

Planning Policy  
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11<sup>th</sup> June 2024

Via email: [planningpolicy@Shropshire.gov.uk](mailto:planningpolicy@Shropshire.gov.uk)

Dear Sir/Madam,

**Shropshire Older Person's Housing Standards M4(3)**  
**Draft DP Policy: Housing Provision for Older People and those with Disabilities and Special Needs**

These comments are submitted on behalf of Churchill Retirement Living (CRL). CRL is one of the largest providers of housing for older people in the UK and is an active developer within the Shropshire area. As such, CRL is well placed to provide comment on the factors which impact the older person's housing sector and which impact developers bringing forward new specialist housing in the area.

It is noted that comments have been provided historically on the emerging Local Plan by other specialist housing providers. Specifically, it has been noted that the plan wide viability evidence base fails to test the viability of housing for older people. We agree with those comments and repeat them here in that it is inappropriate for the council to avoid testing the policy implications of the local plan on housing for older people. There is a genuine risk that such an approach would put a halt to the delivery of this important housing typology for reasons of economic viability. This also creates delay and uncertainty for developers given the unfounded expectation that such proposals will be assumed to be viable including full policy requirements when they may not be.

The above draft policy states that all housing specifically designed for older people or those with disabilities and special needs will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations and that all specialist housing for older people or those with disabilities and special needs will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations and must also be designed to be 'friendly' to those with dementia and to those with disabilities and special needs. We would make the following additional comments on these proposed additional requirements.

**PPG Testing Requirements**

The PPG establishes that in order for a plan to introduce policy requirements such as the above, an assessment of the financial viability of doing so should be undertaken (in general with no exceptions highlighted). The PPG sets out the following pertinent points in this regard:

How should plan makers set policy requirements for contributions from development?

Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development.

See related policy: National Planning Policy Framework [paragraph 34](#)

Paragraph: 001 Reference ID: 10-001-20190509

Revision date: 09 05 2019 See [previous version](#)

**What evidence should local planning authorities use to demonstrate a need to set higher accessibility, adaptability and wheelchair housing standards?**

Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- the likely future need for housing for older and disabled people (including wheelchair user dwellings).
- size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
- the accessibility and adaptability of existing housing stock.
- how needs vary across different housing tenures.
- the overall impact on viability.

**How should local planning authorities establish a clear need?**

It will be for a local planning authority to establish a clear need based on:

- existing sources of evidence.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships. See [paragraph 003 of the water supply guidance](#)
- consideration of the impact on viability and housing supply of such a requirement.

Paragraph: 015 Reference ID: 56-015-20150327

Revision date: 27 03 2015

## Should plan-making bodies set minimum requirements for accessible housing?

Where an identified need exists, plans are expected to make use of the [optional technical housing standards](#) (footnote 46 of the National Planning Policy Framework) to help bring forward an adequate supply of accessible housing. In doing so planning policies for housing can set out the proportion of new housing that will be delivered to the following standards:

M4(1) Category 1: Visitable dwellings (the minimum standard that applies where no planning condition is given unless a plan sets a higher minimum requirement)

M4(2) Category 2: Accessible and adaptable dwellings

M4(3) Category 3: Wheelchair user dwellings

**Planning policies for accessible housing need to be based on evidence of need, viability and a consideration of site specific factors.**

Paragraph: 009 Reference ID: 63-009-20190626

Revision date: 26 June 2019

### **Viability Evidence Base**

The viability evidence base includes the Local Plan Delivery and Viability Study published in July 2020. This study assesses the impact of 100% M4(2) requirements together with 10% M4(3) requirements. No testing has been undertaken assessing the impact of 100% M4 (3) on any typology.

The study makes reference to Housing for Older People as a specific typology. However, the study **does not** then seek to assess the specific viability of Housing for Older People. The study states at paragraph 4.78<sup>1</sup>:

Shropshire has an aging population and does attract both sheltered and Extra Care developments however it is beyond the scope of this project to test this sector as they will be subject to a viability assessment at the point of a planning application.

Representations have already been provided by the sector to earlier consultations highlighting the above omission. We would reiterate that this is contrary to both best practice and the typology approach detailed in Paragraph: 004 (Reference ID: 10-004-20190509) of the PPG which states that.

A typology approach is a process plan-makers can follow to ensure that they are creating realistic, deliverable policies based on the type of sites that are likely to come forward for development over the plan period.

This approach is entirely inconsistent with the approach taken as part of other local plan preparations we have seen. Clearly, housing for older people will form part of the housing supply coming forward and should therefore be tested at the plan wide testing stage. To take the approach that such onerous requirements can be determined on a case by case basis is wrong given that no attempts have been made to determine if these requirements are viable. Such an approach gives zero

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<sup>1</sup> [viability-study-2020-ev11501.pdf \(shropshire.gov.uk\)](#)

confidence to providers of housing for older people that investing resources in Shropshire will lead to a satisfactory planning permission.

The PPG states the following in respect of housing for older people and viability:

**How can the viability of proposals for specialist housing for older people be assessed?**

[Viability guidance](#) sets out how plan makers and decision takers should take account of viability, including for specialist housing for older people. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure. **Plans can set out different policy requirements for different types of development.** These policy requirements should be informed by evidence of infrastructure and affordable housing need, **and a proportionate assessment of viability that takes into account all relevant policies and local and national standards, including the cost implications of Community Infrastructure Levy and section 106.**

Viability guidance states that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. **Such circumstances could include types of development which may significantly vary from standard models of development for sale (for example housing for older people).**

Paragraph: 015 Reference ID: 63-015-20190626

Revision date: 26 June 2019

The council and their assessor appear to have taken the above PPG guidance as reason for not assessing housing for older people as part of the plan wide viability study. Coupled with the unevidenced requirement for all older person's housing to be provided to M4(3) as well as all the other policy requirements set out within the draft local plan, the council has failed to demonstrate that these requirements are financially viable.

The draft plan supports the provision of housing for older people and acknowledges a housing need for such housing. By loading the policy requirements and subsequent costs associated with these policies and not testing the viability position, the council has not addressed the requirements of the PPG as highlighted within this letter.

By not testing the typology, no certainty is provided for developers of housing for older people in acquiring sites and undermining the delivery of these much-needed forms of housing.

**The draft Local Plan is therefore considered unsound on the grounds the policy targets and standards sought are not justified, positively prepared or effective.**

In the event that financial viability appraisals for specialist older persons' housing typologies are presented to the Examiners, then the respondents are strongly of the view that these should be made publicly available for comment and stakeholder engagement.

**Recommendation**

It is recommended that the council update the viability study to assess sheltered and extra care housing typologies. Opportunity for further engagement with stakeholders

on this point should be enabled given that this omission has already been highlighted at earlier consultations.

Given the importance of this issue, CRL would also wish to be notified of opportunities to attend examination sessions where appropriate.

Yours faithfully,

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