

WEST DORSET, WEYMOUTH & PORTLAND LOCAL PLAN

MATTER NO 4: HOUSING POLICY

ON BEHALF OF THE ERNEST COOK TRUST

Pegasus Group

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4. MATTER 4 – HOUSING POLICY

4.1 Are the targets for affordable housing appropriate and is there adequate recognition of viability issues?

4.1.1 The Ernest Cook Trust does not have any comments on this question.

4.2 Is there sufficient flexibility in the tenure objectives for affordable housing provision?

4.2.1 The Ernest Cook Trust does not have any comments on this question.

4.3 Is there sufficient detail to show how the Councils will assess potential affordable housing exception sites?

4.3.1 The Ernest Cook Trust does not have any comments on this question.

4.4 Is it clear what the approach is to housing proposals beyond settlement boundaries?

- 4.4.1 The approach to providing residential development outside of defined settlement boundaries is confirmed at Policy HOUS 6 together with the supporting text. The Ernest Cook Trust does not consider this Policy to be properly clear in confirming the approach or fully reflective of national policy in this regard.
- 4.4.2 To summarise, the policy confirms that new dwellings are suitable outside of development boundaries where:
- It relates to a replacement of an existing dwelling;
 - Subdivision of an existing dwelling;
 - Rural workers housing;
 - Low impact/self-build dwellings.
- 4.4.3 This is not reflective of Paragraph 55 of the NPPF which outlines the circumstances where dwellings in the countryside will be supported. Policy HOUS 6 omits to include dwellings where:
- Such a development would represent the optimal viable use of a heritage asset;
 - The development would re-use redundant or disused buildings and lead to an enhancement of its immediate setting; and
 - The development is of exceptional quality or innovative nature of design.
- 4.4.4 Furthermore, subsection ii, in reference to replacement dwellings, is unclear as to the acceptable scale of any proposed replacement dwelling. The policy confirms it should not be 'significantly larger' than the original house, but no clarification is provided as to how this will be assessed and determined. The Trust considers more precise guidance either within the policy or supporting text is required to provide sufficient clarity.
- 4.4.5 Subsection iv considers new housing for rural workers, which is outlined as an appropriate type of housing in the countryside at Paragraph 55 of the NPPF. However, a number of criteria are outlined for which the applicant must demonstrate compliance with before planning permission can be granted. These include confirmation that the dwelling is essential to the requirements of the business and that the business is financially sound. These provisions relating to financial matters are similar to the requirements of the cancelled PPS7 Annex A.
- 4.4.6 The application of the PPS7 Annex A requirements subsequent to its cancelling has been tested in the High Court in R (Embleton PC) v Northumberland CC [2013] EWHC 3631. The judge concluded that the guidance in Paragraph 55 of the NPPF is significantly less onerous than PPS7, with the NPPF test only requiring assessment of whether the agricultural enterprise has an 'essential need' for a worker to be there.
- 4.4.7 On that basis, the Trust considers the requirements of Policy HOUS 6 are subsection iv are not consistent with the requirements of the NPPF and should be amended to properly reflect its provisions by removing requirements which go beyond requiring an 'essential need' to be demonstrated.
- 4.4.8 The Trust considers that the provisions of subsection v are not clear. The wording is not clear whether low impact dwellings or self build dwellings are considered appropriate outside of development boundaries nor whether this provision would comply with the NPPF. This subsection should be amended so that the criteria for assessment on this type of dwelling is clear.

4.5 Is there a clear direction for addressing Gypsy and Traveller provision consistent with the requirements of national policy (Planning Policy for Traveller Sites)?

4.5.1 The Ernest Cook Trust does not have any comments on this question.