

Home Builders Federation

Representor Number 412

Hearing Session: Issue 10

## ASHFORD LOCAL PLAN EXAMINATION

**Issue 10: Are the other topic policies for housing including high quality design justified, deliverable and consistent with national policy? Will they be effective?**

iv) In criterion a) of Policy HOU3a what is the meaning of “appropriate to”? Is criterion c) unduly restrictive or unclear? Does criterion h) provide sufficient flexibility to reflect the replacement of existing facilities or circumstances when they are no longer in use and unlikely to be required for the foreseeable future and does it have regard to the provisions in this respect in Policies EMP2 and COM1?

We have an overarching concern that policy HOU3a is not conducive to supporting the Council’s windfall expectations and will be used to restrict rather than promote development. One example of this is criterion c) which could be seen as unduly restrictive and unclear. The NPPF requires that any policy included in the plan “... provide a clear indication as to how a decision maker should react to a development proposal ...” (para 154). Criterion c) does not meet this requirement as it requires two subjective decisions based on the harm to public or private land that makes a positive contribution. It is not clear what constitutes substantial harm to a piece of land that is not the loss of that land and how that would be different to harm considered in other parts of the policy relating to the amenity of residents or harm to biodiversity for example.

vi) What is the evidence, including that from the register, to justify the site thresholds and proportion of self and custom build development in Policy HOU6? Does the policy include sufficient flexibility and are criteria a) – c) justified?

We do not consider criteria c) to be justified. New homes – whether they are self-build custom build or market homes – should not be subject to requirements over and above building regulations. There is no justification for requiring self-build and custom house-builders to meet criteria c)

xi) In terms of effectiveness, does Policy HOU10 add anything which is not already addressed by policies HOU3a and HOU5? Is it possible that the slightly different tests set out in these policies would result in a lack of clarity and predictability? Does Policy HOU10 adequately address the issues raised in paragraphs 5.84 – 5.86? In particular, would it be effective in addressing the balance referred to in paragraph 5.85? Should any distinction be made within the policy to any differences in approach to gardens in built-up areas and those in the countryside?

No comment

xiii) The WMS of 25 March 2015 establishes that optional space, accessibility and water efficiency standards should only be required if they address a clearly evidenced need and where their impact on viability has been considered. In relation to policies HOU12, HOU13 and ENV7, what is the evidence in relation to need and viability for use of the nationally described standards? Has the Council had regard to the PPG on Housing – Option Technical Standards and paragraphs 006, 007, 008, 009, 015, 016, 017 and 020 in particular? Is there any requirement for a transitional period in any of these policies as referred to in paragraph 020 of the PPG?

We could find no evidence in relation to the need for the optional technical standards in the Council's evidence base or its local plan. These standards should not be considered as nice to haves but need to haves which are adopted to address a real issue being faced by the LPA. Without this evidence the inclusion of these policies in the Local Plan cannot be justified and they should be deleted.

xiv) Is Policy HOU15 too prescriptive in relation to the 10m depth of gardens and does it adequately reflect paragraph 5.106 in terms of being flexible depending on individual circumstances? Does the 'rule of thumb' of using dwelling width adequately address the needs of different types or sizes of dwelling or the specific characteristics of individual sites?

Yes. There are no official guidelines on what is an appropriate standard of outdoor space and if such a policy is to be included in the local plan it should have sufficient flexibility to allow for a range of sites. This flexibility is especially important given that the Government are looking to increase the density of development in town and city centres. This policy could prevent the Council from optimising densities in such locations by setting rigid requirements.

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