

Harborough Local Plan Examination. Hearing Statement.

Matter 8 – Strategic Policies for Housing.

On behalf of Vistry Group.

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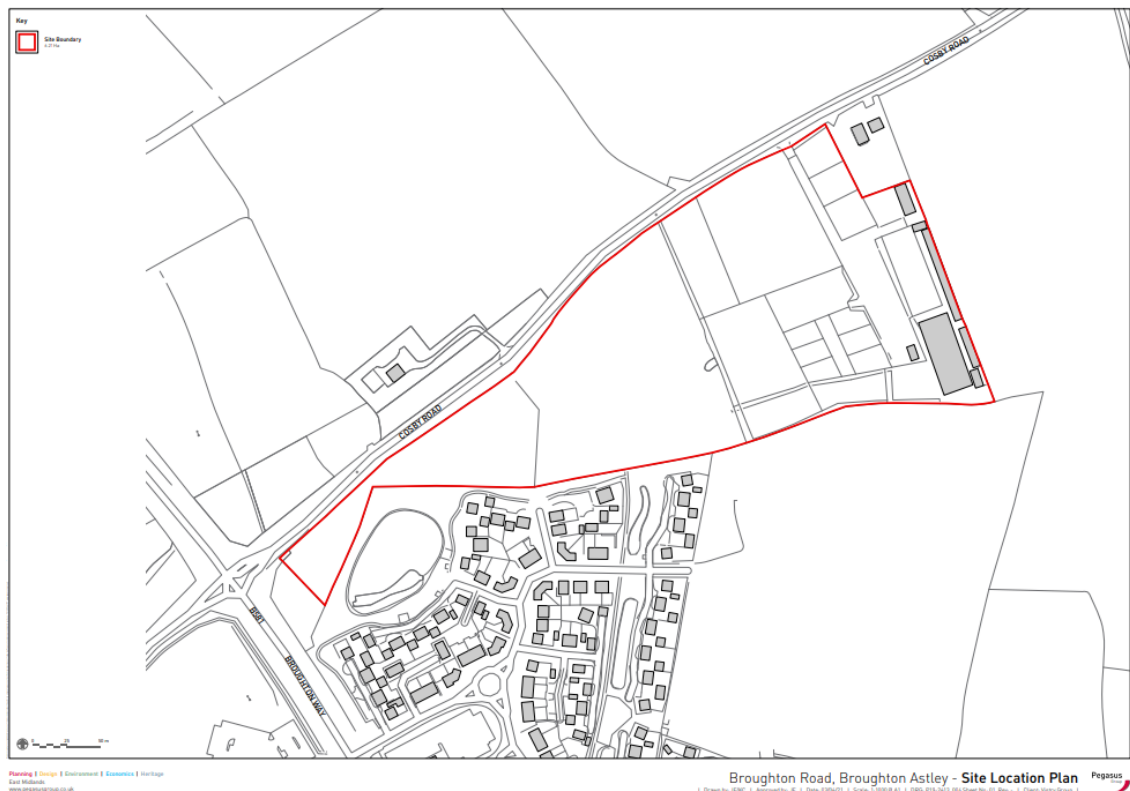
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1. Introduction

- 1.1. This Hearing Statement has been prepared by Pegasus Group on behalf of Vistry Group to inform the Harborough Local Plan Examination in Public.
- 1.2. Vistry Group have an interest in the Land at Witham Villa, Broughton Road, Broughton Astley which provides an opportunity to deliver 138 homes. The site, shown below, is an allocation in the draft Broughton Astley Neighbourhood Plan, for a which a positive Examiners Report has recently been published but the site is not allocated in the draft Local Plan.



- 1.3. Our client's site was appraised in the Sustainability Appraisal supporting the Local Plan and given Site ID 21/8220: Land at Witham Villa, Broughton Road. The site extends to approximately 6.33 hectares and is north of the existing 'Estley Green' housing development. The site comprises of an existing paddock with associated stables and is in a central location.
- 1.4. The site is in single ownership and our client, Vistry Group, are one of the top five housebuilders in the UK by volume. The site will deliver 138 homes, extend the existing green corridor from the development to the south as well as additional provision of play area space. A Concept Masterplan for the site is included in Appendix A, demonstrating how the site how the development could be achieved.
- 1.5. Vistry Group has engaged throughout the preparation of the Harborough Local Plan. This includes submitting representations to the consultation undertaken under Regulation 19 in relation to the matters dealt with in this statement. The following hearing statement responds to the Matters, Issues and Questions published for the Examination.

2. Matter 8: Strategic Policies for Housing

Whether the Plan is justified, effective and consistent with national policy in relation to Strategic Policies for Housing?

Policies HNO1, HNO2, HNO3, HNO4, HNO5 and HNO6

Issue 1 – Housing Needs

Policy HNO2 Housing Need: Mix of New Homes

Q1: Does policy HNO2 appropriately address evidenced need for various housing types, tenures and sizes?

2.1. No comments.

Q2: Is Table 10 of the Plan an appropriate starting point for considering the size of homes needed across different tenures?

2.2. Table 10 provides the latest evidence on housing mix and is therefore an appropriate starting point for considering the size of homes needed in accordance with the policy wording.

2.3. This evidence may change through the plan period and so it is appropriate that it is included in the supporting text of the policy as the policy refers to the '*latest evidence on housing needs*'. The introductory text to the table should note this evidence may be updated through a housing needs assessment during the plan period for the benefit of applicants and the decision makers and to be clear this would supersede the table provided.

2.4. As a starting point, it is currently ambiguous what the threshold of evidence that is that is needed to justify an alternative mix of housing, Policy HNO2 is not specific about what needed.

2.5. Policy HNO2 states that residential development should take into account the latest evidence on housing needs '*unless evidence is provided that demonstrates to the satisfaction of the Council that an alternative mix of homes is appropriate*'.

2.6. As drafted, the Policy is not clearly written or unambiguous, which means it is not evident how a decision maker should react to development proposals, in conflict with paragraph 16 d of the Framework. Policy HNO2 requires modification to clarify the matters that can be taken into account in order to meet the test of soundness of being effective.

2.7. There are a number of key considerations which might affect the appropriate mix and these should be specified so it is clear to the decision maker these matters can be taken into account. This includes viability, market conditions, design and character of the area and other site-specific circumstances. All these factors could mean an alternative mix of homes is appropriate and this should be reflected in the policy.

Q3: Is the approach to accessible and adaptable homes in criteria 2 and 3 of policy HNO2 flexible enough to take account of site constraints and development viability considerations?

2.8. Policy HNO2 is not flexible enough as drafted.

- 2.9. The policy wording allows for regard to be given to any evidence provided concerning site-specific factors that may *'make it impossible to meet the accessible and standard'* but only in relation to the provision of M4(2) standard homes.
- 2.10. There are two key issues with this, the first is that it is ambiguous for the decision-maker whether viability issues fall in the category of 'impossible', viability by its nature is often about balancing a range of factors and making difficult choices. A choice to accept fewer accessible homes to secure the provision of homes or to secure the provision of affordable housing, for example, isn't a matter that could be taken into account based on the wording as drafted as these are matters of viability not impossibility.
- 2.11. The second issue is that no such regard is made provision for in criteria 3 so even the limited flexibility to take account of impossibility is not included in the policy for M4(3) homes. The Council's Local Housing and Employment Land Evidence, 2024 (EMP-NLP 5) at paragraph 1.23 notes that the evidence would justify the proposed M4(3) standards, subject to viability. The policy does not however reflect the need for viability to be considered.

Q4: Are criteria 2 and 3 of policy HN02 consistent with national policy?

- 2.12. Criteria 2 and 3 are not consistent with national policy. It is not necessary for planning policy to cover accessibility standards as this is a matter covered by a separate regime of the Building Regulations. This plan is being prepared in the context of the 2023 NPPF and this is clear at paragraph 16 (f) that plans should serve a clear purpose, avoiding duplication of policies.
- 2.13. It is recognised that the new 2026 NPPF Policy HO5 sets out that development plans should set out the proportion of housing to be delivered to the M4(2) and M4(3) standards and should ensure that no less than 40% is delivered to M4(2) standards. However, Policy HN02 goes significantly further than this without any appropriate exemptions and without reference to the need to consider viability as identified in the supporting evidence.
- 2.14. It is important to highlight that Policy HO5 is a plan-making policy and so not relevant to this Examination. It is recognised that decision-making policies are relevant as any material inconsistency will leave a policy with very limited weight, but HO5 is a plan-making policy and therefore not relevant in the same way as the latest housing needs evidence is not relevant as it arises from a new standard methodology.

Policy HN05 Housing Need: Self and Custom Build Housing

Q1: How is demand for self and custom build housing calculated? Will the approach to providing land for self and custom build housing in policy HN05 meet the demand? Is the inclusion of self and custom build housing within new build housing developments a justified way to do this? Is the 40 dwellings (gross) threshold for provision of at least 10% of the total number of dwellings on such developments appropriate, effective and consistent with national policy?

- 2.15. The demand for self and custom build housing appears to be based upon the Council's self build register, however this approach is flawed and is likely to overestimate the real or effective demand for self build within the District.
- 2.16. The supporting text to Policy HN05 notes that the Council have typically seen an average of 36 registrations a year. However, the evidence outlines that since 1st April 2024 the Council

has introduced a fee to join the Register and during the monitoring period 31/10/23–30/10/24, the number of registrations has dropped to 16 plots. This suggests that the registrations have been inflated by the ability to register for free.

- 2.17. The registrations do not automatically reflect the need or demand for plots. Those registering may be registering with more than one authority, may not be serious about pursuing this option and may not have the finances to.
- 2.18. The proposed policy needs to be carefully considered in terms of the significant affect self and custom build plots can have on the delivery and phasing of a site, for example, if not taken up these plots would create issues pertaining to site access and health and safety, gaps in the street scene, as well issues with connectivity and infrastructure provision.
- 2.19. Pockets of land within medium and large sites of over 40 dwellings are not an appropriate nor desirable means of meeting this need. It is unlikely this approach will meet the aspirations of someone looking to construct their own home.
- 2.20. The policy is not justified by the evidence and is unlikely to effective at providing land that meets the aspirations of those looking to custom or self build.
- 2.21. Policy H5 positively makes provision for self and custom build and therefore this policy is not required.

Q2: Is it sufficiently clear to users of the Plan what sort of evidence would be helpful to inform consideration of whether there is 'clear evidence of lower demand', under criterion 3 of policy HN05?

- 2.22. It is not clear to the decision maker what would satisfy the requirement for clear evidence of lower demand ahead of marketing the plots for the required period. The policy does not meet the test of being clearly defined and unambiguous.

Q3: Is 18 months a reasonable length of marketing period in criterion 3 of policy HN05?

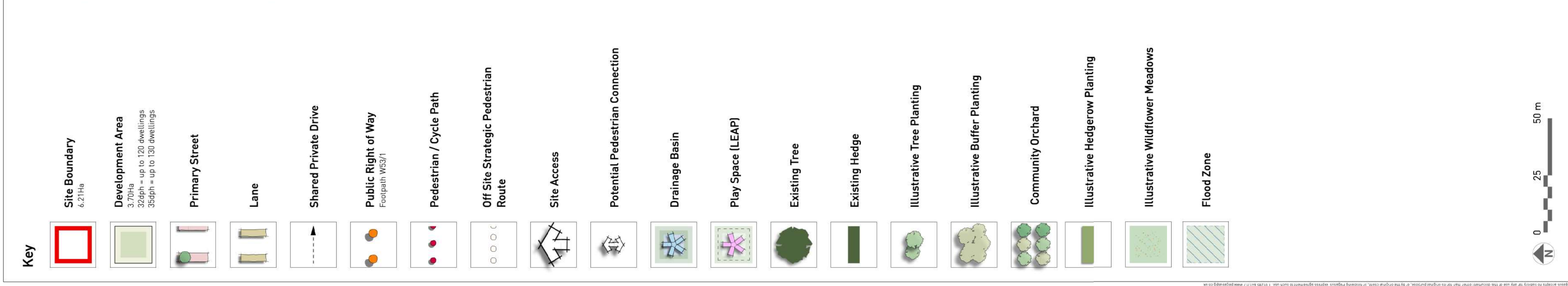
- 2.23. It is considered that 18 months is an unreasonable period for marketing, particularly in the context of a 40 dwelling threshold. The remainder of the site will be built out before the marketing period is finished meaning the conversion of self build and custom build plots to conventional market housing will require a developer to return to a site after it is complete. This is not practical and has the potential to have serious impacts on the deliverability and viability of those plots.

Q4: Is it clear who is responsible for producing a design code, as required in criterion 6 of policy HN05, and the process for this?

- 2.24. No comments.



Appendix A: Concept Masterplan



Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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