



Ministry of Housing,
Communities &
Local Government

Raising accessibility standards for new homes

A consultation paper



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Scope of the consultation

Topic of this consultation:	This consultation seeks views on options to raise accessibility standards for new homes
Scope of this consultation:	Building Regulations
Geographical scope:	These proposals relate to England only
Impact assessment:	Yes

Basic Information

Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government (MHCLG)
Duration:	This consultation will last for 12 weeks from 8 September 2020 to 1 December 2020.
Enquiries:	For any enquiries about the consultation please email: accessiblehomes@communities.gov.uk
How to respond:	<p>You may respond by completing this online survey.</p> <p>Alternatively, you can email your response to the questions in this consultation to: accessiblehomes@communities.gov.uk</p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to:</p> <p>Accessible Homes Consultation, 2 SW, Fry Building, 2 Marsham Street, London, SW1P 4DF</p> <p>When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none">- your name;- your position (if applicable);- the name of your organisation (if applicable);- an address (including post code);- an email address; and- a contact telephone number <p>We strongly encourage responses via the online survey, particularly from organisations with access to online facilities</p>

	<p>such as local authorities, representative bodies and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.</p>
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Foreword from the Secretary of State

The quality of our homes and the places we live make an important contribution to our lives and happiness. This has become increasingly evident following the outbreak of COVID-19, where people have spent more time at home than ever before. Well-designed and well-built homes have made life easier for many. Providing somewhere to continue to work comfortably, a space to spend time with their families and even a base to pick up new skills and hobbies. Put simply, they have made peoples' lives easier through a difficult period.

I believe that all new homes should meet this test. They should be considerate of people's needs and enable them to do the things they enjoy, from young people looking for their first home to older people looking to live independently and comfortably.

However, accommodation is still being built that doesn't meet these standards. Where it is clear that accessibility has not been at the heart of the design process. Where the features and layouts make life more difficult, from steps that prevent level access making it harder for some to get into their homes to unsuitably sized corridors which are too narrow for use.

This consultation addresses these issues head on. It considers bold options to ensure more new homes are built to higher accessibility standards and with the features needed to give people the dignity and security they deserve in their homes.

It's vital that we start building more accessible housing for older and disabled people now. People are living longer lives and the proportion of older people in the population is increasing. In mid-2018, there were 1.6 million people aged 85 years and over; by mid-2043, this is projected to nearly double to 3.0 million¹. As our population ages, the numbers of disabled people will also continue to increase.

The Prime Minister has set out the government's plans to develop a National Strategy for Disabled People. This will put fairness at the heart of the government's work and involve making practical changes to policies which strengthen disabled people's ability to participate fully in society.

This consultation forms a part of this work. Through considering the best route to raising accessibility standards of new homes, we will help create a society where people can live more independently and safely, with greater choice and control over their lives.

We are taking decisive action to build the homes this country needs, including accessible homes. Alongside this consultation, we are also significantly reforming the planning system to put a much greater emphasis on design and quality. Creating a system which gives local people more of a voice to make clear what new development their areas need and where.

I hope that this consultation gives as many people as possible the chance to raise the challenges they have faced trying to find or trying to build accessible homes. Your contributions will be vital to ensuring the homes that are built under our new planning system truly meet the needs of people across the country.

Rt Hon Robert Jenrick MP

Secretary of State for Housing, Communities and Local Government

¹ [National population projections: 2018-based](#)

Introduction

1. In June 2019, the Government announced its intention to consult on accessibility of new homes. This consultation considers how to raise accessibility standards, recognising the importance of suitable homes for older and disabled people.
2. The Government's manifesto sets a strategy on Homes for the Future, encouraging innovative design and technology to make housing more affordable, accessible, and suitable for disabled people and an ageing population.
3. This consultation seeks views on various options to raise the accessibility of new homes. In particular, it considers how the accessible and adaptable standard for homes (known as M4(2) in Part M of the Building Regulations) and the wheelchair user standard (known as M4(3)) are currently used as optional technical standards.

Background

Accessible homes

4. We want to build more accessible homes that meet the needs of older and disabled people. The provision of appropriate housing for older and disabled people is crucial in helping them to live safe and independent lives. An ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs.
5. Local authorities have used various independent standards for accessible housing, including the Lifetime Homes standard and the wheelchair accessible housing standards, with some areas still using these standards while others created bespoke standards with similar, additional or different detail.
6. The concept of Lifetime Homes was developed to ensure that homes are accessible and inclusive. It was developed in the early 1990s by the Helen Hamlyn Foundation, Habinteg Housing Association and the Joseph Rowntree Foundation. The Lifetime Homes standard incorporates 16 design criteria that can be universally applied to new homes and had the flexibility to be adapted to meet the changing needs of individuals and families at different stages of life.
7. The Wheelchair Housing Design guide provides guidance and good practice standards helping to deliver good quality wheelchair accessible housing. This guidance, currently on its third edition, has been used in local supplementary guidance documents as a source of specialist housing guidance for local development.
8. In 2015, government introduced a new approach to the setting of technical housing standards in England and published a new set of optional national technical standards under planning processes. These rationalised the many differing standards used at that time, including the Lifetime Homes standard and the Wheelchair Housing Design guide, into a simpler, streamlined system.

9. The 2013-14 Housing Standards Review² found an array of different codes, standards, rules, regulations and guidance applied in different parts the country. The overlapping standards were complex, counter-productive and sometimes contradictory: confusing local residents, councillors and developers. They were rarely subject to cost benefit analysis when introduced, and were produced in isolation without consideration of their cumulative impact³.

Building Regulations

10. The Building Regulations apply to building work, typically erection or extension of a building; and material alteration or change of use of a building.
11. Building Regulations only apply at the time that building work takes place or when a material change of use occurs. They do not apply retrospectively for existing buildings.
12. The Regulations set technical requirements covering a wide range of health, safety access, security and sustainability issues. The Regulations are supported by statutory guidance in “Approved Documents” which provide practical guidance on how to comply with the requirements in the Regulations. As part of the response to the recommendations made by Dame Judith Hackitt in her independent review of Building Regulations and fire safety, the Government is drawing up a wide-ranging programme to review, update and streamline the Approved Documents.
13. Part M (Access to and Use of Buildings) of the Building Regulations sets minimum access standards for all new buildings. These requirements are supported by statutory guidance in Approved Document M. The Approved Document sets out one way in which new building work, material change of use or material alterations to buildings, dwellings and workplaces in most common situations should make reasonable provision for accessibility. Part M is in two parts; volume 1 relates to dwellings and volume 2 relates to buildings other than dwellings. This consultation is about dwellings.
14. Part M includes optional technical standards for accessible and adaptable homes and wheelchair accessible homes, and these broadly incorporate the Lifetime Homes criteria and the Wheelchair Housing Design guide into the Building Regulations.

Approved Document M Requirements

15. The requirements in the Building Regulations for dwellings are supported by statutory guidance in Approved Document M Volume 4.
16. The requirements used in the Approved Document are:
- M4(1) Category 1: Visitable dwellings
 - M4(2) Category 2: Accessible and adaptable dwellings
 - M4(3) Category 3: Wheelchair user dwellings

² [Housing Standards Review](#)

³ [Parliamentary question and answer on Housing Standards](#)

⁴ [Approved Document M: access to and use of buildings, volume 1: dwellings](#)

17. These can be referred to as Category 1, Category 2 or Category 3 or as requirements M4(1), M4(2) and M4(3). In this document we will use the latter. M4(1) is a mandatory standard and M4(2) and M4(3) are optional (this is explained further below).
18. M4(1): Visitable Dwellings - sets basic standards for all new homes. This section of the Approved Document sets out guidance on minimum standards of accessibility and is applicable to all newly erected dwellings, unless an optional requirement applies. Guidance is provided on level access, level thresholds, door and corridor widths, entrance level WCs and accessible heights for controls.
19. M4(2): Accessible and Adaptable Dwellings - sets a higher standard for accessible homes. This section of the Approved Document sets out guidance which needs to be followed where a planning authority sets a requirement for optional requirement M4(2). This optional requirement is broadly equivalent to the Lifetime Homes Standard, which provides enhanced accessibility in circulation spaces and sanitary provision (bathrooms) to make new homes more accessible. It also includes features to make homes more easily adaptable over time to a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.
20. M4(3): Wheelchair User Dwellings - sets a standard for wheelchair accessible homes. This section sets out guidance which needs to be followed where a planning authority sets a requirement for optional requirement M4(3). This requirement can be for either a wheelchair adaptable home (which includes design features to make a home easy to convert to be fully wheelchair accessible) or a wheelchair accessible home (which includes the most common features required by wheelchair users). It also includes use of any private outdoor spaces, parking and communal facilities that may be provided for the use of the occupants.
21. M4(2) and M4(3) are optional requirements for dwellings which local authorities can apply through planning policies where they have identified a local need and where the viability of development is not compromised. This is done through local planning policies, which can set out the proportion of new dwellings in the area that are required to meet each of these higher standards. This is then applied to individual developments through planning applications.
22. Once triggered, the optional standards then have the same legal weight as the mandatory provisions in the Building Regulations.
23. At present requirement M4(1) is the default standard and applies as a mandatory requirement when no higher standard is applied locally.

Current good practice guidance

24. The revised National Planning Policy Framework, published in February 2019, sets out that local authority plans should meet the current and future housing needs of a wide range of people, including older and disabled people.
25. The Framework also sets out an expectation that planning policies for housing should make use of the optional technical standards contained in the Building Regulations for accessible and adaptable housing where a need is identified.

26. In June 2019, planning guidance on housing for older and disabled people was published to help councils meet current standards for accessible housing in England. A series of workshops were held which fed into and helped shape the guidance. Local authorities are guided to plan for a range and number of accessible homes to meet the needs for accessible housing in their area whilst considering accessibility.

Existing research and evidence

27. There have been calls to raise the minimum access standard to M4(2). The Women and Equalities Committee recommended this in its report 'Building for Equality: Disability and the Built Environment' in 2017.

28. Some local authorities already apply the M4(2) standard as a minimum (e.g. the London Plan). However, in its 2018 survey of local authorities, the Equality and Human Rights Commission found that viability appraisals of new developments by local planning authorities had been highlighted as a barrier to increasing accessible housing. Local authorities reported that the emphasis was on the delivery of housing per se rather than the delivery of the right kind of housing with targets for accessible housing in their areas were watered down or waived entirely at the viability appraisal stage. Planners need to strike an appropriate balance between requiring high standards in new housing on one hand, and the potential effect on the viability of developments on the other which may reduce the amount of new housing.

29. The Royal Institute of British Architects (RIBA) published the report 'A Home for the Ages: Planning for the Future with Age-Friendly Design' in July 2019 which makes the case for how policymakers focusing on increasingly age-friendly housing provision could play an important role in tackling the extensive issues in both housing and social care. One of RIBA's recommendations is that Government should make M4(2) the basic requirement for all new housing, subject to specific exemptions where step-free access is not feasible.

30. Campaigner and housing provider Habinteg published 'The Insight Report' (June 2019) after assessing all 322 local plans from local planning authorities across England. Findings showed that most local plans have no specified requirement for a proportion of new homes to meet any accessible or adaptable housing standard.

31. Research commissioned by the Centre for Ageing Better in February 2019, polled approximately 4,000 UK adults and shows that most people want every new home to be built in a way that is suitable for all people of all ages and abilities. 72% of people polled agreed that homes should as standard be built to be suitable for people of all ages and abilities, while 48% disagreed that UK society does enough to support people to live at home safely and independently as we age.

32. Government's forecasts in 2014/2015, supporting the introduction of optional technical standards, set out that with the use of M4(2) the proportion of homes built to the Lifetime Homes Standard would increase from 31% in 2015 up to 45% by 2024. The increase in homes built to wheelchair standards over time, was projected to be 2.3% of homes in 2014 to 3% in 2024. And that 10% of these homes will be built to M4(3) in 2015 rising to 20% by 2024.

33. Government is undertaking research to ascertain current use of the optional technical standards by local planning authorities. Previous forecasts will also be reviewed to understand how the use of the optional technical standards may change over time.

Raising accessibility standards of new homes

34. In order to develop options to raise accessibility of new homes, we have considered at what points and how requirements can be set.
35. We have also taken into consideration the two systems that the optional technical standards connect, i.e. Planning and Building Regulations, and how to raise accessibility of new homes through these two systems in a simple and pragmatic way.

Policy options

36. Through this consultation we are seeking views on how to raise accessibility of new homes. Government's objective is that there should be enough suitable housing where it is needed.
37. On the basis of existing evidence, we have developed five broad options. These consider whether to wait to see the full impact of recent planning policy changes on the use of the optional technical standards; or whether changes can be made by either mandating a higher standard or reconsidering the way existing optional standards are used. Any changes to standards would only apply to *new* homes, not to the refurbishment of existing homes.
38. Option 1: Consider how recently **revised planning policy** on the use of optional technical standards **impacts on delivery of accessible housing**.
39. Option 2: **To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes**, with M4(1) applying by exception only where M4(2) is impractical and unachievable (e.g a new build flat above a garage). M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced.
40. Option 3: **Remove M4(1) altogether, so that all new homes will have to at least have the accessible and adaptable features of an M4(2) home**. M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced. This would mean that no new homes could be built as M4(1).
41. Option 4: **To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes** with M4(1) applying by exception only, **a set percentage of M4(3) homes would also need to be applied in all areas**. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.
42. Option 5: **Change the content of the mandatory technical standard**. This could be done by upgrading the statutory guidance to create a revised M4(1) minimum standard. This revised standard could be pitched between the existing requirements of M4(1) and M4(2), adding more accessible features into the minimum standard.

43. We would welcome your views on these **five options**. We have asked questions below, as well as having them as a consolidated list in Annex A of this consultation paper. Questions 1 and 2 are in Annex A and ask for respondent's details.

Question 3

Do you support the Government's intention to raise accessibility standards for new homes?

Please explain your reasons

Question 4

Which of the 5 options do you support? You can choose more than one option or none.

Please explain your reasons, including the advantages and disadvantages of your preferred option(s).

Question 5

If you answered 'None' to Q4, do you think the Government should take a different approach?

If yes, please explain what approach you consider favourable and why?

Assessment of impacts

Costs

44. At this stage, high level analysis has been undertaken to consider the impact of mandating a higher accessibility standard. Each option has not been costed at this stage, but the analysis below intends to illustrate the potential impact.
45. If Government mandates M4(2) as the baseline standard across all housing in England, the estimated cost is £311m per annum across a 10-year appraisal period. This is the additional cost of building new homes as a result of the policy, the majority of which would likely fall on developers in the first instance. The estimated additional cost per new dwelling is approximately £1,400 for units which would not already meet M4(2). We estimate that 10% of new dwellings already meet or exceed M4(2), and that this percentage would grow over time even without Government intervention, to 30% in 10 years' time.

Benefits

46. In terms of benefits, the mandating M4(2) may potentially reduce the need for social care. There may be other benefits of mandating M4(2) such as lower familiarisation costs and shorter familiarisation time amongst local planners if this policy is mandated nationally. However, these benefits have not been monetised yet.

Question 6

Do you agree with the estimated additional cost per dwelling of meeting M4(2), compared to current industry standards, in paragraph 45?

If no, please comment on what you estimate these costs to be and how you would expect these costs to vary between types of housing e.g. detached, semi-detached or flats?

Please provide any evidence to support your answers.

Question 7

Do you agree with the proportion of new dwellings already meeting or exceeding M4(2) over the next ten years in paragraph 45?

If no, please comment on your alternative view and how you would expect this to vary between types of housing e.g. detached, semi-detached or flats?

Please provide any evidence to support your answers.

Question 8

Do you have any comments on the costs and benefits of the other options set out above.

If yes, please provide your comments including any evidence to support your response.

Equality impact assessment

47. An initial equality analysis has been undertaken. This consultation will help understand the potential impacts and give consultees an opportunity to influence the policy and further determine the positive and any negative impacts.

48. The Equality Act 2010 requires the Government to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

49. Based on an initial analysis, our view is that improving accessibility standards for new homes will not have a negative impact on the above aims regarding the protected characteristics of:

- age
- disability
- sex
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation.

50. It is likely that all the proposed options will have different impacts but overall, we consider any of the options, including the 'Do Nothing' option will have a positive impact on the protected characteristics of age and disability.

51. In conclusion, the proposed options will have a positive equalities impact. No negative impacts have been identified.

Question 9

Do you have any comments on the initial equality impact assessment?

If yes, please provide your comments including any evidence to further determine the positive and any negative impacts.

Next steps

52. The consultation will close on 1 December 2020. Responses to this consultation will be analysed and a Government response will follow.

Annex A - Consultation questions

Respondent details

Question 1	Respondent details
Name	
Position (if applicable)	
Organisation (if applicable)	
Address (including postcode)	
Email address	
Telephone number	
Please state whether you are responding as an individual or the organisation stated above	

Question 2	Select one
Please indicate whether you are applying to this consultation as a:	
• Builder / Developer	
• Designer / Engineer /Surveyor	
• Local Authority	
• Building Control Approved Inspector	
• Architect	
• Access Consultant	
• Occupational Therapist	
• Construction professional	
• Property Manager / Landlord	
• Landlord representative organisation	
• Charity	
• Campaigner or Lobby Group	
• Other interested party (please specify)	

Questions on options for raising accessibility standards for new homes

Question 3	
Do you support the Government's intention to raise accessibility standards of new homes?	YES/NO
Please explain your reasons	[Free text]

Question 4	
Which of the 5 options do you support? You can choose more than one option or none.	Option 1/2/3/4/5/None
Please explain your reasons, including the advantages and disadvantages of your preferred option(s).	[Free text]

Question 5	
If you answered 'None' to Q4, do you think the Government should take a different approach?	YES/NO
If yes, please explain what approach you consider favourable and why?	[Free text]

Question 6	
Do you agree with the estimated additional cost per dwelling of meeting M4(2), compared to current industry standards, in paragraph 45?	YES/NO/DON'T KNOW
If no, please comment on what you estimate these costs to be and how you would expect these costs to vary between types of housing e.g. detached, semi-detached or flats?	[Free text]
Please provide any evidence to support your answers.	

Question 7	
Do you agree with the proportion of new dwellings already meeting or exceeding M4(2) over the next ten years in paragraph 45?	YES/NO/DON'T KNOW
If no, please comment on your alternative view and how you would expect this to	[Free text]

<p>vary between types of housing e.g. detached, semi-detached or flats?</p> <p>Please provide any evidence to support your answers</p>	
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Question 8	
<p>Do you have any comments on the costs and benefits of the other options set out above.</p> <p>If yes, please provide your comments including any evidence to support your response.</p>	<p>YES/NO</p> <p>[Free text]</p>

Question 9	
<p>Do you have any comments on the initial equality impact assessment?</p> <p>If yes, please provide your comments including any evidence to further determine the positive and any negative impacts.</p>	<p>YES/NO</p> <p>[Free text]</p>

Annex B - About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Annex C - Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. There is a statutory requirement in the Building Act to consult on substantive changes to the building regulations.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. Your personal data will not be sent overseas.

7. Your personal data will not be used for any automated decision making.

8. Your personal data will be stored in a secure government IT system.