

# Appendix 4 to Agenda Item 11

## Full Council - 18<sup>th</sup> December 2017

### Draft Supplementary Planning Document Self and Custom build single-plot exception sites

#### 1. Introduction

- 1.1. This guidance is intended to provide additional information for the application of proposed Policy DP24: Self and Custom build single-plot exception sites.
- 1.2. “Exception sites” are in locations that would not normally obtain planning permission for new housing development. The exception is made because it is development of affordable housing for local people.
- 1.3. The Local Plan Part I contains a policy to deliver exception sites for affordable housing (DP12: Rural Exceptions Sites). These are developed by Registered Providers.
- 1.4. To engender additional community resilience and sustainability, and increase the affordable rural housing stock, the Council is proposing a policy to allow for additional self or custom build dwellings on single plots. These would be restricted to qualifying households and provide an opportunity to own a lower cost market home.
- 1.5. The scheme encourages those with resources (both land and finance) to invest them in the stock of rural affordable housing to the benefit of the local community in the long term.
- 1.6. In overview, this tenure provides a solution for those people in rural communities whose needs are not met by the market, and yet may also not be a priority for the more mainstream (and publicly funded) affordable tenures developed by Registered Providers. When the first occupier no longer has need for the dwelling, they will transfer it at the appropriate affordable value to another local person in need with minimum intervention from the Council. Thus, the ‘community benefit’ of providing the affordable dwelling in the first place is itself recycled.

#### 2. Who will be eligible to build a house under this policy?

- 2.1. Applicants will normally be the prospective occupiers of the proposed single plot affordable dwelling. Existing homeowners (for example those wanting to downsize) will be required to dispose of their current home. This policy does not apply to those wanting to build a house for sale on the market, the planning application would need to be made by the prospective occupiers with the agreement of the landowners. Permission for a self-built affordable dwelling will not set a precedent for the acceptability of an open market dwelling.
- 2.2. To qualify for the scheme, all applicants must demonstrate to the satisfaction of the Council that they are in Housing Need with Strong Local Connections to the Parish, whose needs *should* be met in that Parish *and* they are unable to secure a suitable home on the open market either in that parish or within 5km of the proposed site

(excluding from that radius settlements where the Council states that the population is more than 3,000).

- 2.3. *Housing need* is demonstrated where the household unit has no independent home of its own, or is renting and would like to become an owner-occupier, or occupies accommodation deemed by the Council to be unsuitable for either their current or reasonably foreseeable future needs for some other reason. Households will not normally be considered to be in housing need where the combined income exceeds £60,000 per annum.
- 2.4. Dwellings will remain affordable to subsequent occupiers in perpetuity wherever possible. This is achieved through a Section 106 Legal Agreement running with the land which restricts the future re-sale value to typically 60% of prevailing full open market value. The value of the affordable property will then rise (or fall) directly in proportion with the local housing market.
- 2.5. Inheritance by family members is permitted. They may occupy the dwelling if they themselves “qualify” for the scheme or otherwise let or sell it to a Qualifying Person at an affordable value.
- 2.6. The Section 106 Legal Agreement requires that future occupiers will also need to “qualify” for the scheme – this is extended over time during a sale period incorporating geographic and financial ‘cascades’ with the consent of the Council to ensure that the property does not lie empty.
- 2.7. Registration of the Section 106 as a Restriction on the Title of the land at the Land Registry also ensures that the property cannot change hands without the written consent of Mendip District Council. This consent will only be forthcoming if the Council is satisfied that the new purchaser is paying the prevailing ‘affordable’ price and meets the local needs or cascade criteria.

#### **What does a strong local connection mean?**

- 2.8. *Strong Local Connection* to the Parish or Town Council area is demonstrated if at least one adult member of the applicant’s household meets a minimum of two of the following criteria to the satisfaction of the Council:
  - Their parents were permanently resident in the local area at the time of the applicant’s birth;
  - They were in permanent residence in the local area for any period of five years as a child attending a local school, (or who for special reasons attended a school outside of the local area but would have been expected to attend a local school but for those special reasons);
  - They are currently lawfully resident in the local area and have lived there for at least the previous 5 years;
  - They don’t currently live in the local area but have previously lived there at some point for 15 continuous years as an adult;
  - They are currently employed or routinely carry out self-employed work within either the local area or 5km of the site;
  - They have a confirmed written offer of permanent work within either the local area or 5km of the site;
  - They can demonstrate active community involvement in the local area sustained for at least the previous 2 years; or are determined by the Parish Council as having some other form of strong connection with the local community and/or its hinterland;

- Their parents currently live in the local area; or another close family member who provides or requires a substantial degree of support currently lives in the local area;
- If over 55, they have a close family member currently living in the local area.

### 3. Location

- 3.1. Exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement. Sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable.
- 3.2. The district's Principal Settlements (Frome, Glastonbury, Shepton Mallet, Street and Wells) as well as the Primary and Secondary villages outlined in the Local Plan Part I clearly form recognisable settlements. In regard to other settlements, each case will be treated on its merits and pre-application discussion with the Development Management team will be essential in determining the principle of development at an early stage. However the following guidelines apply when assessing whether a small hamlet constitutes a "recognisable named settlement":
- 3.3. A settlement always comprises a group of houses occupied by households from different families. The group becomes a settlement due to the *number and proximity* of the houses in the group. Although a matter of judgment in each case, particularly for settlements where the number is small or where the houses are dispersed, for example strung along a road, it is the *combination* of these two factors that determines whether the dwellings constitute a settlement.
- 3.4. Recognisable settlements are also characterised by how local people refer to them – by a place name that is shared by a number of dwellings. This might not necessarily be reflected in the postal address. It will usually (but not always) be named on the Ordnance Survey map.
- 3.5. Whether a site is in a recognisable settlement will be influenced by the character of the settlement. The views of the local Council Member about whether the site is in or adjoining a recognisable settlement will be canvassed by the case officer at the pre-application stage to inform their professional judgement. The case officer may also seek the views of the Parish Council for additional assistance in cases where it is a finely balanced judgement.
- 3.6. Because a settlement is a *relationship* between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered "adjoining" while a similar distance in a tightly clustered settlement would not be. Larger settlements also have a wider "pull" or "sphere of influence" than small settlements, influencing the relationship between a site and the settlement.
- 3.7. All sites will be assessed on an individual basis and be subject to the same considerations as other developments with regard to sustainable design, ecological networks etc.
- 3.8. A small part of Mendip falls within the Green Belt that surrounds Bath. The National Planning Policy Framework (NPPF) places stronger restrictions on development in the Green Belt than the wider countryside but does allow for "limited affordable

housing for local community needs under policies set out in the Local Plan”. Given that the homes built under this policy are restricted in perpetuity, it is envisaged that homes could potentially be acceptable in the Green Belt through this policy. However, all cases will be considered on a case by case basis and considered in line with national policy on the Green Belt.

#### 4. Scale and Design

- 4.1. This policy applies only to single dwellings. Where an applicant owns land which could provide a number of possible sites, the most environmentally sustainable and appropriate site (assessed against the range of normal planning considerations) will be sought. Once again early advice should be sought.
- 4.2. The Council is seeking a development in harmony with the character of the area, of a suitable design and construction materials, and appropriate to its location. Given the exceptional nature of these developments, high quality design is essential and full, rather than outline, planning applications will be required for single plot exception sites. Normal planning criteria relating to highway safety, neighbour amenity, wildlife and heritage considerations, open space, etc. will apply. An early dialogue with Planning Officers is essential and account should be taken of any relevant duly adopted Village Design Statements or Parish Plans. In the Mendip Hills Area of Outstanding Natural Beauty (AONB), the AONB Management Plan should also be taken into account.
- 4.3. In the case of owner-occupied affordable tenures **the dwelling size will not normally be permitted to exceed 100 square metre gross internal floor space** (defined by the Royal Institute of Chartered Surveyors (RICS) as the area within external walls including internal partitions). Attached garages will count against the 100sqm. Detached garages and other outbuildings for storage purposes will not count against the 100sqm and therefore may be permitted, where they are suitably designed and appropriate to their context. Any permitted buildings will be subject to suitable conditions to ensure they are not simply a means of circumventing the 100sqm maximum dwelling size.
- 4.4. For single affordable homes, the overall plot size must be appropriate in terms of the general pattern of development in the surrounding area. However, **a plot size exceeding 0.1 hectare will not normally be permitted**. 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.
- 4.5. For all exception sites, the following requirements in terms of design of the proposed dwelling and the appearance of the curtilage around it must be met:
  - Materials of construction and external finishes should be sympathetic to those in use locally.
  - Standardised, “off the peg” designs of the type found on large estates will not be accepted. Design elements – chimneys, eaves, dormers, doors and windows for example – will be expected to reflect the site’s unique context.
  - Garages and outbuildings should reflect the local rural vernacular in layout, style and materials.

- 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 without direct replacement resulting in demonstrable betterment over the altered features.
  - Any new boundaries created must utilise locally native species of trees and hedgerow. Landscaping proposals which involve the introduction of any clearly non-native (e.g. leylandii) planting that is designed to “hide” the development will not be acceptable. This can quickly become unsightly and alien in its own right.
  - The Council will be looking to avoid the introduction of urban features such as brick walls defining visibility splays and entrances, and the use of suburban style close-boarded fencing to define boundaries.
  - Driveways will need to be constructed in material that is appropriate to the area. Natural finishes will always be preferred to brick paviers and plain or coloured tarmacadam.
  - Additional care is needed in the Mendip Hills Area of Outstanding Natural Beauty (AONB) and in designated Conservation Areas, where regard must be had to the AONB Management Plan and the relevant Conservation Area Appraisal respectively.
- 4.6. Pre-application discussion of design ideas with the Development Management team at an early stage is always advisable.

## Contact

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