

Department for Communities and Local Government

Consultation on proposed changes to national planning policy

Thank you for the opportunity to comment on the proposed changes to national planning policy. The response below is a joint response on behalf of South Oxfordshire and Vale of White Horse district councils.

Q1

Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost homes?

Response

We welcome another affordable housing product to encourage low cost home ownership in our districts as we feel there is the market for this product. However, we do have concerns over the short time limit that the proposed Starter Home would be affordable.

It is felt that five years is not long enough for this discounted unit to be deemed as affordable. As the current affordable housing definition stands, the units need to be affordable in perpetuity or if sold a percentage of the sale price equivalent to the percentage discount on the purchase price should be returned for reinvestment into providing more affordable housing. Unfortunately Starter Homes will not comply with either of these criteria. We are concerned that this will significantly adversely affect our affordable housing stock making it hard to replace units sold, especially in rural areas. The impact of this, combined with the 'Right to Buy' scheme will have a serious negative impact on our affordable housing stock and our ability to ensure all our residents have access to a decent home.

We would recommend that the homes need to be kept at the discount rate in perpetuity. It could be seen as unfair that the initial owner would then receive a 'windfall' after five years and sell their home on the open market for 100% of the market value.

Q2

Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

Response

No comments.

Q3

Do you agree with the Government's definition of commuter hub? If not, what changes do you consider are required?

Response

We agree that it is good plan making to locate development in sustainable locations where people can easily travel to work, and that land in proximity to commuter hubs can often be suitable for higher densities. However, we think that local councils should be able to define their own commuter hubs to reflect local circumstances. Commuter hubs should not be developed where to do so would conflict with other policies eg green belt and AONB.

Q4

Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?

Response

No comment.

Q5

Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

Response

We agree that densities should be set locally and are supportive of not having nationally set density requirements.

Q6

Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

Response

The NPPF recognises the contribution that new settlements and urban extensions can make to housing supply, and the importance of working with the support of local communities to achieve this. When looking at options for meeting housing requirements, all options including new settlements and urban extensions are considered, and assessed against sustainability objectives. We think that there are already mechanisms in place to achieve this, but would support greater policy support.

New settlements typically take longer to implement than extensions of existing settlements where services already exist, and therefore do not so speedily address housing demand. The 5 year housing land supply requirement can act as a disincentive to the new settlement approach even where it might otherwise be appropriate.

Q7

Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

Response

It is unclear what DCLG mean by 'strengthen' the policy on development and more detail is required in order to comment fully. We do agree that small sites of less than ten units are indeed an important aspect of delivering homes, in particular delivering rural affordable homes. Over the last three years in both South and Vale we have delivered over 60 rural affordable units on developments of less than ten. These homes make a huge difference to the economic and social sustainability within our villages and the rural exception policy allows these homes to be allocated to local people.

We would want to ensure that the developments delivered on brownfield land are of high quality, provide a decent living environment, are located in sustainable places and are able to contribute towards infrastructure.

Q8

Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of local planning authorities' five-year land supply?

Response

Again, same as question 7, it is unclear on what in particular DCLG would suggest in order to 'strengthen' the policy on small sites for housing.

In rural districts, such as South and Vale, the impact of multiple small developments could have a significant impact on infrastructure. Allowing indiscriminate developments in and around settlements, although each one would be small, would have a cumulative impact. It is unclear whether this approach would allow for infrastructure requirements to be assessed and provided for. We would be keen to ensure that a policy such as this provided for affordable housing and for CIL. Small sites such as that proposed are particularly viable and are able to contribute towards infrastructure and affordable housing provision. A concern we have with this proposal is that in combination with the starter homes policy, this proposal could lead to sites not providing any physical or social infrastructure, resulting in a significant loss of infrastructure over a sustained period.

We would not want to water down the ability to manage development in the AONB carefully to ensure the districts' landscape and rural character is enhanced and respected. The cumulative impact of many small developments on the edge of settlements in a rural area could be significant and harmful.

Q9

Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?

Response

Yes we agree.

Q10

Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?

Response

Yes we agree, local planning authorities should be able to have locally specific policies to ensure that development respects the local area.

Q11

We would welcome your views on how best to implement the housing delivery test, and in particular:

- What do you consider should be the baseline against which to monitor delivery of new housing?*
- What should constitute significant under-delivery, and over what time period?*
- What steps should be taken in response to significant under-delivery?*
- How do you see this approach working when the housing policies in the Local Plan are not up-to-date?*

Response

The starting point should be to incentivise local authorities that do not have an up to date local plan in place to ensure that across the country all authorities are contributing to delivering and addressing the housing needs of the country.

It is unclear how this relates to five year housing land supply. If allocated or consented housing sites are not delivering it is likely that councils would lose their five year housing land supply and housing policies would be considered out of date. This leads to indiscriminate development that undermines the local plan process and means communities have no say in where development should go. An alternative approach of under delivery triggering a local plan review would allow a process where the community is involved and the most sustainable and suitable sites are chosen. We would support this approach as an alternative.

We suggest an assessment period of more than two years as this is not long enough to give an accurate and realistic assessment of delivery. Whilst we agree that consented or allocated sites should come forward in a timely manner, and LPAs and developers should facilitate this, large sites can take time to deliver for various reasons. We also recognise that LPAs should allocate housing over a range of sites of different sizes to ensure delivery, however, a district that has a lot of large sites could easily find themselves failing the delivery test and triggering a local plan review and assessment of sites unnecessarily.

If significant under-delivery is expressed as a percentage of expected delivery, it should be a minimum of 50 percent, but this should be over a longer time period than the two years suggested. We would suggest a time period of at least five years. This would allow for fluctuations in market demands. There will be circumstances where strategic sites are allocated that need a long lead in period and it will be in the local authorities interest and in the national interest to allow these developments to come

forward at a steady rate, and not be undermined by new sites being allocated elsewhere to replace them.

This would have to work alongside incentives for developers to make sure that consented schemes are built out in a timely fashion.

We suggest the baseline to measure under delivery against should be the LPAs proposed housing trajectory.

Q12

What would be the impact of a housing delivery test on development activity?

Response

No comment.

Q13

What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

Response

We would be concerned about the quality of the living environment for residents and of ensuring that mixed and balanced communities are formed. Retention of employment land is vital to the sustainability of places so that jobs are created and people don't have to commute too far to work. We currently have policies in place that do allow for unviable and unused employment land to be lost to other uses, where it can be demonstrated that this is acceptable. This is considered on a case by case basis, and this allows a thorough assessment to be made, backed up with evidence.

We do not agree that there should be fixed time limit. You need to allow for changes in market conditions, and in some circumstances, two years is not long enough. We think that this should be determined at a local level and on a case by case basis through the planning application process. Circumstances will be different in different parts of the country, and should be locally determined.

An up to date Employment Land Review and Strategic Employment Land Availability Assessment would be required to be able to demonstrate a sufficient supply of employment land. We would wish to ensure that councils are able to protect key strategic employment sites to preserve the long term economic and employment opportunities of our districts.

Q14

Do you consider that the Starter Homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?

Response

We believe that there is some confusion over the term 'exception site policy' in relation to Starter Homes. At present the exception site policy is to allow housing on sites that wouldn't normally allow housing and it is often in rural locations and the homes are affordable in perpetuity. We would be happy to see this policy extended to include the option of Starter Homes on exception site policy as well as Affordable Rent, if as previously stated in the response to question 7, Starter Homes are for a longer period than five years and need to be affordable in perpetuity.

We wish to ensure that our residents live in high quality developments in sustainable locations and are concerned that under this proposal unsuitable sites may come forward for housing. There would need to be mechanisms in place to ensure that only sites genuinely suitable for housing were developed.

Q15

Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?

Response

At present the exception site policy is to allow housing on sites that wouldn't normally allow housing and it is often in rural locations and the homes are affordable in perpetuity. We would be happy to see this policy extended to include the option of Starter Homes on exception site policy as well as Affordable Rent, if as previously stated in the response to question 7, Starter Homes are for a longer period than five years and need to be affordable in perpetuity.

Q16

Should Starter Homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?

Response

We agree that there could well be a good opportunity to not only increase the availability of Starter Homes but also to regenerate an existing town centre or a new town centre if the vacant commercial units were converted to starter homes. However, if the proposal is for the development of Starter Homes to not have any S106 or CIL contributions then there is concern on the pressure on the surrounding infrastructure and amenities these residential units will bring, for example bin collection and access.

Q17

Should rural exception sites be used to deliver Starter Homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?

Response

We agree that the use of rural exception sites has increased the delivery of rural affordable homes in much needed areas where average house prices are way beyond local average incomes. One of the key advantages and benefits of rural exception sites is that the homes are for local people and are affordable in perpetuity. Even if shared ownership is provided on these sites, due to the

Designated Protected Areas, residents cannot purchase more than 80 percent of the home. These two very important factors has meant that local communities, parish councils and land owners have then supported these homes. It is extremely questionable if these two elements of having a strong local connection to a village and that the homes would be affordable in perpetuity were taken away, that this would indeed stifle or indeed stop rural exception sites.

We would recommend that the Starter Homes in rural locations, of populations of less than 3,000 were restricted to outright home ownership and be capped in perpetuity at 80 percent. The applicants who did buy a Starter Home on a rural exception site, could in time then afford to buy outright on the open market elsewhere, leaving an affordable home for someone who genuinely needed it.

Q18

Are there any other policy approaches to delivering Starter Homes in rural areas that you would support?

Response

As mentioned above, we would support providing Starter Homes in rural areas if they were for local people and that they could not be bought outright, thereby losing these homes forever as affordable homes. It is worth bearing in mind another government policy, the Voluntary Right to Buy (VRTB) for housing association residents, it is likely that residents in the most desirable area will exercise this right and again we will lose much needed rural affordable homes in the places that are most needed. In this area, Sovereign Housing Group, who are piloting the VRTB have reported that within the first month of the pilot they have had 10 percent of their residents apply for VRTB. This could mean that over 80 affordable homes in the first month will be converted to market homes and not replaced, significantly affecting our affordable housing stock. It will prove even more difficult to replace these homes, as mentioned previously if the homes are not for local people in perpetuity. We are concerned about the implications of this and therefore do support Starter Homes if they are capped at 80 percent ownership.

Q19

Should local communities have the opportunity to allocate sites for small scale Starter Home developments in their Green Belt through neighbourhood plans?

Response

We are aware of some communities who are washed over by green belt that would like to benefit from this approach to green belt development coming through neighbourhood plans. We believe that communities should have the opportunity to allocate sites for small scale Starter Home developments in their green belt, with regard to several provisos:

- That the homes are capped at home ownership of 80 percent
- That some form of S106/CIL contribution is sought for this development as it will be required in these areas, and these small sites will be particularly viable
- That 'small' is defined to no more than ten units
- That the homes would be for local people

- That, given the significance of green belt protection, a majority of those able to vote (rather than a majority of the turn-out) is required to allow an allocation in the green belt.

Q20

Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

Response

We are concerned about the visual impact that this proposal could have on the countryside and on the openness of the countryside. This proposal would allow developments in the green belt that reduce openness, as long as the harm was considered 'not substantial'. This would lead to harmful piecemeal development in the green belt, when in most cases there will be suitable sites for housing that are not in the green belt.

Another concern is that this approach could lead to developments in unsustainable locations that do not provide a good quality living environment for residents. These developments would not contribute towards CIL so would not contribute towards and improve local infrastructure.

Q21

We would welcome your views on our proposed transitional arrangements.

Response

The transitional arrangement proposed allows for six to twelve months to carry out a local plan review. In our experience this is not sufficient time to put a local plan review in place that is robust and involves the community. We would suggest that a two year period would be more appropriate.