



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

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Q1 How was the Dover Urban Area defined for the purposes of Policy SP5? Does it reflect the evidence in the Whole Plan Viability Study and Viability Study Update Note?

Q1 DDC Response:

1. The Dover Urban Area, as shown on Figure 3.1 of the Plan and on the policies map (SD02) was defined using the evidence in the Whole Plan Viability Study (GEB08a)¹.
2. The value areas in the district for the purposes of the viability study are described at paragraph 4.43. These were based on price paid data, asking prices, and were tested through the consultation process undertaken as part of the viability study. The areas are copied below for information.

Following the consultation, the residential value assumptions were updated as follows, where the following areas are used:

Higher Being the north of the District.

Medium Being the Coastal Towns to the east of the District and the Rural areas and settlements to the south of the District.

Lower Being the sites within and adjacent to Aylesham and the sites adjacent to wider Dover, principally to the north and west of the Dover built-up area, and Whitfield.

Dover Town Being the relatively tightly defined area of the built-up area of Dover.

3. The evidence shows that values within the Dover urban area for both existing and new build homes is significantly less than the surrounding areas. On the whole, the large greenfield sites around Dover are delivering housing that is quite different to the housing within the town itself. The area was defined based on this evidence.

¹ [GEB08a Whole Plan Viability Study Main Report and Appendices \(doverdistrictlocalplan.co.uk\)](http://doverdistrictlocalplan.co.uk)



Council’s Response to Inspectors’ Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

Q2 How will affordable housing be delivered in the Dover urban area as a result of Policy SP5?

Q2 DDC Response:

4. The application of Policy SP5 will not lead to delivery of affordable housing within the Dover Urban Area. This is based on the viability evidence as detailed within the response to Question 1.
5. However, as set out in paragraph 3.92 of the Plan, the nil requirement for the Dover Urban Area in policy terms does not prevent affordable housing coming forward in other ways, outside of the policy requirement. This could be through direct delivery of new council houses delivered by the Council, and through key partners such as Registered Providers and/or Homes England through its Strategic Plan 2023-2028².
6. It should also be noted that the following site allocations (Table 1) in Dover are owned by the Council and are primarily proposed to be delivered as affordable housing:

Table 1 – Site allocations in Dover owned by Dover District Council

HELAA reference	Local Plan site allocation policy number	Site address	Indicative capacity
TC4S026	SAP13	Land at Military Road, Dover	9
TC4S027	SAP13	Land at Roosevelt Road, Dover	10
TC4S028	SAP13	Land at Peverell Road, Dover	4
TC4S030	SAP30	Land at Colton Crescent, Dover	10
DOV006	SAP13	Land at Dunedin Drive (south), Dover	8

²assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1159274/Homes-England-strategic-plan-2023-to-2028.pdf



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

7. The Council is committed to delivering and supporting the delivery of affordable housing across the district, and in particular in areas such as Dover urban area where there is significant need. During 2023, the Council launched a district-wide housing needs survey to shape the emerging Affordable Housing Strategy 2023-2028 and has pledged to build 500 affordable homes across the district³. The Council is also committed to supporting Registered Providers to deliver affordable homes.
8. As can be seen from the Council's affordable housing webpages (links below), significant new affordable housing has been delivered across the district through delivery and acquisitions; a total of 240 homes since 2017, with over 80% of those within Dover Town itself⁴. More detail on the specific projects can be viewed on the council's website⁵.

Q3 Are the assumptions regarding infrastructure and Section 106 costs in the Viability Study Update Note still broadly accurate following updates to the IDP? What implications, if any, does the latest evidence in the IDP have on the viability of residential development and the ability to deliver affordable housing?

Q3 DDC Response:

9. The Whole Plan Viability Assessment 2020 (GEB08a)⁶ was undertaken alongside preparation of the Plan in order to ensure that the Plan and policies are viable over the Plan period.
10. The viability assessment covers two substantial matters. The first matter is in respect of testing the deliverability of the Local Plan to ensure that the sites identified in the Plan are not subject to a scale of planning obligations and policy requirements that render them undeliverable. The second matter relates to reviewing the level of section 106 (developer obligation) costs and the level of affordable housing that would allow the funding of infrastructure and meet needs, without putting at risk the economic viability of development in the District. The 2022 update (GEB08b)⁷ identified that in the two years since the 2020 assessment, house prices had increased at a higher rate than costs of construction and as a result there were no need to update the assessment, as the conclusions remained broadly the same.
11. As set out in para 8.41 of the 2019 viability study (GEB08a) a £4,000 per unit assumption for major development sites was used as a starting point for the

³ [DDC to launch first district-wide housing needs survey to help deliver affordable housing \(dover.gov.uk\)](https://www.dover.gov.uk/news/2023/03/ddc-to-launch-first-district-wide-housing-needs-survey-to-help-deliver-affordable-housing)

⁴ [Affordable housing statistics \(dover.gov.uk\)](https://www.dover.gov.uk/news/2023/03/affordable-housing-statistics)

⁵ [Completed developments \(dover.gov.uk\)](https://www.dover.gov.uk/news/2023/03/completed-developments)

⁶ [GEB08a Whole Plan Viability Study Main Report and Appendices \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk/generation-8/generation-8-08a-whole-plan-viability-study-main-report-and-appendices)

⁷ [GEB08b Viability Study Update Note \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk/generation-8/generation-8-08b-viability-study-update-note)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

assessment of transport and infrastructure costs, and sensitivity testing was undertaken on this which assumed up to £40,000/unit. Para 8.42 however, makes clear that in relation to strategic infrastructure and costs for strategic sites, the costs were unknown at the time and as assumption of £20,000/unit was used in the base appraisals, sensitivity tested up to £40,000/unit.

12. As set out in paragraphs 10.44 – 10.45 and accompanying tables 10.13 (a-d), a range of testing was undertaken on varied affordable housing rates and varied levels of developer contributions to ensure that a range of potential infrastructure costs were assessed. As can be seen in Table 10.13a (page 169), all sites in the higher value area viable at £10,000 per unit with 30% affordable housing and on some site types, up to £35,000 - £40,000 per dwelling costs. As similar conclusion is drawn in relation to the medium value areas for greenfield sites (Table 10.13b).
13. With regards to the strategic sites, table 10.13b does show that viability was more marginal as the infrastructure costs increased over £10,000 per unit. However, the update note (GEB08b)⁸ produced in 2022 reviewed these amounts based on the latest information, and although para 45. makes clear it remained a 'work in progress', the costs for the two strategic sites of Whitfield Urban Expansion were considered likely to be higher than the £20,000/unit and SAP24 Aylesham slightly less at £15,000/unit. The costs for other areas in the district were also anticipated as being significantly higher than the £4,000/unit base appraisals, and these assessments were based on the emerging IDP costs. This position has however been further refined since the production of GEB08b taking into account the latest position as set out within the Infrastructure Delivery Plan (ED7). For all major sites, the Council is satisfied that the viability sensitivity testing undertaken confirms that the anticipated S106 costs set out in the IDP is sufficient in most cases.
14. The viability assessment acknowledges the uncertainty around the impact of COVID-19 and Brexit on the economy and recommends that the Council monitors their effects closely, so that appropriate changes can be made to the Local Plan before it is adopted and highlights the importance of ongoing and proactive dialogue between site owners and developers and the Council. It is also recommended in the PPG that plan makers should continue to engage with landowners, developers, and infrastructure providers to secure evidence.
15. The Council has taken this approach and has specifically engaged, not only with providers on production of the IDP, but with the developers of the two strategic site allocations in relation to the costs of all infrastructure, including the funding and delivery of the highway mitigation.
16. In relation to Whitfield Urban Expansion, the council has been working alongside the developers, Persimmon Homes, to review the full affordable housing and infrastructure requirements and viability of the remaining areas of the site. This has included a review of the viability position. Appendix 3 of Matter 3 provides an

⁸ [GEB08b Viability Study Update Note \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

updated site-specific viability assessment for the remaining unconsented parts of Whitfield Urban Expansion.

17. The update takes account changing circumstances since the 2020 study, including the updated infrastructure costs and phasing, as well as changes in sales values and build costs. All assumptions have been agreed with the main site promotor, Persimmon Homes, as set out in the Statement of Common Ground.
18. In relation to the other strategic site SAP24 – Land South of Aylesham, the council and site promoters, Axis Land Partnerships for Trustees of the Lord Fitzwalter (1988) settlement, have entered into a Statement of Common Ground which sets out an agreed position on expected infrastructure costs and shows it can be achieved with full affordable housing policy compliance.
19. In conclusion, the Council confirms that the costs of policy compliant affordable housing has been subject to detailed viability and feasibility testing through a number of routes throughout the plan making process, assessing it against the most up to date information about potential S106 requirements, and based on the above latest evidence, is confident that the plan as a whole is viable and deliverable.

Q4 Based on the requirements for qualifying developments, how many affordable homes is the Local Plan expected to deliver? How does this compare to the identified need? If needs will not be met, what alternative options has the Council considered?

Q4 DDC Response:

20. The evidence base includes two different assessments of the requirement for affordable housing.
21. The Strategic Housing Market Assessment Part 2 – Objectively Assessed Need for Affordable Housing⁹ sets out an affordable need of 167 affordable units per year. This is calculated strictly in accordance with the PPG¹⁰. It is important to note that this is not a target as such and should not be considered in the same way as the overall requirements for housing as assessed under the Standard Method (or any other method).
22. The method for calculating Affordable Need is set out from paragraph 2a-018-20190220. Once the figure has been calculated the PPG says at 2a-024-20190220:

⁹ [HEB01b Strategic Housing Market Assessment Part 2 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk/HEB01b%20Strategic%20Housing%20Market%20Assessment%20Part%20-%20Objectively%20Assessed%20Need%20for%20Affordable%20Housing)

¹⁰ [Housing needs of different groups - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-needs-of-different-groups)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

'The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes'

23. Quite separately to the above calculation of affordable need, Paragraph 61 of the NPPF requires councils to calculate the '*minimum number of homes needed ... using the standard method in national planning guidance*'. The NPPF then says at Paragraph 62 that '*... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies ...*'.
24. In essence, the requirement is to calculate the overall requirements for housing and then disaggregate it by size and tenure. Initially, this was done in Chapter 4 of the Strategic Housing Market Assessment Part 2 (HEB01b), however it was then updated in Chapter 4 of the update to Part 2 of the Strategic Housing Market Assessment in 2019 (HEB01c)¹¹ and then revisited in the context of First Homes in Modelling the Future Demand for First Homes 2021 (HEB01d)¹² which advised (paragraph 4.18):

'The guidance is clear that there will be an expectation for local authorities to also provide Affordable Rented/ Social Rented accommodation where this meets the identified needs. We have therefore provided a further distinction within the proposed housing mix to include the potential demand for First Homes. The overall requirement for 16.4% of housing to be Affordable Rented/ Social Rented and 14.7% affordable home ownership (of which 5.9% could be Shared Ownership and 8.8% First Homes) reflects the mix of housing that would best address the needs of the local population. Within the affordable sector it is proposed that 52.9% of homes are Affordable Rented/ Social Rented, 18.9% shared ownership and 28.2% First Homes.'

25. This identified that just over 30% (16.4% + 14.7%) of the future housing requirement should be affordable housing. Policy SP5 takes this forward as 30%. As set out in Policy SP3 of the submission plan, the overall Local Plan housing need based on the standard methodology is 10,998 homes. Applying the overall identified 30% requirement to this figure, the need for affordable housing results is a need for around 3,300 units, However, as set out in SP3, a significant part of the overall supply is met by extant sites which already have consent.
26. Analysis of the supply data, extant sites and allocations identified in SP3 (submission plan) has been undertaken in the table below to assess the potential of affordable housing being delivered through the supply.

¹¹ [HEB01c Strategic Housing Market Assessment Partial Update \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk/HEB01c-Strategic-Housing-Market-Assessment-Partial-Update)

¹² [HEB01d Modelling the Demand for First Homes \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk/HEB01d-Modelling-the-Demand-for-First-Homes)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

Table 2 – Affordable housing likely to be delivered through Local Plan supply

Replication of SP3 (Submission Plan)	SP3 - units counted	AH Potential Analysis	Affordable Housing units expected
Local Plan Housing need (18 x LHN 2022 – 611)	10,998	30% of total	3,300
Extant Supply March 2022 with 5% non-implementation	3,829	Based on extant consent data of AH units	761
Whitfield UE Extant	1,120	No requirement	0
Subject to S106	137	Only 1 qualifying site included of 76 units	23
Ash NP sites	196	183 units are on qualifying sites	55
All LP allocations inc. SAP1	5,592	30% on qualifying sites only	1,308
Windfall allowance	1,050	Based on small sites – no AH expected from sites this size	0
TOTAL SUPPLY			2,147
		Deficit	-1,153

27. If based on the Local Plan allocations element of the supply only, rather than the total supply (6,642), the 30% affordable housing requirement need would be 1,993 homes.
28. However, in Dover Urban Area, the Council's ability to deliver affordable housing is constrained by viability, as set out in Question 1 above, and this is reflected within Policy SP5.
29. Based on 30% requirements for qualifying developments (removing small sites below the thresholds and Dover Urban Area allocations as set out in Policy SP5), the Local Plan is expected to deliver 1,308 of these affordable housing units over the plan period through qualifying developments.
30. With regards to the extant element of the supply, it is estimated that 761 affordable homes will be delivered out of the 3,829, 23 units out of those that were subject to S106 at that time and 55 units from the qualifying Ash Neighbourhood Plan sites. Overall, the deficit of affordable homes between the need and estimated supply is 1,153 units.
31. Given the above deficit, the Council would have needed to allocate land for in the region of a further 4000 homes to meet the need. Options that have been considered by the Council include increasing the overall housing target to enable a



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

higher delivery of affordable homes and considering an alternative distribution strategy that allocated more sites in the areas where it is viable to deliver affordable housing, rather than in Dover town. Both options would lead to an unsustainable pattern of development and there are insufficient suitable sites identified through the HELAA to make any meaningful additional contribution to the need. These options were therefore not considered reasonable to the Council.

32. However, it is important to note that some of the extant consents have been approved and based on the current development plan Affordable Housing Policy DM5, which in some areas requires less than SP5, or on sites of higher threshold than SP5. As set out in the response to Question 2 above, the Council is expected to deliver additional affordable housing through a number of other means, including direct delivery and acquisitions by the Housing department and through other mechanisms such as Homes England grants, which has been successful to date. Although the windfall data is based on small sites information, it is anticipated, based on historic data, that there will be sites of 10 or more units which come forward on qualifying sites in the plan period which will also be required to contribute to the affordable housing supply.

Q5 What is the justification for the suggested changes to Policy SAP5? Why are they necessary for soundness?

Q5 DDC Response:

33. There are two proposed Additional Modifications to supporting text of Policy SP5¹³ within SD06¹⁴. AM13 modification is to provide an accurate factual position of the percentages for the housing mix as set out within paragraph 4.18 of Modelling the Future Demand for First Homes (HEB01d)¹⁵ which had been incorrectly quoted in the Plan at paragraph 3.88.
34. AM14 is proposed to add clarity to the implementation of the policy with regards to specialist housing schemes, in particular for age restricted dwellings and other types of older persons housing where they are classed as independent units and would be considered a dwelling, regardless of the use class, and that in those circumstances the policy would apply. Although the Plan wording set this out, the modification is proposed to explain this in more detail to resolve any ambiguity. This position is supported by the 2020 decision of the High Court in Rectory Homes Limited v SSHCLG and South Oxfordshire District¹⁶ which highlights that extra care developments within Use Class C2 are not exempt from providing affordable housing

¹³ Note – Question states SAP5. The council have assumed a typographical error and responded to SP5.

¹⁴ [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](#)

¹⁵ [HEB01d Modelling the Demand for First Homes \(doverdistrictlocalplan.co.uk\)](#)

¹⁶ [High Court Judgment Template \(judiciary.uk\)](#)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 1 – Affordable Housing and Viability – Policy SP5

solely by virtue of falling within that use class. Whilst the modification adds clarity to users and therefore contributes to the effectiveness of the Policy, the Council does not consider the change to be necessary for soundness.



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 2 – Type and Mix of Housing – Policy H1

Issue 2 – Type and Mix of Housing – Policy H1

- Q1 Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including housing for older people and people with disabilities. What is the need for housing for older people and how will this be met over the plan period?**
- Q2 What is the justification for the threshold in Policy H1 of 10 dwellings?**
- Q3 Is it clear what the 'Council's latest evidence' relates to for the first paragraph of Policy H1, and what 'extensive and robust' evidence means for the second part of the policy? Is the policy sufficiently clear enough to be effective?**

Q1, Q2 and Q3 DDC Response:

35. The SHMA Partial Update in 2019 (HEB01c)¹⁷ indicated that based on the disaggregated local housing need projections, the population aged 65 or over is going to increase dramatically in Dover District over the plan period, from 28,409 in 2020 to 43,616 in 2040.
36. Given this dramatic growth in the older population there is likely to be an increased requirement for specialist housing options moving forward. The SHMA therefore modelled the future requirement for two types of specialist housing (housing for older people and housing with care) by applying the district's existing prevalence rates for people in each type of specialist accommodation to its household projections in 2040.
37. This analysis concluded that there would be a requirement for 642 additional units of specialist older persons' housing in the district by 2040, consisting of 576 units of housing for older people and 66 units of housing with care.
38. The SHMA also acknowledges that the actual numbers and type of specialist accommodation needed may depend on changes in patterns of demand and expectations and it is therefore appropriate to consider this level of need with the understanding that the form of accommodation delivered should not be too prescriptive.

¹⁷ [HEB01c Strategic Housing Market Assessment Partial Update \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 2 – Type and Mix of Housing – Policy H1

39. The household population figure used in calculating the need for specialist older persons' housing is arrived at by removing an estimate of those living in communal establishments such as old people's homes and other registered care establishments because they – this need therefore does not form part of the local housing need (LHN) but is in addition to it.
40. The disaggregated LHN projections indicate that there will be a requirement for an additional 990 spaces of registered care during the plan period to meet the future institutional population, in addition to the LHN.
41. At time of writing, the Council has granted permission for 144 extant units of registered care (falling under use class C2 and providing care home facilities for older people, therefore not counted towards supply for general housing) towards the need for registered care.
42. In addition, the strategic allocations at Whitfield, Aylesham and Elvington are required to provide a wide mix of housing types, including housing for older people with and without care provision. The remaining need for registered care and both types of specialist older persons' housing is expected to be met through development subject to the provisions of H1 i.e., applications for schemes of ten or more dwellings, and standalone schemes that come forward on other allocated sites.
43. Including the threshold of ten dwellings in H1 is intended to set a scale of development where policy requirements can reasonably be expected to be met and where the scale of the scheme gives sufficient flexibility to do so in a sustainable way.
44. Under the first part of H1, applications for schemes of ten or more dwellings will need to demonstrate how they have taken into account the latest evidence of need in terms of tenure, type and size of dwelling to ensure that a range of housing is delivered to meet the needs of different groups in the community, and this evidence should include the SHMA and any subsequent updates, and any relevant local housing survey data, for example and local needs assessments or Neighbourhood Plans. Where it is not possible to provide the full range of housing types, evidence of viability, any site constraints, or an oversupply of certain types of housing will be required to justify departing from the required mix.
45. Under the second part of H1, development proposals for standalone older persons housing or other specialist housing are exempt from the requirement to adhere to the required housing mix and will be supported in principle where the need has been identified by extensive and robust evidence, and where they can be located in a suitable and sustainable way.
46. As previously discussed, the Council's SHMA indicates a need for specialist older persons' housing and registered care places across the District during the plan period, however development proposals would be expected to also take account of any subsequent SHMA updates and any relevant updates to this through local housing survey data such as Neighbourhood Plans or area specific housing need surveys, which may theoretically be able to evidence a local need for particular



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 2 – Type and Mix of Housing – Policy H1

accommodation types. Therefore, the requirement for proposals to be supported by extensive and robust evidence and located in a suitable and sustainable way is considered justified.



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 3 – Rural Local Needs Housing – Policy H2

Issue 3 – Rural Local Needs Housing – Policy H2

Q1 Is Policy H2 consistent with national planning policy as set out in paragraph 78 (and Annex 2) of the Framework?

Q1 DDC Response:

47. Policy H2 is supportive of proposals for local needs housing in the district's rural area beyond a settlement's identified confines subject to the need being evidenced in a Local Needs Housing Survey, prepared by or in consultation with the local parish council or with the District Council's Housing Department. This is consistent with the requirement in paragraph 78 of the NPPF for councils to support housing which meets identified local needs.
48. The Policy also requires a legal mechanism to control initial and subsequent occupation of the properties to ensure that they remain available to meet the purposes for which they were permitted in perpetuity. This is consistent with the Annex 2 definition of rural exception sites which defines the purpose of such sites as seeking to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.
49. Aside from the requirements which are specific to local needs housing, the policy requires development to comply with criteria which might reasonably be expected on any site such as being of a suitable scale, type and tenure, safely accommodating traffic, being compatible with the layout, density, fabric and appearance of the existing settlement, conserving landscape character and biodiversity and preserving or enhancing any heritage assets within the site's setting.
50. The Policy establishes an expectation that local needs housing will normally be delivered without the need for cross-subsidy from market housing but requires robust viability evidence to demonstrate the need for market housing where this is not possible. This approach is consistent with paragraph 78.
51. In setting out specific criteria under which rural local needs housing will be supported, H2 provides a basis for the Council to use to assess such schemes and support them where the policy is complied with. Policy H2 is therefore considered consistent with national planning policy.



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 3 – Rural Local Needs Housing – Policy H2

Q2 What is the justification for the suggested changes to Policy H2? Why are they necessary for soundness?

Q2 DDC Response:

52. A modification is proposed in SD06¹⁸ (AM92) to the implementation text of policy H2, to add to paragraph 7.18 reference to the capacity of the rural road network and potential connections to sustainable modes of transport, as well as requiring that development proposals conserve the landscape character and avoid adverse impacts on the living conditions of nearby residents, which it had previously been suggested should be protected, this makes the wording consistent with other parts of the plan. The changes are not necessary for soundness but do render the paragraph more effective and address comments made at Regulation 19 consultation.

¹⁸ [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 4 – Meeting the needs of Gypsies and Travellers – Policies H3 and H4

Issue 4 – Meeting the needs of Gypsies and Travellers – Policies H3 and H4

17. Examination Document ED12 and associated Appendices 1 and 2 highlight that the calculation of need for gypsy and traveller accommodation was carried out incorrectly, and therefore the wrong figure was presented in the Regulation 19 version Local Plan.

Q1 What is the correct total need figure over the plan period? What is it based on and how has it been calculated?

Q1 DDC Response:

53. The Planning Policy for Traveller Site (PPTS)¹⁹ requires an assessment of the current and future needs of Gypsies and Travellers and Travelling Showpeople. The Council appointed arc4 to complete this assessment and the resulting report called the Dover Gypsy and Traveller Accommodation Assessment (GTAA)²⁰ described the methodology for calculating the need and established a cultural need for 30 pitches and a PPTS need for 18 pitches. This was for the period from 2014 to 2037. The GTAA Site Options Review²¹, published in 2020, undated this figure for a revised plan period of 2020 to 2040. This results in an overall cultural need for 26 pitches and a PPTS need for 16 pitches.

¹⁹ [Planning Policy for Traveller Sites \(2015\)](#)

²⁰ [HEB04 Dover Gypsy and Traveller Accommodation Assessment \(2018\)](#)

²¹ [HEB05a Gypsy and Traveller Site Option Review \(2020\)](#)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 4 – Meeting the needs of Gypsies and Travellers – Policies H3 and H4

Q2 Taking into account the answer to Question 1, what is the total number of additional pitches required over the plan period to meet this need?

Q2 DDC Response:

54. The Planning Policy for Travellers Sites (PPTS) only requires the Council to meet the PPTS need of 16 pitches.

However, the Council proposes to meet the full cultural need through the plan. In the recent 'Lisa Smith Judgement' the appeal court ruled that "*the nature of the discrimination...was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity*".

55. The PPTS guidance has not been changed to date, but the Judgement does underline the benefits of meeting the whole cultural need of 26 pitches.

56. There have no updates to the Planning Policy for Traveller Sites published to date. The Lisa Smith Judgement has not been challenged and the Council considers it is justified to meet the whole cultural need of 26 pitches.

Q3 Does the Plan make suitable provision to meet identified needs? Will needs be met in full?

Q3 DDC Response:

57. At the Regulation 19 stage, the GTAA was interpreted incorrectly. This resulted in the Council identifying a need figure (42 pitches) that was greater than the total cultural need for 26 pitches.

58. A calculation for the balance of pitches needed for the remainder of the Plan Period (as of July 2023) is set out in Table 1 of the Gypsy and Traveller Pitches Need and Supply Update Note²². The 5-year supply is also updated at Table 2.

59. The Council is confident that the identified need in the Local Plan can be met in full. There is already a land supply of 9 years.



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 4 – Meeting the needs of Gypsies and Travellers – Policies H3 and H4

60. If the Inspectors consider the plan needs to be updated to include the actual cultural need, suggested Proposed Modifications are set out in ED12b²³.
61. If it is not essential (or pragmatic) for the plan to be updated to include the actual cultural need then the Council would be content for the figures in the plan to remain unchanged. However, some minor changes to the text would help the users of the plan to understand the outputs of the GTAA more accurately.

Q4 Are the sites identified in Policy H3 justified, effective and consistent with national planning policy? Will they contribute towards meeting the identified need?

Q4 DDC Response:

62. The sites are existing Gypsy and Traveller sites capable of limited intensification. The sites are justified, effective and consistent with national policy. Their potential capacity to deliver additional pitches has been considered through site specific assessments set out in the Gypsy and Traveller Site Options Assessment (HEB05a and HEB05b), which demonstrates they are capable of delivery the number of pitches set out in the Plan. The extent to which they meet the identified need will depend on the need figure in the Local Plan, resulting from the discussion at Question 3.
63. A planning application²⁴ has been submitted for the site described as Plot 2b Land at Hay Hill (Bluebell Place).

Q5 Has the Council identified any needs for transit site provision, and how will these needs be met?

Q5 DDC Response:

64. The GTAA 2018 (HEB04)²⁵ assess the need for transit sites, and the requirements are set out in paragraphs 7.33 to 7.34. The outcome of this assessment concludes no transit provision is required.

²³ [ED12b Proposed Modifications \(SP3, H3, H4\)](#)

²⁴ 23/00221 | The siting of 5 additional static caravans for gypsy occupation (with associated works) | Land At Bluebell Place Hay Hill Ham CT14 0ED

²⁵ [HEB04 Gypsy, Traveller and Travelling Showpersons AA \(2018\) \(doverdistrictlocalplan.co.uk\)](#)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 4 – Meeting the needs of Gypsies and Travellers – Policies H3 and H4

**Q6 What is the justification for the suggested changes to Policies H3 and H4?
Why are they necessary for soundness?**

Q6 DDC Response:

65. In relation to Policy H3, three additional modifications are proposed in SD06²⁶ (AM93, b).
66. AM93 amends paragraph 7.18 to make some detailed changes to policy wording. These changes are points of clarification. They are minor in nature and not necessary for soundness but will make the policy easier to apply and more effective.
67. AM94 relates to protecting the character of the countryside and amends the wording is consistent with National Policy. This is necessary for soundness. Deletion of wording relating to screening makes the policy more effective. It was agreed with the AONB Unit in the Statement of Common Ground that this addressed their objection to H3.
68. AM95 proposes changes to which are minor in nature and not necessary for soundness. They will however make the policy easier to apply and more effective.
69. The proposed Post Submission Modifications set out in ED12b (PSM4 – PSM5) respond to questions 1, 2 and 3 of this Issue (Issue 4).
70. In terms of Policy H4, the changes to criteria (c) replace the word 'good' access with 'safe and suitable. This makes the Policy more effective. The reference to policy TI3 is simply a helpful clarification.
71. The changes to criteria (f) relates to protecting the character of the countryside and ensures the wording is consistent with National Policy. This is necessary for soundness. It was agreed with the AONB Unit in the Statement of Common Ground that this addressed their objection to H4.
72. The changes to criteria (l) are minor in nature and not necessary for soundness. They are points of clarification which will make the policy easier to apply and more effective.
73. The change to criteria (o) seeks to ensure the capacity of infrastructure is considered as well as local services. This change is not necessary for soundness, but it does make the Policy more effective.

²⁶ [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 4 – Meeting the needs of Gypsies and Travellers – Policies H3 and H4

74. The proposed Post Submission Modifications set out in ED12b (PSM6 – PSM8) respond to questions 1, 2 and 3 of this Issue (Issue 4).
75. An additional Post Submission Modification is also agreed with AONB Unit and is set out in the Statement of Common Ground. The change is necessary for soundness and ensures the wording is consistent with national policy. Criteria (e) is proposed to be amended as follows:

'In the case of proposals in, or adjacent to, the AONB or heritage coasts, that the proposal complies in the first instance with the primary requirement of conserving and enhancing landscape and scenic beauty, and where this is demonstrated, that the scale and extent of development is limited, sensitively located and designed to avoid or minimise adverse impact on the designated landscape';



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 5 – Self Build and Custom Housebuilding – Policy H5

Issue 5 – Self Build and Custom Housebuilding – Policy H5

- Q1 What is the identified need for self-build and custom housebuilding?**
- Q2 What is the justification for allowing self-build, but only where it would not result in the 'over provision' of housing against the identified need? How would this be determined? Is Policy H5 justified and effective?**

Q1& Q2 DDC Response:

76. As set out in the Council's 2022/23 Authority Monitoring Report (AMR), the Council has 5 entrants on part 1 of its Self-Build register as at 30th October 2022, and 2 entrants on part 2. The register has not yet been updated for 2023. Planning Practice Guidance for Self-Build and Custom Housebuilding²⁷ advises that for plan-making, the starting point for establishing overall demand for Self and Custom Build Housing (SBCH) is the number of entrants on both parts of the register, so a total of 7 entrants in Dover District.
77. As set out in the AMR, in the monitoring year 2022/23 the Council granted 6 planning applications contributing to an extant supply of 12 self-build plots. A total of 35 self-build plots have been granted consent between the 2019/20 and 2022/23 monitoring years. The Council can therefore point to an extant supply of plots that is in excess of overall demand taken from combining the two parts of the Self and Custom Build Register.
78. Nevertheless, the Council, through implementation of Policy H5, will support self-build and custom house building schemes on housing sites allocated in the Plan and on windfall sites subject to compliance with other Local Plan policies, as it is recognised that despite the comparatively small demand, self and custom-build housing does offer diversity to the housing market and provide individuals and associations the opportunity to build homes to meet their specific needs and requirements. In view of this, each of the strategic sites (SAP1, SAP24 and SAP28) has a requirement to provide serviced plots of land towards meeting evidenced demand for self and custom-build housebuilding.
79. Separate from its SBCH need, the Council has identified needs to provide market housing and affordable housing via the different available products. The justification for seeking to avoid an over-supply of SBCH is therefore the Council's desire to deliver an appropriate mix of housing types and tenures through the Plan, based on its housing evidence including the Strategic Housing Market Assessment, or latest

²⁷ [Planning Practice Guidance for Self-Build and Custom Housebuilding](#)



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 5 – Self Build and Custom Housebuilding – Policy H5

evidence of housing need. The delivery of the same would be monitored via the Council's AMR.



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 6– Residential Extensions and Annexes and Homes in Multiple Occupation – Policies H6 and H7

Issue 6– Residential Extensions and Annexes and Homes in Multiple Occupation – Policies H6 and H7

Q1 Are Policies H6 and H7 justified, effective and where relevant, consistent with national planning policy?

Q1 DDC Response:

80. Policy H6 – Residential Extensions and Annexes, seeks to facilitate the enlargement of dwellings to ensure that the existing housing stock is suitable to meet the needs of current and future residents and to reduce the need for residents to move to larger properties by supporting proposals for extensions which require planning permission and for standalone annexes where various criteria are met.
81. Although many extensions come forward via permitted development rights for householder development, residential extensions and annexes which fall outside of the scope of permitted development are a common form of development in the district and therefore the provision of a policy to support the same is considered justified. The preceding paragraphs to the policy set out further justification.
82. The policy provides a clear list of criteria which development must meet in order to be policy compliant. For example (but not exclusively), development should be compatible with the layout, density and fabric of the existing settlement, should be sensitively located if within or adjacent to the AONB, should conserve landscape character and biodiversity and preserve any heritage assets within the setting.
83. The NPPF at chapter 11 seeks to make effective use of land while chapter 12 seeks to produce well-designed places. In supporting the development of residential extensions and annexes subject to the outlined criteria, the Council's approach to residential extensions and annexes is consistent with national planning policy.
84. Policy H7 – Houses in Multiple Occupation supports proposals for large HMOs (those requiring planning permission) as long as the proposals themselves or in combination with other HMOs in the vicinity would not have an adverse impact on living conditions of adjoining residents, an unacceptable impact on highway safety or an adverse impact on the visual amenity and character of the area. This approach is supported by the Council's evidence which highlighted the presence of several HMOs in the District, dispersed across the largest towns of Dover and Deal. More



Council's Response to Inspectors' Matters, Issues, Questions

Matter 5 – Type and Mix of Housing

Issue 6– Residential Extensions and Annexes and Homes in Multiple Occupation – Policies H6 and H7

information in relation to the specific evidence gathered is set out in the Housing Topic Paper (HEB02)²⁸ from paragraph 5.69 onward.

85. Due to the lack of any notable clustering of HMOs, the Council has not served any Article 4 directions to require small HMOs to also require planning permission and therefore be subject to H7 at this current time. The council acknowledges that HMOs can offer diversity to the district's housing market but is keen to resist significant clusters of large HMOs in a particular area which may lead to unacceptable cumulative impacts on the services, residential amenity, and social cohesion. The approach in Policy H7 seeks to achieve well-designed places as per NPPF chapter 12, while also providing suitable homes for different groups in the community as per paragraph 62. The approach is therefore consistent with national policy.

²⁸ [HEB02 Housing Topic Paper March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)