

# Healthy Homes, Better Lives



## A Briefing for House of Lords Committee Stage of the Levelling Up and Regeneration Bill

March 2023

### 1 Overview

For two years Lord Crisp, supported by the Town and Country Planning Association (TCPA), has led a campaign to put people's health and well-being at the heart of how we regulate the built environment. During that time the medical evidence surrounding the relationship between the condition of someone's home and neighbourhood and their life chances has become even stronger. At the same time, the evidence is growing of the shockingly poor standards of some new homes being created through the deregulated planning system. You can see images of some of those homes, created through Permitted Development Rights (PDR), in our [These are Homes photobook \(click here\)](#).

**The Healthy Homes amendments to the Levelling Up and Regeneration Bill could prevent the development of poor-quality housing, which undermines people's health and wellbeing.**

While the Government has acknowledged that housing and health are key to the levelling up agenda, the bill currently contains no clear provisions that achieve that objective. As a result, Lord Crisp has tabled a series of amendments (**see amendment numbers 188; 394-399**) which place new obligations on the Secretary of State to uphold the healthy homes principles. You can read the proposed [amendments here](#). We hope the government will accept these amendments as a sensible starting point on a journey to transform the quality of people's homes with real benefits to them and to NHS and social care budgets.

To date, the Government has rejected the need for systemic change. This briefing examines the Government's case that existing regulation is sufficient to secure healthy homes. Simply put, however, using PDRs to convert commercial and office premises is the starkest illustration that the current provisions in law and policy are not sufficient. According to the Building Research Establishment, 2.6 million homes in England (11%) in 2021 were poor quality and hazardous to occupants. They estimate that poor quality homes cost the NHS £1.4 billion every year (BRE, 2021). If the Government shares the objective of securing people's health and well-being, then we should recognise that there is an obvious regulatory failure at the heart of our approach to the built environment. A major reset is required that moves us beyond incremental change, reacting to poor outcomes, towards proactively securing minimum standards to a system which proactively secures and promotes health and well-being.

### 2 Why we need new legal arrangements on Healthy Homes

## 2.1 Embedding healthy homes principles into the levelling up commitments

In her letters to Peers of 27 January, Baroness Scott of Bybrook recognised that housing provision is vital to the mission of levelling up: ***'Housing has a critical role in levelling up across the UK, unlocking productivity, growth, providing people with a tangible stake in their community, and underpinning our physical and mental wellbeing.'*** The letter states that the Government should ***'support the objective within the Healthy Homes Bill'***.

However, the letter goes on to dismiss the specific approach taken by Lord Crisp's Healthy Homes Bill because its provisions are already being ***'dealt with'*** by ***'existing laws or alternative policy'***. This assertion is wrong in principle because many aspects of the Healthy Homes Bill are not dealt with by any existing laws, and at no point is there an overall statutory duty that creates an obligation on the Secretary of State to uphold the healthy homes principles. While existing policy contained in documents such as the National Planning Policy Framework or national technical housing standards<sup>1</sup> cover some elements of issues addressed in the healthy homes principles, these policies are not mandatory legal standards and as such they can be set aside by local decision makers.

## 2.2 Existing laws

Building regulations, planning law and the provisions of the Building Safety Act 2022<sup>2</sup> comprise our dominant approach to shaping the built environment. Planning and building regulations are separate systems which are not well aligned involving some overlap in relation to building standards. Both systems have been subject to incremental change but most significantly neither contains ***any overarching legal duties to secure and promote the health and well-being of the individual.*** Building regulations are focused on minimum standards of physical safety rather than the proactive promotion of people's wider health and well-being. Some issues, like fire safety provisions, do contain mandatory provisions while many others have more flexible tests of what is reasonable and viable and can apply in different ways to new build and conversion. The enforcement of building regulations and planning requirements remains a key area of concern at a time of crisis in local government resources and in an industry described in the Grenfell Tower inquiry as having a 'culture of noncompliance'.

Planning law has no overall legal duty for the Secretary of State to promote health and well-being. It does contain very weak provisions on the promotion of sustainable development but none of these refer to human health and well-being. There are now legal requirements for minimum space standards and for light which were belatedly applied to PDR but not regarding other key healthy homes principles such as climate resilience and mitigation, indoor air quality, fire safety ([see here](#)).

A review of the English urban planning and development system also highlighted the legal weaknesses which undermine health outcomes. The study found that ***'health is not integrated into the legal requirements that LPAs can rely on to base their decisions'***. It identified similar concerns about the weakness of building regulations to deliver healthy outcomes. The review recommends establishing the Healthy Homes principles in law and calls for the better use of local health evidence base to shape decisions ([Montel, 2023](#)).

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<sup>1</sup> Technical housing standards – nationally described space standard - GOV.UK ([www.gov.uk](http://www.gov.uk))

<sup>2</sup> [Building Safety Act 2022 \(legislation.gov.uk\)](http://Building Safety Act 2022 (legislation.gov.uk))

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The principal rationale for developing the Healthy Homes principles and creating overall obligations on the Secretary of State to consider these obligations in policy making is a direct response to the absence of any statutory requirements to promote health and well-being across the entire regulatory landscape that applies to the built environment.

### 2.3 Existing policy

Relevant planning policy is contained in the National Planning Policy Framework (NPPF), National Planning Guidance, the national design code and national technical housing standards. The legal status of all of this as policy is important because, while the content of these documents are key material considerations in plan making, the provisions are not mandatory on decision makers. They can be set aside if material considerations justify that approach. Key aspects of the policy, such as requirements on climate mitigation or flood risk, have to be justified against viability criteria which means that the high aspirations of some local authorities are frequently removed or watered down by the Planning Inspectorate during local plan examination.

The fact that these frameworks are advisory and discretionary would, on its own, justify the approach in the Healthy Homes bill. However, the need for fundamental change is reinforced by the lack of priority given to health and well-being in national policy and by the fact that where policy does exist it is often expressed in the generalised language of ‘nice to have’ rather than essential requirements. For example, in the key paragraph 20 of the NPPF, where the Government sets down requirements on strategic policies in local plans, there is no mention of the overall objective of promoting health and well-being but simply a reference to the provision of healthcare facilities.

### 2.4 Amending the Bill to secure healthy homes

To make sure that all new homes, whether delivered through PDR or through receiving explicit planning permission, promote people’s health, wellbeing and life chances, the healthy homes principles should be set out as a central part of the Levelling Up and Regeneration Bill. This would be achieved by securing **amendment numbers 188; 394-399**, which have been tabled by Lord Crisp<sup>3</sup>.

## 3 More information

- Healthy Homes amendments (after Clause 86 and Clause 155) ([see link here](#))
- Levelling Up and Regeneration Bill running list of amendments (See Schedule 6 and Schedule 13) ([see link here](#))
- Please see [here](#) for more information about the Healthy Homes campaign.

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<sup>3</sup> Lord Crisp has been promoting the Healthy Homes private members bill which seeks to enshrine a new approach to the entire regulation of built environment by placing people’s health and well-being as the central objective. You can find more detailed information on the [Healthy Homes Bill here](#).

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