

# **SUBMISSIONS TO THE PLANNING INSPECTORATE**

**In connection with Inspector's Draft Matters,  
Issues and Questions for Examination of the**

## **CRANBROOK LOCAL PLAN**

**Prepared by**

**Richard Sturt, MRICS, FRGS, MSc, BSc (Hons)  
and  
Malcolm Barber DipArb MRICS MCIArb**

**On Behalf Of**

**Cranbrook LVA LLP (Respondent Number 145)**

**7th January 2020**

UNLOCKING VALUE FROM LAND

STURT & COMPANY LTD, THE COACH HOUSE, UPHAM FARM, UPHAM, HAMPSHIRE. SO32 1JD  
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Company No 07990266 VAT No: 132 6808 20

## **1.0 INTRODUCTION**

1.1 Sturt & Company has been requested to provide formal representations on the Independent Examination and specifically the Inspector's Draft Matters, Issues and Questions for Examination of the Cranbrook Local Plan on behalf of Cranbrook LVA LLP.

### **Qualifications**

1.2 This report has been prepared by Richard Sturt MRICS, FRGS, MSc, BSc (Hons) and Malcolm Barber DipArb MRICS MCI Arb who are both Chartered Surveyors and Registered Valuers under the RICS.

## **2.0 METHODOLOGY**

2.1 Sturt & Company attended the Working Group in July 2017 and made written submissions concerning viability at the time.

2.2 Further submissions were made in the spring of 2019 regarding both the CIL Review and Cranbrook Plan DPD submissions. Many of the issues raised in these earlier submissions are directly relevant to the East Devon Affordable Housing SPD as it relies on the appraisals and methodology contained in the CIL review.

2.3 All these submissions include commentary on a number of areas which have a direct impact on the viability and workings of the residential development in East Devon.

2.4 Our major concerns include the following:

- Refusal of East Devon or Three Dragons to release their Excel Toolkit
- The Three Dragons Viability Appraisal does not reflect the proposals made in the Draft Affordable Housing SPD
- Outdated BCIS Costs that are now 16 months out of date
- GDVs that do not reflect current market sales and size of units
- Inappropriate BCIS Index used. Lower quartile figures rather than the more commonly used mean or median
- Ambitious housing trajectory figures and implications for cash flow
- Insufficient profit margins to take into account the high infrastructure and utilities costs and risk of major schemes such as Cranbrook
- Insufficient Benchmark Land Value to provide a landowner's and promoter's proper return

2.5 Due to the continued refusal to co-operate by not providing a copy of the electronic Excel Three Dragons Toolkit, we reserve our position on making further representations on all the key residual inputs, calculations and their impact on the viability of development and affordable housing in East Devon.

### **3.0 QUESTIONS**

3.1 Set out below are our responses to the questions posed by the Inspector. For ease of reference, we have answered each question in turn.

<b>MATTER 15 - VIABILITY</b>	
<b>Issue 21:</b> <b>Are the assumptions made regarding land values fully justified in respect of the Viability/Infrastructure Delivery Plan?</b>	
<b>Q166</b>	<b>Question</b> What evidence is there that the viability assessments reflect the recommended approach in Paragraph 57 of the Framework?
	<b>Response</b> 57 of the NPPF clearly states  <i>'... the viability evidence underpinning it is up to date... all viability assessments, including any undertaken at the plan making stage, should reflect the recommended approach national planning guidance, including standardised inputs, and should be made publicly available'.</i>  The viability evidence that is underpinning the Local Authorities position is out of date, does not use standardised inputs and has not been made publicly available.  Many of the residual inputs used by Three Dragons are contrary to inputs they have used in other nearby CIL assessments with no justification for their departure from industry norms or what they have used previously.  Justification of their departure from inputs used in other Local Authority CIL Assessments has not been provided thus, the viability evidence has failed to meet the criteria in paragraph 57 of the NPPF.
<b>Q 169</b>	<b>Question</b> How is the Section 106 allowance of £16,828 per plot arrived at? Does it reflect the actual cost of contributions?
	<b>Response</b> The Section 106 costs used by Three Dragons in their residual appraisal are not the same as being used by the planning officers.  From recent pre-app advice the section 106 contributions appear to be higher than those allowed for in the Three Dragons appraisal.
<b>Q170</b>	<b>Question</b> Is a breakdown of disaggregated assumed abnormal costs available and how has it featured in the costs per dwelling figure?
	<b>Response</b> The treatment of abnormal costs runs the risk that individual sites that provide key elements of the scheme will not come forward. This is because abnormal costs have been treated in scheme wide without area specific costs being considered.

	<p>Insufficient margin has been allowed in the abnormal costs to account for any variation after detailed site investigations have been undertaken.</p>
Q171	<p><b>Question</b> What is the justification for deviation from the same benchmark rate across the development (eg SANGS)?</p>
	<p><b>Response</b> In our experience, where land has been identified for SANG as part of a larger scheme, landowners will not sell it at basic agricultural land values as it provides the landowners with no incentive to sell.</p> <p>It is increasingly common that the landowner selling SANG land will also require the normal Benchmark Land Value as they would for residential development land. Consequently, the presumption the SANG land at Cranbrook should have a BLV at basic agricultural land values and indeed less than many of the transactions listed as comparables by Three Dragons is unrealistic.</p> <p>In my experience there would be a similar Benchmark Land Value per hectare for all land within a single block of land that forms part of one scheme whether it is development, playing fields, infrastructure or SANG land.</p>
Q172	<p><b>Question</b> What is the risk associated with a blended benchmarking rate regarding delivery of infrastructure serving Cranbrook?</p>
	<p><b>Response</b> Using a blended Benchmark Land Value for the whole site is appropriate and normal in the market for a single block of land, so long as it is at a level per hectare commensurate with typical Benchmark Land Values in the area.</p>
Q173	<p><b>Question</b> What evidence is there to support the land values used in the assessment?</p>
	<p><b>Response</b> Three Dragons have provided a limited number of comparables of land sales in their report. However, very few have any meaningful explanations as to their sales process or the site's merits. For example, whether they are open market sales or transfer between related parties.</p> <p>More importantly, the report provides no justification of how their Benchmark Land Value is justified by the comparables.</p> <p>The Benchmark Land Value is below the values used for nearby Authorities and being a large scheme, there will be a requirement for</p>

	<p>promotion of the scheme and this has not been allowed for.<sup>2</sup> When considering reasonable promoter's return and promotional costs (those prior to planning applications) the BLV is too low to allow a proper return to the landowner and promoter.</p>
<p><b>Q174</b></p>	<p><b>Question</b>  What evidence is there to support the index used for the assessment?  Does it reflect current costs or inflation over the interim period?</p> <p><b>Response</b>  Three Dragons have used BCIS Indices for their input for general build costs. They have used different Quartiles dependent upon the size of the proposed scheme.</p> <p>When selecting the appropriate table, Three Dragons have sought to arbitrary amend the standard Quartiles with no evidence to support their position. This is contrary to standard practice and the NPPF requires standardised inputs.</p> <p>For example, they have used estate housing 'mean' plus 5% for schemes of 2-5, whereas BCIS already do a table for one-off housing, 3 units or less, which would be perceived as giving better guidance, at least for smaller schemes that will have detached units.</p> <p>Similarly, for units over 200 and Cranbrook, Three Dragons are using 'Estate Housing Lower Quartile'. This cost, being at the bottom end of the statistical range, clearly illustrates that the majority of the estate housing sampled by BCIS has an outcome above this level. Considering an estate wide scheme of this nature with its design criteria, enhanced building/design requirements and carbon mitigation obligations, it is not possible that it can be delivered at the bottom end of build cost outcomes of all estate housing schemes sampled by BCIS.</p> <p>Much of the viability is based on outdated costs which are now over 16 months old and have not taken into account inflation over the period. It is relatively easy to update inputs within a residual appraisal. Please see attached <b>Appendix 3</b> for an updated BCIS cost which clearly shows the changes over the interim period. To illustrate this, the January 2020 BCIS mean is now £1,299 m sq as opposed to the Three Dragons £1,213 m sq, some 7% increase. For 'lower quartile' the new figure is £1,065 sq m as opposed to £1,038 sq m (2.6% increase). On Cranbrook this results in base build increasing by £900,000. In addition to this, there will be a proportional increase in fees, external and other costs relating to base build costs.</p> <p>Likewise, the infrastructure costs will have to be changed.</p> <p>Using the correct BCIS index (i.e. mean or median) the cost would be significantly higher which would make the scheme unviable based on the current affordable requirements and IPD/S106 costs.</p>

<sup>2</sup> See Viability Testing Local Plans Local Housing Delivery Group Chaired by Sir John Harman. Page 31.

	<p>This was highlighted to the Local Authority numerous times over the process and they have failed to update any of their build costs. It is a relatively easy thing to do and even the smallest change in overall build cost could affect viability and jeopardise the whole area coming forward.</p>
<b>Q175</b>	<p><b>Question</b> Does the GDV used by Three Dragons follow market norms?</p>
	<p><b>Response</b> The Gross Development Values have not been updated over the last 16 months. There is evidence that sales rates and GDVs achieved in the locality have changed since they prepared their report.</p> <p>Despite bringing this to the attention of East Devon District Council, we have seen no evidence that they have reviewed the changes in the market or GDVs. Inevitably, even a very small change in GDV has a dramatic effect on viability, particularly when Benchmark Land Value only comprises 5% of the total scheme revenue or GDV.</p> <p>Consequently, as little as a 2.5% change in GDV reflects a 50% change in Benchmark Land Value. This will result in the Benchmark Land Value not being appropriate and therefore the whole scheme may not come forward.</p>
<b>Q176</b>	<p><b>Question</b> Has any sensitivity testing been undertaken in respect of the figures used in the housing trajectory?</p>
	<p><b>Response</b> No formal sensitivity testing has been published regarding change in costs or revenue.</p> <p>There appears to be no published testing of any changes to the basic build costs or the infrastructure costs. If these alter by even a small percentage, the outcome dramatically changes and will result in the scheme being unviable.</p> <p>Industry standard testing sensitivity needs to be undertaken before any residual appraisal can be considered robust. Otherwise the scheme will have a risk of being unviable and therefore not come forward.</p>
<b>Q177</b>	<p><b>Question</b> How does the plan adequately acknowledge the value of residential development land lost to infrastructure?</p>
	<p><b>Response</b> The Cranbrook Plan does not fully account for the value of residential land lost to infrastructure delivery and this needs to be assessed in the context of the viability modelling.</p>

**4.0 CONCLUSION**

- 4.1 The viability work undertaken by Three Dragons does not reflect Central Government Planning Policy or mandatory RICS procedure. They have failed to disclose the Excel Toolkit and have used outdated costs as well as artificially reducing inputs that are not reflected in other appraisals recently undertaken by Three Dragons.
- 4.2 Basing the viability on such untested methodology will risk its future delivery and jeopardise East Devon's ability to provide housing on this key strategic site.
- 4.3 We would request that you direct Three Dragons to provide us with their valuation tool kit so that it can be properly reviewed. In addition, we would request that Three Dragons are directed to work collaboratively with other expert witnesses in order to agree appropriate inputs and run revised modelling based on their tool kit.
- 4.4 We trust the above assists but if you require any further clarification please contact us.



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**Richard Sturt MRICS, FRGS, MSc, BSc (Hons)**



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**Malcolm Barber DipArb MRICS MCI Arb**

## **APPENDIX 1.**

### **Response to Request for Three Dragons Tool Kit**



STURT  
& COMPANY

Ref: RAS/es

25<sup>th</sup> September 2019

Keith Lane Esq  
East Devon District Council  
Planning Policy Department  
Knowle  
Sidmouth  
EX10 8HL

Dear Keith

### **East Devon CIL and Cranbrook DPD Submission**

On behalf of our clients, I set out with the letter further observations and concerns relating to the on-going submissions for the Cranbrook DPD and overall East Devon CIL Submissions.

### **Three Dragons Excel Model**

Despite numerous requests contained in our main submissions, together with letters dated 18<sup>th</sup> March 2019 and 17<sup>th</sup> April 2019, we have still not been provided with the copy of the interactive Excel toolkit to test its veracity. We note from your response that you have declined to provide us with a copy.

This is a fundamental concern as without access to the Excel toolkit it is impossible for any other professional practitioner to test the assumptions or the mathematics behind the viability software. As outlined in our main submissions, we have identified some anomalies in the mathematics which can only be resolved by reviewing the formulae behind the Excel programming.

It is quite normal in the industry when using the likes of ARGUS that an electronic copy of the appraisal in a form that can be utilised by the other side is shared between parties. This is now of particular importance, since the publication of the Financial Viability in Planning: Conduct and Reporting guidance in the assessment of viability published in May 2019.

The NPPF and PPG also clearly identify that professional practitioners should work collaboratively in the assessment of viability but without the access of the Excel toolkit this is impossible.

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## Commentary

We note from the response to submissions that many of our concerns have been identified and included within the document, but it does not appear that there has been any fundamental change in the methodology or assumptions used in the Three Dragon's scenario.

This is of concern as, of course, both the BCIS build costs and other assumptions are now significantly out of date. For example, the entire model is based on a build cost which is now a year out of date. Similarly, house prices would have changed and sale rates slowed down. It is a relatively simple process to update a viability assessment with the latest inputs, which can be done on a monthly basis if required.

On behalf of our clients, we reserve our position on all the viability inputs used in the appraisals and look forward to further discussion as part of the Inspectorate's review of the submissions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Sturt', with a stylized flourish extending to the right.

Richard Sturt  
**MRICS, FRGS, MSc, BSc (Hons)**



S T U R T  
& C O M P A N Y

Ref: RAS/es

17<sup>th</sup> April 2019

Keith Lane Esq  
East Devon District Council  
Planning Policy Department  
Knowle  
Sidmouth  
EX10 8HL

Dear Keith

### **East Devon Affordable Housing SPD**

Further to the above consultation we are requesting a copy of the Three Dragons Excel toolkit that has been used to assess the SPD and supporting residual appraisals.

Without access to these Excel spreadsheets it is not possible to fully test your SPD. I must remind It is normal for both parties when testing viability to disclose their appraisals in an open manner that allows for the assessment from both other professionals and of course members of the public. Paragraph 57 of the NPPF makes this clear.

*“All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and **should be made publicly available.**”*

You have previously refused access to these Active Valuation model/spreadsheets and we see no reason why this information cannot be released.

Yours sincerely

Richard Sturt  
**MRICS, FRGS, MSc, BSc (Hons)**

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S T U R T  
& C O M P A N Y

Ref: RAS/es

18<sup>th</sup> March 2019

Keith Lane Esq  
East Devon District Council  
Planning Policy Department  
Knowle  
Sidmouth  
EX10 8HL

Dear Keith

### **Formal Submissions for East Devon CIL Viability Study**

Thank you very much for your email. We are aware of the deadline as I was informed by my client, Devonshire Homes, but despite my attendance at the workshop in July 2017, it appears our details have dropped off your database of interested parties. Nevertheless, I will be making formal submissions on their behalf.

Thank you for sending me the link to the technical annexes which I have already analysed and unfortunately, these do not allow us to interrogate Three Dragons' methodology. I am formally requesting a copy of the Excel sheet that lies behind the technical annex so that we can finalise our submissions.

In terms of the soundness of Three Dragons' methodology, I do not agree with you and I must draw your attention to a number of nearby Local Authorities who have also employed them. There are significant inconsistencies between Three Dragons' Methodology used in East Devon and those used by the same firm in nearby Local Authorities, including differences in their input assumptions. This will need to be addressed by the Inspector in due time and addressing this now will save considerable time and costs for all parties.

Yours sincerely

Richard Sturt  
**MRICS, FRGS, MSc, BSc (Hons)**

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**Office@Sturt&Co**

---

**From:** Richard Sturt <richard@sturtandco.com>  
**Sent:** 22 March 2019 15:14  
**To:** 'Office@Sturt&Co'  
**Subject:** FW: CIL Representations

**From:** Planning Policy <PlanningPolicy@eastdevon.gov.uk>  
**Sent:** 18 March 2019 10:31  
**To:** 'Richard Sturt' <richard@sturtandco.com>  
**Subject:** RE: CIL Representations

Dear Richard

Thank you for your email.

You will find the key viability testing inputs and their source in the CIL Review and Cranbrook DPD Viability Study and its Annexes – see <http://eastdevon.gov.uk/planning/planning-policy/infrastructure-provision-and-community-infrastructure-levy/community-infrastructure-levy-policy/cil-charging-schedule-revision/>

You'll be aware that the Three Dragons Toolkit has been used in previous viability work in East Devon and elsewhere. That work has been subject to public examination and found sound.

I look forward to seeing any evidence that you choose to submit as part of the consultation process. Please be aware that the consultation period on the Preliminary Draft Charging Schedule ends at 5pm on Friday 22 March.

Regards, Keith

**Keith Lane**  
Planning Policy Officer  
East Devon District Council  
01395 571684  
[klane@eastdevon.gov.uk](mailto:klane@eastdevon.gov.uk)

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)  
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

**From:** Richard Sturt [<mailto:richard@sturtandco.com>]  
**Sent:** 15 March 2019 10:54  
**To:** Planning Policy <PlanningPolicy@eastdevon.gov.uk>  
**Subject:** CIL Representations

Dear Sir/Madam

We are finalising our submissions for the East Devon CIL Review DPD and please could you provide us with a copy of The Three Dragons Financial Toolkit in Excel so that we can review it.

We are providing an independent assessment of a number of the schemes including the 30 unit appraisal that is found in the CIL DPD Annexe. Please could you provide us with the corresponding Excel sheet for this model so that we can test the variables and inputs accordingly.

Many thanks in advance.

Kind regards

Richard Sturt  
MRICS, FRGS, MSc

Sturt & Company Ltd, The Coach House, Upham Farm, Upham, Hampshire, SO32 1JD

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## **APPENDIX 2.**

### **Response to Freedom of Information Request**

## Office@Sturt&Co

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**From:** foi@eastdevon.gov.uk  
**Sent:** 06 January 2020 16:19  
**To:** office@sturtandco.com  
**Subject:** Freedom of Information - Ref 101000946949 UNCLASSIFIED:

Dear Mr Sturt,

Thank you for your request for information. Please find the response to your query below.

In relation to the above consultations, I am requesting full disclosure of all documents and communications between East Devon District Council and Three Dragons regarding East Devon Affordable Housing SPD. In particular, but not solely, I am requesting information held relating to the following:

- ? A copy of the Excel model used in the preparation of the background documents to the East Devon Affordable Housing SPD and Cranbrook Testing Scenarios. N.B. not a hard copy but the electronic Excel worksheet.
- ? A copy of the Letter of Instruction from East Devon to Three Dragons
- ? Copies of all correspondence between EHDC and Three Dragons relating to both the Cranbrook and Affordable Housing SPD, particularly during the preparation and drafting of the findings.

We are preparing an affordable housing Supplementary Planning Document but we have not employed, commissioned, used or contacted Three Dragons in respect of this document and its production. We are not preparing a Cranbrook Supplementary Planning Document. We are however undertaking other Cranbrook work but it is not associated with Three Dragons.

I hope this information is helpful but, if you feel dissatisfied with the way we have responded to your request, please contact our Monitoring Officer, Mr Henry Gordon Lennox, to request an internal review [monitoringofficer@eastdevon.gov.uk](mailto:monitoringofficer@eastdevon.gov.uk)

You may also approach the Information Commissioner for advice at [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely,

Sara

Ms S Harvey  
Information and Complaints Officer  
East Devon District Council

[SHarvey@eastdevon.gov.uk](mailto:SHarvey@eastdevon.gov.uk)  
01395 571659  
[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

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S T U R T  
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Ref: RAS/es

5<sup>th</sup> December 2019

Freedom of Information Officer  
East Devon District Council  
Blackdown House, Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

[foi@eastdevon.gov.uk](mailto:foi@eastdevon.gov.uk)

Dear Sir / Madam

### **East Devon Affordable Housing SPD and Cranbrook SPD Consultation**

In relation to the above consultations, I am requesting full disclosure of all documents and communications between East Devon District Council and Three Dragons regarding East Devon Affordable Housing SPD.

In particular, but not solely, I am requesting information held relating to the following:

- A copy of the Excel model used in the preparation of the background documents to the East Devon Affordable Housing SPD and Cranbrook Testing Scenarios. N.B. not a hard copy but the electronic Excel worksheet.
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- Copies of all correspondence between EHDC and Three Dragons relating to both the Cranbrook and Affordable Housing SPD, particularly during the preparation and drafting of the findings.

Yours sincerely

Richard Sturt  
**MRICS, FRGS, MSc, BSc (Hons)**

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## **APPENDIX 3.**

### **BCIS Updated Figures**



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## Results

[Rebased to East Devon \(101; sample 16\)](#) [Edit](#)

## £/m2 study

Description: Rate per m2 gross internal floor area for the building Cost including prelims.

Last updated: 04-Jan-2020 00:38

Maximum age of results: 5 years 

Building function (Maximum age of projects)	£/m <sup>2</sup> gross internal floor area						Sample
	Mean	Lowest	Lower quartiles	Median	Upper quartiles	Highest	
<b>New build</b>							
810. Housing, mixed developments (5)	1,260	785	1,114	1,219	1,354	2,938	378
<b>810.1 Estate housing</b>							
Generally (5)	1,299	691	1,065	1,195	1,387	4,429	237
Single storey (5)	1,495	919	1,111	1,374	1,694	4,429	49
2-storey (5)	1,216	691	1,042	1,169	1,330	2,668	179
3-storey (5)	1,445	948	1,110	1,154	1,566	2,614	6
4-storey or above (5)	2,718	2,195	-	2,384	-	3,574	3
810.11 Estate housing detached (5)	2,363	1,387	1,805	2,142	2,325	4,429	6
<b>810.12 Estate housing semi detached</b>							
Generally (5)	1,239	737	1,051	1,195	1,389	2,180	67
Single storey (5)	1,331	992	1,091	1,256	1,507	2,180	20
2-storey (5)	1,205	737	1,035	1,170	1,337	1,912	46
<b>810.13 Estate housing terraced</b>							
Generally (5)	1,436	828	1,091	1,255	1,510	3,574	32
2-storey (5)	1,302	828	1,073	1,219	1,399	2,668	27
<b>816. Flats (apartments)</b>							
Generally (5)	1,467	827	1,206	1,356	1,631	5,142	241
1-2 storey (5)	1,465	1,024	1,206	1,378	1,674	2,372	61
3-5 storey (5)	1,411	827	1,183	1,315	1,558	3,216	156
6 storey or above (5)	1,839	1,125	1,360	1,594	1,866	5,142	24
818. Housing with shops, offices, workshops or the like (5)	2,033	1,521	1,683	2,001	2,227	2,757	17
<b>820.1 'One-off' housing detached (3 units or less)</b>							
Generally (5)	2,413	937	1,498	2,087	2,912	5,258	41
Single storey (5)	1,591	1,168	1,204	1,396	1,744	2,883	9
2-storey (5)	2,318	937	1,798	2,082	2,791	4,066	18
3-storey (5)	3,018	1,213	2,515	2,910	3,220	5,221	12
820.2 'One-off' housing semi-detached (3 units or less) (5)	2,112	1,018	1,683	1,897	2,174	5,086	12
<b>843. Supported housing</b>							
Generally (5)	1,719	1,011	1,342	1,701	2,008	2,845	31
Single storey (5)	1,904	1,465	1,886	1,928	1,982	2,261	5
2-storey (5)	1,718	1,011	1,436	1,637	2,080	2,373	12
3-storey (5)	1,478	1,046	1,273	1,370	1,641	2,054	10
4-storey or above (5)	2,088	1,099	-	2,204	-	2,845	4
843.1 Supported housing with shops, restaurants or the like (5)	1,641	1,233	1,408	1,510	1,623	2,610	10
852. Hotels (5)	2,314	1,770	-	2,209	-	3,070	4
856.2 Students' residences, halls of residence, etc (5)	1,909	1,086	1,663	1,948	2,109	3,210	22

PREVIOUS

Define - 1. Basic parameters

NEXT

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**Address:**

BCIS  
Parliament Square  
London  
SW1P 3AD

**Contact:**

Telephone: +44 (0)24 7686 8502  
Email: support@bcis.co.uk



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