6 September 2019

Dear Mr Banks

Tandridge Local Plan - INSPECTOR’S INITIAL MATTERS, ISSUES AND QUESTIONS
Andrew Black Consulting on behalf of Village Developments
Matter 8: Development Management Policies

I write on behalf of the Village Developments in response to the Inspector’s Initial Matters, Issues and Questions (MIQs) for the Tandridge Local Plan. Andrew Black Consulting (ABC) will be appearing at the examination on behalf of Village Developments who own the omission sites set out below against which Regulation 18 and 19 statements have been previously made. The HELAA References, where available, are set out in brackets.

- 34 Kings Cross Lane, South Nutfield (NUT020)
- 46 Redehall Road, Smallfield (SMA035)
- Godstone Road, Lingfield (LIN005)
- Land at Waller Lane, Caterham (CAT038)
- Hurst Place Woldingham (WOL001)
- Land East of Chalkpit Lane (No HELAA Reference)
- The Depot, Redehall Road, Lingfield (No HELAA Reference)
- Carlton Road, South Godstone (No HELAA Reference)
- Gresham Place, Portleywood Road, Whyteleafe (No HELAA Reference)
- Barnfield, Caterham (No HELAA Reference)

The comments made relate only to those questions as set out below. We have no comments to make on other policies and questions set out by the inspector.

**Matter 8: Development Management Policies**

**TLP10: Responsive Housing Strategy**

8.12 In terms of paragraph 154 of the Framework, does Policy TLP10 provide a clear indication of how a decision maker should react to a development proposal?
Policy TLP10 states that

In order to address the need for different types, sizes and tenures, including specialist types of housing, proposals which accord with the requirements of should take account of the Council’s most up-to-date Housing Strategy. will be viewed positively.

Proposals should be informed by the Housing Strategy which will set the need and key standards for various types of housing, including but not limited to direction for a variety of housing typologies including:

- Self-build - including the selection criteria
- Elderly persons
- Specialist housing
- Tenure, type, size and their mix
- Empty homes

Paragraph 154 of the NPPF (2012) states that (inter alia):

Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.

The wording of TLP10 does not set a clear indication of how the decision maker should react to any development proposal. The fact that the Housing Strategy is not a Development Plan Document and could be updated at any time causes ambiguity and uncertainty for the interpretation of this policy.

In specific relation to Self-Build, Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, including Part 2 of the register (where a register is in two parts), that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

The Planning Practice Guidance sets out the ways in which the duty under the Self-build and Custom Housebuilding Act may be demonstrated by a Local Authority carrying out each function. In relation to planning functions it states:

The planning functions of an authority may include both plan-making and decision-taking functions. The registers that relate to their area may be a material consideration in decision-taking. Relevant authorities with plan-making functions should use their evidence on demand for this form of housing from the registers that relate to their area in developing their Local Plan and associated documents

Paragraph: 014 Reference ID: 57-014-20170728

It is acknowledged that the Council has referenced the current demand for Self Build and Custom Build within Policy HS3 of the Housing Strategy. However, demand for Self-Build within Tandridge is not static and the provision of serviced plots within a site is likely to generate demand from residents who would satisfy the criteria as set out in in Policy HS3.

8.13 The Council’s Housing Strategy is not a development plan document. Is it justified that the Policy favours proposals which accord with it or that Neighbourhood Plans should assist in meeting its objectives? Are the matters listed those which paragraph 159 of the Framework states should be considered in the preparation of the Strategic Housing Market Assessment?

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Paragraph 159 of the NPPF (2012) states that the Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which (inter alia): *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)*;

As set out above it is not considered that the true scale of demand for self-build within the district has been identified by the council nor has it been recognised that demand would likely be created if serviced plots were built upon a site. The SHMA (2015) makes no reference to self-build and the true demand for this housing typology is substantially under estimated within the current Housing Strategy.

8.14 Are the proposed Modifications necessary for soundness?

Yes, a specific policy relating to Self-Build is required which recognises the substantial legislation which supports the requirement to meet demand for this typology.

**TLP13: Rural Housing Exception Sites**

8.18 What is the justification for the use of the figure of no more than 20 units? Is it intended that development of such a scale would be considered as being ‘limited’ in regard to the fifth bullet point of paragraph 89 of the Framework?

Whilst the plan is being examined against the NPPF 2012, it is important to note that the revised NPPF would be a strong material consideration in any decision making process for a future application.

Paragraph 145 of the revised NPPF sets out a number of exceptions to inappropriate development in the green belt and part g states: *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:* – not have a greater impact on the openness of the Green Belt than the existing development; or
– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

There is no reference to a maximum figure of units that would be considered as ‘limited infilling’ and it is more appropriate to consider this on a site by site basis rather than imposing a blanket approach to all infilling.

8.19 Where is the evidence to justify that no more than 10% of units on sites of 10 units or more within a rural exception site can be market housing?

The Glossary of the NPPF (2012) sets out the definition of Rural Exception Sites as follows: **Rural exception sites**: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local
community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.

There is no reference to a maximum amount of market housing that can be included on a site. Whilst reference to the 'discretion' of the local authority is noted, this should be done on a site by site basis and a blanket approach to a maximum amount of market housing should not be imposed.

I can confirm that we will be seeking to appear in person for matter 8 at the hearing sessions and would be grateful for your confirmation of this.

Yours Sincerely

Andrew Black

07775 912 653
andrew@andrewblackconsulting.co.uk