

# **The Chartered Institute of Building (CIOB)**

submission to

## **Levelling Up, Housing and Communities (LUHC) Committee**

on the inquiry into

## **Disabled People in the housing sector**

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## Introduction

1. The Chartered Institute of Building (CIOB) is the world's largest and most influential professional body for construction management and leadership. We have a Royal Charter to promote the science and practice of building and construction for the benefit of society, and we have been doing that since 1834. Our members work worldwide in the development, conservation, and improvement of the built environment. We accredit university degrees, educational courses, and training. Our professional and vocational qualifications are a mark of the highest levels of competence and professionalism, providing assurance to clients and other professionals procuring built assets.
2. It is well recognised by industry that our built environment must adapt to the changing needs of society. However, the existing housing models, related standards, and design codes do not readily align with the changing needs of the population. We therefore welcome the opportunity to respond to this inquiry and would be happy to assist in further conversations as this develops.

## Summary

- 15% live in a non-decent home and so further investigation is needed by the Government into the quality of homes for disabled people.
- Industry is still waiting for the publication of the technical M4(2) consultation which will help to progress M4(2) becoming mandatory in new build houses.
- Targets are not being met for the delivery of M4(2) housing at a local level and Government should consult developers to understand the barriers they are facing for building accessible and adaptable homes.
- There are long wait times for the Disability Facilities Grant due to a lack of resourcing in the local planning departments. Government must invest in planning departments further to improve response times on applications and the retention of competent staff.
- The Government must review how they can improve access to accessible and adaptable private housing by consulting with disabled people who have lived experience of renting in the private sector and examine ways that can strengthen the rights of disabled people who are renting in the private sector.

## Full response

What can the Government do to ensure disabled residents across England have access to accessible and adaptable housing?

3. There is a plethora of evidence highlighting that disabled residents across England do not currently have acceptable housing standards to help them live independently. Latest figures from the Census indicate 29.5% of households include one disabled member and 8.4% have two or more disabled people within the household.<sup>1</sup> However, when we look at the quality of these homes, a total of 15% of the population who have a long-term illness or disability currently live in a non-decent home.<sup>2</sup> With evidence suggesting that these households were more likely to have failed the Decent Homes Standard than those

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<sup>1</sup> Office for National Statistics, [Disability, England and Wales: Census 2021](#), January 2023

<sup>2</sup> Department for Levelling Up, Housing & Communities, [English Housing Survey 2021 to 200: housing quality and condition](#), July 2023

who do not live with a long-term illness or disability, it is clear that in addition to providing accessible and adaptable housing, further investigation into the standard of homes should be undertaken by Government to ensure everyone lives in a decent home.

4. To ensure that disabled people are provided with an accessible and adaptable home that allows better quality of living Government must look at how these homes are being marketed to this population. At present there is a lack of consistency in how higher standard homes falling into either the M4(2) or M4(3) categories are marketed once built and often results in units being sold on the standard market. One example provided by a CIOB member in East Suffolk where 40-50% of new build property sites hold a target of having more than 10 M4(2) units. However, at present, these units are sold on the standard market rather than being targeted to those on a list awaiting disabled grants or looking to move to a home that is adaptable. We also see smaller amounts of units built to M4(3) standards, but difficulty lies with wheelchair access as they are not often built with different types of wheelchairs in mind creating even further issues for disabled people when looking for a house. With an already small amount of these houses being built and housing demand so high, this can cause difficulty for people who need accessible housing in purchasing the right property for them. We therefore urge Government and Local Authorities to review how M4(2) and M4(3) housing can be prioritised and marketed to those who need these types of housing.
5. Another way of addressing the demand would be to mandate M4(2) standards, which was the outcome of the 2020 consultation on standards of adaptability and accessibility. We believe that Government must prioritise launching the technical consultation on the implementation of Part M4(2) as a minimum accessibility standard for new homes for this to progress.
6. Government must also review how developers play their part in creating adaptable and accessible housing. The Equalities and Human Rights Commission found that many developers do not view accessible housing as profitable and many will depart from the accessible housing requirements under building regulations by using access statements, claiming it is not practical or possible to offer level access within their sites.<sup>3</sup> It was calculated that 68% of accessible housing is not delivered and only 3% of local authorities take action against developers for not delivering on this. A CIOB member, who currently works in building control for a local council, said that developers who use Approved Inspectors are often the culprits for pulling out of accessible requirements as it is often seen as an easy way to not deliver on what they see as non-profitable housing.
7. With the increase in operational costs and project delays in the housebuilding market, several housebuilders are reporting financial issues.<sup>4</sup> Main building contractors who have been affected are now unable to pass risk down the supply chain as the worst hit companies are smaller, more specialist subcontractors. It is therefore a concern that these issues will have a negative knock-on effect for building types that are seen as non-profitable as housebuilders will want to focus on profitable projects in order to reduce risk in the current economic landscape.
8. To mitigate these issues, Government should consult developers to understand the barriers they are facing for building accessible and adaptable homes and what incentives can be used to ensure the number of planned accessible housing is adhered to by developers and planning is properly undertaken.

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<sup>3</sup> Equality and Human Rights Commission, [Housing and disabled people – Britain's hidden crisis](#), May 2018

<sup>4</sup> Financial Times, [UK construction companies go under at fastest rate in a decade](#), August 2023

Does the National Planning Policy Framework ensure the Equality Act 2010 is complied with when building housing?

9. There is still a considerable amount of confusion around the planning requirements for accessible housing in England, partly due to local authorities having their own standards being applied before recent changes to the National Planning Policy Framework (NPPF). With the latest publication of the NPPF, there is still too much flexibility for each council to set their own requirements for enhanced standards on new build properties and that often results in inconsistencies.
10. There is no explicit reference of the Equality Act 2010 within the NPPF and therefore it does not ensure that the Act is complied with. Section 5 (62) of the NPPF does state that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, but it is not a direct requirement to meet those identified needs. With the lack of mention of the Act within the NPPF it would be challenging for housebuilders to comply with its obligations.
11. Local Authorities are defined as public authorities within the Equality Act 2010 and therefore have specific duties to meet in the delivery of services. This obligation extends to the planning process. However, the requirement is to 'give due regard' and does not require Local Authorities to meet the identified needs of disabled people or other protected characteristics.
12. We urge Government to strengthen the NPPF and require Local Authorities to meet the identified need of disabled people, particularly as we know the demand for accessible accommodation exceeds current supply.
13. Furthermore, the current NPPF does not require sufficient information to be supplied at the planning application stage to demonstrate that the requirements will be met. Therefore, strengthening the NPPF to ensure the collection of information at the planning stage across all councils is needed to ensure new build properties are built for purpose.
14. As highlighted under point 4, the requirements for M4(3) standards are too vague, resulting in wheelchair-accessible homes being built but not designed to accommodate the range of wheelchairs that are used, or other independent adaptations not being thoroughly thought-out and often continue to be inaccessible. Government must review existing M4(3) requirements to ensure that the appropriate adaptations are being implemented to ensure the home is fit for use.

Since the Government consultation 'Raising accessibility standards for new homes' (July 2022), what has been done to improve housing provisions for disabled residents in England? And has it been sufficient?

15. CIOB, along with other professional bodies, welcomed the announcement to raise accessibility standards for new homes in July 2022. However, it is disappointing to see very little has been done since the announcement to practically improve housing provision. We are still waiting for the technical consultation on M4(2) standards which was announced in 2020 and with little movement on improving accessibility standards, the industry is still awaiting further guidance on what actions it should take.
16. Speaking to members of the CIOB, many have a current understanding that the minimum standard for new homes will move away from accessible and become the M4(2) adaptable standard. However, this has not been formalised and no new guidance has been issued for people to follow, so many in the industry are continuing to work as normal

despite the number of new builds being created over the past 3 years since the initial announcement.

What role should the Government, Local Authorities and developers have for ensuring the delivery of suitable housing for disabled people?

17. As mentioned earlier in point 11, there must be a set standard for consistent documentation that each Local Authority must follow to help reduce confusion and improve current processes for housing in England. By providing clear and consistent standards this will enable developers to meet the needs of disabled people without the need for remediation further down the line.
18. Government should also assess the current and future needs to help Local Authorities create a plan that meets local housing demand for disabled people in their area. This would have a positive impact on Local Authorities and local councils who can work with developers to calculate and build a minimum percentage of new builds that can be set to be M4(2) or M4(3) standard as well as advertise this to the people who require this type of housing.
19. We would also like to see better resourcing of local planning departments and Government has a clear role to ensure staff are trained, competent and retained to reduce waiting times and ensure adaptable housing is met by developers.

Does the Disabled Facilities Grant fully support housing adaptations?

20. No, particularly due to recent economic pressures where the cost of materials and labour have increased considerably. Despite these increases, the fund for people wanting to adapt their homes has not and this results in homeowners having to pay for the majority of the cost. Unfortunately, there is only enough funding for approximately 10% of the number of applications each council receives. Meaning 90% of those who need their homes adapting will either have to pay out of their own pocket, which is often very expensive, continue living without the necessary adaptations, or relocate to a home that is already adapted – which, depending on needs, can be difficult to find – particularly if they are renting.
21. When it comes to adapting new built houses there are often restrictions on how soon a property can be adapted after it has been built and so individuals will need to check with the developer before moving in. This can cause issues for those who need adaptable housing and cannot apply for the fund until a particular date. The review process is often delayed, and the Grant is not consistent across local authorities. Some still use means-testing to calculate the amount of grant given which is often dependent on the household income and savings of the disabled person and their partner. Whereas others have their own assessments which they have developed over time to move past perceived red tape.
22. As with most funding schemes, those applying often experience long waiting times for the Grant due to the means-test assessment. A survey by the Equality and Human Rights Commission found that on average it takes eight weeks for a decision to be made and 14 weeks for the installation with some local authorities have waiting times of more than a year.<sup>5</sup> Removing the process of means-testing or simplifying it would help to reduce waiting times so that people can undertake the necessary adaptations when they need it.

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<sup>5</sup> Equality and Human Rights Commission, [Housing and disabled people – Britain's hidden crisis](#), May 2018

How can the Government ensure it provides sufficient provisions to support disabled residents who do not live in new build homes?

23. The UK continues to have the oldest housing stock in Europe, and this can often cause difficulties in ensuring the existing housing stock can meet the needs of disabled people as they were not built with adaptability in mind.
24. When looking at existing builds the Government must provide adequate funding and guidance for those working in the trades to undertake work in adapting homes to become accessible. This would help to reduce waiting times, improve quality of work, and reduce the overall cost of the project for disabled individuals. Government must look at providing clearer guidance and training for businesses to renovate the existing housing stock, particularly for SME's who wish to undertake this work but may not have the resources to do so.
25. CIOB have continued to highlight the issue of capacity for local authority planning departments and if Government wishes to support disabled residents in adapting their homes, then more investment must be put into these departments across England. Government must also review the rented housing market as 37.3% of the UK population currently live in rented accommodation. Those who seek adaptive housing can often face difficulties in finding appropriate accommodation and can face difficulties with the landlord if they wish to adapt their existing home.
26. We urge Government to invest in planning departments which would allow faster decisions being made and allow those living in existing housing to have their homes made accessible within a year of applying. We would also encourage Government to provide clearer guidance and training to enable businesses to appropriately adapt and renovate homes across England.

What can the Government do to support disabled tenants in the private rented sector?

27. The use of terms such as 'accessible' are not always consistent in definition when it comes to marketing properties in the private rented sector. Meaning there is not a one-stop-shop where people can find an adapted or accessible property when they are looking to move as a tenant. Many of the popular property search websites that allow you to search available properties online do not have a function to filter by accessible properties or particular access features which can make it difficult for tenants to find a suitable property.
28. The private rental sector continues to grow in demand as many people struggle to obtain a mortgage to buy their own home. Disabled people, occupational therapists and local authorities have all reported that the private landlords are reluctant to allow adaptations, and this further creates difficulties for those needing to find an appropriate home. At present, the Equality Act 2010 does not require the landlord to make structural changes to the property or the 'common parts' of a block of flats. Additionally, a landlord can refuse to make improvements if the tenant is renting a room in a shared house.
29. Adaptations for properties can vary from minor changes such as fitting grab rails, to large changes such as installation of wet rooms or hoists. Research by the Equalities and Human Rights Commission indicate that 93% of homes in the private rental sector are not accessible for disabled tenants.<sup>6</sup> Renting from the private sector can make it more

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<sup>6</sup> Equality and Human Rights Commission, [Housing and disabled people – Britain's hidden crisis](#), May 2018

challenging for the disabled tenant to make adaptations to the property should they find it difficult to access basic facilities in the home or feel unsafe getting around the property. This has an impact on tenants wanting to have independent living raising reliance on family and carers in addition to increasing the risk of accidents and hospital admissions.

30. The Government must review how they can improve access to accessible and adaptable private housing by consulting with disabled people who have lived experience of renting in the private sector and examine ways that can strengthen the rights of disabled people who are renting in the private sector.