



## Housing White Paper consultation

Response by CIEH

May 2017

### **About the Chartered Institute of Environmental Health (CIEH)**

CIEH is the professional voice for environmental health representing over 7,000 members working in the public, private and non-profit sectors. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

For more information visit [www.cieh.org](http://www.cieh.org) and follow CIEH on Twitter @The\_CIEH.

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## Key points

- We welcome the ambition of the Housing White paper to accelerate the building of new homes in order to meet rising demand for housing in England
- However, we need to ensure that the homes being built are good for the nation's health; these need to be safe, genuinely affordable and of a standard such that we do not create problems for future generations
- Although longer tenancy agreements are desirable in the Build to Rent market, the option of longer tenancies must also be extended across the private rented sector to offer those unable to buy their own property a secure and stable home
- Further policy options are needed to address affordability of homes within the private rented sector
- We are particularly concerned about the proposal to review the National Minimum Space Standard, as relaxing the minimum standard is likely to lead to increased crowding and have detrimental impact on the physical and mental health of the residents of the new homes, including children whose educational attainment is compromised by crowding and lack of space
- Planning policy should also be amended to take more account of the impact of air quality and noise from and in new development; the health of both existing and new residents must be protected
- Although building new homes is important, innovative policies are needed to bring older homes - that form the bulk of our housing stock - up to standard as well, to reduce the impact of existing poor housing on the health of the nation
- Continued focus on Local Authority enforcement resources is needed, including an assessment of whether civil penalties and other new enforcement powers bring in additional funds for enforcement activity, after appeals and other costs are taken into account

The Chartered Institute of Environmental Health (CIEH) would like to make comments on the Housing White Paper proposals that are broader and more strategic than could be submitted under the narrower consultative questions. This consultation response therefore does not answer individual questions in the consultation.

The CIEH represents environmental health professionals working across the housing and planning spectrum. As unbiased and objective advocates for good quality housing, we are able to take a long-term and strategic view of housing. We therefore hope that our comments and suggestions can be taken into account when it comes to making new legislation in this area and we would be happy to provide more detail on any of the points raised in this response.

We welcome the Government's ambition to increase the supply of housing stock for England. More good quality and affordable housing is desperately needed. Rising demand for housing has made properties less affordable, leading to an increase in the size of the private rented sector (PRS) and contributing to increased levels of homelessness over the past decade.<sup>1</sup>

There needs to be a two-track approach that also tackles older housing in poor condition as well as the building of new housing. A major contribution to the pressures on housing comes from the poor condition of much of the existing housing stock – particularly in the PRS – that

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<sup>1</sup> English Housing Survey 2015-16, DCLG, Feb 2017.

needs renovation and repair to bring it up to a safe, habitable standard. The English Housing Survey shows that in 2014-15, a fifth of dwellings – or 4.6 million homes - failed to meet the Decent Homes standard. The private rented sector had the highest proportion of non-decent homes (29 per cent).<sup>2</sup> Although not all non-decent homes will be harmful to health, many will be, particularly where the failure is due to the presence of HHSRS Category 1 Hazards.

### **Strengthening the role of environmental and public health in national planning policies**

Whilst we support the building of more homes to meet national demand, the planning system must carefully consider health outcomes as part of the planning process. This is fundamental to the future health of the nation.

Poor air quality contributes to around 40,000 premature deaths in the UK.<sup>3</sup> High levels of air pollution are particularly harmful to the most vulnerable groups, including children, older people and those with long term conditions. New housing developments are likely to have an impact on the local air quality, not just during the construction process but long after the housing has been built. For example, adequate infrastructure will need to be put in place to ensure that extra vehicles on the road due to new housing do not exacerbate problems with poor air quality, or, where higher densities of housing are required by building upwards, that upgrading public transport links in the area are given a high priority. The planning system should give greater emphasis on both the environmental and public health impacts of new developments and specific action should be taken by local areas to ensure that any negative effects are mitigated against.

Noise must also be into account when making planning decisions. This includes taking into account any existing businesses in the area, which might become a noise nuisance if a residential development were to be located nearby. This is particularly relevant in the context of the proposals to develop brownfield sites where continued industrial and commercial activity is likely. Furthermore, we would like to see adequate soundproofing of new developments to ensure that noise nuisance is minimised in the future, and that each dwelling is checked on completion to ensure adequate noise attenuation. It is important that planning policies deal with noise at source where possible, avoiding problems associated with reduced ventilation or the use of outdoor facilities. CIEH has worked together with the Association of Noise Consultants and the Institute of Acoustics to produce updated Professional Planning Guidance on noise. This document is expected to be published in June 2017 and we would welcome support from Government to promote and endorse this document.

Therefore, whilst CIEH would like to see more homes being built to meet national demand, safeguards need to be in place within the planning process to ensure that the new homes being built are durable and of good quality, providing a safe, affordable and secure place for people to live.

### **Security of tenure and affordability in the private rented sector**

The Government is taking a step in the right direction by encouraging longer tenancy contracts in Build to Rent properties. However, this commitment should be expanded to be

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<sup>2</sup> English Housing Survey 2015-16, DCLG, 2017.

<sup>3</sup> Every breath we take: the lifelong impact of air pollution, Royal College of Physicians, Feb 2016

an option for all tenancies in the PRS, to enable everyone renting a property the security of knowing where they will be living from year to year. However, longer tenancies should always come with break points to ensure tenants are not trapped in unsatisfactory accommodation. This issue becomes more urgent, due to the increased reliance on this sector by vulnerable adults and people who are priced out of home ownership. Home stability is particularly important to the 37% of families living in the PRS.<sup>4</sup> Frequent relocations are likely to have a detrimental effect on children's educational attainment, for example, and the lack of security is likely to have an impact on mental health of tenants.

Affordability of rent in the PRS is also vital to address. On average, around 41% of household income goes on rent.<sup>5</sup> This leaves little income left over for heating, healthy food and clothing, let alone saving for a deposit. The rental market is therefore preventing many households from benefitting from the possibility of owning a home. For example, one of our members based in the housing team in Thurrock, Essex, has told us that, based on average incomes of households in the area, it is estimated that around 45% of households are unable to afford market rent levels. 56% cannot afford to buy their own home. The housing team also expects the population of Thurrock will increase by 23.1 per cent between 2014 and 2037, resulting in around 18,586 new households living in the area. This situation reflects the situation in many other parts of England.

Whilst the building of more homes may help to stabilise house and rent prices in the future, current policies should be aimed at ensuring that rents are affordable relative to local average earnings or linked to local housing allowance (LHA) rather than a blanket national standard of affordability being used.

The Build to Rent consultation proposes proportions of affordable housing defined as being rented at discounted prices relative to the local market. However, experience shows that where a minimum percentage is defined, either as a proportion of a development or as a proportion of local market rent, then this quickly becomes the maximum used by developers and agents. It is important, therefore, that legislation and guidance makes it explicit that local authorities (LAs) have the power to set both locally appropriate proportions of affordable housing and locally appropriate discounted market rent.

Right-to-buy of housing association and council housing continues to reduce the availability of housing for people who are unable to sustain market rents. The policy of extending Right to Buy to housing associations funded through the sale of council housing assets will be very detrimental the ability of councils to deal with homelessness. This is also in direct conflict with the aims and requirements of the Homelessness Reduction Act 2017 and the additional duties this places on local housing authorities to prevent and relieve homelessness.

If right-to-buy policies are not reversed, then the guidance and legislation must also permit local authorities to set affordable rents in Build to Rent schemes to be at LHA levels so that there is genuine affordability and homelessness can be tackled.

## **Retaining Nationally Prescribed Space Standard**

In paragraph 1.55 of the Housing White Paper, says that "the Government will review the Nationally Described Space Standard and how it is used in planning, to support greater local housing choice, while ensuring we avoid a race to the bottom in the size of homes on offer."

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<sup>4</sup> [English Housing Survey: Headline Report 2014-15, DCLG, 2016](#)

<sup>5</sup> Annex table 1.13, English Housing Survey 2015-16, DCLG, February 2017

These seem to represent conflicting aims and we would strongly encourage the Government not to relax the minimum space standards for new residential developments.

The UK already has some of the smallest dwellings in Europe in terms of floor space.<sup>6</sup> Getting rid of a simple minimum space standard is likely to lead to variations in housing standards in different localities. We would argue that the needs of occupiers, especially as these relate to health and wellbeing, do not vary with geography. A simple national minimum standard is easy for developers to understand and is easy to enforce by local planning teams.

A permitted smaller space standard is likely to lead to increased problems. Crowding has an impact on both physical and mental health of residents and is recognised in the Housing Health and Safety Rating System and the Houses in Multiple Occupation regulations. Crowding and lack of space can contribute to a number of negative consequences for the health and mental health of the residents, including psychological distress, increased risk of transmission of infectious diseases and increased risk of accidents and as the World Health Organisation has pointed out there is an association of crowding and lack of space with dampness and mould.<sup>7</sup> Levels of overcrowding has been growing over recent years as the affordability and availability of housing has decreased, with nearly 645,000 households estimated to be living in overcrowded conditions in 2016.<sup>8</sup>

Furthermore, any change to minimum room sizes for Planning and Building Control purposes is likely to have an impact not just upon new-build housing but on existing housing stock, by encouraging an increase in poor quality sub-division of homes for multiple-occupation. This is already a problem nationally through unauthorised conversions of properties and a change in building standards will serve to legitimise existing and proposed conversions and an expansion of poor quality multi-occupied dwellings. This could have the worst impact on vulnerable young people, particularly care leavers and those suffering from mental ill-health and family relationship breakdown, who would be obliged to occupy rooms in shared houses because of constraints in the availability of Housing Benefit.

### **Local Authority resources for housing enforcement**

Local Authorities need adequate resources to be able to ensure that they can deliver the services that are expected of them. Whilst LAs should focus their energy and resources on the worst criminal landlords, they also need the capacity to respond to complaints and queries from tenants who are concerned about poor housing conditions.

One CIEH member highlighted that: "*Staff enforcing housing standards are inundated with work and are struggling to keep up with incoming complaints, never mind trying to be proactive.*" The increase in the proportion of people living in the private rented housing and the recent cuts to Local Government budgets, mean that the professionals who are tasked with protecting the wellbeing of tenants are struggling to keep up with the rise in poorer housing conditions associated with the private rented sector.

Whilst new enforcement powers coming out of the Housing and Planning Act 2016, are very much welcomed by CIEH, some of our members have expressed concern about whether the

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<sup>6</sup> <http://www.telegraph.co.uk/finance/property/10909403/British-homes-are-the-smallest-in-Europe-study-finds.html>

<sup>7</sup> Para 11.06 HHSRS Operating Guidance, Office of the Deputy Prime Minister 2006.

<sup>8</sup> Table FA1422: Overcrowding and under-occupation by tenure, three year average 2012-13 to 2014-15, DCLG Live Tables.

funds recovered from new civil penalties will provide the additional funding needed for enforcement, when all costs of formal action and appeals by landlords are taken into account. While the costs recovered from civil penalties should be used "to meet the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector"<sup>9</sup> this can be interpreted quite widely and may not lead to additional resources for front-line staff tackling the worst landlords.

Furthermore, our members have told us that it may be difficult for some LAs to get the full benefit payments back through rent repayment orders (RROs). This is due to the fact that housing benefit data is held by Department for Work and Pensions (DWP) and there is no current provision for LAs to legally request this information or share data with DWP. It is therefore up to LAs to get this info from tenants, which may be difficult in practice. As a result, we would welcome a monitoring of the impact of these new powers by DCLG to ensure that these are having the intended effect.

### **Retaliatory evictions**

Whilst the new legislation came into force in 2015 to ensure that tenants cannot be evicted by their landlord for no reason if they complain about the conditions in their home,<sup>10</sup> we are hearing from our members that this legislation is not currently working well at protecting tenants. One of our members told us: *"There a countless examples I could cite of evictions following tenants making reasonable complaints about disrepair to their landlords."*

The provisions rely on both the LA taking legal action and the court recognising the lack of validity of the section 21 notice. There are currently loopholes that allow tenants to fall through the cracks. For example, having made a reasonable complaint to the landlord, possession proceedings (section 21) could be triggered before the hard-pressed local authority can then inspect and serve a notice. We would welcome a DCLG-led review of how well the legislation is working in practice, to find out how it could be strengthened.

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<sup>9</sup> SI 2017 no 367 Reg 4

<sup>10</sup> Retaliatory Eviction and the Deregulation Act 2015: guidance note, DCLG, 2015.