

Surrey Heath Borough Council – Examination Action Point

Surrey Heath Borough Council Note on the delivery of wheelchair accessible M4(3)(2)(b) homes

Matter 8 – Question 2 – Policy H5

Policy H5, criterion 5, aims to deliver wheelchair adaptable (M4(3)(2)(a)) and wheelchair accessible (M4(3)(2)(b)) dwellings in line with current and projected needs, set out in the Local Housing Needs Assessment 2024 ([HO2](#)).

The last sentence of criterion 5 sets out that where evidence from the Council's Housing Register identifies a current local need, affordable housing will be expected to meet Part M4(3)(2)(b) wheelchair accessible housing standards.

Supporting text at paragraph 3.60 below the policy text justifies the approach, referencing Planning Practice Guidance. PPG advises that planning policies requiring the delivery of M4(3)(2)(b) dwellings should only be applied where the local authority is responsible for allocating or nominating a person to live in that dwelling. This will be determined on a case by case basis, as per the approach of other local plan policies, with reference to the housing register.

Surrey Heath's criterion emulates Bracknell Forest's adopted [Local Plan](#) policy LP 38, criterion 2(ii). However, as rightly mentioned during hearings, appeals such as [R \(Cherkley Campaign Ltd\) v Mole Valley DC \[2014\] ECWA Civ 567](#) have found that supporting text does not carry the same weight as policy text.

As a result, the Council proposes a main modification to policy H5, criterion 5, which makes clear that delivery of Building Regulations Part M4(3)(2)(b) will only be expected on dwellings which the Council will have nomination rights over. This approach will make the policy clearer to developers and registered providers.

Proposed Main Modification to H5, criterion 5:

On sites of 20 or more net new dwellings, at least 5% (rounded to the nearest whole unit) of new homes and 10% of affordable homes will be required to meet Building Regulations Part M4(3)(2)(a) for wheelchair adaptable housing, unless it can be robustly demonstrated it would not be possible to do so due to site-specific circumstances. Where evidence from the Council's Housing Register identifies a current local need, and where the Council has nomination rights, an appropriate proportion of affordable housing, having regard to the development size and local need, will be expected to meet Part M(4)(3)(2)(b) wheelchair accessible housing and will be secured through a planning condition.

Policy H5's viability testing by Three Dragons (document [VB1](#)) was mindful of additional costs associated with meeting the M4(3)(2)(a) standard for 5% of market homes and 10% of affordable homes. As expressed during the examination hearing on 7th October (AM), the additional costs associated with delivering the M4(3)(2)(b) standard is not considered to impact viability.

Examples of Local Plans setting expectations on delivery of M4(3) adaptable and accessible dwellings.

Mole Valley – adopted October 2024

Policy requirement (H10): on sites of 20+ units, a minimum of 5% to meet M4(3)(2)(a). Where Council responsible for allocating or nominating, an individual dwelling may be M4(3)(2)(b).

Supporting text: 4.70, M4(3)(2)(b) only applies to affordable housing where the Council is responsible for allocating or nominating a person to live in that dwelling.

West Suffolk – adopted in July 2025.

Policy requirement (SP17): 13% of affordable homes to be built to M4(3) ‘wheelchair user’ standard (or successor standards).

Chichester – found sound in July 2025.

Policy requirement (H10): 5% of affordable housing must meet the wheelchair accessibility standards M4(3)(2)(b) where there is an identified need on the Housing Register **and the council will have nomination rights.**

Supporting text: 5.55, Wheelchair accessible homes to be delivered through affordable housing must only be provided where the council is able to nominate a person to live in the dwelling. This should be discussed with the council during the pre-application/application process.

Lewisham – adopted in July 2025.

Policy requirement QD2(d)(a): at least 10% of dwellings meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’;

Supporting text: 5.14, All housing development should meet the London Plan target for M4(2) dwellings. Major developments should also meet the M4(3) target on-site, whilst minor developments of less than 10 units will be required to provide sufficient justification if the target for ‘wheelchair user’ dwellings cannot be met. In considering the suitability of a site for wheelchair accessible and adaptable or user dwellings we will have regard to individual site circumstances. This is because flexibility may need to be applied to meet policy objectives (e.g. to enable the requirement to apply to 10 per cent of habitable rooms where a better outcome is provided in terms of provision of larger units). Discretion may also be needed in exceptional circumstances when provision of a lift to dwelling entrances is not technically feasible, such as with some constrained infill sites or flats above shops.

Planning conditions may be used to secure an appropriate amount of provision M4(2) and M4(3) standard dwellings (emphasis added).

West Berkshire – adopted in June 2025.

Policy requirement (SP15): around 10% of new market housing should meet the wheelchair **accessible** (emphasis added) standard M4(3) wheelchair user dwellings. The Council will also support proposals for affordable wheelchair adaptable and accessible homes where

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evidenced by need. Affordable wheelchair adaptable and accessible homes will be negotiated on a site by site basis. The Council will take account of site-specific factors, evidence of site suitability and/or whether it would render development unviable in determining whether these requirements should apply.

Supporting text: 6.69... The M4(3) (Category 3: Wheelchair user dwellings) would continue as now where there is a local planning policy in place in which a need has been identified and evidenced. 6.77: In relation to the M4(3) (Category 3: Wheelchair user dwellings) the Housing Needs Assessment Update (2022) identifies a need for around 1,200 dwellings to be for wheelchair users (meeting technical standard M4(3)) and recommends that around 10% of market homes should meet this with a proportion in the affordable sector. Provision to meet the higher wheelchair user standard M4(3) will be encouraged where this is practicable given site considerations and financial viability.