

10

HOMES FOR OUR COMMUNITIES



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10

HOMES FOR OUR COMMUNITIES

Introduction



10.1 Housing is central to this Local Plan's vision of ensuring all residents can access good quality, affordable homes that meet their needs, whether renting or buying.

10.2 The Local Plan provides a framework for sustainable housing growth ensuring development responds to local needs, supports community wellbeing, and aligns with national planning policy.

10.3 The borough faces challenges including affordability pressures, an ageing population, and the need to improve housing quality and energy efficiency. The council's Housing Strategy identifies four key priorities that underpin the approach to housing:

- Making best use of existing homes, improving housing quality and sustainability.
- Improving housing options and opportunities to prevent homelessness.
- Delivering the homes our residents need in the places they are needed.
- Working in partnership to achieve shared housing goals.

10.4 This chapter supports the delivery of these priorities by setting out policies to guide the location, type, tenure, and design of new homes, ensuring development contributes to inclusive, resilient, and environmentally sustainable communities. It also promotes housing that supports independent living, meets the needs of vulnerable groups, and contributes to the borough's wider strategic objectives, including those in the council's Corporate Strategy.

10.5 The policies in this chapter seek not only to meet housing needs but also to improve health, wellbeing and equality outcomes by supporting affordable housing, specialist accommodation, accessible and adaptable homes, culturally appropriate accommodation for Gypsy, Traveller and Travelling Showpeople communities, and ensuring that housing growth is supported by appropriate health, education, transport, green infrastructure and community facilities.





Housing to Address Needs



Introduction

10.6 The council seeks to deliver inclusive, mixed, and sustainable places. Policy H1 requires new residential development to contribute to a balanced and inclusive housing market, with homes that reflect identified local needs in terms of type, size and tenure.

10.7 The policy aligns with the National Planning Policy Framework (NPPF), which requires local planning authorities to deliver a sufficient supply and mix of housing to meet the needs of different groups, including families, older people, people with disabilities, and those wishing to build their own homes. It also responds to the latest evidence of housing need, including the Strategic Housing Market Assessment (SHMA) and Housing Register data, to inform appropriate dwelling types, tenures, and sizes.

10.8 Evidence indicates a particular need for 2 and 3 bedroom homes across all tenures, with 1 bedroom and 4+ bedroom dwellings required to meet specific needs. For affordable rented housing, evidence points to a need for a higher proportion of larger homes, with at least 40% having three or more bedrooms, including around 10% with four or more bedrooms, to support larger households and reduce overcrowding.

10.9 The policy also seeks to address under occupancy in the market sector by encouraging more efficient use of new housing stock. Providing a mix of dwelling sizes and types supports choice, improves market absorption, and can assist in boosting housing delivery rates. Providing a suitable mix of homes in sustainable locations also supports wider health and wellbeing outcomes by enabling access to healthcare, education, employment opportunities, green and blue infrastructure, community facilities, active travel networks and public transport. Ensuring that housing growth is supported by appropriate infrastructure is essential to creating healthy and resilient communities.

Policy H1: Housing to Address Needs

- 1 The council will respond to meeting local housing need by supporting the delivery of a wide choice of high quality and well-designed homes that:
 - a Meet genuine identified local housing needs;
 - b Contribute to the creation of mixed, balanced, inclusive and sustainable communities; and
 - c Are supported by appropriate infrastructure.
- 2 Housing proposals should provide an appropriate mix of dwelling types, sizes, tenures and formats, that reflect:
 - a The most up-to-date local housing need evidence (including the Strategic Housing Market Assessment (SHMA), Housing Register data and / or other relevant local up-to-date evidence) to justify the mix of homes required during the plan period; and
 - b Relevant national policy.
- 3 Residential development will be supported where it is consistent with the spatial strategy, settlement hierarchy, and available infrastructure capacity set out in this Local Plan.
- 4 The overall housing mix across the borough will be achieved through the provision of:
 - a Market and affordable housing;

- b Housing to meet specialist needs (including older persons housing, accessible and adaptable homes, and Use Class C2 accommodation including care homes);
- c Self-build and custom build plots; and
- d Accommodation for Gypsy, Travellers and Travelling Showpeople.

Housing mix

- 5 On sites of 100 dwellings (net) or more, proposals should provide a housing mix by tenure consistent with the SHMA and as set out in the table below, unless a different mix is justified by up-to-date evidence.

On sites of between 10 and 99 dwellings (net), proposals should have regard to the strategic housing mix in the table as a starting point and demonstrate how the proposed mix responds to local housing needs, taking account of the size, location and characteristics of the site.

	Market	Affordable home ownership	Affordable housing (rented)
1 bedroom	10%	20%	25%
2 bedrooms	30%	45%	35%
3 bedrooms	40%	25%	30%
4+ bedrooms	20%	10%	10%

- 6 Where applicants propose a different mix of market and affordable homes than that detailed above, this will only be supported where it is demonstrated, through clear, proportionate and up-to-date evidence, that this would better respond to local needs and / or support delivery, having regard to the following:
 - a Site viability;
 - b The context, character, density and location of the site / development including whether brownfield or greenfield development;
 - c Site-specific constraints;
 - d The role and function of the development location and the specific characteristics of local households;
 - e Diversifying housing stock to ensure equitable housing provision for all;
 - f Accessibility to local services, facilities, public transport and transport connections;
 - g Market demands and market conditions including the existing mix and turnover of properties at the local level; and
 - h Housing Register Data and other relevant up-to-date local evidence, which should be no more than three years old.

Strategic Policy

Policy Implementation

10.10 Policy H1 will be implemented through the development management process. Housing proposals should demonstrate how they contribute to meeting identified housing needs and delivering a balanced and inclusive housing mix, informed by the latest available evidence.

10.11 The housing mix set out in Policy H1 is intended to guide the overall delivery of homes across the borough over the plan period. On sites of 100 dwellings or more, proposals should make a significant contribution towards achieving the strategic housing mix identified in the SHMA. On sites of between 10 and 99 dwellings, the housing mix should have regard to the strategic mix as a starting point, while responding to local housing needs and the specific characteristics and constraints of the site.

10.12 The appropriate dwelling mix will vary by location and site characteristics, reflecting factors such as accessibility, services, infrastructure capacity, local housing market conditions and the availability of specialist housing provision, and will be considered on a site-by-site basis having regard to Policy H1.

10.13 Tonbridge and Malling's housing stock is characterised by a high proportion of semi-detached homes (41.9%) and owner occupation (72.1%), alongside relatively high levels of under-occupancy (42.1%) and low levels of overcrowding. To address these trends, the council will seek to secure housing proposals that contribute towards a more balanced housing stock, including an appropriate range of dwelling sizes and tenures that reflect identified needs. Evidence indicates a particular need for 2 and 3 bedroom homes across all tenures. For affordable rented housing, evidence supports a higher proportion of larger homes, with at least 40% having three or more bedrooms, including around 10% having four or more bedrooms.



Affordable Housing



Introduction

10.14 Policy H2 sets out the requirements for affordable housing delivery across the borough, ensuring that new residential development contributes meaningfully to meeting identified housing needs.

10.15 Affordable housing should contribute to the creation of sustainable communities and be supported by appropriate infrastructure, including healthcare, education, community facilities, open space and sustainable transport connections.

10.16 This policy applies to proposals that include a residential element, including Use Class C2 and permanent residential caravan sites, and seeks to secure affordable housing primarily on-site, with financial contributions sought where on-site provision is not appropriate or viable. The policy also addresses tenure mix, design integration, and exceptional circumstances where viability may affect delivery.

10.17 The Tonbridge and Malling Borough council Strategic Housing Market Assessment (SHMA) identifies an acute need for affordable housing across all sub-areas of the borough. Accordingly, the council will seek to maximise delivery at every appropriate opportunity. The majority of need arises from households who are unable to buy or rent on the open market, indicating a particular requirement for social and affordable rented housing rather than affordable home ownership products.

10.18 The assessment of future housing need reflects demographic change, including ageing and family formation.

10.19 Evidence from the SHMA and other local housing needs assessments demonstrates a persistent shortfall in affordable housing provision, particularly for social rent and intermediate tenures. Social rent should therefore be prioritised where this does not prejudice the overall delivery or viability of affordable homes.

10.20 The SHMA analysis has taken account of local housing costs (to both buy and rent) alongside household income estimates and confirms the need for both social rent and affordable rent products.



10.21 Data from the Regulator of Social Housing (RSH) for 2024 shows that Private Registered Providers (PRPs) own approximately 9,800 affordable homes in the borough. Of these, 80% are general needs rented homes, with 84% of those let at social rent levels and the remainder at affordable rent. A further 12% are low-cost home ownership properties, such as shared ownership, and 8% are supported housing or housing for older people.

10.22 The SHMA justifies a policy position of approximately 80% low-cost rented housing and 20% affordable home ownership. Within the rented category, up to 80% at social rent is justified in need terms. Low-cost home ownership provision should focus on shared ownership, with no strong evidence of need for First Homes or discounted market housing at the time of publication.

10.23 The analysis of future housing mix also considers demographic change, including the ageing population and shifts in household composition, such as the number of family households.

10.24 To ensure clarity and consistency, the policy aligns with the National Planning Policy Framework (NPPF) definition of affordable housing (Annex 2), which includes:

- **Social Rent:** Set in accordance with Government rent policy, managed by registered providers, and retained as affordable in perpetuity.
- **Affordable Rent:** At least 20% below market rent, managed by registered providers or as part of Build to Rent schemes.
- **Discounted Market Sales Housing:** Sold at a minimum 20% discount below market value, with eligibility based on local incomes and house prices.
- **Other Affordable Routes to Home Ownership:** Includes shared ownership, equity loans, rent to buy, and other low-cost sale options.

10.25 Policy H2 responds to this need by requiring a minimum of 40% affordable housing on qualifying sites, with a higher threshold of 50% on land released from or within the Green Belt where residential development is supported by national policy, reflecting the exceptional nature of such development and the NPPF Golden Rules. The tenure mix prioritises social rent, in line with national guidance and local evidence, while allowing flexibility where justified.

10.26 The policy also ensures that affordable housing remains affordable and available in perpetuity, supporting long-term community stability. By requiring integration of affordable units within developments and ensuring design quality, the policy promotes inclusive neighbourhoods and avoids social segregation.

10.27 Where viability is an issue, the policy sets out a clear framework for evidence, review, and negotiation to maximise delivery.

Policy H2: Affordable Housing

- 1 To meet the borough's need for affordable housing, development proposals which include a residential element (including Use Class C2 and permanent residential caravan sites) will be required to deliver 40% affordable housing on site where:
 - a Proposals are for 10 or more (net) dwellings/units, or
 - b Proposals are for 6 or more dwellings/units within a National Landscape, or
 - c Where sites provide 0.5 hectares or more of developable area.

On permanent residential caravan sites, financial contributions will be sought in lieu of on-site affordable housing.

- 2 Relevant proposals must include an Affordable Housing Statement demonstrating how the scheme complies with this policy and Policy H1. Provision should accord with the definition of affordable housing set out in national policy and the policies of this plan. Affordable housing should be genuinely affordable, reflecting identified local housing needs, government eligibility criteria, and local income levels where robust evidence is available.
- 3 A minimum of 50% affordable housing will be required on land proposed to be released from the Green Belt, or on land within the Green Belt where residential development is supported by national policy.

Tenure mix of affordable homes

- 4 Developments will be required to deliver a mix of affordable housing tenures. This should include a tenure mix of approximately 80% social rent and 20% intermediate housing, unless robust and up-to-date evidence demonstrates that an alternative mix would better meet local housing needs. Where intermediate products are proposed, shared ownership will be preferred, unless alternative products are demonstrated to better meet local needs and affordability.
- 5 All affordable housing secured through this policy must remain affordable in perpetuity. Legal agreements will include mechanisms for clawback where tenure changes occur.

Exceptional circumstances

- 6 The council will seek to maximise affordable housing delivery. Where an applicant considers that the affordable housing requirements of this policy, including the proportion of affordable housing or tenure mix, cannot be achieved, robust, transparent and up-to-date viability evidence must be submitted to justify any departure from policy requirements. Such evidence will be independently assessed at the applicant's expense.
- 7 Affordable housing should be provided on-site unless it can be demonstrated that off-site provision or a financial contribution in lieu would deliver an equivalent or better affordable housing outcome having regard to:
 - a the characteristics and location of the site;
 - b the efficient delivery and management of affordable housing;
 - c the creation of mixed and balanced communities; and
 - d local affordable housing needs and priorities.

Where off-site provision or a financial contribution in lieu is proposed, the applicant must demonstrate that the proposed approach will deliver equivalent value to the affordable housing that would otherwise have been provided on-site.

- 8 Where viability evidence demonstrates that the full affordable housing requirements of this policy cannot reasonably be achieved or where affordable rent is required for viability reasons, the council will seek the maximum reasonable amount of affordable housing provision including social rent having regard to the viability evidence. Any agreed reduction will be secured through a planning obligation and may be subject to viability review mechanisms and overage provisions.

Design

- 9 Affordable housing must be well-integrated within the scheme and externally indistinguishable from market housing, including in terms of materials, design and open space and their quality. Homes should be distributed across the site to support social integration while allowing for efficient long-term management by Registered Providers.

Policy Implementation

10.28 Development proposals that meet the thresholds set out in the policy, including those of 10 or more net residential units, 6 or more units within a National Landscape, or sites of 0.5 hectares or more of developable area, must deliver 40% affordable housing on-site. Permanent residential caravan sites must provide financial contributions in lieu of on-site provision. Where development occurs on land within or released from the Green Belt, a minimum of 50% of the housing must be affordable.

10.29 The council will work with infrastructure providers and partners to ensure that affordable housing delivery is supported by appropriate health, education and community infrastructure.

10.30 There are a range of affordable housing options that may be appropriate to meet identified needs. These include rented forms of affordable housing, such as social rent and affordable rent, and intermediate housing products such as shared ownership or discounted market housing. In relation to intermediate housing products, SHMA evidence indicates that shared ownership should be the primary focus, with limited justification for First Homes or discounted market sale products.

10.31 The council strongly encourages early pre-application discussions for all development proposals with an affordable housing element. Wherever possible, these pre-application discussions should include a Registered Provider. Topics for discussion should include the amount, type, size, and tenure of affordable housing; the design and location of units within the wider development; infrastructure capacity; identification of potential Registered Providers and funding opportunities; and agreement of the Heads of Terms for the Section 106 Agreement to secure delivery.

10.32 All qualifying proposals must include an Affordable Housing Statement. This statement must clearly set out what is being proposed in relation to affordable housing and provide a justification for the amount, type, and location of provision. As a minimum, it should include:

- The total number of residential units proposed;
- The percentage of affordable housing;
- The tenure mix and percentage split;
- The number of bedrooms and property types across all tenures;
- Space standards and floor areas of affordable units;
- Scaled plans showing the location of affordable units within the site;
- Details of any Registered Providers involved or market testing evidence;
- The levels or types of affordability proposed for different units; and
- An explanation of how the affordable housing will be managed.

10.33 In the case of outline applications, where some details may not yet be known, the Affordable Housing Statement must confirm that a legal agreement will be entered into to secure compliance with the adopted policy. Further information on our outline application validation requirements is available via the TMBC website.

10.34 Affordable housing must be well-integrated into the overall development and indistinguishable from market housing in terms of design, materials, and layout. Units should be distributed across the site to support social inclusion and efficient management by Registered Providers. The council will not accept significant locational or design differences between private and affordable tenures, unless robust evidence demonstrates that this is necessary for viability or long-term management reasons.

Section 106 TCPA 1990 Provisions for Affordable Housing



10.35 The council has prepared model planning obligations relating to the delivery of affordable housing to seek to ensure wherever possible that tenure and bed size mix parameters are set at outline stage. These will be the starting point for all s106 negotiations relating to affordable housing. Tonbridge and Malling is mindful that in some instances, particularly with very large schemes, not all detail will be available at outline application stage. However, we will expect that the evidence base laid out at section 3 of the Affordable Housing Protocol is utilised to inform affordable housing proposals both at outline and reserved matter application stages and the draft s106 clauses are designed to ensure that is the case.



10.36 Affordable housing must remain affordable in perpetuity. Legal agreements will secure this requirement and include clawback provisions for phased schemes to prevent conversion to other tenures. The council will also require viability to be re-appraised on subsequent phases of larger schemes and will apply overage clauses where reduced affordable housing provision is agreed on viability grounds.

Viability

10.37 The plan has been informed by viability evidence and therefore developments are expected to comply with the affordable housing requirements set out in Policy H2. Circumstances where compliance cannot be achieved are expected to be limited.

10.38 Where an applicant considers that the policy requirements cannot be delivered, robust, transparent and up-to-date viability evidence must be submitted for independent assessment at the applicant's expense. Where a reduced level of affordable housing provision is justified, the council will seek the maximum reasonable amount of affordable housing having regard to the viability evidence. Viability review mechanisms and overage provisions will be used where appropriate to capture improvements in viability over the life of the development.

Off-site delivery

10.39 Affordable housing should normally be delivered on-site. Off-site provision or a financial contribution in lieu may be accepted where it can be demonstrated that this would deliver an equivalent or better affordable housing outcome than on-site provision having regard to local housing needs, the characteristics of the site, and the effective delivery and long-term management of affordable housing.

10.40 Where off-site provision or a financial contribution is proposed, applicants must demonstrate that the proposed approach provides equivalent value to the affordable housing that would otherwise have been provided on-site.



Build-to-Rent



Introduction

10.41 The NPPF sets out that the needs of people who rent their homes (as separate from affordable housing) should be assessed and reflected in planning policies (Para 63). The NPPF glossary defines Build to Rent (BtR) development as:

10.42 *“Purpose-built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses but should be on the same site and/or contiguous with the main development.”*

10.43 Build-to-Rent therefore represents development specifically designed and constructed for long-term rental, rather than that for sale.

10.44 There are 94 BtR units in the borough, across two schemes. All of the units are 3-bedroom. Although one scheme was developed by Vistry, it is now operated by Leaf Living. Further analysis of the Leaf Living website indicates that they operate two further developments in proximity, one in East Malling at Pippin's Place and another outside TMBC in Paddock Wood. All these schemes are “single-family” BtR, which are typically suburban in style.

10.45 There are two BtR schemes in neighbouring Medway, at Chatham (71 units) and Gillingham (192 units) waterfronts. These are multi-family BtR schemes which are typically higher-density flatted developments. These developments are operated by Three Sixty Space and Way of Life.

10.46 Although there are only two BtR schemes in the borough currently, activity in neighbouring areas indicates likely continued interest from the sector. This policy therefore sets out clear expectations for future proposals.

10.47 BtR can diversify housing supply, meet the needs of households who prefer or require rented accommodation, and support housing delivery. Schemes often include communal facilities and services and can offer greater security of tenure than the wider private rented sector.

10.48 The Planning Practice Guidance (PPG) on Build-to-Rent confirms that, where a need is identified, local planning authorities should include policies to support it. This policy responds to growing local and regional interest in the sector.

10.49 The presence of BtR schemes within Tonbridge and Malling and neighbouring authorities suggests the borough is well-positioned to attract further BtR investment.

10.50 The PPG sets out that BtR schemes should include a proportion of Affordable Private Rent (APR), typically at least 20% of units, at a discount of at least 20% local market rents. These homes should be secured for the duration of the BtR covenant and managed by a single landlord. The council supports this approach and will require clear justification where a lower provision is proposed.

10.51 This policy therefore establishes clear expectations for BtR development, including high-quality design, long-term management, and the provision of Affordable Private Rent in line with national policy and guidance.

Policy H3: Build-to-Rent

- 1 To help meet identified affordable housing need and to diversify housing supply through the provision of rental homes, the council will support build-to-rent proposals in sustainable locations with good public transport connections, services and facilities. Build-to-rent schemes must:
 - a Comprise self-contained residential units held within a single ownership and management structure, with at least 10 dwellings, unless a smaller scheme is clearly justified;
 - b Provide high-quality accommodation that fosters a sense of community through the provision of communal areas, resident services, community facilities and services as part of the development;
 - c Provide sufficient internal space for all new dwellings, including changes of use and conversions, to cater for future occupants. The gross internal floor area for each new dwelling should meet or exceed the Nationally Described Space Standard or any subsequent equivalent space guidance;
 - d Be secured as build-to-rent for a period of at least 30 years through an appropriate legal mechanism, including clawback provisions where appropriate; and
 - e Be subject to professional on-site or off-site management for the duration of the scheme.
- 2 A build-to-rent scheme, will be required to provide at least 20% of units as Affordable Private Rent (APR) for the duration of the build-to-rent covenant, unless viability evidence demonstrates otherwise. The affordable private rent units must:
 - a Be at a minimum discount of 20% to local market rents;
 - b Be let and managed in accordance with an agreed lettings plan, which may include local connection criteria where consistent with national policy or funding requirements; and
 - c Be built and maintained to the same standards as the market build to rent properties.
- 3 Where an applicant considers that the Affordable Private Rent requirement in criterion 2 cannot be achieved, robust, transparent and up-to-date viability evidence must be submitted to justify any reduction. Such evidence must comply with national policy and guidance and will be independently reviewed at the applicant's expense.
- 4 Proposals for build-to-rent schemes should submit a build-to-rent statement setting out how the scheme meets the requirements of this policy, how it intends to operate, manage and let the build-to-rent Scheme, including details of ownership, management arrangements and tenancy offer. The statement will need to be agreed with the council.

Policy Implementation

10.52 Build-to-Rent schemes will be assessed against Policy H3 and should be located in sustainable locations with good access to public transport, services and employment opportunities, consistent with the spatial strategy. Homes must meet or exceed NDSS (or successor standards). Schemes should provide appropriate communal facilities, outdoor space, secure cycle storage, and support active travel.

10.53 Tenure arrangements should reflect the needs of renters, offering a range of tenancy options including longer term tenancies, for example, a minimum three-year tenancy where appropriate.

10.54 BtR schemes must be secured for long-term rental use, typically for a minimum of 30 years, and be held in single ownership and professional management to ensure consistency and quality of service. This reflects the definition of BtR set out in the National Planning Policy Framework (NPPF), which emphasises long-term tenancies and professional management.

10.55 The mix of units within each scheme should be appropriate to the type, scale and location of the development and informed by local housing need and site characteristics. For example, multi-family flatted schemes are unlikely to deliver larger homes such as four-bedroom units, whereas single-family suburban schemes may offer a broader mix.

10.56 In accordance with national guidance, BtR schemes should provide at least 20% of units as Affordable Private Rent (APR), unless viability evidence demonstrates otherwise. These units must be let at a minimum 20% discount to local market rents, calculated at the point of letting or tenancy renewal, and be secured for the duration of the BtR covenant. Affordable Private Rent units must be indistinguishable from market rent units in terms of design quality and management standards, and be let with an agreed lettings plan, which may include local connection criteria where consistent with national policy.

10.57 Applications must be supported by a Build-to-Rent Statement setting out how the proposal meets the requirements of Policy H3. The affordable private rent requirements have been informed by the plan evidence base and viability testing and are therefore expected to be delivered in most circumstances.

10.58 Long-term management and affordability will be secured through planning conditions and/or legal agreements, with appropriate monitoring mechanisms. Rent increases for Affordable Private Rent homes should maintain the agreed discount relative to market rents within the scheme.

Gypsy, Traveller and Travelling Showpeople – Safeguarding Sites



Introduction

10.59 Gypsies, Travellers and Travelling Showpeople form part of Tonbridge and Malling's diverse communities and have distinct accommodation needs. National planning policy requires local authorities to ensure fair and equal treatment for these groups, including facilitating the provision and safeguarding of sites to meet identified accommodation needs, as evidenced through robust and up-to-date assessments.

10.60 The Planning Policy for Traveller Sites (PPTS) 2024 updated the planning definition of a Traveller, removing travelling behaviour as a determining factor in assessing need in some cases where people no longer travel. This change broadens the scope of who may be considered in need of accommodation and reinforces the importance of safeguarding existing lawful sites as part of maintaining an adequate supply of pitches and plots.

10.61 Gypsies and Travellers typically live on pitches within sites, while Travelling Showpeople reside on plots within yards, sometimes grouped into Showpersons' developments. The council recognises the need to set pitch and plot targets to address both permanent and transit accommodation needs across the borough in line with national policy expectations.

10.62 This Policy seeks to safeguard existing lawful sites and ensure that any proposed loss is appropriately mitigated, maintaining the overall supply of pitches and plots in the borough where there is an identified need to do so.

10.63 The borough has a recognised need for Gypsy, Traveller and Travelling Showpeople accommodation, as identified through the most recent Gypsy and Traveller Accommodation Assessment (GTAA). Existing lawful sites play a critical role in meeting this need and supporting the rights of these communities to live in culturally appropriate accommodation. Access to secure and well-located accommodation is also important in supporting the health, wellbeing, educational outcomes and social inclusion of Gypsy, Traveller and Travelling Showpeople communities.

10.64 Safeguarding these sites is essential to prevent further shortfalls in provision, which could lead to unauthorised encampments, increased pressure on public services, and social exclusion. Where a site is proposed for loss, it is vital that suitable alternative provision is secured to ensure no net loss of accommodation where a need for pitches or plots exists. This approach aligns with national policy and promotes sustainable, inclusive communities.

10.65 Additionally, many sites have personal planning conditions attached to them, limiting occupation to named individuals. As circumstances change, it is important to allow flexibility to ensure continued use of these sites for their intended purpose, particularly where there is ongoing need and the site remains suitable in planning terms and complies with other relevant Local Plan policies.

Policy H4: Gypsy, Traveller and Travelling Showpeople – Safeguarding Sites

- 1 The council will resist the loss of and safeguard and protect lawful existing Gypsy, Traveller and Travelling Showpeople sites. Where a loss is proposed, and there is an identified need for pitches or plots, as demonstrated by the most up-to-date Gypsy and Traveller Accommodation Assessment (GTAA) or any other robust equivalent evidence as relevant, proposals will only be permitted where alternative provision is made, resulting in no net loss of pitches/plots, and is in an equivalent or improved location, having regard to access to healthcare, education, community facilities and other services, environmental quality, site suitability, opportunities for social inclusion and the needs of intended occupiers. The alternative site must be available for occupation prior to, or where justified, concurrently with, the loss of the existing site. The council will secure delivery and timing via planning conditions and/or a Section 106 agreement.
- 2 Where no identified need exists, proposals for the loss of sites will be considered on their merits, having regard to the availability of alternative lawful provision and the overall supply of sites within the Borough.
- 3 Should a site have a personal planning condition attached to it relating to the site occupier, the council will support applications to remove or vary personal conditions (as relevant) to allow the continued lawful use of sites for Gypsy, Traveller and Travelling Showpeople accommodation in perpetuity, subject to compliance with other policies in this plan.

Policy Implementation

10.66 The council will safeguard all lawful Gypsy, Traveller and Travelling Showpeople sites i.e. sites that have been granted planning consent. Planning permission will not normally be granted for development involving the loss of such accommodation where there is an identified need for pitches or plots, unless alternative provision is made to make good any loss. The alternative site must be provided prior to, or where justified concurrently with, the loss of the original site and secured via a planning condition or Section 106 agreement.

10.67 Any replacement site must be of an equivalent or improved location, with appropriate access to services, infrastructure, and opportunities for community integration having regard to environmental quality, site suitability, and the needs of intended occupiers. Proposals will be assessed against the borough's current accommodation needs as evidenced by the most up-to-date GTAA or equivalent robust evidence and relevant site suitability criteria.

10.68 Where a site has a personal planning condition attached to it relating to the site occupier, the council will support applications to modify or remove the condition to allow the continued lawful use of the site for Gypsy, Traveller or Travelling Showpeople accommodation in perpetuity, subject to compliance with other policies in the Local Plan.

10.69 Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the current NPPF and PPTS, where relevant.

10.70 The council will consider the following issues, among other relevant matters, when determining planning applications for Traveller sites:

- a** The existing level of local provision and need for sites;
- b** The availability (or lack) of alternative accommodation for the applicants;
- c** Other personal circumstances of the applicant;
- d** Locally specific criteria used to guide the allocation of sites in plans or to assess applications on unallocated sites; and
- e** Applications from any Travellers, not just those with local connections.

10.71 The council will maintain an up-to-date register of lawful sites and regularly review the effectiveness of this policy through its Authority Monitoring Report (AMR). The GTAA will be updated as required to ensure the policy remains responsive to changing needs. Where no identified need exists, the continued safeguarding of sites will be considered in the context of overall supply and other relevant planning considerations. All development, including Traveller sites, is subject to the same Green Belt, transport, landscape, and environmental policies.

Gypsy, Traveller and Travelling Showpeople – Site Criteria



Introduction

10.72 Government policy encourages authorities to meet the needs of all Gypsies, Travellers and Travelling Showpeople and in the context of Travelling communities councils need to consider the Human Rights Act 1998, the Equalities Act 2010 and the Housing and Planning Act 2016 section 124 for Traveller Sites. These policies are used to plan for the accommodation needs of those Gypsies, Travellers and Travelling Showpeople as defined in national policy, including those who continue to lead a nomadic habit of life, as well as those who have ceased travelling permanently or temporarily for reasons such as health, education or age.

10.73 The council recognises the importance of providing appropriate accommodation for Gypsies, Travellers and Travelling Showpeople in line with national planning policy and local needs. Gypsies, Travellers and Travelling Showpeople have distinct cultural traditions and accommodation requirements, and it is essential that the Local Plan supports their inclusion and integration within the wider community while ensuring equality of access to services and facilities available to the settled population.

10.74 The overarching aim of the National Planning Policy for Traveller Sites is to ensure fair and equal treatment of the travelling community, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. As part of this, the council is required to proactively plan to meet the housing needs of Gypsies, Travellers and Travelling Showpeople in the Borough over a reasonable timescale and based on robust and up-to-date evidence of need.

10.75 The NPPF confirms that 'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document. This policy should be read alongside the National Planning Policy Framework, with both forming material considerations in plan-making and decision-taking.

10.76 To support the wider needs of Gypsies and Travellers, the policy sets out criteria to inform future planning applications. The criteria set is to guide land supply allocations where there is identified need. Where there is no identified need, this criteria-based policy is included to provide a basis for decisions in case applications nevertheless come forward. In line with national policy, where the council cannot demonstrate a five-year supply of deliverable pitches or plots, planning applications will be determined having regard to the Planning Policy for Traveller Sites and the National Planning Policy Framework, including the application of paragraph 11(d) of the NPPF where relevant.

10.77 National guidance states that in general, new sites in the countryside, away from existing settlements, or where a site could dominate the nearest settled community, should be resisted. But as with bricks and mortar housing: well-planned and well-designed sites that make effective use of previously developed land and/or that positively enhance the environment will be supported. In circumstances where suitable sites within or adjoining settlements are unavailable, proposals outside settlement boundaries may be considered subject to national Green Belt and landscape policy tests. Enclosing a site with hard landscaping, high walls or fences, may give the impression that the site and its occupants are deliberately isolated from the rest of the community and will not be supported.

10.78 Similarly, it is vital that residents are able to access education, health and utilities (such as mains water supply, drainage and community facilities) in the same way that the settled community can, including through safe and realistic walking, cycling or public transport connections where available.

10.79 To support the wider needs of these communities, the policy provides a fair and balanced criteria-based approach. This ensures that land supply allocations are guided to where there is identified need, and that applications can still be assessed where no specific need has been identified. The criteria are designed to facilitate the traditional and nomadic lifestyle of Travellers while respecting the interests of the settled community and reducing the likelihood of unauthorised development and encampments.

Policy H5: Gypsy, Traveller and Travelling Showpeople – Site Criteria

- 1 Proposals for new, extended or intensified permanent or temporary Gypsy, Traveller and Travelling Showpeople sites will be supported where applications meet the following criteria:
 - a The site is in a sustainable location and is either located within or adjoining a settlement boundary or within good proximity to a range of services including shops, schools and primary health care facilities, with safe and realistic access by walking, cycling or public transport;
 - b The site is suitable in terms of vehicular access for cars, caravans and emergency vehicles, parking, turning, road safety and servicing arrangements, and has access to essential services such as water supply, sewerage, drainage and waste disposal;
 - c Appropriate landscaping is included within the proposal to ensure that the scheme does not result in any adverse landscape impacts. In cases where proposals are within or adjacent to a National Landscape, the scale and the extent of development should be limited. Proposals in their setting should be sensitively located and designed to enhance, mitigate or avoid impacts;
 - d The site is not affected by adjacent uses or environmental hazards that may affect the residents' health or welfare or located in an area of high risk of flooding, including functional floodplains;
 - e The site design, access, and the relationship with surrounding uses promotes peaceful and integrated co-existence between the site and the local community;
 - f The site demonstrates the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability;
 - g The site is suitable in scale when considering its location and the settlement hierarchy and the range of existing local infrastructure and services;
 - h The proposal achieves a well-designed lay-out, includes amenity space and space for equipment and animals with minimal hard standing and permanent structures and integrates with adjacent communities. Where amenity blocks are proposed these must be appropriate to the scale of the site. Proposals should reflect current best practice guidance for the design and layout of Gypsy and Traveller sites to ensure a high standard of residential amenity;
 - i Proposals make adequate provision for on-site facilities that meet best practice for modern Traveller site requirements, including storage, provision for recycling and waste management; and
 - j All proposals must comply with The Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and relevant national policy, including the Planning Policy for Traveller Sites (PPTS), including having regard to the most up-to-date national definition of Gypsies, Travellers and Travelling Showpeople.

- 2 Where there is a demonstrated need for additional plots or pitches, suitable expansion or the intensification or regularising of existing lawful or authorised sites will be supported by the council subject to meeting policy requirements. Proposals should be supported by up-to-date evidence of need, including reference to the latest Gypsy and Traveller Accommodation Assessment (GTAA) and the position on the supply of deliverable pitches/plots. Where windfall sites are proposed then the application must demonstrate that the national policy definition for gypsy and travellers and travelling showpeople can be met as well as demonstrating that there is a strong local connection to the area. All proposals, including windfall sites, will be assessed against Green Belt, landscape, transport and environmental policies in the Development Plan.
- 3 Where the council cannot demonstrate an adequate supply of deliverable Gypsy, Traveller and Travelling Showpeople sites, proposals will be determined having regard to the most up-to-date national policy, including the Planning Policy for Traveller Sites and the National Planning Policy Framework. Where relevant, the presumption in favour of sustainable development set out in paragraph 11(d) of the National Planning Policy Framework will apply.

Strategic Policy

Policy Implementation

10.80 All proposals must meet best practice design standards, including safe access, adequate amenity space, landscaping, and access to essential services. The council will resist schemes that enclose sites with hard boundaries or isolate residents, in line with national guidance. Best practice guidance published by government and relevant professional bodies will be used to inform the assessment of site layout and design.

10.81 Planning permissions will include conditions limiting occupancy to Gypsies and Travellers as defined in national policy at the time of determination. Caravan site licences must be obtained from the council's Environmental Health Team prior to occupation. Conditions may also regulate the number of caravans, layout, and duration of stay to ensure compliance with the Caravan Sites and Control of Development Act 1960.

10.82 The council will continue to engage with communities and stakeholders to promote peaceful and integrated co-existence, ensuring that Traveller sites are planned and managed in a way that supports both the travelling and settled populations. The council will also keep under review evidence of need and the supply of deliverable pitches and plots to inform future plan reviews and decision making.

10.83 The council will monitor the supply of deliverable pitches and plots through its evidence base and monitoring framework. Where a deficiency in supply is identified, planning applications will be considered in accordance with the most up-to-date national policy, including the Planning Policy for Traveller Sites and the National Planning Policy Framework.



Specialist Housing to Meet the Needs of Older and Vulnerable People

Introduction

10.84 Tonbridge & Malling has a similar age structure to regional and national averages in terms of older people, but with lower levels of disability. However, the borough is experiencing a significant demographic shift. Between 2024 and 2042, the population aged 65 and over is projected to increase by over 38%, with those aged 85 and over increasing by nearly 62%. This ageing trend is expected to result in a higher prevalence of disability, dementia, and mobility issues, with implications for housing demand across both general needs and specialist accommodation.

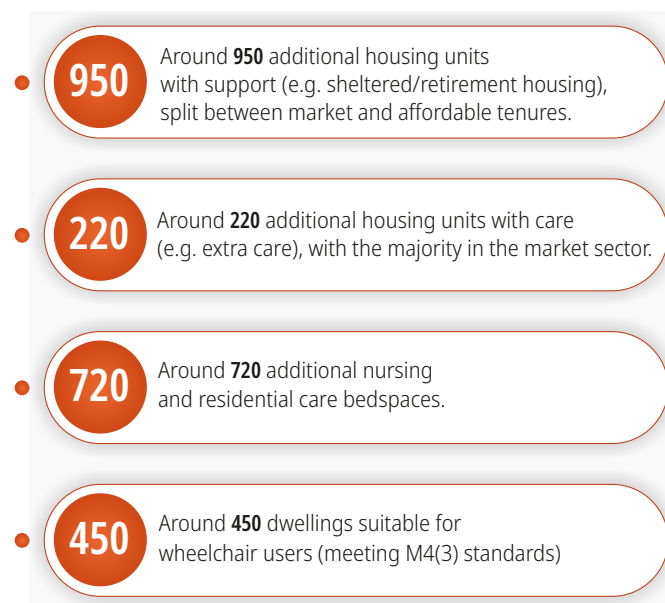
10.85 Older residents in the borough are more likely to be homeowners, with 75% of older person households owning their homes outright. This presents both a challenge and an opportunity as while many older people may have significant housing equity, they may also be living in homes that are no longer suitable for their changing needs. Providing a wider choice of appropriate housing can help facilitate downsizing, improve quality of life, and support more efficient use of the existing housing stock. It can also enable older people to remain within their existing communities, maintain support networks and access local services while living independently for longer.

10.86 The Local Plan seeks to widen housing choices for older people by securing a diverse supply of market and affordable housing, including specialist accommodation. This includes age-restricted housing, sheltered and extra care housing, and residential care homes. The aim is to enable older and vulnerable people to live independently for as long as possible, in homes that are adaptable, accessible, and located near local services and facilities, consistent with national planning policy and guidance on meeting the needs of different groups in the community.

10.87 The SHMA and supporting evidence provide a strong justification for this policy. The SHMA identifies a clear need to increase the supply of accessible and adaptable dwellings, wheelchair-user homes, and a range of specialist housing options for older people. This includes both market and affordable provision, reflecting the diverse needs, health conditions, and financial circumstances of older residents, and the importance of delivering provision across different parts of the borough.

10.88 The SHMA analysis shows a total of just under 1,800 units of housing with support or care, which represents around 135 per 1,000 people aged 75 and over. There is some variation by sub-area, with Tonbridge seeing the highest number (544 units), but the highest proportion per population aged 75+ is in Malling & Kings Hill.

Figure 10.1: Between 2024 and 2042, the SHMA has identified that the borough will require:



10.89 For nursing and residential care, a slightly lower level of supply is shown, with a total of 744 bedspaces, the highest number being in Tonbridge, although the proportion per 1,000 people aged 75+ is highest within the Medway Facing sub-area.

10.90 While current provision is broadly aligned with need, particularly for extra care and nursing care, projections to 2042 indicate a requirement for additional provision across all types and tenures, reinforcing the need for a plan-led and proactive approach to delivery.

Policy H6: Specialist Housing to Meet the Needs of Older and Vulnerable People

- 1 Sites between 20 to 99 dwellings, will, subject to viability, be required to deliver at least 5% specialist accommodation as C3; and schemes for 100 or more dwellings will be required to deliver at least 5% specialist accommodation as either C3 dwellings or C2 equivalents or a mix of both, unless it is robustly demonstrated that an alternative approach would better meet identified local needs, having regard to identified local housing needs and site specific evidence.

Where large sites come forward, the council will seek to secure an appropriate mix of housing types and tenures, informed by identified needs for specialist accommodation for older and vulnerable people.
- 2 Development proposals for specialist housing for older people and vulnerable groups will be supported where they:
 - a Demonstrate that the proposal contributes towards meeting an identified need for specialist accommodation having regard to the Strategic Housing Market Assessment or other robust and up-to-date evidence;
 - b Provide accommodation of an appropriate type, size and tenure for the intended occupants;
 - c Are located in a sustainable and accessible location with appropriate access to healthcare, community facilities, services and public transport, having regard to the needs of residents;
 - d Incorporate inclusive design principles that support residents' health, wellbeing, independence and changing needs over time, including assistive technology where appropriate, enabling people to remain living independently within their communities for as long as possible;
 - e Where care or support services are proposed, demonstrate through appropriate evidence that the scale, type and operation of the accommodation responds to an identified need and can be effectively delivered; and
 - f Comply with all other relevant policies within the Development Plan.
- 3 The loss of specialist accommodation for older or vulnerable communities will not be supported unless:
 - a Evidence demonstrates that there is no longer an identified need for the accommodation within the borough; or
 - b Alternative provision that meets the borough's needs is provided elsewhere; or
 - c The housing cannot be converted to alternate specialist provision for older or vulnerable people / communities due to it not being able to meet minimum standards for any form of specialist accommodation or it is not viable to improve the accommodation to provide any form of specialist or social care accommodation, supported by robust viability and feasibility evidence.

Strategic Policy

Policy Implementation

10.91 The policy aims to widen housing choices for older people by securing a diverse supply of market and affordable housing, including specialist accommodation. It supports the development of well-designed, accessible housing such as care homes and extra care schemes, located near local facilities to promote independence and community integration, and recognises the social, health and well-being benefits of such development.

10.92 The Policy aligns with national guidance, including the Planning Practice Guidance (PPG), and is grounded in robust local evidence. It ensures that the borough is planning proactively for an ageing population, recognising the likely increase in disability and health-related needs among older people. By supporting a range of housing types and tenures, the policy helps ensure that older residents can access appropriate accommodation that meets their needs over time, and that proposals which meet identified needs can be positively supported through the planning process.

10.93 Applicants should engage with KCC's Adult Social Care team and refer to the Kent Adult Social Care Accommodation Market Position Statement (MPS), AECOM ASC Accommodation Evidence Base (2025). They should also refer to the SHMA and any subsequent updates to understand the scale and type of need in the borough. Proposals should be supported by a Care Needs Assessment and demonstrate how they meet the health and well-being needs of older people, including those with dementia and long-term conditions. Developments must also include a mix of housing types and sizes, and deliver a minimum percentage of specialist housing, as per the policy requirement, unless robustly justified by site-specific evidence and viability considerations.

10.94 The council will support a range of specialist housing types, including:

- Use Class C3: Age-restricted general market housing, retirement living, sheltered housing, and extra care housing;
- Use Class C2: Residential and nursing care homes, including dementia and end-of-life care;
- Other models which will be assessed based on the level of care and communal facilities provided, recognising that new models of provision may emerge over the plan period.

10.95 The classification of specialist housing proposals will be determined on a case-by-case basis, taking into account the level of care provided and the scale of communal facilities. This ensures clarity in how different types of accommodation are treated in planning terms and supports appropriate delivery mechanisms, while allowing flexibility to respond to evolving care and housing models.

10.96 Schemes should prioritise accessibility, affordability, and integration with existing communities. The council will expect developments to meet relevant space and accessibility standards, including M4(2) and M4(3) where appropriate. Proposals must also demonstrate how they contribute to wider health and well-being objectives, including the creation of dementia-friendly environments and support for active ageing, having regard to inclusive design principles and lifetime adaptability.

10.97 Monitoring will be carried out through the Authority Monitoring Report (AMR), tracking the delivery of specialist housing types, tenure mix, and geographic distribution. The council will also monitor the loss of existing specialist accommodation and assess proposals for redevelopment against the policy criteria, to ensure that identified needs continue to be met over the plan period.

Accessible and Adaptable Homes

Introduction

10.98 The council is committed to ensuring that new housing development in the borough meets the needs of all residents, including older people, disabled people, and those with temporary or permanent mobility impairments. As the population ages and household needs diversify, it is essential that new homes are designed to be accessible, adaptable, and inclusive. In particular, the council seeks to increase the supply of homes that can support independent living over a lifetime and respond flexibly to changing needs. This policy sets out the requirements for new residential development to meet higher accessibility standards, supporting independent living and reducing the need for costly adaptations in the future. Accessible and adaptable homes can improve health outcomes, support independent living, reduce the need for residential care and enable people to remain in their homes as their needs change throughout life.

10.99 The council's approach to accessible and adaptable housing is grounded in national policy, local evidence, and demographic projections. The National Planning Policy Framework (NPPF) requires local planning authorities to plan for the needs of different groups in the community, including older and disabled people. The Planning Practice Guidance confirms that local planning authorities may require the optional technical standards in Part M of the Building Regulations where this is justified by evidence of need and viability. The optional technical standards in Part M of the Building Regulations provide a mechanism for delivering homes that are more inclusive and capable of adapting to changing needs over time.

10.100 Estimates of need draw on data from the English Housing Survey (EHS), primarily from the 2020/21 dataset, which remains the most robust national source of information on housing accessibility and wheelchair use. This includes information on the age structure of wheelchair users, the extent of work needed to make homes 'visitable', and the distribution of wheelchair users by tenure. Nationally, around 3.1% of households include a wheelchair user, with approximately 1% using a wheelchair indoors.

10.101 Locally, analysis for the borough uses household age structure projections and adjusts this for relative health conditions by age. This modelling estimates that there were approximately 1,345 wheelchair user households in 2024, and this is set to rise to 1,813 by 2042. National EHS data also shows that around 25% of wheelchair user households live in homes that are either problematic or not feasible to make fully visitable. Applying this proportion locally suggests a current need for 336 additional wheelchair user homes, with a further 117 homes needed between 2024 and 2042, resulting in a total estimated need of 453 homes, or around 25 dwellings per annum over the plan period.

10.102 Tenure-based data from the EHS (2020/21) further supports the policy approach. It shows that 6.7% of social tenants are wheelchair users (including 1.8% who use a wheelchair indoors or all the time), compared to 2.6% of owner-occupiers (0.8% indoors/all the time). This demonstrates a clear and disproportionate level of need within the affordable housing sector and justifies the higher proportion of M4(3) homes required within the affordable housing sector.

Policy H7: Accessible and Adaptable Homes

- 1** To support healthier, safer and more independent living and to meet the borough's need for accessible and adaptable homes, all new dwellings (in all tenures) will be required to meet M4(2) standards unless it can be demonstrated that site specific factors, including viability, topography, floodrisk, heritage constraints or plot size make this impracticable.
- 2** On developments of 20 or more dwellings, provision will be made for wheelchair user dwellings (M4(3)) comprising 5% of market housing and 10% of affordable housing, in accordance with the most up-to-date evidence of local need (including the Strategic Housing Market Assessment (or any updates to this study)).
- 3** The approach to providing accessible and adaptable homes should be discussed with the council at an early stage to ensure that proposals reflect identified needs and consider site circumstances.
- 4** Where an applicant seeks to depart from these requirements, this must be supported by robust and proportionate evidence, which may include a viability assessment where appropriate. The viability assessment will be paid for by the applicant.

Strategic Policy

Policy Implementation

10.103 Given the SHMA evidence, and in order to deliver the objectives of Policy H7, the council requires all dwellings (in all tenures) to meet the M4(2) standards and around 5% of homes meeting M4(3) wheelchair user dwellings in the market sector (with a higher proportion of around 10% in the affordable sector), subject to site-specific considerations and viability.

10.104 Where the authority has nomination rights on properties, the supply of M4(3) dwellings would be constructed for immediate occupation as M4(3)(B) wheelchair-accessible dwellings. In the market sector, M4(3) provision should normally be delivered as wheelchair-user adaptable dwellings (M4(3)(A)), unless evidence of specific local need indicates otherwise, to comply with Building Regulations (Approved Document M, Volume 1).

10.105 The council recognises that there will be cases where this may not be possible (e.g. due to viability or site-specific circumstances) or where the requirements would be clearly incompatible with the characteristics or constraints of the site. There may also be some practical issues to consider, such as the ability of any individual development to deliver mixed tenure provision, given the way care and support services are funded and delivered.

10.106 Applicants should demonstrate how proposals respond to the borough's accessibility objectives through clear design integration and supporting documentation. This includes identifying which dwellings will be built to enhanced accessibility standards, the relevant Part M category for each dwelling, and how these are distributed across the site.

10.107 For larger developments, the layout and mix should reflect the need for inclusive design, with accessible homes located in areas that offer convenient access to parking, public transport, and community facilities. These homes should be indistinguishable in appearance and tenure from other dwellings in the scheme unless specific management or operational requirements justify an alternative approach.

10.108 Early engagement with the council is encouraged to ensure that proposals align with local needs and site characteristics. Pre-application discussions should explore how the development will contribute to a more inclusive housing stock and whether any site-specific constraints may affect delivery. These discussions should also be used to obtain the most up-to-date information on the specific need for wheelchair user housing in the local area.

10.109 Where full compliance is not achievable, applicants must provide a proportionate and transparent justification. This may include:

- A site-specific assessment identifying physical or environmental constraints.
- A viability appraisal, where relevant, prepared in accordance with national and local guidance.
- Consideration of practical issues such as the feasibility of mixed tenure provision in relation to care and support service delivery.

10.110 Any departure from policy requirements should be clearly explained and supported by evidence.

10.111 Planning applications should include an Affordable Housing Statement detailing the number, type, and accessibility of affordable housing units proposed, including confirmation of compliance with M4(2) and M4(3) standards where applicable.

10.112 The council will assess such cases on their merits, balancing the evidence provided against the borough's strategic need for accessible housing. Monitoring will be undertaken through planning approvals and completions data, with delivery reviewed periodically to ensure the policy remains effective and responsive to demographic change and updated evidence of need.



Self and Custom Build Housing



Introduction

10.113 Self-build and custom housebuilding covers 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').

10.114 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

10.115 As of 1st April 2016, and in line with the Act and the Right to Build, relevant authorities in England are required to have established and publicised a self-build and custom housebuilding register which records those seeking to acquire serviced plots of land in the authority's area to build their own self-build and custom houses, and to have regard to this register when exercising relevant planning, housing and land disposal functions.

10.116 The Levelling Up and Regeneration Act 2023 (LURA) made some amendments to the 2015 Self and Custom Housebuilding Act which clarified how relevant authorities should monitor permissions granted against register entries, including the time period within which demand must be addressed.

10.117 The PPG (Paragraph: 16a Reference ID: 57-016a-20210208) is clear that self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their homes and can be innovative in both their design and construction.

10.118 The council supports opportunities for Self and Custom build development within the Local Plan and encourages a proportion of plots on larger schemes to be marketed for Self or Custom Build use, in accordance with national policy objectives to diversify the housing market.

10.119 Custom and self-build housing contributes to the overall housing supply and offers an alternative to mainstream housing delivery. It allows individuals to tailor homes to their specific needs, often resulting in cost savings due to the absence of developer profit. This form of housing can also promote innovation in design and construction, support community-led development, and make more efficient use of land, where appropriately planned and integrated within wider schemes.

10.120 In Tonbridge and Malling, as of the end of Base Period 10, a total of 203 households/individuals had registered on the self-build register. This equates to 22 per base period. Against which 83 plots were permitted for self and custom-build dwellings, 9 per annum. The council has 3 years from an individual's entry to the register to permit a plot to satisfy the need they create. Therefore, as of the 30th of October 2024, the need is the cumulative total entries on the register at the end of Base Period 6 (30th of October 2021), which was 184. On the 30th of October 2025, the need will rise to the cumulative total entries on the register at the end of Base Period 7 (30th of October 2022), which would be 194, unless addressed through the granting of suitable permissions.

10.121 With 83 suitable permissions allowed in Tonbridge and Malling, the need is currently not being met with an overall supply shortfall of 101 plots; this would rise to 111 plots in October 2025 if no further suitable permissions are allowed in the current base period. As well as the backlog need, in taking this assessment forward, we will need to address the scale of any future registrations. An indication of this can be garnered by past trends, and these suggest a need for 22 suitable plots per base period, subject to ongoing monitoring.

10.122 To ensure delivery, Policy H8 requires a minimum of 5% of dwellings on sites of 70 or more homes to be provided as self or custom build plots. These plots must be marketed appropriately, prioritising those with a local connection and those on the self-build register. The policy also ensures that these plots reflect local housing needs and are designed to a high standard, with larger schemes requiring a Design Code to guide development.

10.123 The council has introduced a Local Connection Test, a Financial Viability Test, and an administration fee for applicants to the register. These measures ensure that those on the register have a genuine connection to the borough and the financial means to bring forward a self-build project.

Policy H8: Self and Custom Build Housing

- 1 To diversify the housing market and increase consumer choice, the provision of new homes of a high-quality design through Self-Build, custom housebuilding and other community led approaches will be supported in sustainable locations, in accordance with the spatial strategy and Policy H1, to meet the demand as evidenced by the council's self-build register and other relevant evidence, in line with national policy and guidance.
- 2 A minimum of 5% of total dwellings on sites of 70 or more homes must be delivered as self or custom build plots on site. The onus will be on the applicant to demonstrate that self or custom build plots are not required based on the self-build register evidence, delivery and monitoring information, site-specific characteristics and constraints; and viability considerations, taking into account Policy H2 and other development requirements. Provision will be negotiated on a site-by-site basis, reflecting local context and market conditions, and will be applied flexibly to ensure it does not delay or undermine the delivery of development, consistent with national policy.
- 3 Self or custom build plots should:
 - a Once delivered be properly marketed at a reasonable price for a period of 12 months before the plots can revert to market accommodation;
 - b Be marketed to those with a local connection for the first three months or to those on the self and custom build register for the first three months, with the remaining time being marketed to others with an interest; and
 - c Provide a suitable housing mix and size of plots reflecting local housing need and the housing market in the local area, ensuring that the land provided uses land efficiently and provides an appropriate density.
- 4 The Self-Build or Custom house building projects will be required to be of a high-quality design and have regard to policies within this plan and National Guidance. For sites which either propose or have potential to contain 10 or more units of Self Build or Custom Build accommodation, a Design Code and Plot Passports will be required to encourage a coordinated approach to the design and development of individual plots.
- 5 The provision of Self and Custom build plots will be in addition to the level of affordable housing required, unless otherwise justified through viability evidence and agreed with the council having regard to the cumulative impact of policy requirements on viability.
- 6 Self-Build applications will be required to complete a Section 106 Planning Obligation or a Unilateral Undertaking in the event that the Self-Build plot does not come forward in line within criteria 3 of this policy, to ensure timely delivery or appropriate reversion to market housing.

Strategic Policy

Policy Implementation

10.124 To support the delivery of self and custom build housing, the council will require applicants to demonstrate their intention to bring forward such plots through a Self-Build Delivery Statement submitted at validation or during the decision-making process. This ensures clarity from the outset and enables effective monitoring of delivery. The council maintains a statutory register of individuals and groups seeking serviced plots, and permissions granted will be monitored against this demand and relevant base periods to ensure compliance with national legislation.

10.125 Marketing requirements will be enforced to ensure plots are genuinely offered to those seeking self-build opportunities. This includes prioritised marketing to individuals with a local connection or those on the register, followed by broader promotion if plots remain available. Where plots are not taken up within the required timeframe, legal mechanisms such as Section 106 agreements or Unilateral Undertakings will secure their reversion to general market housing, ensuring that delivery of the wider scheme is not delayed.

10.126 For larger schemes, particularly those with potential for 10 or more self-build units, a Design Code and Plot Passports will be required to guide development and ensure a coherent and high-quality built environment, having regard to the scale and characteristics of the site. The council will also continue to apply local eligibility tests to its register, including a Local Connection Test and a Financial Viability Test, introduced in August 2023, to ensure that applicants have both a genuine link to the borough and the means to deliver a self-build project.

10.127 This policy will be monitored through annual base period reviews, with the council committed to addressing both the existing shortfall and future demand as defined by the statutory register. The approach supports a more diverse housing market and empowers individuals and communities to shape their own homes.

Houses in Multiple Occupation

Introduction

10.128 Houses in Multiple Occupation (HMOs) provide an important source of low-cost, private rented accommodation, particularly for single people, students, young professionals, key workers, and those on lower incomes. A small HMO (Use Class C4) is defined as a property occupied by between three and six unrelated individuals, who share basic amenities such as a kitchen or bathroom. Larger HMOs, with seven or more occupants, fall under the Sui Generis use class and always require planning permission. While small HMOs are generally permitted development for property already in residential use, the council may introduce an Article 4 Direction (A4D) in areas where there is evidence of harm to local character or amenity, requiring planning permission for all HMO conversions.

10.129 Although HMOs contribute to housing choice, unmanaged concentrations can lead to negative impacts on residential character, community cohesion, and the physical environment. This policy sets out criteria to ensure that HMOs are well-designed, appropriately located, and effectively managed, taking an evidence-led approach, supporting the creation of mixed and balanced communities in line with national planning policy.

10.130 Policy H9 aligns with the NPPF by supporting the delivery of diverse housing types, including affordable and accessible forms of private rented accommodation and by promoting the efficient use of existing housing stock in sustainable locations. It ensures that HMOs meet both planning and licensing requirements, safeguarding the health, safety, and welfare of tenants. The policy also responds to the wider need to maintain mixed and balanced communities, recognising that harm may arise where high concentrations of any single housing type are present, including HMOs.

10.131 While HMOs can meet specific housing needs, such as for seasonal workers or those employed in rural or business-related settings, their proliferation in residential areas can erode local character and strain infrastructure where not appropriately located or managed. Examples within the borough include large HMOs in rural locations like Plaxtol, which are likely linked to agricultural or staff accommodation, and others associated with business operations such as Carroty Wood and Harpwood House. These cases highlight the varied nature of HMOs and the importance of context-sensitive and location-specific planning controls.

10.132 The Policy provides a framework to manage the impacts of HMOs on the streetscape, environment, and community cohesion. It seeks to ensure that conversions do not undermine the availability of family housing, particularly smaller homes, unless there is clear evidence that such use would not result in harm, and that proposals are supported by evidence of local need and good management practices.

Policy H9: Houses in Multiple Occupation

- 1 Proposals for the change of use of an existing residential property to a house in multiple occupation (HMO) will be supported where they contribute to meeting identified housing needs of single people, students, lower-income households, young professionals, key workers or other groups for whom HMOs are an appropriate form of accommodation, and if the following criteria are met:
 - a Existing homes must be capable of conversion without causing harm to the amenity of future occupants, neighbours or wider area and without significant extension or alteration to the existing property. The re-use of existing residential properties will be supported where appropriate. Proposals for purpose-built HMOs or significant intensification should demonstrate, where relevant, that conversion of existing stock is not appropriate or feasible;
 - b The scheme does not adversely affect the character of the area including by eroding the balance between different types of housing or resulting in a harmful concentration of HMOs that would cause demonstrable harm, having regard to robust evidence on the number and distribution of existing HMOs and the cumulative impact on community cohesion and residential amenity;
 - c Living spaces and communal facilities are of a high standard, consistent with the objectives of national policy for well-designed places, providing sufficient internal space, natural light and outlook, and are suitable for the intended residents;
 - d The development must not cause unacceptable impacts in terms privacy, noise, disturbance or overlooking issues for occupants or neighbouring properties. Mitigation measures, including layout, sound insulation and appropriate operational controls, must be provided where necessary;
 - e The scheme provides suitable vehicular access and an appropriate level of car and cycle parking in accordance with adopted standards, unless the site is located within 800m of a defined town centre or is otherwise demonstrably well served by public transport that offers regular services. Proposals must demonstrate that they will not result in unacceptable on-street parking pressure or harm to highway safety;
 - f Adequate space is provided to accommodate bin and recycling storage areas. Sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal. Arrangements for collection must not adversely affect the amenity of neighbouring occupiers or the public realm;
 - g Evidence is provided to demonstrate how a good standard of management will be provided, including, where appropriate, a Management Plan setting out responsibilities for maintenance, tenant management and a contact point for neighbours, which may be secured through planning conditions where necessary;
 - h All proposals must comply with the council's HMO Amenity Standards, relevant licensing requirements, and Kent Parking Standards or the most up-to-date standards; and
 - i Proposals must be located in sustainable locations, with good access to services and facilities.



Policy Implementation

10.133 Planning applications for HMOs will be assessed against the criteria in Policy H9, with a focus on maintaining residential amenity, protecting local character, and ensuring high living standards. Proposals must demonstrate that conversions can be achieved without significant structural alterations where proposals involve the re-use of existing residential properties, and that the property is suitable for shared living. Adequate communal space, waste storage, and parking provision must be incorporated, informed by the council's HMO Amenity Standards and Kent Parking Standards or any successor standards.

10.134 To protect the supply of small family homes, the subdivision of properties with three or fewer bedrooms will not be supported where this would result in a demonstrable loss of housing suitable for family occupation. The council will also resist the loss of existing HMOs where there is clear evidence of ongoing demand and continued suitability of the accommodation. In assessing applications, the need for HMO accommodation in the specific location will be a key consideration, and applicants may be required, where appropriate, to provide supporting evidence of demand.

10.135 The council will monitor the distribution of HMOs and may introduce Article 4 Directions in areas where their concentration is considered harmful, based on robust evidence of cumulative impacts. This will ensure that all changes of use to HMOs are subject to planning control, allowing for a balanced approach that meets housing needs while safeguarding the character and amenity of neighbourhoods.

Residential Extensions, Alterations, Annexes and Ancillary Accommodation

Introduction

10.136 Alterations and extensions to existing buildings can play a vital role in meeting the changing needs of residents and enhancing the functionality of homes. However, such development must be carefully managed to ensure it respects the character of the original building, protects the amenity of neighbouring properties, and preserves the quality of the wider built environment. A flexible, designed approach will be applied, having regard to the site context and the principles of good design set out in national policy. This policy sets out the criteria against which proposals for extensions, alterations, and ancillary accommodation will be assessed to ensure high-quality design and appropriate integration with existing development.

10.137 Permitted development rights allow certain extensions and outbuildings without planning permission if specific conditions are met. This Policy addresses those cases that exceed these limitations, where planning permission will be required, and will take into account fallback positions and the scope of permitted development rights where material to decision-making.

10.138 The council recognises that household extensions and alterations are a common form of development and can contribute positively to the housing stock when sensitively designed and proportionate to the host dwelling and its setting.

10.139 However, poorly designed additions can result in visual harm, loss of privacy, and adverse impacts on the character of neighbourhoods and streetscapes.

10.140 This policy ensures that proposals:

- Respect the architectural integrity of the original building, maintaining coherence in design, scale, and materials while allowing for high-quality contemporary design where it responds positively to local character.
- Avoid overdevelopment and maintain adequate spacing between buildings, particularly in areas where gaps between properties contribute to the character of the street, having regard to the prevailing pattern of development rather than fixed standards.
- Safeguard residential amenity by preventing unacceptable overlooking, overshadowing, or loss of sunlight or outlook.

- Protect heritage assets, including listed buildings and buildings within conservation areas, from unsympathetic alterations, in accordance with national policy and statutory duties.
- Ensure that annexes and ancillary accommodation are genuinely subordinate to the main dwelling, functionally connected, and do not lead to the creation of separate, independent dwellings or planning units.

10.141 The Policy also provides a mechanism for the council to manage future development through the use of planning conditions or legal agreements, particularly in sensitive locations such as rural areas or conservation areas, applied only where they meet the tests of necessity, relevance and proportionality.

Policy H10: Residential Extensions, Alterations, Annexes and Ancillary Accommodation

- 1 The council will permit alterations and extensions to buildings which:
 - a Are well-designed and proportionate, subordinate and compatible with, and integrate coherently with, the character of the original building and surrounding context. In terms of elevational design, layout, size, bulk, mass, height and position, use of dormers and window placement and choice of materials which should be appropriate to, and where possible, complementary with the original dwelling and surrounding area;
 - b Are designed to respect the prevailing building line and pattern of development, with a visual break provided where this reflects local character. With two storey or first floor flank extensions the council will normally expect a minimum gap of 1 metre from the common boundary with the adjoining dwelling (retained for the whole length of the extension) unless it can be demonstrated that a reduced gap would not harm character or amenity. Roofs should be designed to complement the existing roof type and tiled to match the existing dwelling or use high quality complementary materials;

- c Will not result in unacceptable adverse impacts on residential amenity, including loss of privacy, outlook or daylight/ sunlight, or unacceptable overlooking or overshadowing to neighbouring properties. New windows and balconies should have their principal outlook so that it avoids direct overlooking into such areas. Windows which have a flank outlook into the private garden area of an adjoining property will not be permitted unless suitable mitigation measures, such as obscure glazing or screening, are incorporated;
- d Are not detrimental to the character, quality or amenity of the locality and streetscape, including the cumulative impact of incremental extensions having regard to the site context and pattern of development; and
- e Do not cause harm to the special architectural character of listed buildings and non-listed buildings in conservation areas, in accordance with national policy and Local Plan policies HE2: Listed Buildings and HE3: Conservation Areas.

Proposals for annexes and ancillary accommodation, must:

- f Be within the curtilage of the main dwelling, remain ancillary to and functionally linked with the main dwelling, and be clearly subordinate to it in terms of scale, footprint and overall accommodation;
- g Be used in conjunction with the main house and be in the same ownership as the main dwelling at the point of occupation;
- h Be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate suitable living conditions, having regard to national space and amenity principles where applicable;
- i Be designed so that it can be readily incorporated into the main dwellinghouse and shall not have a separate boundary enclosure, curtilage subdivision or other demarcation that separates it from the main dwelling or creates the appearance of an independent planning unit.

- j** Be accompanied by a supporting statement to explain who it will be used by, their relationship with the occupants of the main house and how the use of the annex will comply with this Policy or otherwise demonstrate that it will remain ancillary to the host dwelling;
- k** Where an annex is permitted, the council will normally ensure that occupation of the proposed annex is tied to the existing host dwelling by use of a planning condition or Section 106 agreement where it is necessary to make the development acceptable in planning terms; and
- l** Minimise the risk of sewer flooding and protect water quality. Rainwater drainage for extensions or annexes will not be permitted to discharge to the foul sewer network unless it can be clearly demonstrated that there is no reasonably practicable alternative drainage solution, having regard to sustainable drainage principles.

Policy Implementation

10.142 In determining applications for alterations and extensions, the council will assess whether proposals achieve high quality design that responds to the original building's architectural character and its wider context, taking a proportionate and design-led approach.

10.143 Scale, form, and materials must ensure visual coherence and avoid incongruous additions that harm the host building or surrounding area, although exact matching will not be required where appropriate complementary materials are proposed.

10.144 Development must maintain appropriate spacing, particularly for side extensions, to preserve streetscape rhythm and prevent coalescence, having regard to local character. Roof design must be compatible, with attention to pitch, materials, and integration with existing features or be of a high-quality contrasting design that respects the host building.

10.145 Significant weight will be given to residential amenity, including overlooking, overshadowing, and loss of privacy and outlook/daylight. Openings must avoid intrusive views into neighbouring gardens or habitable rooms, with mitigation required where necessary, such as obscure glazing or screening.

10.146 In conservation areas and the setting of listed buildings, proposals must preserve or enhance heritage significance and be supported by sufficient detail proportionate to the scale and sensitivity of the proposal.

10.147 Annexes must be clearly subordinate, within the curtilage, share access and services, and not be physically or functionally separate. Applications must include a statement of use, occupancy relationship and compliance with ancillary criteria, or otherwise demonstrate that the accommodation will remain incidental to the host dwelling and not form an independent unit.