

# 10

## HOUSING



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# 10

# HOUSING

## Introduction



**10.1** Housing is central to this Local Plan's vision to ensure that the borough is a place where all residents can access good quality, affordable homes that meet their needs, whether renting or buying.

**10.2** The Local Plan plays a vital role in delivering this vision by setting out a framework for sustainable housing growth and in doing so it is important that the development that comes forward responds to local needs, supports community wellbeing, and aligns with national planning policy.

**10.3** There are a range of housing challenges within the borough, including affordability pressures, an ageing population, and the need to improve the condition and energy efficiency of existing homes. 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](#).











# Housing to Address Needs



## Introduction

**10.5** The council is committed to delivering housing that meets the diverse needs of its communities and supports the creation of inclusive, mixed, and sustainable places. Policy H1 sets out the council's approach to ensuring that new residential development contributes to a balanced housing market, ensuring that new housing reflects local needs in terms of type, size and tenure and will contribute to enabling equality of access to suitable accommodation.

**10.6** The policy reflects the principles of the [National Planning Policy Framework \(NPPF\)](#), which requires local planning authorities to plan for 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 local evidence, including the [Strategic Housing Market Assessment \(SHMA\)](#) and [Housing Register data](#), to guide the delivery of appropriate dwelling types, tenures, and sizes.

## Policy H1: Housing to Address Needs

- 1 The council will respond to meeting local housing need by seeking to support the delivery of a wide choice of high quality and well-designed homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities.
- 2 Proposals for all housing schemes will be expected to provide for a mix of dwelling types, tenures, and sizes as well as provide a range and mix of housing formats to meet both national and local policy requirements and to meet local housing needs, as evidenced in the latest Strategic Housing Market Assessment and / or other relevant evidence that is provided to justify the mix of homes required during the plan period.
- 3 Housing development will be supported that is consistent with policies in this local plan including the settlement hierarchy and spatial strategy.
- 4 Overall housing mix will be achieved by the provision of:
  - a Market and affordable dwellings;

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

### Housing mix

- 5 The council will seek the following housing mix by tenure on sites of 10 dwellings (net) or more:

	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, proposals will only be supported where they are supported by up-to-date evidence of need including that which demonstrates the suitability of the proposal in relation to the following, which is not listed in priority order:
  - a Site viability;
  - b The context, character, density and location of the site / development including whether brownfield or greenfield development;
  - c Site 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 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 or other relevant up-to-date evidence no older than 3 years.



## Reasoned Justification

**10.7** A varied and responsive housing supply is essential to meeting the borough's demographic and economic needs. The policy is informed by the [SHMA](#) and other local evidence, which highlight the importance of providing homes of different sizes and tenures to reflect household changes, population ageing, and affordability challenges.

**10.8** In particular, there is a strong need for 2 and 3 bedroom homes across all tenures, with targeted provision of 1 bedroom and 4+ bedroom dwellings to meet specific needs. For affordable rented housing, evidence points to a requirement for at least 40% of homes to have three or more bedrooms, including 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. By promoting a mix of dwelling sizes and formats, the policy supports greater market choice, helps overcome absorption constraints, and contributes to improved delivery rates.

## Policy Implementation

**10.10** Policy H1 will be implemented through the development management process, with housing proposals expected to demonstrate how they contribute to a balanced and inclusive housing mix. Applicants must refer to the latest [SHMA](#), housing needs surveys, and other relevant evidence to determine the most appropriate mix of dwelling types, sizes, and tenures for each site.

**10.11** Requirements vary across the borough so factors such as proximity to public transport and services, place and site characteristics will determine what is a suitable dwelling mix at any particular location. The final mix will be negotiated with the developer on a site-specific basis, so as to ensure compliance with the policy and regard to the most up to date SHMA.

**10.12** Tonbridge and Malling's housing stock is characterised by a high proportion of semi-detached homes (41.9%) and owner-occupation (72.1%), with relatively high levels of under-occupancy (42.1%) and low levels of overcrowding. To address this imbalance, the council will resist an over-supply of 1- and 2-bedroom flats and instead promote a more diverse mix that reflects actual need, particularly for 2 and 3 bedroom

homes across all tenures. For affordable rented housing, at least 40% of homes should have three or more bedrooms, with 10% having four or more bedrooms.

**10.13** Homes of different sizes and tenures should be distributed across a scheme to provide variation in character and form and to support social mix through having a range of different sized households (and households at different life stages) which will provide more integrated and balanced communities. Similarly, clustering of homes of a particular tenure can result in less socially cohesive schemes. Affordable homes for rent should be 'pepper-potted' unless there are servicing issues that requires them to be provided in clusters.

**10.14** All proposals must comply with other policies within this plan in relation to design and other matters. Monitoring of housing delivery and mix will be undertaken through the Authority Monitoring Report (AMR), which will inform future updates to the Local Plan and ensure continued alignment with local needs.

# Affordable Housing



## Introduction

**10.15** The provision of affordable housing is a critical component of sustainable development and inclusive communities. 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.

**10.16** 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 both on-site and through financial contributions where appropriate. The policy also addresses tenure mix, design integration, and exceptional circumstances where viability may affect delivery.



**10.17** The Tonbridge and Malling Borough Council ([SHMA](#)) identifies an acute need for affordable housing across all sub-areas of the borough, and therefore the council will seek to maximise delivery at every opportunity. The majority of need arises from households who are unable to buy or rent on the open market, which points to a particular requirement for social and affordable rented housing rather than affordable home ownership products.



**10.18** This policy also seeks to address housing affordability and the supply of specialist housing, aiming to significantly boost the supply of homes to support sustainable communities..

## Policy H2: Affordable Housing

- 1 To meet the borough's need for affordable housing, development proposals which include a residential element (including 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) units, or
- b proposals for 6 or more units within a National Landscape, or
- c where sites provide 0.5 hectares or more of developable area.

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

- 2 Relevant proposals as above must include an Affordable Housing Statement that sets out how the application meets policy requirements. Provision should accord with the definition of affordable housing as set out within national policy and in accordance with the policies of this plan. Affordable housing should genuinely be affordable to those identified as being in housing need as set out by the government eligibility criteria and any relevant policy requirements.
- 3 At least 50% of the housing must be affordable, on land which is proposed to be released from the Green Belt or on land within the Green Belt.

### 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 50% social rent, 30% affordable rent and 20% intermediate accommodation unless a different tenure mix would be more suitable taking into account the location of the site and any other relevant factors. Where intermediate products are proposed there should be a preference of shared ownership. However, alternatives to shared ownership housing may be delivered where it is demonstrated that this will contribute to meeting local affordable housing need as indicated by up-to-date evidence and where these can be demonstrated to be genuinely affordable.
- 5 All affordable housing secured through policy must remain affordable in perpetuity. Legal agreements will make provision for achieving clawback on long-term phased schemes if affordable housing is converted to another tenure.



### Exceptional circumstances

- 6 The council will seek to maximise affordable housing delivery, however, there may be exceptional circumstances where on-site affordable housing is not viable. In these circumstances, evidence will be required to be submitted to demonstrate why the level or tenure mix of affordable housing cannot be achieved on site. Any proposal for alternative tenure mix or a reduction in affordable housing provision should be discussed with the council at the earliest opportunity alongside the submission of detailed evidence for not meeting the policy.
- 7 In the exceptional circumstances where it is not viable to deliver affordable housing on-site, then either off-site serviced plots or a commuted sum in lieu of on-site delivery for the same number of units will be required. Viability will be subject to an independent assessment at the applicants cost. All proposals required to submit evidence of viability will be subject to viability reviews. Should viability improve prior to completion then affordable housing contribution would change accordingly.
- 8 Where a lower percentage of affordable housing or differing tenure mix is agreed on viability grounds, developers will be required to enter into an agreement that allows affordable housing contributions to be made in the future should higher levels become viable through an overage clause. The council will require viability to be re-appraised on subsequent phases of larger schemes of 10 units or more.

### Design

- 9 The affordable housing provision must be well-integrated into a scheme and externally indistinguishable from market housing, including quality of materials, design and open spaces. The units should be located throughout the site in a manner that supports integration but can also be managed efficiently by Registered Providers.



## Reasoned Justification

**10.19** The analysis of the future mix of housing required takes account of demographic change, including potential changes to the number of family households and the ageing of the population.

**10.20** The SHMA is clear that social rents are more affordable and could benefit a wider range of households – social rents should therefore be prioritised where delivery does not prejudice the overall delivery of affordable homes.

**10.21** The borough faces significant challenges in meeting the demand for affordable housing, with affordability pressures continuing to impact residents across a range of income levels. 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.

**10.22** 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.

**10.23** Data from [the Regulator of Social Housing \(RSH\) for 2024](#) shows that Private Registered Providers (PRPs) own approximately 9,800 properties 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.

**10.24** The SHMA justifies a policy position of 80%



low-cost rented housing and 20% affordable home ownership. Within the rented category, up to 60% of affordable housing at social rents being justified in need terms, equating to around 50% of all affordable housing. Low cost home ownership provision should focus on shared ownership, with no strong evidence of need for First Homes or discounted market housing.

**10.25** 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.

**10.26** 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.

**10.27** 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 to reflect 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.

**10.28** The policy also ensures that affordable housing remains genuinely 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.

**10.29** Where viability constraints arise, the policy provides a clear framework for negotiation, evidence submission, and independent review, ensuring transparency and accountability. This approach balances the need for flexibility with the overarching objective of maximising affordable housing delivery.

## Policy Implementation

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

**10.31** 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, the SHMA evidence indicates that shared ownership should be the primary focus, with limited justification for First Homes or discounted market sale products.

**10.32** 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; identification of potential Registered Providers and funding opportunities; and agreement of the Heads of Terms for the Section 106 Agreement to secure delivery.

**10.33** 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.

**10.34** 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

**10.35** 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 supported by robust evidence demonstrating necessity for viability or management reasons.



## Section 106 TCPA 1990 Provisions for Affordable Housing

**10.36** 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 and these will be the starting point for all s106 negotiations relating to affordable housing. TMBC 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.

**10.37** 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

**10.38** Where on-site delivery is not viable, applicants must submit robust viability evidence for independent assessment, the cost of which will be borne by the applicant.

**10.39** In such cases, commuted sums or serviced plots will be required in lieu of on-site provision. Viability reviews will be undertaken, and if viability improves prior to completion, the affordable housing contribution will be adjusted accordingly.

## Off-site delivery

**10.40** In exceptional circumstances, the council may approve off-site delivery of affordable housing. Should on-site and off-site delivery be ruled out as options, a commuted sum may be deemed acceptable.

# 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:

*“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.”*

**10.42** It therefore represents development which is constructed with the intention that it will be let rather than sold.

**10.43** 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.

**10.44** 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](#).

**10.45** Even though there are only two BtR schemes in TMBC at the moment, the presence of several schemes built by different developers and managed by different operators in neighbouring locations indicates that there is likely to be further interest from the development industry in promoting BtR development in the area. The policy therefore sets out the requirements in the eventuality of a build-to-rent proposal.

**10.46** BtR developments are a distinct form of housing provision, purpose-built for long-term rental and typically held in single ownership with professional management. The National Planning Policy Framework (NPPF) recognises the specific needs of renters as separate from affordable housing, and paragraph 63 requires that these needs be assessed and reflected in planning policies.

**10.47** BtR schemes can play a valuable role in diversifying housing supply, meeting the needs of households who prefer or require rented accommodation, and supporting housing delivery. They often include communal facilities and services that foster a sense of community and offer greater security of tenure than traditional private rented housing.

**10.48** This policy sets out the council’s approach to supporting BtR schemes in appropriate locations, ensuring they contribute positively to housing supply, affordability, and quality of life for residents.



## Policy H3: Build-to-Rent

- 1 To help meet 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. Build-to-rent schemes should:
  - a Provide at least 10 homes;
  - b Provide high-quality accommodation that fosters a sense of community through the provision of communal areas, 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 Offer a range of tenancy options to suit the renter including a minimum 3-year tenancy to meet renter needs;
  - e Is secured for the long-term (e.g. minimum 30 years); and
  - f Will be professionally managed and preferably in single ownership and management control.
- 2 A build-to-rent scheme, will be required to provide at least 20% of units as Affordable Private Rent to be maintained in perpetuity. The affordable private rent units must be at a minimum discount of 20% to local market rents and must be let to households with a local connection. They must also be built and maintained to the same standards as the build to rent properties;
- 3 A viability appraisal will be required to demonstrate affordable housing contributions, paid for by the applicant; and
- 4 Proposals for build-to-rent schemes should submit a build-to-rent report setting out how it intends to operate, manage and let the build-to-rent Scheme, to be agreed with the council.

## Reasoned Justification

**10.49** The Planning Practice Guidance (PPG) on Build-to-Rent recognises that where a need is identified, local planning authorities should include a specific policy to promote and accommodate BtR development. The council has identified a growing interest in BtR schemes locally and regionally, and this policy responds to that emerging need.

**10.50** Given the BtR schemes in Tonbridge and Malling and neighbouring local authority areas suggests that the borough is well-positioned to attract further BtR investment.

**10.51** The PPG sets out that at least 20% of units in BtR schemes should be provided as Affordable Private Rent, with a minimum 20% discount to local market rents. These units should be managed collectively by a single landlord and maintained in perpetuity. The council supports this benchmark and will require evidence to justify any deviation from it.

**10.52** Given this context, it is important that the Local Plan sets out clear expectations for BtR development. This includes ensuring high-quality design, long-term management, and affordability through the provision of Affordable Private Rent units. The policy aligns with national guidance and supports the delivery of professionally managed rental housing that meets local needs.

## Policy Implementation

**10.53** To ensure Build-to-Rent (BtR) schemes contribute positively to housing delivery and community wellbeing, proposals will be expected to meet a range of implementation criteria. BtR developments should be located in sustainable areas with good access to public transport, services, and employment opportunities. This aligns with the spatial strategy of the Local Plan and will be assessed through site allocations or individual site assessments for windfall development.

**10.54** All BtR homes must meet or exceed the Nationally Described Space Standard (NDSS), or any subsequent national guidance, to ensure sufficient internal space for future occupants. Developments should incorporate communal spaces and facilities that support resident wellbeing and foster a sense of community. In addition, schemes should provide appropriate outdoor space, secure cycle storage, and measures to support active travel, in line with wider design and sustainability standards.

**10.55** Tenure arrangements must reflect the needs of renters, offering a range of tenancy options including a minimum three-year tenancy. BtR schemes must be secured for long-term rental use, typically for a minimum of 30 years, and should be held in single ownership with 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.

**10.56** The mix of units within each scheme should be appropriate to the type and location of the development. 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. The council will assess the proposed mix in the context of local housing need and site characteristics.

**10.57** In accordance with Planning Practice Guidance (PPG), at least 20% of units within a BtR scheme must be provided as Affordable Private Rent. These units must be let at a minimum 20% discount to local market rents, calculated at the point of letting or tenancy renewal, and maintained in perpetuity. Affordable Private Rent units must be indistinguishable from market rent units in terms of quality and management, and must be let to households with a local connection. All units, both market and affordable, should be managed collectively by a single landlord.

**10.58** Applicants will be required to submit a viability appraisal to demonstrate the scheme's ability to deliver affordable housing contributions. In addition, a Build-to-Rent Report must be provided, setting out the scheme's operational model, management arrangements, tenancy structures, and affordability mechanisms. This report will be reviewed and agreed with the council prior to determination.

**10.59** The council will secure the long-term affordability and management of BtR schemes through planning conditions and/or legal agreements. Monitoring will be undertaken to ensure compliance with affordability, tenancy, and management commitments. Rent increases for Affordable Private Rent units should follow the same basis as those applied to longer-term market tenancies within the development.





## Gypsy, Traveller and Travelling Showpeople – Safeguarding Sites

### Introduction

**10.60** 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 needs.

**10.61** 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.

**10.62** 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.

**10.63** 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.

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

- 1 The council will safeguard and protect lawful existing Gypsy, Traveller and Travelling Showpeople sites. Where a loss is proposed, and there is a need in the Borough for pitches or plots, proposals will only be permitted where alternative provision is made, resulting in no net loss, and is in either an equivalent or an improved location. The alternative site must be provided before the original is lost and this will be secured as either a planning condition or via a S106 agreement.
- 2 Should a site have a personal planning condition attached to it relating to the site occupier, the council will support applications to modify or remove the condition (as relevant) to allow the continued use of the site as a Gypsy, Traveller and Travelling Showpeople site in perpetuity, subject to other policies in this plan.

## Reasoned Justification

**10.64** 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.

**10.65** 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. This approach aligns with national policy and promotes sustainable, inclusive communities.

**10.66** 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.

## Policy Implementation

**10.67** 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 unless alternative provision is made to make good any loss. The alternative site must be provided before the original is lost and secured via a planning condition or Section 106 agreement.



**10.68** Any replacement site must be of an equivalent or improved location, with appropriate access to services, infrastructure, and opportunities for community integration. Proposals will be assessed against the borough's current accommodation needs and relevant site suitability criteria.

**10.69** 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 use of the site as a Gypsy, Traveller or Travelling Showpeople site in perpetuity, subject to compliance with other policies in the Local Plan.

**10.70** 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 [NPPE](#) and [PPTS](#).

**10.71** 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;
- e** Applications from any Travellers, not just those with local connections.

**10.72** 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.

## Gypsy, Traveller and Travelling Showpeople – Site Criteria



### Introduction

**10.73** 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 who continue to lead a nomadic habit of life, even if they have stopped travelling for certain reasons.

**10.74** 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.

**10.75** 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.

**10.76** 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'.

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

- 1 Proposals for new, extended or intensification of 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 confines boundary or within good proximity to a range of services including shops, schools and primary health care facilities accessible by public transport, to enable integration into the community;
  - 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 in or adjacent to a National Landscape, the scale and the extent of development should be limited, 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 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;
  - 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;
  - j No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site; and
  - k All proposals must comply with The Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
- 2 Where there is a demonstrated need for additional plots / pitches, suitable expansion or the intensification or regularising of existing sites will be supported by the council subject to meeting policy requirements. 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.



## Reasoned Justification

**10.77** 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. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

**10.78** 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. 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.

**10.79** 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.

**10.80** This policy sets out the criteria against which planning applications will be assessed to meet the needs of Gypsies, Travellers and Travelling Showpeople. These criteria also provide a robust framework to consider any unidentified needs of the community during the plan period.

**10.81** 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.

## Policy Implementation

**10.82** 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.

**10.83** Planning permissions will include conditions limiting occupancy to Gypsies and Travellers. 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](#).

**10.84** 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.



# Specialist Housing to Meet the Needs of Older and Vulnerable People

## Introduction

**10.85** 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.

**10.86** 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: 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.

**10.87** 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.

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

- 1** Given the borough's need for specialist accommodation for older and vulnerable communities, 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 5% specialist accommodation as either C3 dwellings or C2 equivalents taking into account local housing need.
- 2** The council will support development proposals for specialist housing<sup>1</sup> for older people and vulnerable groups. Proposals will be considered to take the following into account:
  - a** That the proposal makes a positive contribution to the borough's need for specialist housing as set out in the council's Strategic Housing Market Assessment or is supported by robust up-to-date evidence to support the proposal in the context of the local area for which the development will be located;

<sup>1</sup> Specialist housing for older people include Age-restricted general market housing, Retirement living or sheltered housing (housing with support), Extra care housing or housing-with-care (housing with care) and Residential care homes and nursing homes (care bedspaces).



- b** That the proposal seeks to meet the evidenced needs of the older or vulnerable community, ensuring that provision is affordable for the intended occupants and is of an appropriate mix;
  - c** That any proposal for accommodation is located in a sustainable location, within a settlement confines boundary and with good accessibility to infrastructure and services including shops, community facilities, public transport, primary health care, all of which could be reached without a car;
  - d** That the proposal is suitable in relation to the nature and topography of the site and that appropriate infrastructure can be provided to support walking and wheeling;
  - e** The design and layout addresses the health and well-being needs of older and vulnerable people, including, where appropriate, those with dementia and other long-term conditions;
  - f** The proposal meets the accessibility Policy H7, the Nationally Described Space Standard and provides amenity and garden space appropriate to the scheme as well as appropriate refuse storage;
  - g** An appropriate level of car parking is provided for residents, staff and visitors delivered in line with Kent County Council Parking standards including electric vehicle charging points;
  - h** The accommodation is appropriately designed and supported by a Care Needs Assessment to justify the development proposal's scale, design, tenure and accommodation type; and
  - i** The proposal provides affordable housing as set out in Policy H2 of this plan, calculated based on floorspace.
- 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;
  - 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.

## Reasoned Justification

**10.88** The Strategic Housing Market Assessment (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.

**10.89** Between 2024 and 2042, the SHMA has identified that the borough will require:



**10.90** 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.

**10.91** 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.

**10.92** 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.

## Policy Implementation

**10.93** The policy therefore 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.

**10.94** 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.

**10.95** Applicants should 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.

**10.96** 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.

**10.97** 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.

**10.98** 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.

**10.99** 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.

# Accessible and Adaptable Homes

## Introduction

**10.100** 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. 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.

## Policy H7: Accessible and Adaptable Homes

- 1** To meet the Borough's need for accessible and adaptable homes, all new dwellings (in all tenures) will be required to meet the accessibility standards set out in part M4(2) of the Building Regulations, subject to site suitability.
- 2** On schemes of 20 or more, developments will be required to meet M4(3) standards for 5% of the dwellings proposed in the market sector and 10% of all affordable housing provision.
- 3** The approach to providing accessible and adaptable homes should be discussed with the council at an early stage in the application process to ensure that the scheme proposed can reflect local need.
- 4** Only in circumstances where it can be robustly demonstrated by the applicant that it is not practicable or financially viable to deliver the provisions above or where the requirements are clearly incompatible with the location, will new development be exempt from this policy requirement. This will need to be evidenced by a viability assessment, paid for by the applicant.



## Reasoned Justification

**10.101** 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 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.

**10.102** Estimates of need draw on data from the [English Housing Survey \(EHS\)](#), primarily from the 2020/21 dataset. This includes information on the age structure of wheelchair users, the extent of work needed to make homes 'vitable', 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.

**10.103** 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 25 dwellings per annum.

**10.104** 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 justifies the higher proportion of M4(3) homes required within the affordable housing sector.

**10.105** This policy ensures that new homes are accessible and adaptable, meeting both current and future needs by requiring compliance with specific building regulations. It supports independent living, reduces the need for costly retrofitting, and contributes to a more inclusive and sustainable housing stock across the Borough.

## Policy Implementation

**10.106** Given the SHMA evidence, 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 (a higher proportion of around 10% in the affordable sector).

**10.107** Where the authority has nomination rights on properties, the supply of M4(3) dwellings would be constructed for immediate occupation (M4(3)(B) wheelchair-accessible dwellings, and in the market sector, they should be constructed to be adjustable for occupation by a wheelchair user (M4(3)(A)) wheelchair-user adaptable dwellings.

**10.108** The council recognises that there will be cases where this may not be possible (e.g. due to viability or site-specific circumstances) and there may also be some practical issues to consider, such as the

ability of any individual development to have mixed tenure, given the way care and support services are paid for.

**10.109** Early discussions with the council are required to obtain up-to-date information on the specific need for wheelchair user housing in the local area.

**10.110** Planning applications should include an Affordable Housing Statement detailing the number and types of affordable housing units.

**10.111** 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 and how these are distributed across the site.

**10.112** 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.

**10.113** Given the findings of the SHMA, the council expects all new dwellings to meet enhanced accessibility standards, with a proportion of homes designed to accommodate wheelchair users. Where the council has nomination rights, wheelchair user dwellings should be constructed to be immediately occupiable (M4(3)(B)). In the market sector, such homes should be built to be adaptable for future wheelchair use (M4(3)(A)).

**10.114** 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 up-to-date information on the specific need for wheelchair user housing in the local area.

**10.115** 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.

**10.116** Planning applications should include an Affordable Housing Statement detailing the number, type, and accessibility of affordable housing units proposed.

**10.117** 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.

# Self and Custom Build Housing



## Introduction

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').

**10.118** 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.

**10.119** 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.

**10.120** The [Levelling Up and Regeneration Act 2023 \(LURA\)](#) made some amendments to the 2015 Self and Custom Housebuilding Act which advised how the supply and demand of self and custom build housing plots can be assessed.

**10.121** 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.

**10.122** 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.

**10.123** Self-build and custom housebuilding offers an important opportunity to diversify the housing market and increase consumer choice. It enables individuals or groups to play a significant role in the design and delivery of their own homes, ranging from managing the entire construction process to commissioning a builder for a 'turnkey' home tailored to their preferences.

**10.124** [The Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#) defines self-build and custom housebuilding as homes built or completed by individuals, associations of individuals, or persons working with or for them, to be occupied as homes by those individuals. The [LURA](#) further clarified how supply and demand for such housing should be assessed.



## 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 to meet the demand for self-build and custom housebuilding in the borough.
- 2 A minimum of 5% of 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.
- 3 Self or custom build plots should:
  - a Once delivered be properly marketed at a reasonable price for a period of 6 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;
  - c Provide a suitable housing mix and size of plots reflecting 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 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 as required by this Local Plan.
- 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.

## Reasoned Justification

**10.125** 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.

**10.126** The [PPG](#) highlights the role of self-build and custom housebuilding in diversifying housing supply and increasing consumer choice. The council supports this approach and encourages the inclusion of self-build plots within larger housing developments.

**10.127** 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.

**10.128** 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.

**10.129** 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.

**10.130** 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 Implementation

**10.131** 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 to ensure compliance with national legislation.

**10.132** 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, maintaining flexibility while safeguarding delivery.

**10.133** For larger schemes, particularly those with potential for 10 or more self-build units, a Design Code will be required to guide development and ensure a coherent and high-quality built environment. 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.

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

# Houses in Multiple Occupation

## Introduction

**10.135** Houses in Multiple Occupation (HMOs) provide an important source of low-cost, private rented accommodation, particularly for students, young professionals, 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.

**10.136** 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, supporting the creation of mixed and balanced communities in line with national planning policy.

## Policy H9: Houses in Multiple Occupation

Where planning permission is required, proposals for the change of use of an existing residential property to a house in multiple occupation (HMO) will be supported 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;
- b** The scheme does not adversely affect the character of the area including by eroding the balance between different types of housing;
- c** Living spaces and communal facilities are of a good standard and are suitable for the intended residents;
- d** The development must not cause privacy or noise issues for occupants or neighbouring properties;
- e** The scheme provides suitable vehicular access and an appropriate level of car and cycle parking unless the site is located within 800m of a defined town centre, that offers regular public transport services;
- 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;
- g** Evidence is provided to demonstrate how a good standard of management will be provided; and
- h** All proposals must comply with the council's HMO Amenity Standards and Kent Parking Standards or the most updated standards.



## Reasoned Justification

**10.137** Policy H9 aligns with the NPPF by supporting the delivery of diverse housing types, including affordable private rented accommodation. 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, avoiding high concentrations of any single housing type, including HMOs.

**10.138** 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. 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 planning controls.

**10.139** The policy provides a framework to manage the impacts of HMOs on the streetscape, environment, and community cohesion. It ensures that conversions do not undermine the availability of family housing, particularly smaller homes, and that proposals are supported by evidence of local need and good management practices.



## Policy Implementation

**10.140** 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 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.

**10.141** To protect the supply of small family homes, the subdivision of properties with three or fewer bedrooms will not be supported. The council will also resist the loss of existing HMOs unless there is clear evidence of lack of demand or viability. In assessing applications, the need for HMO accommodation in the specific location will be a key consideration, and applicants must provide supporting evidence of demand.

**10.142** The council will monitor the distribution of HMOs and may introduce Article 4 Directions in areas where their concentration is considered harmful. 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

**10.143** 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. 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.

**10.144** 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.



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

The council will permit alterations and extensions to buildings which:

- a** Are compatible with and integrate coherently with the character of the original building 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 in visual harmony with the original dwelling;
- b** Are set behind the building line to provide a visual break. With two storey or first floor flank extensions a minimum gap of 1 metre from the common boundary with the adjoining dwelling should be retained for the whole length of the extension. Roofs should be designed to complement the existing roof type and tiled to match the existing dwelling;
- c** Will not result in unacceptable loss of privacy and 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 obscure glazing is included;

- d** Are not detrimental to the amenity and character of the locality and streetscape; and
- e** Do not cause harm to the special architectural character of listed buildings and non-listed buildings in conservation areas.

### **Proposals for annexes and ancillary accommodation, must:**

- f** Be within the curtilage of the main dwelling and have a functional connection with the main dwelling (for example, the occupant should be a dependent relative of the residents of the main dwelling or employed at the main dwelling);
- g** Be used in conjunction with the main house and be in the same ownership as the main dwelling;
- h** Be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation;
- i** Be designed in such a way as to easily allow the annex to be used at a later date as an integral part of the main dwelling and have no boundary demarcation or subdivision of the land between the main dwelling and the annexe;

- j** Be accompanied by a written statement to explain who it will be used by, their relationship with the occupants of the main house and how the use of the annexe will comply with this Policy;
- k** Where an annexe is permitted, the council will ensure that occupation of the proposed annexe is tied to the existing host dwelling by use of a planning condition of s.106 agreement as appropriate; and
- l** In cases where an extension, outbuilding and/or annex is permitted, particularly in rural locations, the council will consider attaching a planning condition(s) to that approved planning permission to remove permitted development rights where it is considered that subsequent extension to the dwelling will adversely impact the character of the area, or the amenities of neighbouring occupiers.



## Reasoned Justification

**10.145** 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.

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

**10.147** This policy ensures that proposals:

- Respect the architectural integrity of the original building, maintaining coherence in design, scale, and materials.
- Avoid overdevelopment and maintain adequate spacing between buildings, particularly in areas where gaps between properties contribute to the character of the street.
- Safeguard residential amenity by preventing unacceptable overlooking, overshadowing, or loss of sunlight.

- Protect heritage assets, including listed buildings and buildings within conservation areas, from unsympathetic alterations.
- 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.

**10.148** 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.



## Policy Implementation

**10.149** In determining applications for alterations and extensions to buildings, the council will assess whether the proposed development demonstrates a high standard of design that responds positively to the architectural character of the original building.

**10.150** This includes careful consideration of scale, form, and materials to ensure visual coherence and to avoid incongruous additions that may detract from the appearance of the host property or the surrounding area.

**10.151** Proposals will be expected to maintain appropriate spacing between buildings, particularly in cases involving side extensions. This helps preserve the rhythm and openness of the streetscape and prevents the visual merging of properties. Roof design and detailing will also be considered to ensure compatibility with the existing dwelling, with particular attention paid to roof pitch, materials, and integration with existing features.

**10.152** The council will give significant weight to the protection of residential amenity. This includes evaluating the potential for overlooking, overshadowing, and loss of privacy. The positioning and orientation of windows, balconies, and other openings will be assessed to ensure they do not result in intrusive views into neighbouring gardens or habitable rooms. Where necessary, design amendments or mitigation measures may be required.

**10.153** In areas of special architectural or historic interest, including conservation areas and settings of listed buildings, proposals must demonstrate that they preserve or enhance the character and appearance of the heritage asset. The council will expect applicants to provide sufficient detail to show how the development respects the significance of these areas.

**10.154** For annexes and ancillary accommodation, the council will require clear evidence that the proposed use is genuinely subordinate to the main dwelling. This includes ensuring that the accommodation is located within the curtilage of the host property, shares access and services, and is not physically or functionally separate. Applications must be accompanied by a supporting statement explaining the intended use, the relationship of the occupant to the main household, and how the proposal meets the criteria for ancillary accommodation.

**10.155** To prevent future subdivision or independent occupation of annexes, the council will impose planning conditions or seek legal agreements to tie the accommodation to the main dwelling. In sensitive locations, such as rural areas or where cumulative development could harm local character, the council may also remove permitted development rights to control future alterations and extensions.