

## **Introduction**

The Retirement Housing Group ('RHG') (<https://retirementhousinggroup.com/>) is the UK's leading organisation representing the whole retirement housing sector. It is the only body of its type in the country. Our members include the largest providers of newbuild market and affordable retirement housing – including retirement housing with care and retirement housing with support. We have been operating since 1995. Our members are responsible for the delivery of more than 70% of private sector retirement housing over the last decade<sup>1</sup>.

This submission is made in response to the Public Bill Committee's call for written evidence to the Planning and Infrastructure Bill.

## **Context and Overview**

Specialist Older People's Housing helps older people live safely and socially in a home of their own as they get older, it also encourages the release of family-sized houses for younger people as well as relieving pressure on health and social care services and supports local shops and services nearby.

The Government's Planning Practice Guidance confirms "*The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million.*" (our emphasis).<sup>2</sup>

**This evidence is provided in relation to Clause 46: Delegation of planning decisions in England.**

## **National Scheme of Delegation**

The RHG supports the Government's intention to improve the quality, efficiency and consistency of decision-taking, particularly as this relates to Older Persons' Housing (OPH).

Our experience is that local decisions on planning applications for OPH frequently fail to consider the material ways in which OPH differs from general needs housing, which has been confirmed by the MHCLG<sup>3</sup>. As a result, decision taking can be inconsistent. Applications for OPH have a higher refusal rate than mainstream housing, but a greater rate of decision being overturned at appeal.

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<sup>1</sup> Elderly Accommodation Counsel, New Supply statistics from top 10 providers in UK, 2016-2024

<sup>2</sup> <https://www.gov.uk/guidance/housing-for-older-and-disabled-people> Paragraph: 001 Reference ID: 63-001-20190626

<sup>3</sup> Research into Patterns & Trends in Planning Applications for Older Persons Housing' MHCLG November 2024

Decisions frequently fail to ascribe due weight to the critical need for OPH and also tend to overlook the unique benefits delivered by OPH including cost savings to health and social care provision, releasing under-occupied family housing to the market and increasing spending in local shops and services.

In 2022 research undertaken by the RHG amongst its members found that their planning applications were taking on average 36 weeks from application submission to decision, almost three times the statutory 13 week period prescribed for determination. By contrast some 88% of mainstream housing applications at that time were being determined within 13 weeks.<sup>4</sup>

Accordingly, the RHG is of the view that the delegation of more decisions to officer level would speed up and improve the quality of decisions and thereby contribute positively towards meeting the acknowledged critical need for housing for older people.

The Government's "Planning Reform Working Paper: Planning Committees"

<sup>5</sup>consultation set out four options for a national scheme of delegation:

- Option 1 – Delegation where an application complies with development plan.
- Option 2 – Delegation as default with exceptions for departures from the development plan.
- Option 3 – Delegation as default with a prescriptive list of exceptions.
- Option 4 - A hybrid approach.

In respect of decisions relating to OPH, the RHG supports Option 4 - A hybrid approach, to provide a clear and proportionate approach, which responds to the critical need for OPH.

**The RHG therefore recommends that planning applications for proposed OPH which:**

- i. comply with the development plan policies when read as a whole, (or which conversely, are considered by the professional officer of the local planning authority to have reasoned justification for a departure from the development plan),**
- ii. consist of the development of brownfield sites, and,**
- iii. are below 75 units in size and within buildings under 18 m in height,**

**should be delegated to officer-level for decision-making.**

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<sup>4</sup> [RHGuk-Planning-for-Retirement-December-2022.pdf](#)

<sup>5</sup> <https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees>

Whether a proposed development "complies with the development plan" must, as is the requirement for decision making, consider whether the development is consistent with the development plan **when read as a whole**. Failing which, a technical variation from an individual policy, could lead to unnecessary referral to a planning committee.

The assessment of a proposal against policy is a matter of planning judgement, planning policies can sometimes pull in different directions, i.e. some may support a proposal, and others may weigh against it. It is necessary to consider potentially competing policies and then decide whether in the light of the whole development plan the proposal does or does not accord with it. This requires judgment, such as determining the relative importance of the policy in relation to the application, the significance of any breach and how firmly the policy directs a particular outcome.

It is essential, that in considering compliance with the development plan, undue emphasis is not placed on a requirement for a site to be allocated. In other words, an unallocated site should not, by default, be considered to depart from the development plan, particularly where such an unallocated or windfall site accords with the spatial strategy of the local plan. Indeed, the vast majority of OPH proposals are on windfall sites, particularly bearing in mind that very few development plans allocate sites for such a form of housing – as acknowledged in the government's recent Older People's Housing Taskforce Report ( [The Older People's Housing Taskforce Report - GOV.UK](#) ). This sparsity of designated provision was also evidenced in a 2024 report by Irwin Mitchell/Knight Frank which found that "two thirds of local authorities still do not have clear policies in place to support housing for seniors".<sup>6</sup>

Furthermore, and notwithstanding the above, there is nothing wrong with allowing a development that is deemed to be a departure from the development plan if it has been concluded that there is good reason for such, based upon the individual merits of the proposed development in question. – i.e., on "planning balance". Developments delivered and managed by RHG members frequently take place on brownfield sites in sustainable central urban locations. The proposed scheme of delegation will thus align with the government's policies placing priority emphasis on the development of previously developed land within settlements.<sup>7</sup> OPH generally delivers efficient, high-density forms of buildings on small to medium sites, thereby making best use of such brownfield land.

In addition to meeting a critical housing need, OPH results in significant social and economic benefits to the local communities in which it is provided, including the

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<sup>6</sup> <https://www.irwinmitchell.com/news-and-insights/newsandmedia/2024/march/two-years-of-progress-lost-in-planning-for-seniors-housing-accommodation>

<sup>7</sup> NPPF (December 2024) Paragraph 125 c)

release of existing under-occupied housing stock; a reduction in the demands on local health and social care services, with resultant cost savings to the public purse; and increased vitality and viability to local shopping centres – benefits, amongst others, that are recognised in and underpin the recommendations of the above-mentioned Taskforce Report.

In order to direct resources where needed and to reduce unnecessary delay in providing older people with the opportunity to live in a form of accommodation that better meets their needs and aspirations, the RHG recommends that a national scheme of delegation includes a presumption that decisions on applications for OPH are determined under delegated powers, subject to the above-mentioned criteria, and are therefore only referred to planning committees in exceptional circumstances. RHG proposes a threshold of 75 units on the basis applications for housing with care and housing with support generally do not exceed this and a scale of 75 or so helps to keep the necessary service charges lower by defraying the costs between a greater number of households, in so doing this negates the need for substantial exit fees or similar charges of this nature.

### **Comment**

To address the critical need for OPH and to unlock the significant benefits that such schemes deliver it is recommended that there is a presumption that applications for OPH are determined under delegated powers wherever possible.

The RHG proposals for a specific scheme of delegation relating to OPH have been formulated to align with types of development which promote the Government's policies on Older People's Housing and meet its sustainable development objectives.