



# **Lewisham Local Plan**

**Examination Hearing Sessions**

**Response to Actions**

**Matter 9 – Housing Policies**

**(Policy HO4, HO6, HO9 and HO10)**

**Prepared to inform the Local Plan Examination**

**September 2024**

## 1 Introduction

- 1.1 This Paper is one of a series that provides the London Borough of Lewisham's (the Council's) response to specific actions raised, identified, and agreed during the course of the Lewisham Local Plan Examination Hearing Sessions. The actions are agreed with the Inspectors.
- 1.2 The Paper seeks to respond to a specific request for further information made during the Examination Hearing Session that discussed questions raised under Matter 9 Housing Policies. In this case the Actions were raised on Wednesday 26 June 2024.

## 2 Housing estate maintenance, renewal and regeneration (Policy HO4)

**Action 89** - The Council to consider a new modification that differentiates between the application of the Decent Homes Standard – on public and private residential schemes. It was suggested that the Council consider the inclusion of words in the supporting text that refer to the current on-going consultation on this matter, which is soon to be concluded.

- 2.1 The Council is responding to this Action by preparing appropriate modifications to the new Local Plan that will be the subject of a separate response.

## 3 Supported and Specialist Accommodation (Policy HO6)

**Action 90** - The Council to consider a possible new modification that provides a target, or baseline position for this type of residential accommodation – to be derived from the SHMA – that could be incorporated into the Policy.

- 3.1 The Council is responding to this Action by preparing appropriate modifications to the new Local Plan that will be the subject of a separate response.

## 4 Self-build and custom build housing (Policy HO9)

**Action 91** - The Council to provide information, to inform Matter 22, to explain how the plan-making process has considered development viability in relation to this issue. Specifically, this will explore how small self-build sites have been assessed in terms of their ability to provide/ deliver a contribution towards meeting affordable housing need – in respect of how that requirement may impact development viability.

- 4.1 For clarification, self and custom-build houses are defined in legal terms through the [Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#). The Government provides a wider definition that states that self and custom build housing can “*cover a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation ('turnkey')*”.
- 4.2 For additional clarification, the CIL Regulations provide further definition in respect of self-build houses, by requiring that those seeking exemption (from being liable for CIL) provide evidence that the end product will provide the builder with their primary place of residence (for a specified period of time following completion and occupation). It is the Council's experience that not all self-builders are able to demonstrate such evidence and therefore not all are successful in their applications for exemptions. On that basis, not all claimed self-

builders are genuine “self-builders” within the legal and CIL definition. Those that fail are effectively no different from other commercial SME builders – who may also be preparing and submitting proposals for single dwellings or small-scale residential schemes.

- 4.3 In terms of responding to the Inspectors’ request for further information, the Council notes that the new Local Plan’s approach towards genuinely affordable housing is set out under its Policy HO 03 Genuinely affordable housing. This states under Policy HO 03 Part J Small sites (minor developments) that “*Development proposals for new housing delivering between 2 and 9 dwelling units must make provision for affordable housing*”. In this context, proposals for single self or custom build houses would not generate a requirement towards meeting genuinely affordable housing needs. As intimated above, it would be the responsibility of the self-builder to apply and demonstrate exemption from CIL. As stated above, exemption is not automatic.
- 4.4 In the Council’s experiences, self-builders may seek to cross-subsidise their self-build product, which will serve as their primary place of residence, through the provision of additional units (on-site) for market sale. The Council acknowledges that this is a legitimate potential source for funding a self-build house project. In such circumstances, where a self-builder proposes additional dwellings, Local Plan Policy HO 03 Part J will apply to the units being sold to the market. The Council considers this approach legitimate and justified.
- 4.5 In the context of the whole local plan viability assessment, the Lewisham Local Plan Viability Assessment 2019 (EB 63), the Council states that work does provide an appropriate and proportionate assessment of small-scale residential development proposals, and their ability to make developer contributions. This is evidenced through Appendices 3 – 5; with Appendix 3 identifying possible self-build and self-build plus market housing under typologies 1 – 6. Appendices 4 and 5 report on the assessed performance of the typologies. The first of these demonstrate that typologies 1 – 6 are all viable; with the exception of typologies 1 and 3 when assessed against an affordable housing contribution in excess of 40%. The Council notes and reiterates that under new Local Plan Policy HO 03 a single dwelling will not trigger the requirement to contribute towards meeting affordable need. Appendix 5 reports that with growth factored into the assessment all six typologies remain viable, with the exceptions being higher percentage contribution towards affordable housing from single unit proposals – which would not attract such a requirement.
- 4.6 In conclusion, the Council states that self and custom builders seeking to deliver a single dwelling, for their use as their primary place of residence will not be required to contribute towards the delivery of new affordable provision. Subject to them applying and demonstrating that they qualify, such developments and their developers will also be exempt from making contributions through the CIL charging regime. In circumstances where self and custom builders seek to cross subsidise their proposals by delivering additional housing that will be sold on the open market will in effect be commercial SME builders. The Council contends that the new Local Plan and its supporting evidence have given this appropriate and proportionate consideration.
- 4.7 In the interest of ensuring that the new Local Plan continues to be clear to possible readers, the Council is willing to consider an additional new modification to Policy HO 9 Self-build and custom-build housing’s supporting text. The Council will separately submit a possible amendment to the Policy as part of the package of additional modifications being identified following the conclusion of the examination hearing sessions.

## **5 Gypsy and Traveller Accommodation (Policy H010) (site dealt with separately in site allocations)**

**Action 92** - The Council to request further information/ clarification for ORS Consultants to confirm whether their technical evidence (survey) considered and accounted for members of the Gypsy & Traveller community who had ceased to lead a nomadic lifestyle; and consequently, whether a (current) policy compliant projection could be derived from their work?

5.1 The Council has provided a response to this Action in LC49.

**Action 93** - On the basis of the above (Action 92), the Council will provide a short commentary on the response from ORS Consultants that responds to the matter as to whether the new Local Plan meets the requirements of national planning policy guidance.

5.2 The Council has provided a response to this Action in LC49.

**Action 94** - The Council agrees to provide the Inspectors with publicly available information relating to the scope and progress (timetable for reporting and completion) of the current on-going work being undertaken by the Greater London Authority and partner London boroughs in respect of the new Capital-wide GTAA Study.

5.3 The Council has provided a response to this Action in LC49.