

Independent Examination of Peak District National Park Development Management Policies

Peak District National Park Authority Responses to Matters and Issues

NB, existing modifications are highlighted in red with suggested new changes shown with strikethrough and underline.

Matter 8 – Housing

Issue 1: Do the policies provide appropriate opportunities for affordable housing development?

The exceptions site approach successfully enables the Authority to reserve 100% of each site deemed appropriate for housing, to provide affordable housing. In addition, the policies for enhancement and re-development of sites, create scope for affordable housing as a part of a mix of housing, subject to viability considerations in line with national guidance. Work done to understand capacity for affordable housing in DS1 settlements (EB17 paragraph 15) means that the Authority can understand and support development on particular sites without allocating them when a housing need is identified and there is a positive wish to address it. The Authority has resisted cross subsidy because it would sacrifice sites for a form of housing of which the Park has a significant percentage of total stock (market housing comprises approximately 80% of total stock) and reduce the scope to build affordable housing. This position was supported at examination into the Core Strategy¹. Whilst the draft revised NPPF enables National Park Authorities to seek affordable housing contributions on sites of 5 units or fewer², the Authority considers that sacrificing any area of small sites to market housing is unnecessary and counter-productive to the aim of maximising delivery of affordable housing. Finally, the exception site approach is understood locally, and any hope value on land for housing has been suppressed. Landowners understand the limits to profit potential from giving over land to housing and this enables social housing providers to buy land at agricultural land value and deliver social housing.

¹ http://www.peakdistrict.gov.uk/_data/assets/pdf_file/0016/141217/LDF-InspectorsReport.pdf
Page 15 paragraphs 66 and 67.

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685289/Draft_revised_National_Planning_Policy_Framework.pdf Page 17 Paragraph 64.

Issue 2: Do the policies provide appropriate opportunities for market housing, including starter homes and self-build/custom housing?

The scope to provide market housing through conversions or enhancement sites is a proven means of delivering market houses whilst enhancing the Parks building stock and housing stock without increasing the overall footprint of development (CD36, CD37, CD38). Starter and custom/self build housing can be provided on exception sites, where the applicant is in housing need; and on enhancement sites, if there is a desire of developers to provide this type of housing. This approach enables the Authority to supply moderate market housing figures to constituent authorities to count towards their housing targets³ whilst ensuring the conservation and enhancement of the National Park.

Issue 3: Are the policies clear?

The policies are considered to be clear in their intent and scope and are a careful complement to Core Strategy policies that reflect the objectives of the Core Strategy, and the government's objectives for housing delivery⁴.

Issue 4: Are the policies justified?

The policies complement the principles for housing delivery that were tested at examination of the Core Strategy.

Policy DMH1 New affordable housing

1 Would the applicant have to demonstrate need for affordable housing (part A) and what information would be required? Is this requirement justified? Should the policy refer to the definition of affordable housing in the Framework?

The applicant would have to demonstrate their need for affordable housing unless a Parish Needs Survey, of acceptable standard and age, already identifies a need for the type of housing being applied for. Paragraphs 6.15 – 6.17 explain how housing need can be proven. This is a flexible approach that accepts the Housing Enabler's⁵ and all constituent Councils' approach to assessing housing need. Appendix 8 (CD42) adds detail to this, providing a template that applicants can use to demonstrate their housing need.

The NPPF and Circular and guidance ask National Park Authorities to focus on addressing the local need for affordable housing and to restrict growth to levels below that which would otherwise be expected in areas with housing targets.

³ Duty to cooperate statement (SD15) and constituent authority plans

⁴ as that applies to National Parks through the NPPF and the English National Park and the Broads Vision and Circular

⁵ The housing enabler post is based at Derbyshire Dales District Council and is part funded by the National Park Authority. The post assists housing delivery across Derbyshire Dales' part of the National Park which covers a significant number of villages.

(Paragraph 115 Footnote 9). The Authority considers it is justified in being rigorous in its testing of housing need because evidence from capacity studies (EB17 Paragraph 15) shows that across DS1 villages there is a shortage of good sites on which the Authority would accept new development of housing. If there is no need for the affordable housing, the Authority considers that new development would be sacrificing scarce sites without justification, and loading extra pressure for development onto less suitable sites.

Paragraphs 6.10.1, 6.10.2 and 6.10.3 replicate the original NPPF definition of affordable housing. It was considered more appropriate to include this as explanatory text than in policy itself. The revised draft NPPF suggests a wider definition to include starter homes so, pending timing, and that wider definition being adopted as government guidance, the Authority suggests pulling any revised NPPF Annex 2 Glossary definition of affordable housing into 6.10. Paragraph 6.11 also needs revising to reflect that Starter Homes are now considered to be affordable homes. The proposed modification is as follows.

6.10 The NPPF provides a national definition of affordable housing, including is housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute at the time of plan-preparation or decision-making. Income restrictions should be used to limit a household's eligibility to purchase a starter home to those who have maximum household incomes of £80,000 a year or less (or £90,000 a year or less in Greater London)

c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

6.11 All homes provided against the definitions in 6.10 above help address the challenge of affordability. ~~Other forms of housing such as starter~~ Starter homes, which have legal status as affordable housing, are unlikely to address a locally evidenced need for affordable housing in the National Park. This is because they may still be more expensive than can be afforded by local people in housing need. This is especially the case where local people cannot access mortgages for the houses. Products such as this and custom and self-build properties would similarly not be appropriate to justify the development of exception sites; however they may provide a useful additional rung on the housing ladder as part of redevelopment sites, justified by conservation and enhancement. The Authority will assess the demand for such units at the time of the application and explore with the developer the options to address demand.

If it is not timely to bring the revised definition into the development plan, the Authority can bring it into revised SPD for housing, the production of which is a corporate commitment once this plan is adopted.

2 What is the justification for the maximum floor areas? Should the policy allow scope for discretion given that conversions of existing buildings may not readily fit within these limitations?

NPPF Paragraph 50 and revised NPPF paragraph 62 requires policies to identify size, type and tenure of homes to be provided for different groups including those who require affordable housing. The Authority is specifying maximum floor areas for affordable housing only. Further justification is provided by modification M6.15 to paragraph 6.37, which states that *'Size can be controlled by a planning authority and has over successive plan periods proved an effective planning tool, alongside restricted occupancy in holding values below market value to the extent that houses remain affordable to people in housing need locally. It is considered the most reliable and practical way to achieve this objective because a planning authority can employ size as a way to control price but cannot use prevailing land and property values to indicate appropriate size'*.

The figures are the national standard set by government as minimum floor spaces for the bed spaces envisaged⁶. Using this as a maximum floorspace standard is a means of controlling price of property and therefore deliverability and affordability. The standards is considered fit for purpose in terms of providing the type and size of homes needed at a price affordable to local people in housing need. The maximum floor spaces proposed have been supported by Peak District Rural Housing Association, which needs to be able to demonstrate viability of any schemes as a prerequisite for receiving capital grant from Homes England. The standard also factors in that all housing must conserve and enhance the national

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

park environment, and that the cost of materials needed to achieve this can be high, especially for small schemes, which are the norm rather than the exception in the National Park.

The policy allows extensions to floor areas up to, but not beyond the proposed maximum floorspace for a 5 bed space house, so there is flexibility within an overall ceiling. DMH1 allows flexibility on maximum sizes of affordable housing achieved by conversion but the Authority does not set upper thresholds. (subject to the tests set out in Paragraph 6.43) In practice, larger floorspace housing achieved through conversions are rarely suitable as affordable housing because it is unlikely that the Authority could defend (on subsequent valuations) their continued use as affordable home e.g. if a more generous floorspace was required to successfully convert the building in a way that conserves and enhances its heritage value, and taking into account the higher market value of converted traditional buildings. This is why the Authority sees no 'in principle' justification to generally restrict conversions to affordable home use. The exceptions might be where conversion potential for a large building, such as an old Mill or Waterworks building, gives practical scope to include affordable housing as a part of the mix of any housing provided. When there are proposals to meet a particular need (e.g. disability) the size limits can be flexed for either new build or conversions (paragraph 6.45) but, in general terms, the size limits future proof the status of the property against valuations that would otherwise take it out of the realms of what could be considered affordable. If the Authority believes the building conversion to residential use is justified to conserve and enhance its character, and the conversion requires significantly higher floorspaces than outlined in DMH1 it will not require restrictions on occupancy to address a local need for affordable housing. It remains an option however for an owner to voluntarily enter into an agreement to restrict occupancy if a reason for converting the building is to provide this type of housing in perpetuity.

3 Do the references to 'exception sites' in parts B and C require definition? Should starter homes and self-build and custom build plots be allowed on previously undeveloped land in settlements?

The definition of exception sites is stated in paragraph 6.29 and Appendix 11: Glossary and abbreviations. The glossary definition could be stated in policy if this was felt necessary to clarify the matter.

Previously undeveloped land in settlements is classed as exceptions sites in the context of delivery of new housing. This is made clear in the glossary. These sites are reserved for 100% affordable housing of the type most needed to address the local need for affordable housing. The Housing and Planning Act (<http://www.legislation.gov.uk/ukpga/2016/22/section/5/enacted>) gives local planning authorities the power to dispense with the condition requiring starter homes to be provided on rural exception sites. The Authority has decided to use that power for the following reason. Whilst starter homes are subsidised to make

them more affordable to the first buyer, there is no mechanism for the planning authority to prevent the unrestricted sale of these properties after a relatively short period of time. The only discouragement is a requirement on the first owner to payback the subsidy in the event of sale within a given time period. In high value areas such as National Parks, the capital appreciation on Starter Homes would be quick and significant, and increase the likelihood of houses being sold out of the local market in short time. This model of housing would therefore be an inefficient way of addressing the problem of housing affordability for local people, in housing need, in perpetuity. It is also inefficient because it would restrict the options to provide housing that is needed, and can be provided and retained in perpetuity for local people in housing need, and it would increase pressure to develop other less suitable sites. The option to deliver Starter Homes would also increase 'hope value' on land and reduce the willingness of owners to sell to housing associations.

Self build and custom build houses could be permitted on previously undeveloped land in settlements if it would be meeting an identified need for affordable housing. The Authority already grants permission to individuals where they have a housing need and the required strength of local connection, and they have proposed to build on previously undeveloped land that the Authority accepts as being a suitable site for housing. These types of applicant do not typically register for self or custom build, though the house they are proposing to build could be considered to fit that model. Part C could be modified to be clearer in this regard and a suggestion for how this can be achieved is shown in the policy below.

DMH1 New Affordable Housing

- A. Affordable housing will be permitted in or on the edge of Core Strategy DS1 settlements, either by new build or by conversion; and outside of DS1 settlements by conversion of existing buildings provided that:

<u>Number of bed spaces</u>	<u>Maximum Gross Internal Floor Area (m²)⁷¹</u>
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

- B. Starter homes will not be permitted on exception sites but may be permitted as part of a development of housing to enhance a previously developed sites [site](#)
- C. Self-Build and Custom build plots ~~will not~~ can be permitted on exception sites provided any housing built on those plots meets an identified housing need, the person has the required local connection, and the house is within the size limits for affordable homes, or but they may be permitted as part of a development of housing to enhance a previously developed sites [site](#)

Policies DMH2 and DMH3: First occupation of new affordable housing, second and subsequent occupation of affordable housing (the occupancy cascade)

4 Would the restrictions in DMH3 regarding where a parish is split by the National Park boundary also apply to DMH2?

The restrictions wouldn't apply because the first occupation of new build housing to address local need for affordable housing is deliberately limited to housing need in the National Park in the parish itself or an adjacent parish. It is not considered that the wider need of areas outside the Park is adequate justification for new housing in the National Park. If this was the case, the Authority and its constituent authorities would have agreed to higher housing figures for the National Park and this would be in the Core Strategy. However, once the properties exist, the cascade described in DMH3 allows people from a wider area to live in the property where a more local need cannot be satisfied, within a specified time, and having undergone a specified search, and the owner or manager of the property would otherwise be left with an empty property. The cascade begins at parish and adjoining level for every subsequent occupation, but the cascade enables social housing stock to remain occupied rather than empty. This can extend beyond the boundary for cases where parishes are towards the edge of the Park, but the logic is different because the Authority is not forsaking green-field land to house people previously living outside the Park. The expectation is that housing authorities will reciprocate this arrangement by not restricting affordable houses outside the Park to people in need from inside the Park. There is no indication from the past plan period that this understanding is incorrect.

5 What evidence justifies the specific occupancy restrictions used in the policies?

The definition of housing need is consistent with that used by our constituent housing authorities. The Authority is the planning but not the housing authority and sees no reason to use a different definition. The Authority is flexible to adopt

different definitions (e.g. through an SPD) if the constituent housing authority definitions change over the plan period.

In terms of deciding who is "local", the Authority considers it is reasonable to address the needs of its residents but not those from other areas. New affordable housing is justified by the housing need from within the National Park, specifically from the Parish in which the proposed site sits, plus any housing need from its adjacent parishes within the National Park. Core Strategy DS1 specifies a range of villages where development can occur. The parishes in which these villages sit, plus their adjacent parishes make up a jigsaw that covers 99% of the Park area. Where this pattern doesn't work, the Authority can deal with any housing need through exception to the usual approach.

The requirement for a local connection and the strength of any local connection applied to policies continues a tried and tested approach but also takes on board the advice of the English National Parks and the Broads Vision and Circular (CD16) and in particular paragraph 78, which places an expectation that a National Park Authority development plan should include policies that pro-actively respond to local housing needs, focus on meeting affordable housing requirements, and recognise that Parks are not suitable locations for unrestricted housing. The Authority contends that it could not meet this expectation without putting occupancy restrictions on development. The particular local connection chosen was tested through policy options at Regulation 19 stage (CD31)

http://www.peakdistrict.gov.uk/data/assets/pdf_file/0003/273360/DMP-Housing.pdf

The interim sustainability appraisal on policy options observed that on balance, and given the strong suite of policies within the Core Strategy regarding environmental conservation and design expectations, the preferred option of retaining the current local connection criteria could be seen to be the most balanced sustainability outcome. The appraisal considered that a weaker local connection would inflate levels of housing need and create pressure for unsustainable levels of development (CD28 Page 28 Issue 33)

The initial view of stakeholders at issues option stage 19 was that the current length of local connection test was tough and perhaps prevented the wider housing needs of a community from being met. It was also noted by DDDC and PDRHA, at later stages of the process, that the local qualification is tougher than that applied elsewhere in the country, including other National Parks, and rural areas around the National Park. This can make it hard for housing providers to find tenants in both housing need and having the required length of local connection. It also makes it harder for them to avoid costly void time while properties remain vacant. This problem has worsened over the period since the Regulation 19 stage, and Authority officers are regularly asked to consider temporary relaxation of the legal agreements restricting occupancy. However in reaching a decision on this, regard has been had to the Sustainability Appraisal, the 'Vision and Circular'

(CD16), and Authority members' consideration of all stakeholders' views. Whilst for example the Parishes Forum view is that the current local connection test is too tough, the Authority has sought to respond to the wider view that communities will not welcome new social housing in the first place if a community considers that it would not be available to those with a strong local connection. Both this view, allied with the control this brings to the careful release of greenfield sites in the National Park provide a strong policy starting point.

The re-allocation of houses is achieved by search for eligible tenants from a progressively wide area, beginning at Parish level and cascading out to whole Park level. This enables owners and managers of social housing to fill properties without having to wait indefinite periods of time for a person from the Parish to qualify. Where an owner or manager has tried to find an eligible tenant and cannot do so, the Authority invites them to explain the situation so that it can assess whether to waive the requirement of the legal agreement for the next tenant. This gives flexibility within a robust policy and has proved useful to the Authority and housing providers. Under this arrangement, the legal agreement remains unaltered, and any temporary waiver of the terms of the agreement is recorded on the planning record and will inform future policy reviews. The Authority considers that paragraph 79 of CD28 justifies this approach. It expects Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met and that affordable housing remains so in the longer term.

6 Should the first sentence of part B (i) refer to policy DMH2?

The Authority agrees and accepts the need for a correction. Suggest changes in policy extract below

7 Should the text in DMH2 specifically refer to 'affordable housing' and the text in DMH3A state 'previously occupied affordable home'?

The Authority agrees and accepts the need for a correction, so the text in DMH3A would read 'previously occupied affordable home'. Suggest changes in policy extract below.

DMH2 First occupation of new affordable housing

In all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:

- A. A person (and his or her dependants) who has a minimum period of 10 years permanent residence in the parish or an adjoining parish and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or

- B. A person (and his or her dependants) not now resident in the parish but having lived for at least 10 out of the last 20 years in the Parish or an adjoining parish, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- C. A person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from infirmity

8 Should the requirements in the last sentence of DMH3 B (i) in terms of marketing and notification requirements be stated at the outset of the paragraph to make these requirements clearer and should the first sentence concerning split parishes be put at the end of that paragraph?

The Authority agrees and suggests changes to the policy as shown below.

DMH3 Second and subsequent occupation of affordable housing (The occupancy cascade)

- A. Each and every time a previously occupied ~~property~~ affordable home becomes vacant, owners and managers of affordable housing must, as stated in the section 106 agreement, follow the cascade mechanism in steps B. i) to iv) , or C i) to v) until an eligible occupant is found.
- B. For RSL owned and managed homes, and privately owned and managed schemes of more than one affordable home, owners and managers must
 - (i) Sell or rent an affordable home to someone within the parish or adjoining parish who meets the eligibility criteria as set out in policy DMH1, DMH2 the supplementary planning document and the section 106 Agreement. ~~(Where a parish is split by the National Park boundary, only those people living within the National Park part of the parish should be eligible initially.~~
 - (ii) After a minimum period of 3 months,(minimum three months total) widen the search to include (in order of preference) those in the Parish or an adjoining parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining parishes.
 - (iii) After a further month, (minimum 4 months total), widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.

- (iv) After a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural parish lying outside the National Park or rural parishes entirely outside the Park but sharing its boundary.

C. For privately owned and managed affordable housing, owners and managers must

- (i) Sell or rent an affordable home to a person (and his or her dependants) with a minimum period of 10 years permanent residence over the last twenty years in the parish or an adjoining parish, or
- (ii) A person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from infirmity
- (iii) After a minimum period of 3 months, widen the search to include (in order of preference) those in the Parish or an adjoining parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining parishes.
- (iv) After a further month, (minimum 4 months total), widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
- (v) After a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural parish lying outside the National Park or rural parishes entirely outside the Park but sharing its boundary.

(The property should be advertised widely at the price advised by the district valuer and prepared at the time marketing is required, or any other body appointed by the Authority for such purposes or, in the case of a rented property, at the target rent at the time. The parish council, housing authority and housing associations working in the area should be advised of the vacancy as soon as houses become vacant.

(Where a parish is split by the National Park boundary, only those people living within the National Park part of the parish should be eligible initially.)

Policy DMH4: Essential worker dwellings

9 Is part F necessary given that design is covered by policy DMC3?

The Authority considers that part F is necessary for the following reason. DMC3 is a general policy on design, whilst part F of DMH4 is accepting a possible justification for a worker dwelling, whilst safeguarding against the size and type

of housing that could be considered beyond the means and needs of the business. This approach to planning applications for worker dwellings is sometimes used as an indirect means, through later argument to remove occupancy restrictions based on size and value, to attain a market house in the open countryside, when housing policies would not otherwise permit this for any other landowner.

10 Policy HC2 of the Core Strategy requires functional and financial tests but policy DMH4 only requires a functional test. Should part G of the policy require submission of financial information?

The Authority agrees that this would be the logical place to reference a requirement for financial information and suggests some of the wording of 6.58 and 6.59 is incorporated into part G of the HC4 as shown below. New policy wording is underlined. Revised paragraphs are shown with strike through of text now proposed to sit in Part G, which would read as follows:

DMH4 Essential worker dwellings

The need for a worker dwelling to support agriculture, forestry or other rural enterprises businesses will be considered against the needs of business concerned⁷³. Development will be permitted provided that:

- A. A detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
- B. There is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
- C. There is no traditional building that could be converted for use as a worker dwelling, within or close to the main group of buildings, in line with other policies and guidance on siting and design, and could serve this purpose
- D. Where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and
- E. The new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting; and
- F. Where a house already exists, and is under the control of the business, the subsequent housing is subservient in size to the existing original house unless

an acceptable landscape and building conservation outcome for the building group and the setting can only be achieved by a bigger house; and

G Stated intentions to engage in or further develop land management business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. The Authority will require financial evidence that the business has:

- (i) been operating for at least three years, and
- (ii) that it is currently profitable, and
- (iii) that it has been so for at least one of the last three years, and
- (iv) that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling and
- (v) the ongoing costs associated with the dwelling linked to the landholding reflect the actual and potential income that might be generated from the landholding

Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation.

~~6.58 Before permitting worker accommodation, the Authority will require financial evidence that the business has been operating for at least three years, that it is currently profitable and that it has been so for at least one of the last three years, and that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling.~~

6.59 Whilst ~~Traditional~~ land management businesses may expand or contract in terms of its landholding, ~~the ongoing costs associated with the dwelling linked to the landholding must reflect the actual and potential income that might be generated from the landholding.~~ It is conceivable that large landholdings in upland pasture areas may only sustain marginal businesses. It is also conceivable that small landholdings may sustain more profitable businesses e.g. if it is farming a different type of stock. The size of the landholding is therefore a guide to business viability, but will not of itself be used to control the size of the dwelling or ultimately determine whether to permit or refuse an application.

Policy DMH6: Re-development of previously developed land to dwelling use

11 Should part A of the policy make it clear that it refers to both market and affordable housing? Should the third bullet of part A be more specific in terms of the proportion of affordable housing required or alternatively state that the proportion will be negotiated?

The Authority considers that the first sentence and the bullet point (iii) when read together are sufficiently clear that both types of housing are possible depending on the circumstances.

The Authority considers that it is more appropriate to state that the proportion of affordable housing will be determined on a case by case basis, because of the big differences between sites in terms of such factors as site access, size and topography, and the strong likelihood that an arbitrary proportion would be as likely to stifle as facilitate development. Furthermore, the Authority isn't in a position to specify an evidenced based proportion in policy and, because the policy driver is enhancement rather than housing numbers, it considers it would be counter-productive to do so.

12 Should the policy state that financial contributions towards affordable housing need elsewhere in the National Park will be sought where there is no need in the parish, as provided for by Core Strategy policy HC1C (iv)

The Authority considers that this duplicates HC1C but agrees it could be included if felt necessary.

13 Is the requirement of the fourth bullet of part A sufficiently clear? What size of site would this apply to, and what would be the requirements of any condition or legal agreement?

The Authority agrees that it isn't clear and that on reflection it isn't necessary to say this in policy. The Authority suggests removal as shown in the policy below.

There is no threshold on site size for this policy and the Authority considers that any artificially imposed threshold could encourage piecemeal applications (i.e. artificial split of sites prior to application to avoid comprehensive enhancement schemes). Not having a threshold gives the Authority flexibility to require whole site planning for small or large sites, either of which have the potential when re-developed to enhance or harm fragile built environments and landscapes. If land is subdivided, and applications for smaller parcels of land are submitted the Authority would have to consider it, but the re-development potential may increase or decrease as a result of the subdivision.

The condition or legal agreement could require necessary parts of the development to be provided where delay or avoidance in providing it could prevent optimum site re-development. This should not place unnecessary burdens on a developer and would need to be carefully justified to avoid appeals. The Authority is aware of its duties in this regard having recently lost such an appeal.

14 Policy DME4 requires marketing for 12 months in the case of change of use of unused employment sites. Would DMH6 be consistent with that policy?

For the following reasons the Authority considers the policies do not need to be consistent with each other. DME4 concerns un-occupied or under-occupied employment sites, which are different from previously developed land as defined by this plan in paragraph 6.77. The marketing requirement in DME4 is about protecting employment space first and foremost as a valued part of the Parks settlements and communities rather than considering them ripe for enhancement as a first principle. Policy DMH6 however is about optimising enhancement on such sites, potentially but not necessarily through the introduction of housing.

DMH6: Re-development of previously developed land to dwelling use

A. Re-development of previously developed land for housing will be permitted provided that:

- The development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site; and
- ~~An adopted Neighbourhood Plan has not identified the land for continued community or employment use or open space; and~~
- Where the land is inside or on the edge of a DS1 settlement, and subject to viability, an element of the housing addresses local need for affordable housing
- ~~Partial or proposed multi-phased development of sites can, by use of condition or if expedient legal agreement to ensure the conservation and enhancement of the whole site.~~

Policy DMH8: New outbuildings for domestic garaging and storage use in the curtilage of dwelling houses

15 Criterion B (iii) in the Modification Addendum restricts alterations to garages specifically. What is the justification for such restriction?

The Authority views alterations to garages as a step towards loss of off road vehicle storage space for cars, where such space is seen by communities as helpful in reducing pressures caused by parking on street. (e.g. emergency vehicles access blocked because of narrowing of the highway caused by parking) The Parishes Forum recognised the damage that on street parking has to valued

environments, which in many cases are conservation areas, and the Authority supports a policy measure that will support the retention of off road parking in garages.

Policy DMH9: Replacement dwellings

16 Would the requirement for replacement dwellings to be of better design and materials than the dwelling to be replaced be sufficiently clear? Would this be more effective if it were to require a positive contribution to the valued landscape character or built environment, or conservation and enhancement?

The Authority included the wording as part of modification M6.41 because it considers that without it there was no policy requirement that a new building should be of better design or materials, and such a requirement was deemed to be essential as part of the justification to replace the dwelling that currently exists.

Policy DMH10: Sub-division of dwellings to create multiple dwelling units

17 If the use of the dwelling is subject to a legal agreement as envisaged in part C would this this part of the policy be necessary? Would it suffice for this part to say 'the use of the original dwelling where this is subject to a condition or legal agreement restricting its use?'

The Authority view is that, in the context of protecting such residential uses, it is helpful to explain what these are the circumstances in which sub- division would not be permitted.

Policy DMH11: Section 106 agreements

18 Would part B be consistent with parts C and D as the former does not require that a dwelling is tied to the business? How would the requirements of parts C and D affect any existing section 106 agreement? Do those parts refer to changes to planning conditions?

The Authority considers that the phrase 'retained by the business' means 'tied' but this could be clarified.

The Authority agrees that this needs clarification, and considers it could be achieved by stating 'occupancy restriction conferred by a legal agreement'

19 What is the justification for allowing affordable housing as a temporary alternative to essential worker housing? What would be the period of occupation?

The Authority considers it is justified in a DS1 settlement because it provides a way for unmet need for affordable housing to be addressed in a sustainable way without building a new house. It also enables the business to earn on the property.

The period of occupation would be until a business need arises again (which would be evidenced by a planning application, unless the owner dealt with it by ending the tenancy and installing a worker as per the original permission and agreement) If the worker need never re-appears, the property continues to meet a local need for affordable housing indefinitely.

20 What is the justification for allowing housing to remain tied to the business as an alternative to affordable housing or holiday accommodation?

The Authority considers that in the event of business need re-occurring through upturn in business, or in the event of sell off to other business, and a new business needing a worker dwelling, the tie would keep the two properties together and mean there is no need to provide another house for the business.

21 Would the use of the word 'revert' in parts C and D be appropriate given that the dwelling could have previously been used differently?

The Authority agrees and suggests the word 'be put to holiday use' instead of 'revert to holiday use'.

The Authority suggests the following policy modifications with underline or strikethrough.

DMH11: Section 106 agreements

Section 106 agreements will be applied to housing developments as follows:

Affordable Housing

A. In all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 legal agreement that will:

- (i) restrict the occupancy of all affordable properties in perpetuity in line with policies DMH1, DMH2 and DMH3; and
- (ii) prevent any subsequent development of the site and/or all affordable property (ies) where that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity by restricting overinvestment.

Essential worker dwellings

B. Where planning conditions cannot achieve the desired outcome of ensuring worker dwellings are ~~retained~~ tied by the business, the applicant will be required to enter into a Section 106 legal agreement that will: ~~(i)~~ restrict the occupancy of all properties in perpetuity in line with policy DMH4;

C. Where, permission is granted for the temporary release of an occupancy restriction conferred by a legal agreement on a property in a DS1 settlement, the dwelling will:

- (i) remain tied to the business; or
- (ii) will remain limited to persons in housing need and satisfying the local occupancy criteria, under Policy DMH2, or may ~~revert~~ be put to holiday use, until such time as an essential worker or other qualifying person needs the property.

D. Where, exceptionally, permission is granted for the temporary release of an occupancy restriction conferred by a legal agreement on a property outside a DS1 settlement, the dwelling will:

- (i) remain tied to the business; or
- (ii) ~~revert~~ be put to holiday use; or
- (iii) be temporarily occupied by a local person who has lived in the parish or adjoining parish for ten out of the last twenty years and is in housing need, until such time as a business need arises again.

Ancillary accommodation

F. Where planning conditions cannot achieve the desired outcome of tying properties together, the ancillary accommodation, whether achieved by extension, conversion, or new build will be tied to the main property by legal agreement.

G. Variation to a section 106 agreement may be permitted if it can be demonstrated that the proposed new use of the ancillary accommodation is in accordance with other policies of this plan relating for example to holiday accommodation use or essential worker use.

H. Removal of a section 106 agreement to remove the ancillary status of accommodation will not be permitted.