



DRAFT

East Lindsey Single Plot Exceptions Supplementary
Planning Document.



December 2011

Contents

- 1.0 Introduction
- 2.0 The Supplementary Planning Document Process
- 3.0 The Need for Affordable housing
- 4.0 Build your own affordable home: Single plot exception sites
- 5.0 Suitability of location
- 6.0 Design and layout
- 7.0 Housing need and strong local connection
- 8.0 Affordable in perpetuity
- 9.0 Standard planning conditions

Appendices

Appendix A – Local connection criteria and cascade approach

Contact

Housing Strategy Team
East Lindsey District Council
Tedder Hall
Manby Park
Louth
Lincs
LN11 9AP
01507 601111 ext 805

1 FOREWORD

This document is being prepared to supplement Policy H6 in East Lindsey District Councils Local Plan Saved Policies September 2007.

This document seeks views on a proposal for a Single Plot Exceptions Scheme and the comments received during this consultation period will help shape the final document.

The contents of this SPD are open for consultation for six weeks from 19th December 2011 – 6th February 2012. Details on how to comment on this document are provided below:

Comments can be made by;

POST - Please send your comments to H Wright, Senior Housing Enabling Officer, East Lindsey District Council, Tedder Hall, Manby Park, Manby, Lincolnshire, LN11 8UP

EMAIL - There is a version of the consultation document on the Councils website at the following address; www.e-lindsey.gov.uk. Please email any comments to helen.wright@e-lindsey.gov.uk

1.0 Introduction

In order to try and go some way towards addressing the high demand for affordable housing in rural settlements the Council are proposing to introduce a Single Plot Exceptions Supplementary Planning Document. The SOPD aims to clarify how Policy H6 of the Local Plan can help residents of medium and small rural settlements to remain in their village.

Policy H6 of the Local Plan (1995) states that "provision will be made as follows, for housing which meets the needs of those who do not have the means to afford open market housing;

- 1) In settlements where the Council has identified and quantified a current social or low cost housing need, planning permission will only be given for housing development which has satisfactorily taken account of the identified housing need.
- 2) Exceptionally, on land which is not allocated for housing or which would not normally be released for housing development where the Council will permit small scale residential development provided only:
 - a. It is clearly shown to meet a particular and identified local need for low cost housing or social housing which cannot be met elsewhere or in any other way; and
 - b. It is located in or alongside a settlement having adequate local facilities, basic services and access to regular public transport and;
 - c. It does not result in sporadic development which is unrelated to the form of the settlement; and
 - d. It does not harm the character or general amenities of the settlement through traffic generated or because of its siting, scale or appearance; and
 - e. The long term ownership of houses built for shared ownership or rental is controlled through a legal agreement to ensure that preference is given to purchasers or tenants who need to live in, work in or have long standing connections with the settlement."

The Single Plot Exceptions Scheme is a self-help solution that enables families to use their own resources to provide affordable housing that meets their needs within their community.

2.0 The Supplementary Planning Document Process

Government guidance on the process for preparing Supplementary Planning Documents (SPDs) is set out in Planning Policy Statement 12.

Procedural requirements are set out in the Town and Country Planning (Local Development) (England) Regulations 2004. There is a requirement under the 2004 Regulations to prepare and undertake formal consultation

on this Draft SPD. The arrangements for consultation Draft SPDs will be consistent with the District Council's adopted Statement of Community Involvement. This can be seen on the Council's website www.e-lindsey.gov.uk.

3.0 The Need for Affordable housing

The Lincolnshire Coastal Strategic Housing Market Assessment (SHMA), completed during 2011, reveals a shortfall of affordable housing across the District. It is estimated that in total, 10,500 affordable homes are needed between 2009 and 2031 to meet the housing requirements that cannot be met by the market in East Lindsey.

The Single Plot Exceptions Supplementary Planning Document (SPD) aims to complement delivery from other sources and assist residents of medium or small settlements as defined in the Core Strategy to join the property ladder.

4.0 Build your own affordable home: Single plot exception sites

The principal of the Single Plot Exception Scheme is that the construction of affordable housing is funded from householders' own resources, which can include the sale of existing property as well as through a commercial mortgage. This uses the resources of those families who are able to provide new affordable housing to meet their own needs and the local community benefits over the long term from an increased stock of local affordable homes.

Therefore, as an exception to normal policies controlling new housing development in rural areas, the Council will allow the development of single affordable dwellings within and adjoining settlements in the rural areas including outside the development boundaries of settlements as identified in adopted Local plans, **provided ALL of the following criteria are met:**

- Applicants will need to demonstrate that they are unable to afford a suitable home currently available in the locality (within the parish). This will be agreed by the Senior Housing Enabling Officer.
- The site is in a location considered suitable for the development of a single affordable dwelling. Such dwellings need to be within or adjoining an existing recognisable settlement and not constitute isolated or sporadic development. A suitable settlement is considered to be a medium or small village as defined in the Core Strategy.
- The design and layout of the proposal are appropriate to the character and appearance of the surrounding area.

- The household is in housing need, has strong local connections (confirmed by the Parish or Town Council) to the area.
- The dwelling is affordable to the applicant, and will remain affordable to subsequent occupiers in perpetuity. This will be achieved through a section 106 legal agreement.
- Applicants will normally be the prospective occupiers of the proposed affordable dwelling. Speculative development is not permitted.
- The future re-sale value of the affordable home is fixed below market value (typically 60% market value) to ensure that it remains affordable for subsequent occupiers.

5.0 Suitability of location

Whilst wishing to address affordable housing needs in rural areas, the Council must balance this with the need to promote sustainable patterns of development and to protect the open countryside from widespread development. In this respect, the Council considers that there will be cases where these wider environmental sustainability interests will take precedence over the economic and social sustainability issues surrounding affordable housing.

The Council will therefore not permit the development of single plots for affordable housing on sites which: -

- Detract from Areas of Outstanding Natural Beauty or areas of Special Landscape Character;
- Are in completely open countryside, isolated from any recognisable named settlement by open land;
- Are situated within or adjoining a recognisable named settlement, but in an elevated, exposed or other prominent position which adversely affects the appearance of the countryside and/or the visual amenity and rural character of the settlement;
- Harm the character or appearance of a Conservation Area;
- Harm the setting of a Listed Building;
- Harm species or sites of nature conservation interest;

To satisfy these criteria, a site for a single plot exception affordable dwelling needs to be in a location that demonstrably forms part of a "recognisable named settlement". Such settlements will normally be a medium or small village as defined in the Core Strategy and meet at least one of the following criteria:

- has some local service(s) or facility(ies), or
- is within safe walking distance, a short walk of a bus stop that has at least a daily bus service, or within a short car journey (within 5km) of a larger settlement benefiting from some local services or facilities, or

- is accessible (within 5 km) of a rural enterprise employing at least 3 people provided that the initial occupier of an affordable dwelling has a contract of employment there.

To ensure an appropriate proportion of Single Plot Exception dwellings in any one settlement, no more than 10% of properties in any particular location will be allowed to be developed using this SPD.

6.0 Design and layout

Proposals for single plot exception sites will need to comply with current District Council adopted Local Plan policies

As these potential sites will usually be outside the areas normally considered suitable for residential development, it is especially important to achieve an appropriate design. In this respect, full applications will be required for single plot exception sites. Therefore, pre-application advice with Planning Officers is essential. Details on pre-application advice can be found at <http://www.e-lindsey.gov.uk/Planning/development+control/>

Development of the site will need to successfully blend in with the pattern of surrounding development. Particular attention should be given to the plot size, the layout of the plot, the design of the dwelling, and its materials of construction.

Where the applicant owns land which could provide a number of possible sites, the Council will seek to utilise the most environmentally sustainable and appropriate site as advised by the Council. Applicants are therefore strongly advised to discuss the alternatives at an early stage, and follow the advice given by the Planning Officer.

The dwelling size should not exceed 100sq.m. gross internal floor space (i.e. a simple measurement of floor space between internal walls) and overall plot size must be appropriate in terms of the general pattern of development in the surrounding area, but not normally exceeding 0.1 Ha. Sites which form part of the curtilage of an existing property must provide an appropriately sized plot for the new dwelling. In this respect, it will be important to achieve a ratio of dwelling size to overall plot size which is in keeping with surrounding properties. Such sites must also respect the existing character and setting of the original property, so as not to adversely alter that character or create a cramped form of development.

In addition to adopted policies within existing Local Plans, the following requirements in terms of design of the proposed dwelling and the appearance of the curtilage around it must be met: -

- Standardised, "off the peg" designs of the type found on larger urban developments will not be accepted. Design elements such as chimneys, eaves, dormers, doors and windows will be expected to reflect the site's unique context.

- Attached garages will count against the 100sqm. Detached garages may be permitted, subject to suitable conditions. Garages should reflect the local rural vernacular in both style and materials.
- Materials of construction should be sympathetic to those in use locally.

Important features such as trees, hedgerows and boundary walls which contribute to the character of the site or the area in general, must not be lost or substantially altered as a result of the development.

The Council will be looking to avoid the introduction of features not in keeping with the local area such as brick walls defining visibility splays and entrances, and the use of close-boarded fencing to define boundaries.

Driveways will need to be constructed in a permeable material appropriate to the area. Natural finishes will always be preferred to brick paving and plain or coloured tarmac.

A Design and Access Statement must clearly justify the proposed design, and may include plans and photographs of the area and surrounding properties, which illustrate how the design has evolved. The approach to the elements discussed above will need to be fully explained within by the Design and Access Statement submitted with the planning application.

Crucially, the design will need to have been the subject of extensive discussion and agreement with Planning Officers prior to submission.

7.0 Housing need and strong local connection

In order to be eligible to apply for the Single Plot Exception Scheme, applicants will need to demonstrate that they are unable to afford a suitable home currently available in the locality (within the parish).

Housing need is demonstrated if the household unit has no home of its own, or is renting from a housing association but would like to become an owner-occupier, or is in unsuitable accommodation. The current housing may be too large or too small for the household; be in a poor state of repair; be too costly for the household to maintain or sustain, for example if a household living in a property which is unsuitable for their needs but are unable to afford to purchase a suitable property in the village could be eligible for this scheme.

Strong local connections with the settlement in question will need to be demonstrated by the household (appendix A). These include working locally, residing locally, or having family members who need support in the local area. For the purposes of this scheme local is defined as within the parish boundary.

Assessments of whether a household is in housing need, has strong local connections and is unable to afford a suitable home in the locality will be

made by the Council's Housing Enabling Officer, following completion of a standard form and submission of supporting documentation. Applicants will be expected to be proactive in obtaining confirmation of their 'local connection' from the local Parish or Town Council.

To ensure the housing is affordable in perpetuity purchasers of the property in the future must also meet the local needs criteria in Appendix A. As a requirement of the section 106 legal agreement, the property cannot change hands without the written consent of East Lindsey District Council. This will only be forthcoming if the Council is satisfied that the new purchaser has a strong local connection as defined in the section 106 legal agreement.

8.0 Affordable in perpetuity

Exception sites are permitted in order to benefit the long term sustainability of the community because it allows local people to remain living in the settlement and using the local facilities, and as such it is important that the property remains affordable for successive occupiers, preferably for the lifetime of the building. To achieve this, the model section 106 legal agreement puts a Restriction on the Title of the property, to the effect that the property cannot change hands without the written consent of East Lindsey District Council. The Land Registry will effectively enforce this provision, as it will not be possible for a solicitor to register a new ownership with the Land Registry without the appropriate letter from East Lindsey District Council.

A draft section 106 legal agreement is available from the Council and should be submitted with the planning application, with agreed heads of terms. The section 106 Agreement must be ready for all parties to sign by the time the application is ready for decision by the Council

Affordability calculations

In order to calculate the affordability of the proposed property the Local Authority will consider the Formula Price of the development. The "formula price" of the affordable property will be determined by the cost of construction plus a nominal plot value of £10,000, expressed as a percentage of open market value. Extraordinary construction costs will only be taken into account at the discretion of the local planning authority, where such costs can be robustly justified as unavoidable.

The future sale of the property will be subject to the fixed percentage of open market value as detailed in the section 106 agreement. This is typically 60% of open market value, There is no scope for it to enter into the open housing market without recycling of proceeds.

In order to ensure that dwellings approved under this Supplementary Planning Document are, and will remain, affordable, a dwelling size restriction will be imposed. The size of dwellings will normally be restricted to no more than 100sqm gross internal floor space with a curtilage normally not exceeding 0.1ha.

Furthermore, permitted development rights to extend properties in the future will be removed by planning condition, in order to ensure that the Council retains control over the future affordability of the property. Future values will in any event be based on original floor space and exclude later additions.

9.0 Standard planning conditions

- To ensure the above requirements are met the Council will use standard conditions on single plot exception sites that ensure the following criteria applies to all schemes: Sustainable construction, energy and water efficiency aspects equivalent to level 3 of the Code for Sustainable Homes
- Meeting the Lifetime Homes standard
- Restrictions on the size of the property (to not exceed 100 sqm)
- Removal of permitted development rights so that express permission has to be sought for any future extensions, including garage and carport extensions. This is to ensure that properties are not altered or extended as to increase values beyond an affordable level.

In the majority of cases, 100 sqm is adequate for a family of five persons. Larger properties are, by definition, more expensive and run counter to the primary aims of ensuring affordability.

Exceptions will only be made where clearly justified, for example where properties are deliberately designed for later extension and this is an explicit part of the original design concept, for example when there is going to be an increase in the size of the household. The removal of permitted development rights will not prevent consideration of adaptations or extensions in certain circumstances, for instance, where required by an occupant with disabilities or to accommodate appropriate extensions for family growth.

While households that can afford market properties are expected to meet their needs in the market, by moving house, the Council recognises there are genuine difficulties faced by households in affordable housing due to its chronic shortage in East Lindsey. Consequently it may be acceptable to enlarge an existing affordable house in order to accommodate the needs of the existing household, but applicants should be aware that value will remain restricted.

The Council recognises that some households will need more space, for example to cater for very large families. Where an application is received to amend or remove a standard condition, the applicant will be expected

to demonstrate that the household's needs are genuine. The national definition of overcrowding will be a factor in assessing what size of property is justified. The needs of disabled residents for physical space (for wheelchairs, etc) will also be taken into account.

Appendix A: Local connection criteria & cascade approach

Exception sites are granted planning permission as an exception to normal planning policies in order to meet a local need for affordable housing. To ensure that occupiers have a genuine local need, it is necessary for them to demonstrate strong local connections with the settlement in question. For the purposes of this SPD local is defined as within the parish boundary. This will require them to meet at least two of the following circumstances for at least one of the members of the household:

- Their parents were permanently resident in the local area at the time of the applicant's birth;
- The applicant was a permanent resident of the local area for five years as a child, and attended a local school;
- They currently live in the local area;
- They have lived in the local area for 15 continuous years as an adult;
- They are currently employed within 5km of the settlement;
- They have a confirmed offer of permanent full-time work in or close to the settlement (within 5km);
- Their parents currently live in the local area;
- If over 55, they have a son or daughter or step son/daughter or son/daughter-in-law living in the local area or a strong local connection.

The local area is defined as the area within a 10km radius of the site, or the parish (if larger).

For small settlements that are close to a larger settlement (over 3,000 population), the extent of the large settlement is excluded from the 10km radius of the 'local area'.

Persons with a strong local connection with a large settlement (over 3,000 population) should expect their local need to be accommodated in or adjoining that settlement, unless they also have a genuine local connection to a smaller settlement.

'Cascade' approach

The initial occupiers of exception sites must meet the local connection requirements set out in the Supplementary Planning Document.

Upon re-let or re-sale, persons with a local connection are preferred. If no suitable households come forward, the geographical area is progressively widened over time. The model section 106 legal agreement specifies the following cascade approach:

1. Persons with a strong local connection with the local area, where "local" is defined as the parish or place within a 10km radius of the site but excludes within that radius settlements exceeding 3,000 persons;
2. After a period of three months, persons with a need of affordable housing within the surrounding parishes.
3. After a total period of six months, persons with a need of affordable housing within the East Lindsey District Council area.
4. After a further period of two months, the owner may offer to sell the dwelling to the Council or to a body nominated by the Council at the affordable price;
5. After a further period of one month, if neither the Council nor the body nominated by the Council has indicated in writing an agreement to purchase the dwelling, no local connections restriction remains. The property must still be sold at the affordable price.

In the highly unlikely event of the property failing to sell after nine months, the owner may apply to the Council for the affordable price to be removed. If the council agrees to sale on the open market, then 50% of the value of the difference between the affordable and market prices will be recycled into the provision of affordable dwellings elsewhere.

Appropriate attempts must be made to market the property and the Council may request evidence of the marketing that has been carried out on the property before any restrictions will be removed.

Subject to agreement from the Council's Housing Strategy Team, at any point during the sale period the property can be amended to rented accommodation for an applicant from the Housing Register providing they meet the local connection criteria.