

STAFFORDSHIRE MOORLANDS LOCAL PLAN EXAMINATION

Hearing Statement from Mr K Wainman,

On behalf of: -

Ken Wainman Associates Ltd,

Regarding the following Matter -

- **LOCAL PLAN POLICY H1 (Local Plan ID: - 1160241).**

SESSION 5 – MORNING, THURSDAY, 11TH OCTOBER 2018

Matter 5: - Specific Housing Needs and Generic Housing Policies

Issues addressed: -

- **Housing Mix**
- **Affordable Housing**
- **Generic Housing Policies**

Points addressed in this statement:

- **Point 1.1 - The requirement for developments to provide for a mix of housing in accordance with the most up-to-date SHMA provide sufficient clarity?**
- **Point 1.3 - Does the wording of Policy H1 allow for sufficient flexibility taking into account viability considerations and differing needs across the District?**
- **Point 2.3 – Finer grain approach;**
- **Point 3.2 - is the criterion within Policy H1 relating to the conversion of rural buildings (Section5) d) consistent with national policy?**

STATEMENT

1. INTRODUCTION

- 1.1. This statement builds upon the written representations submitted by Ken Wainman Associates relating to Policy H1 and H3 and includes responses to specific issues contained in the Matters, Issues, and Questions for the Examination and Hearing Sessions (MIQ'S).

2. ISSUE 1 – HOUSING MIX

- 2.1 I have the following observations: -

Point 1.1 - The requirement for developments to provide for a mix of housing in accordance with the most up-to-date SHMA provide sufficient clarity?

- 2.2. When assessing housing needs in the villages the Council require that they are assessed at a parish-level. Until recently the Council carried out parish housing needs surveys but currently the Council requires the applicant to carry out housing needs surveys for affordable housing, special needs housing, and local needs housing. The housing needs surveys are designed to discover the housing needs including affordable housing, old peoples housing; the size and type of housing required; and tenures needed.
- 2.3. Given that when assessing applications for residential development it Council require that this is done at the parish level it is contended that using the SHMA alone does not provide sufficient clarity and does not ensure that sufficient land is allocated for housing where it is needed. As such this is contrary to Paragraph 50 in the 2012 National Planning Policy Framework (NPPF) which states that local planning authorities should *“identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand”*. Of particular relevance in this quote from the NPPF are the words *“local demand”*. Is contended that *“local demand”* should have been assessed at the parish and town level.
- 2.4. The issue as to whether the Council’s approach with regard to Paragraph 50 of the NPPF is sound is also addressed in Ken Wainman Associate’s statement on Policy SS4 (Local Plan ID: - 997702).

Point 1.3 -Does the wording of Policy H1 allow for sufficient flexibility taking into account viability considerations and differing needs across the District?

- 2.5. No. In terms of H1(3a) and H1(3b) the Policy and the Plan does not sufficiently consider the differing needs across the District. The written representation for H1 asked the reader to read the written representation for Policy SS10. I have précised here the arguments from the SS10 written representation and included a copy of the appeal mentioned in the next paragraph.
- 2.2. With regard to the written representation (ID: 1160241) the recent Court of Appeal judgment (see Appendix 1) in “Braintree District Council v Secretary of State for Communities and Local Government” redefined what should be considered as “isolated dwellings”.
- 2.3. In the judgement it is stated that “settlements” can include both villages and hamlets. Please see the suggested modification from the written representation in the box below titled “suggested modifications”. The implication of the Appeal Court judgement is that new housing near villages or smaller groups of houses is not unsustainable. However, no provision is made for housing in other rural areas (Policy SS10) yet there are settlements such as Cheddleton Heath, Caudon, and Caudon Low where, based upon the Court of Appeal judgement, new residential development nearby would not be considered to be isolated. Not all of these settlements are spread out as the Council’s response suggests.
- 2.4. Suggested Modification:

Remove the restriction of new-build housing development in the countryside to essential needs only housing and replace with an amended bullet-point reading: -

"Restricting new-build housing development in the countryside to that which has an essential need to be located in the countryside and to limited new housing development on sites near to existing dwellings."

A definition of what is meant by "limited new housing development" would be required.

- 2.5. In summary, new residential development in such settlements in the rural area outside villages would help the rural economy and community facilities by supporting nearby villages and service centres and as such would be in accord with paragraph 50 of the NPPF. As the number of electric cars on the roads increases emissions from cars it is likely that more cars in the countryside will be electric and fossil fuel emissions will decrease.

ISSUE 2 – AFFORDABLE HOUSING (H3)

- 2.6. With regard to **issue 2.3 (finer grain approach)**, having read the viability study, it would seem that a finer grain approach across the District is required.
- 2.7. I have particular concerns in villages where, the housing allocations may not be sufficient to meeting special needs, and in villages where there are no allocated sites. In these situations, I am not convinced that sufficient affordable housing can be provided. I appreciate that Policy H3 (2a) allows for rural exception sites but these are unlikely to be viable, even with some market housing unless the sites are reasonably large. I am not aware of any that any existing rural exception sites have been built in the District in the last fifteen to twenty years other than perhaps the site at Cellarhead crossroads.
- 2.8. I have written statements for other respondents relating to sites in Endon and Werrington and the proposed allocations would not provide sufficient housing to meet the affordable housing needs based on previous surveys that have been carried out in both settlements. In larger settlements, particularly those surrounded by the Green Belt, it is highly unlikely that sufficient land would be developed through windfalls and infill development to meet the affordable housing needs of these villages. Yet it is these villages which the Council envisage will provide the majority of affordable housing in the Rural Area.
- 2.9. Equally, it is very unlikely that there will be any affordable housing provision in the smaller villages because of the reliance on windfalls and infill. In reality, there is likely to be little affordable housing provided in the smaller villages as the available sites are too small to be viable even as rural exception sites.

ISSUE 3 – GENERIC HOUSING POLICIES

Point 3.2 – is the criterion within Policy H1 relating to the conversion of rural buildings (Section5) d) consistent with national policy?

- 2.10. No, it is not. Paragraph 55 of the NPPF makes no mention of the limitations proposed in Policy H1 5) d). the proposed policy is clearly contrary to the NPPF. It seems to be a policy designed to prevent the conversion of buildings which the Council do not consider to be traditional in design and of historic value. This would exclude nineteenth century brick building which are not considered to be of historic value and most twentieth-century farm buildings including portal frame buildings. There are also many structurally sound nineteenth-century rural buildings built of brick and stone which are of modest design and low historic value but which would not qualify for conversion under this policy. Yet these can make satisfactory dwellings.

- 2.11. When the Class M (now Class Q) prior notification change of use was introduced the Council were strongly resistant to the change of use of portal frame buildings. “Design and external appearance” is one of the issues which the Council need to approve in Class Q applications. This policy could be used to refuse such applications.
- 2.12. It is not clear whether Item 5) d) in the Policy will allow change the change of use of holiday cottages to full residential use in the countryside where the holiday business in no longer viable. Core Strategy Policy R2 allows this change of use where the business was no longer viable or where the property has been marketed without success. There is no similar policy in the Submission Local Plan. Yet, these buildings could provide good residential accommodation.
- 2.13. Recently, I have submitted three applications for the removal of conditions restricting the use of a building to holiday use. The issue as to whether allowing permanent residential use of a building is sustainable has been raised by the Council in at least two of the cases; no final decision has been made yet on any of the three. Yet, if these buildings - most of which are former farm buildings – were farm buildings conversion to residential use under Class Q would be of the General Permitted Development Order 2015 (as amended) could be converted and would be considered sustainable. This policy would allow the Council, if so minded to refuse removal of holiday occupancy conditions, on the grounds that it be unsustainable. Also, many of these buildings, whilst of sound construction would not meet the requirements of Policy 5) d).

2.14. Suggested Modification

Delete the policy and replace with one based on Paragraph 55 in the NPPF with the addition that the removal of holiday conditions can be allowed where the holiday accommodation is not viable or where after a period of marketing no sale has occurred.