support the preparation of this local plan for example uses the costs from the Government impact assessment. Whilst these figures provide a basis for understanding it is important to recognise that the cost of BNG will vary significantly from site to site depending on the base line of biodiversity on the site and how that can be mitigated. The cost may be well in excess of those in WPVA. Therefore, even for the 10% legal requirement the Council will need to show that there is sufficient headroom in viability to ensure that the 10% can be achieved alongside all the other policy costs placed on development.
19. A 20% requirement on development would add significantly to these costs, especially for those sites that cannot meet the statutory 10% BNG on site as all of the additional gain would need to be delivered off site. This would require further headroom in viability across the Borough and potentially create viability issues that would necessitate other policies, such as those for affordable housing or energy efficiency, to be reduced. The HBF are especially concerned that as the majority of the additional net gain to achieve 20% would potentially need to be delivered offsite that this would place pressure on what are still in most areas very immature local markets for BNG credits. The lack of local credits would require offsite delivery outside of the area or the use of national credits which would either increase costs to the developer or delay the delivery of a site until credits are available.
20. Rather than seek to place additional burden on new development the Council should instead work with developers and other stakeholders to ensure that the 10% BNG can be delivered within Oxfordshire to avoid unnecessary additional costs and delays to development.
21. With regard to delivering BNG the Council sets out that development should follow the mitigation hierarchy with net gains delivered on site as a first preference. The policy then goes on to state that where net gains cannot be delivered on site it should be delivered as

close as possible to the development on projects identified in the green and blue infrastructure strategy, or within the core zone of the nature recovery network. However, whilst the delivery of net gains as suggested by the council may be preferable, they cannot specify where net gains should be delivered locally. As the council note in the third bullet of paragraph 3.67 there may be other schemes locally that can provide the necessary net gains that are not with the suggested areas and development should not be prevented from using any available alternatives.

22. Similarly, the Council must be clear that should local mitigation not be available then they can deliver credits outside of the local area or indeed purchase national credits. The Council recognise in paragraph 3.67 that these are an option to developers but make no reference to them in policy. These will be the last resort for developers due to the additional cost, but the Council should recognise in policy that they are an option should no appropriate mitigation be available locally.
23. Finally, it should be noted in the supporting text or policy that BNG can be delivered via either a Section 106 agreement or through a Conservation Covenant. Although best practice on conservation covenants is still emerging recent guidance on how to apply to be a Responsible Body, sets out who can become a Responsible Body, an option not limited to just Local Authorities (see <https://www.gov.uk/government/publications/conservation-covenants-apply-to-become-a-responsible-body>).

### **Core Policy 21: Sustainable Transport and Connectivity Improvements**

24. The Council needs to provide clarity with regard to the provision of car and electric vehicle community sharing clubs. As the Council will be aware these are commercial activities and whilst there may be justification for ensuring that there is parking space to support the provision of car sharing clubs it should not be for the developer to provide or commission such a service. The policy should be amended accordingly.

### **Core Policy 34: District wide housing distribution**

#### ***Housing needs***

25. The HBF were disappointed that the Oxfordshire LPAs abandoned the preparation of the Joint Strategic Plan (JSP) and the opportunity to prepare a single strategic plan for the

county that supported an ambitious economic growth strategy of national importance. As the Council will be more than aware Oxfordshire is a key part of the UK's economy with the Oxfordshire Local Industrial Strategy agreed with Government in 2019 and which built on the significant investment over recent years from the Oxfordshire Local Economic Partnership. In the absence of a strategic plan for the county it is therefore beholden on each LPA to now prepare local plans that continue to support these economic ambitions and ensure that a lack of housing in the county is not, as is stated in paragraph 81 of the NPPF, a barrier to the investment needed to achieve the level of growth expected.

26. Even without the driver of the JSP the HBF would have expected the LPAs across Oxfordshire to work together to establish the required growth to support these economic aspirations. This has not been the case and as such welcome the fact that Cherwell and Oxford City Council have taken the lead and commissioned a housing and economic needs assessment (HENA) to establish the level housing growth needed across the county to support expected levels of economic growth. This work provides a compelling piece of evidence that sets out an alternative approach to assessing needs that takes into account expected levels of economic growth across the functional economic market area based around Oxford at its centre.
27. What is evident from the HENA is that even the lowest alternative assessment of housing, the CE Baseline, indicates that a substantial increase in new homes will be required compared to the that arrived at using the standard method. This scenario would require an additional 1,000 homes to be delivered across Oxfordshire compared to the standard method. If growth is higher than the baseline achieved in recent years, then the HENA indicates that needs could be well over 2,000 dpa higher than the standard method. This evidence provides a strong argument that the Oxfordshire LPAs will need to plan well beyond the standard method over the next 20 years. What is clear from the HENA is that the Standard Method figure should be ruled out as this would lead to unsustainable daily commuting into Oxfordshire as the county's economy grows and lead to local plans that are inconsistent with paragraph 104 and 105 of the NPPF.
28. Cherwell and Oxford City both consider it appropriate to plan for the baseline growth scenario. The Council set out in paragraph 3.169 that the reason for choosing this scenario is to take account of the past economic growth but also reflect the negative shock of the COVID-19 pandemic and the economic uncertainties around Brexit. However, the HBF are concerned that the Council is are being overly cautious. Whilst some caution may be



appropriate, the drive for economic growth being proposed by the Local Enterprise Partnership and the fact that the local plan looks well beyond the both the pandemic and Brexit the Council must recognise that there is a strong likelihood that economic growth will exceed past trends over the plan period. As such the HBF would advocate planning for a level of housing growth across the county of somewhere between the CE Baseline and economic development led scenario at around 5,000 dpa.

29. As to the proportion of that growth that should be taken forward by Cherwell, we would agree with the approach suggested in the HENA which is based on employment distribution at the end of the plan period. This would result in a housing requirement for Cherwell of 1,145 dpa as set out in the table below:

<b>Area</b>	<b>Projected proportion of Oxfordshire's housing need</b>	<b>Housing requirement</b>
Oxfordshire	100%	5,000
Cherwell	22.9%	1,145
Oxford	30%	1,500
South Oxfordshire	18%	900
Vale of White Horse	16.2%	810
West Oxfordshire	12.8%	640

Distribution of Oxfordshire Housing needs by employment in 2040 based on suggested 5,000 dpa for Oxon.

*Unmet needs form Oxford City*

30. CDC recognise that they will need to plan for some of the unmet needs arising from Oxford. Oxford City Council (OCC) have now confirmed that it has the capacity in its regulation 19 local plan to deliver 9,612 between 2020 and 2040, around 481 dpa. This is an annual shortfall of 841 dpa - around 17,000 homes across the plan period. However, this need is based on scenario 3 in the HENA and, as set out above, the HBF would consider scenario three in the HENA, on which the current shortfall is based, not to be sufficient to support economic growth potential of Oxfordshire. Based on the suggested distribution in the consultation document and the HENA, 30% of the County's housing needs is generated by Oxford. Applying this to the higher growth scenario for the county of 5,000 dpa suggested above we would expect Oxford's housing needs to be circa 1,500 dpa. As such a shortfall in housing delivery arising from Oxford would be around 20,000 homes between 2020 and

2040, rather than the 17,000 homes suggested by CDC and OCC. If the same distribution for unmet needs as for the previous local plan, then Cherwell would be looking to accommodate approximately 33% of those needs – around 330 dpa.

31. The distribution of Oxford's unmet needs will be for the Councils to decide this as part of any cooperation supporting plan making in Oxfordshire, but it is evident that Cherwell and its neighbouring in Oxfordshire will need to uplift their housing requirement substantially to accommodate Oxford's unmet housing needs. Given the stance of its neighbours the HBF recognise that this will be challenging. However, if the county is to deliver its economic potential, which is of national importance, it will be essential for Oxford and Cherwell to ensure the other Oxfordshire authorities to take forward plans that support economic growth and, if necessary, challenge those authorities at the examination of their local plans.

#### *Overall housing requirement*

32. Based on the considerations above the HBF judge the housing requirement for Cherwell to be circa 1,145 dpa. Added to this the Council will need to add circa 330 dpa towards Oxford's unmet housing needs. As such CDC should be planning for around 1,500 dpa and 30,000 homes between 2020 and 2040. Extending the plan period will increase this requirement but given the constraints in Oxford consideration will need to be given as to how much this additional year will increase the requirement by.

#### ***Housing Supply***

33. Based on the Council's proposed housing requirement this local plan must identify sites to deliver an additional 4,654 homes in Cherwell by 2040. The plan has identified site that could deliver a further 4,615 homes and as such there is a small shortfall against the Council's identified needs. In order to meet the level of need the HBF consider to be required the council would need to find sites to deliver an additional 8,394 homes by 2040 against which there is a shortfall of around 3,700 homes.

#### *Contingency*

34. Regardless of the number of homes the council are required to deliver it will be necessary for the council to ensure that there is a degree of contingency in its housing supply across the plan period. Whilst every effort must be made to ensure that at submission that the sites

expected to come forward over the plan period will it is inevitable that there will be delays to delivery that cannot be foreseen or the pace of delivery is not as expected. To some extent this can be addressed by not having overly optimistic delivery expectations. However, it is also necessary for councils to have a buffer between needs and supply across the plan period. There is no hard and fast rule as to the level of contingency, but the HBF would recommend it is at least 10% though this may need to be higher depending on the spatial strategy taken forward by the council. The more development needs that are met on just a few very large sites requires a greater level of contingency as the risks of delays increase with the complexity of the site being delivered.

### *Trajectory*

35. As required by paragraph 74 of the NPPF the Council will need to include a housing trajectory in its pre submission local plan. This trajectory illustrating the expected rate of housing delivery over the plan period and if appropriate to set out the anticipated rate of development for specific sites. Alongside this we would also recommend that the Council include in the plan or the evidence a table setting out the delivery trajectory of each of the sites including in the plan and which make up the overall trajectory. Such a table is necessary in order to facilitate the necessary scrutiny of the housing trajectory and In our experience if such a table is not provided it is asked for by inspectors as part of the examination in public.
36. In terms of the delivery trajectory of homes across the plan period the HBF consider it important that there should be a continual supply of homes and that the Council should look to ensure that it can meet its annualised need and not rely on a stepped trajectory that will reduce the housing requirement the early years of the plan. Whilst PPG outlines that there are circumstances where a stepped trajectory might be appropriate this should only be a last resort. For LPAs such as Cherwell where affordability is worsening it is essential that the supply of new home is not delayed. The HBF would advocate the allocation of more small and medium sized sites across the Borough as a means of securing increased supply in the early years of the plan.

### *Ring fencing supply to meet Oxford's needs.*

37. The HBF would not consider the ring-fencing supply to meet Oxford's needs to be appropriate. The spatial strategy adopted to meet the housing requirement will need to take

into account the importance of Oxford as the hub of economic growth for the county, but it does not need to set aside specific sites which will meet Oxford's housing needs.

### *Small sites*

38. The allocation of small sites is a priority for the Government with paragraph 69 of the NPPF stating that LPAs should identify through the development plan or brownfield register land to accommodate at least 10% of the housing requirement on small sites. This policy stems from the Government's desire to support small house builders by ensuring that they benefit from the having their sites identified for development either through the local plan or brownfield register. The effect of an allocation is to take some of the risk out of that development and provide greater certainty that those sites come forward. This in turn will allow the SME sector to grow, deliver homes that will increase the diversity of the new homes that are available as well as bring those homes forward earlier in the plan period.
39. The Council should also recognise that allocating small sites and supporting SME house builders not only ensures a stronger supply in the short term but also improves the diversity of choice within local housing markets, support local and regional supply chains and are often pivotal in bring forward innovation and supporting jobs growth locally, with 1 in 5 of the SME work force comprising of apprentices.
40. A failure to allocate small sites will contribute to the continued decline in small and medium sized house builders. Recent research by the HBF has found that there are 85% fewer small house builders today than there was 20 years ago and that of a survey of 202 SME house builders 87% said they were considering winding up their residential activities in the next three years. Whilst this decline is due to a range of factors more allocations of small would ease the burden on many SME developers and provide more certainty that their scheme will be permitted allowing them to secure the necessary finance that is often unavailable to SMEs until permission is granted.

### **Core policy 36: Affordable housing**

41. Firstly, the first paragraph needs to be amended to state that it does not apply to sites that are less than 0.5 hectares to be consistent with national policy.

42. Secondly, a further amendment is needed to improve the policies flexibility and allow for the overall contribution for affordable housing to be reduced if development is made unviable by this policy. The wording in the proposed policy allows for an offsite provision or a financial contribution where it can be robustly justified however the policy makes no allowance for reducing the overall affordable housing contribution from a development. Given that the Whole Plan Vitality Assessment in Tables 10.2a and 10.2b shows that there will be circumstances where development will be made unviable by the policies in this local plan it is important to ensure that the affordable housing policy, as well as other policies can be varied, to secure the delivery of these sites. It is notable that those sites where viability is most likely to be compromised are those on brownfield land. Given the importance attached by government to the development of such sites it is vital that there is the necessary flexibility to secure their delivery should they become available for redevelopment. Without this amendment the policy is not consistent with national policy and would be ineffective.

#### **Core policy 37: Housing mix**

43. The policy states that the housing mix should be in accordance with the council's current evidence. Whilst the HBF appreciate that needs will change over time it is important the policy doesn't require development to meet a standard that is set out elsewhere. As such we would suggest that the policy is reworded to state that in setting the housing mix applicants would have regard to the current evidence rather than having to accord with it. The reference to market condition in any assessment of the housing mix is welcomed and supported. Developers are in the best position to understand what type of home are needed in an area and how those needs changes over time.

#### **Core policy 38: Specialist housing**

44. The evidence in the HENA indicates that there is significant increase in the number of older people in Cherwell and a significant increase in the demand for specialist accommodation in over the plan. As such a positive approach is vital to ensure the right sites gain permission in the right locations. The most effective means of meeting these needs is through the allocation of specific sites deliver development that meets the accommodation needs of older people. As such the HBF consider it important that local plans look to allocate specific sites to meet the needs of older people rather than seeks to meet this need solely through delivery on other sites.

45. However, alongside allocation the Council need to set out a more positive policy to support development for older people that has not been allocated. Firstly, we would recommend that the Council sets out in policy a target for the delivery of homes for older people and maintains a supply of land to meet that target. Whilst we recognise that there is not a requirement in national policy for the Council to maintain a specific supply of accommodation for older people identifying the level of need and monitoring supply would aid decision makers in the application of this policy and ensuring needs are met over the plan period. Such an approach would also ensure effective monitoring in relation meeting the needs of older people and encourage positive decision making if there is a deficiency in supply.
46. Secondly, the local plan should set out at the start of the policy its support and encouragement for older persons accommodation on brownfield and other land in established urban and suburban environments and which is not allocated (i.e., windfall sites). CP38 sets out its support older people's accommodation but does so at the end and we would suggest this amended to provide a firmer indication of the council's support for the delivery of this type of development in sustainable locations.
47. Finally, the WPVA indicates that the development of specialist housing for older people, both extra care and sheltered accommodation, on brownfield land will be made unviable based on the policies in the local plan. We would therefore suggest that this type of development is specifically exempt from affordable housing policies to ensure it can come forward in the most sustainable and appropriate locations in Cherwell.

### **Core Policy 39: Residential Space Standards**

48. It is important to recognise that the optional technical standards can, as set out in footnote 49 of the NPPF and paragraph 56-002 of Planning Practice Guidance (PPG), only be introduced where they are needed. However, the only justification provided by the Council in the local plan is that these standards are now mandatory on new dwellings developed under permitted development rights. This may be the case, but this does not remove the requirement to show that these standards are actually needed and address an actual problem within Cherwell.
49. Whilst the HBF share the Council desires to see good quality homes delivered within Cherwell we also consider that space standards can, in some instances, have a negative

impact upon affordability issues and reduce customer choice. In terms of choice, for example, some developers will provide entry level two, three and four-bedroom properties which may not meet the optional nationally described space standards, but which would allow on lower incomes can afford a property which has their required number of bedrooms.

#### **Core Policy 40: Self-Build and Custom-Build Housing**

50. In general, the HBF does not consider it appropriate for a blanket requirement for self-build homes on large housing sites to be appropriate as the deliverability of self-build plots will vary from site to site. On some sites it will not be possible for example that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.
51. Instead, the approach to self-build should focus on identifying specific sites on which self-build can be delivered rather than including it as part of other sites delivering market and affordable housing. Such an approach would be consistent with planning practice guidance on this matter which encourages councils to work with landowners rather than place requirements on them with regard to plots for self-build and custom house building. The Council will also need to have considered other opportunities to meet their duties to meet demand for self-build housing set out in paragraph 57-029, such as how any land being disposed of for development by the Council could be used to support self-builders.
52. In addition, the Council should consider whether it might be more appropriate to release more small sites for self and custom build housing rather than rely on larger sites which are less likely to meet the needs of many self-builders. Such an approach would not only better meet the expectations of those looking to build their own home but also ensure the Council meets the government's expectation for delivery on small sites set out in paragraph 69 of the NPPF.
53. If the Council chooses to require the delivery of self-build plots on larger sites, then they will need to provide the evidence to support this policy. Whilst the self-build register will provide a key part of this evidence the Council will need to ensure that it is robust and has been reviewed to ensure that those on the list are still looking to self-build and have the means

to do so. The policy must be proportionate and relate to what is needed and not lead to a level of provision that is beyond identified needs. We note that the policy includes a mechanism as to when self-build plots should return to the developer to be built out. However, it does not set out how long the marketing period should be. The HBF would recommend a period of 6 months from first being marketed to ensure that changes in conditions required for these to revert to the developer can be agreed prior to completion of the site.

## **Future Engagement**

54. I trust that the Council will find these comments useful. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry if that would be helpful. The HBF would like to be kept informed of the progress and adoption of the Local Plan. Please use the contact details provided below for future correspondence.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Behrendt'.

Mark Behrendt MRTPI  
Planning Manager – Local Plans  
Home Builders Federation  
Email: [mark.behrendt@hbf.co.uk](mailto:mark.behrendt@hbf.co.uk)  
Tel: 07867415547