

**CC124**

**CALDERDALE LOCAL PLAN HEARINGS**

**TASK 39 MATTER 10(d)**

**Rural Exceptions Policy Settlements**

**Note by Calderdale MBC**

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**Calderdale Metropolitan Borough Council**



## LOCAL PLAN EXAMINATION HEARINGS STAGE 2: Tuesday pm 13<sup>th</sup> October 2020

### MATTER 10 OTHER HOUSING NEEDS

The relevant extract from the Task List (CC85b) is set out below for ease of reference.

#### Examination Library Document CC85b Extract

No.	Matter	Task Details
39	10	Reappraise approach to rural exception villages against Settlement Hierarchy Tiers 4 and 5 and provide a note. Consider whether mods are needed/any settlements to add to existing 11

### **BACKGROUND**

1.1 The MIQ preceding the Stage 2 Hearings asked:

*“Is the approach to rural exception housing in Policy HS6 robust and effective? Why is the policy restricted to a limited number of villages in the western area? Is the selection of villages supported by robust evidence and justified?”*

1.2 The Council’s response can be found in its statement HS10.1. This explains the history and context relating to a rural exceptions policy in previous development plans In Calderdale, including both the geography of the district and national planning policy in existence at the time.

1.3 Policy HS6 in the Publication version of the Local Plan identifies 11 settlements where the rural exceptions policy applies. The Inspector considered that there may be other settlements in Calderdale which would also benefit from being added to this list. The Inspector’s reasoning was to increase the effectiveness of the Policy. This note sets out the Council’s view on this matter.

1.4 The full list of Tier 4 and 5 Settlements are set out below for ease of reference. Settlements in bold are already included in Policy HS6 and its reasoned justification. The settlements of Cragg Vale, Lumbutts and Mankinholes are included in Policy HS6 but were not individually classified in the settlement hierarchy.

Tier 4 Local Centre	Southowram Holywell Green with Stainland Northowram Ripponden with Rishworth Luddenden with Luddendenfoot Shelf Mytholmroyd	Village communities providing very local services and facilities. Each generally has bus services to Halifax and other towns within or beyond the Borough. Only Mytholmroyd has a railway station which provides services to Leeds (via both Halifax and Dewsbury) and Manchester
Tier 5 Neighbourhood/ Small Rural Centre	Bank Top Bradshaw Portsmouth with Cornholme Barkisland Ainley Top Wainstalls Heptonstall Norwood Green <b>Mill Bank</b> Eastwood	Very small villages or clusters of housing. Many have very limited facilities and services with few employment opportunities.  Each is linked by public transport to a centre higher in the hierarchy but not all are directly linked to Halifax.

	Midgley <b>Old Town with Chiserley</b> Elland Upper Edge Sowood Green Charlestown <b>Pecket Well</b> Elland Lower Edge <b>Harvelin Park</b> Triangle Callis Bridge <b>Slack</b> Warley <b>Soyland Town</b> Jagger Green Mount Tabor Outlane Brearley Bridge <b>Blackshawhead</b>	
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## **NATIONAL PLANNING POLICY AND GUIDANCE**

1.5 For ease of reference the most relevant elements of national policy and guidance are summarised below:

### **NPPF 2019**

**Paragraph 77:** *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”*

**Paragraph 78:** *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.....”*

**Paragraph 145:** *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);”*

**Annex 2 Glossary Rural exception sites:** *“Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.”*

### **PPG - How can planning policies support sustainable rural communities?**

*“People living in rural areas can face particular challenges in terms of housing supply and affordability, while the location of new housing can also be important for the broader sustainability of rural communities. Strategic policies will need to be informed by an understanding of these needs and opportunities, especially where authorities in designated rural areas wish to demonstrate that it is appropriate to set lower thresholds for affordable housing than those which apply generally.*

*The nature of rural housing needs can be reflected in the spatial strategy set out in relevant policies, including in the housing requirement figures for any designated rural areas. A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness. A neighbourhood plan*

*can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.*

*Local planning authorities can support opportunities to bring forward rural exception sites by working proactively with landowners and potential delivery partners such as parish councils and community land trusts.”*

**Reference ID: 67-009-20190722**

### **COMMENTS FROM THE COUNCIL’S HOUSING SERVICE**

1.6 In examining both the need for and approach to affordable housing in rural areas the **Council’s Housing Service** comments as follows:

Market housing should only be considered in exceptional circumstances. Land values for rural sites should be much lower than normal residential land values as housing is only permitted in exceptional scenarios, therefore hope value should be non-existent. The significantly reduced land values should therefore be able to support 100% affordable housing provision.

Lowering the affordable housing threshold in designated rural areas can be applied to general housing sites and does not focus only on rural exception sites. However, Calderdale has very few allocated or windfall sites in rural areas and these tend to be very small.

Neighbourhood plans could allocate exception sites. However, Neighbourhood Plans may not be the best means of securing rural housing as they rely on a local consensus and as development within rural areas is always controversial.

1.7 Housing Services also make a number of recommendations:

A policy wording that would allow development for affordable housing in green belt areas and the area around Todmorden in the following circumstances:

- To meet a specific need in the immediate area identified by the local authority or supported by verified evidence from the local community, landowners or developers.
- A smaller number of market homes may be permitted in exceptional circumstances if a cross subsidy is required to facilitate the building of affordable homes. This will need to be justified with a viability statement.
- The affordable housing should be affordable in perpetuity.
- Development should be within existing settlements containing or within easy walking distance of local facilities and/or on a regular public transport route.
- Development should act as infill or small extensions to existing settlements where this would not detract from the openness of the countryside or adversely affect the settling of the settlements.
- Conversion of existing buildings or development of brownfield sites will be prioritised.
- Preference would be given to development brought forward with registered providers or community housing groups (including self-build groups).
- Permitted development rights should be removed to contain built-up areas.
- The design and materials of the development would be expected to enhance the character of the area within which it is located.

1.8 Discussions with Housing Services confirm that the actual identification of additional settlements would require substantial work to justify their inclusion in Policy HS6. Housing Services also consider that the suggested general approach could be built on through a Supplementary Planning Document (SPD).

### **RURAL EXCEPTIONS POLICY - CONSIDERATIONS**

1.9 In seeking to increase the supply of affordable housing in rural areas the Council has considered a number of factors including those discussed above. These factors are also discussed in the Council's Hearing Statement (HS10.1) and therefore only touched upon briefly here.

#### **Objectives of national policy:**

1.10 The original intention of national policy was to provide affordable housing in rural areas which were defined in relation to the Right to Buy guidance (see HS10.1). It is notable that this referred to areas that are parished. The fundamental issue is what is meant by 'rural'. It is notable that the approach in PPG3 stated that a rural exceptions policy was not intended to apply in most Green Belt locations, by their nature being close to conurbations. Current policy and guidance do not clarify the position. Settlements in many truly rural areas are distant from larger concentrations of population and outside areas covered by Green Belt. Should sites located relatively close to larger urban areas or good transport routes be defined as rural in the sense of being remote? Nearby larger settlements generally have housing allocations where an element of affordable housing is required under Policy HS6.

#### **Why national policy requirements are more difficult to interpret in Calderdale:**

1.11 Calderdale is a metropolitan district but differs from some other such areas as it has a significant rural element. However, much of this 'rural' area lies within the Green Belt with the exception of the west of the district around Todmorden. Most of these more 'rural' locations tend to be relatively close to higher order centres or transport corridors with good public transport links. Where there are more remote settlements these tend to be relatively unsustainable in terms of facilities and services and have more limited links via public transport to higher order centres. There is therefore a question of how sustainable it is to allow limited housing in such locations, particularly as it is unlikely on its own to increase the sustainability of settlements by supporting or encouraging new facilities and services. These are important considerations given the threat of Climate Change.

#### **Commentary on settlements in Tiers 4 and 5:**

1.12 Beyond the 11 settlements already identified in Policy HS6 it is impossible to justify further settlements to this list without substantial survey work, including parish surveys. All of the Tier 4 settlements either have housing allocations or are close to settlements with such allocations. Similarly, a number of the Tier 5 settlements have housing allocations or are close to larger settlements with such allocations. This is particularly the case with those settlements in the east of the district around Elland and Halifax. Some settlements such as Sowood, for example, have no facilities or services, the few that did exist having disappeared a number of years ago. Generally, there are limited employment opportunities in these settlements with residents travelling to nearby higher order centres for this purpose.

## **The Way Forward:**

1.13 Given the above the Council considers that in order to increase the effectiveness of Policy HS6 additional wording should be added to the Policy to enable other rural locations to be considered under the rural exceptions part of the Policy.

## **PROPOSED MODIFICATIONS**

1.14 In order to reflect the above approach modifications are required to Policy HS6 and its reasoned justification. The relevant text of Policy HS6 and its reasoned justification in relation to rural exception sites is set out below and includes those modifications made previously. The proposed further modifications in response to the considerations discussed in this note are shown in ***bold and larger text***. The order of the criteria in Policy HS6 has been changed with criterion 5 becoming criterion 1. Additionally, the wording defining the area to which the Policy applies has been modified for the purpose of clarity, given the creation of the Stainland and District Parish since the Policy was originally drafted.

## **REASONED JUSTIFICATION**

### **Rural affordable housing**

16.51 National planning policy has for some time enabled planning authorities to have policies that support the release of small sites for affordable housing in exceptional circumstances, which development plans would not otherwise allocate for housing within or adjoining villages, and on which housing would not normally be permitted. The NPPF maintains this approach.

16.52 In rural areas, the Council will be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. The Council will consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet the robustly evidenced local need. The exceptional circumstances are where needs have been identified for people with jobs in those settlements, or with strong local connections, which have been difficult to satisfy through lack of development opportunities. Such local need should be strongly justified and may include parish assessments, settlement assessments or similar documents. All affordable homes built on an exception site will have a local lettings policy to ensure the homes are offered to local people in the first instance and arrangements are in place to ensure that the affordable housing units remain affordable in perpetuity, *where appropriate*.

*(Note - number omitted for following paragraph in Publication Draft)*

The SHMA does not specifically cover the need for affordable housing in rural areas although it does demonstrate a need for affordable housing in the rural sub-areas of the Borough. Such a policy by definition can only cover the rural parts of the Borough with the exclusion of larger more urban settlements within which or through their planned expansion opportunities exist to provide affordable housing. Similarly, settlements located close to the urban areas and/or on good public transport routes are not sufficiently 'remote' to justify being included within the policy. In assessing remoteness, topography as well as distance from the urban areas has been taken into consideration. The sustainability of additional housing in small settlements will also be a consideration given that such settlements are often not well served by public transport.

16.53 Therefore an 'exceptions' element directed at the parished western half of the Borough is included in Policy HS6 (Affordable Housing). Any proposals for affordable housing on 'exception sites' will need to satisfy the criteria.

16.54 Rural exception sites are one way of balancing the protection of rural areas with meeting housing need. The type of housing provided *should be* appropriate in size and price to meet local need. Careful planning and preparation beforehand *to* ensures the development is sustainable *will be required*. *Proposals with the potential to affect the South Pennine Moors (phase 2) Special Protection Area/Special Area of Conservation will be required to demonstrate overriding public interest in line with the Habitats Regulations, in order to avoid any adverse impacts on this Natura 2000 site.*

#### **POLICY HS6 AFFORDABLE HOUSING (PARAGRAPH 7)**

In the ***parished*** western part of the Borough as defined ***on Map 16.2*** ~~by that part of the Borough which is parished~~, permission will be granted exceptionally for affordable housing on 'exception sites' where policies to protect the countryside would normally preclude planning permission being granted provided that:

1. the site is ***either*** within or immediately adjacent to a settlement listed in ***on*** Map 16.2 ***or*** ***robust evidence exists to demonstrate the identified needs cannot be met in any other way;***
2. there is a proven local need for affordable housing in the particular settlement;
3. residential development would reflect the principles of sustainable development including the objective of maintaining or enhancing the vitality of the particular rural community;
4. there are secure arrangements in place to ensure that the affordable housing units remain affordable in perpetuity, *where appropriate*;
5. there are secure arrangements in place to ensure that the affordable housing units are offered to local people *(defined as current residents or those who have an existing family or employment connection)* in the first instance; and
6. *the proposal complies with other relevant Local Plan policies.*