Matter 8 – Meeting Housing Needs

Matter Statement by Kettering Borough Council

September 2020
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Appendix 1: List of Reference Documents

Appendix 2: Planning Policy Committee Report
1. Introduction

1.1. This statement sets out the Council’s response to Matter 8: Meeting Housing Needs (Gypsies and Travellers, and Policies HOU1, HOU2, HOU3, HOU4, HOU5), questions 1 - 19, in respect of the following issues:

- Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the provision of housing and whether it adequately address the needs for all types of housing and the needs of different groups in the community (as set out in paragraph 61 of the Framework)

1.2. The statement also addresses any representations which the Council considers are of particular significance or concern, where this is the case the relevant respondent number and comment id are provided.

1.3. All documents referred to in this statement are listed in Appendix 1, submission document numbers are provided throughout where applicable.

Gypsies and Travellers

2. Matter 8 – Question 1: The updated Gypsy and Traveller Accommodation Assessment (March 2019) identifies a need for 48 pitches between 2018 and 2033 for Kettering Borough. Is the approach to meeting this requirement through a further Development Plan Document (DPD) to the timetable indicated justified and effective and consistent with national policy? How can the production of this DPD be ensured? (See Initial Question 10 and the Council’s response)

2.1. As set out in the Council’s response to Question 10 of the Inspector’s Initial Questions (EXAM2) the Council will prepare a standalone Development Plan Document (DPD) for gypsy and traveller accommodation.

2.2. The reasons this approach has been taken are set out in the Council’s response to Question 10, which sets out that this was to enable the GTAA to be updated to provide an up to date evidence base for this area of work. Preparing a separate document enabled the other areas of policy included in the SSP2 to progress without delay while the GTAA was updated. It is considered that this approach is justified and effective in ensuring that the needs of this group are adequately addressed but preventing delay to other policy areas included in the plan.

2.3. Paragraph 61 of the NPPF requires planning policies to reflect an assessment of the size, type and tenure of housing needed for different groups, the groups listed includes travellers. The preparation of a standalone DPD to address the needs of gypsies and travellers is considered to be consistent with national policy and will address the requirements of paragraph 61.
2.4. The timetable for preparing the Gypsy and Traveller Site Allocation DPD is set out in the Council’s response to Question 10 of the Inspector’s Initial Questions. The timetable set out seeks to ensure that the preparation of this DPD follows on as quickly as possible from the SSP2. The Council is committed to preparing this document.

2.5. The Council’s response to Question 10 of the Inspector’s Initial Questions set out that the Council was in the process of appointing consultants to undertake some follow up work to the GTAA. The consultants have now been appointed to undertake this work. A report was presented to Planning Policy Committee on the 1st September which provided an update on the progress being made with the Gypsy and Traveller Site Accommodation Policy, a copy of this report is attached at Appendix 2.

HOU1 Windfall and Infill Development Principles of Delivery

3. Matter 8 – Question 2: What is the intention of the Policy? Is it clear that it seeks to protect residential gardens in three areas in line with paragraph 70 of the Framework? Does it also seek to retain family housing? What is the justification for this in these three areas only?

3.1. The first intention of Policy HOU1 is to enable windfall and infill development across the Borough providing proposals meet criteria (a) and (b) of the policy. Policy 11 (2b) of the JCS (Network of Urban and Rural Areas) makes provision for the permission of small scale infill within the Villages. Policy HOU1 of the Site Specific Part 2 Local Plan – Publication Plan (SSP2) seeks to expand this provision to enable windfall and infill in the Growth Town of Kettering and the Market Towns of Burton Latimer, Desborough and Rothwell as well as within the Villages.

3.2. The Council is supportive of windfall and infill development because, as stated in paragraph 4.15 of the SSP2 such development makes an important contribution to the housing requirements of the Borough, particularly in the Market Towns and Villages.

3.3. The second intention of the policy is to protect three defined housing areas which are recognised for their distinctive residential character in the Growth Town of Kettering. These areas are established neighbourhoods commonly featuring large dwellings in generous grounds and are well populated by mature trees. They provide a specific range of family housing in the town that would be challenging to replace. Furthermore, allowing new development in these locations could unduly burden the existing residential amenities.

3.4. The policy is considered to be clear on the point that the protection of residential gardens in the three defined areas is in alignment with this provision set out in paragraph 70 of the Framework. Paragraph 4.13 of the SSP2 highlights the garden protection element clearly stating the Framework’s provision that ‘there might be a case for setting out policies to
resist inappropriate development of residential gardens’. The narrative continues in this spirit through paragraph 4.16 which explains the negative impact garden development, *inter alia*, is likely to have on the neighbourhood character of the three defined areas. The provisions of paragraphs 4.13 and 4.16 provide the context for criterion (c) of the policy.

3.5. It would be possible to refine the preamble of Policy HOU1 to place greater emphasis on the alignment of criterion (c) with paragraph 70 of the Framework should this be deemed sufficiently important.

3.6. The policy does seek to retain family housing. Paragraph 4.16 states that allowing garden development, *inter alia*, will diminish a range of housing in the Town that would be challenging to replace. This is translated in criterion (c) of the policy as to ‘retain the range of family dwellings in a town centre location’. This provision is considered to provide clarity to the content of paragraph 4.16.

3.7. Paragraph 4.16 provides the narrative on why these three areas are particularly noteworthy. They have been selected specifically in recognition of their distinctive residential character which is not found to the same extent elsewhere in the Town. The selection originates in the *Local Plan For Kettering Borough* (Adopted 1995) through Policy K15 Kettering: Character and Density In Defined Housing Areas. It was a restrictive policy to deter development proposals in these three areas to protect the character, residential amenity and the range of low density housing found in these neighbourhoods.

3.8. The justification for carrying the policy forward into the SSP2 is set out in the *Defined and Protected Housing Background Paper* (2019). The paper provides a policy analysis to determine whether the policy direction remains consistent with national, sub-regional and local policy approaches. It presents a review of the representations received on this matter in the public consultation on the Specific Part 2 Local Plan - Draft Plan. It outlines the experience and views of Development Management Officers with respect to the effectiveness of the policy.

3.9. The Background Paper concluded that the policy direction does remain consistent with national, sub-regional and local policy approaches. On the basis of the responses received during the public consultation site visits were undertaken to review the boundaries of the existing areas and to consider the possibility of designating a new area. The site visits concluded that the existing boundaries remained consistent with the policy approach and the new area did not present the same degree of character and density as those currently supported by Policy K15. As such the area did not warrant the same policy protection.

3.10. Lastly, the Development Management Officers noted that not only did the policy remain current, but it had been used in two appeals where the main issue was about the effect of the proposal on the character and appearance
of the area. In both cases the Council’s policy approach was upheld by the Planning Inspectorate.

3.11. The restrictive approach of the policy was reviewed in the context of paragraph 81(d) of the Framework. It was refined to ensure it became flexible enough to accommodate needs not anticipated in the Plan.

4. Matter 8 – Question 3: What is ‘infill development’ or ‘infilling’ defined as in the context of this policy? Are the provisions of criterion a and b covered by other general policies in the JCS or elsewhere in the Plan? Does resisting the division of a curtilage in criterion c go beyond the provisions of paragraph 70 of the Framework?

4.1. Policy 11 2(b) of the JCS provides that small scale infill development is permissible on suitable sites in within Villages. Paragraph 5.17 states that, in reference to criterion 2b of Policy 11, small scale infill refers to development of vacant and under-developed land within the main built up areas of the village on land which is bounded by existing built curtilages on at least two sides, such as the filling in of a small gap in an otherwise substantially built up frontage.

4.2. To retain consistency with the JCS it is deemed appropriate to use this definition as the starting point for the context of Policy HOU1. However, as noted above, the intention of HOU1 is to expand on the provision made in Policy 11 2(b) of the JCS to enable infill development in all settlement boundaries, not just the Villages. Therefore, paragraph 4.12 of the SSP2 makes an additional provision stating that windfall may come forward as small scale infill through backland development, for example a section of garden or a plot of land in-between gardens with a communal or private access alley.

4.3. Criteria (a) and (b) are not considered to be covered by other general policies in the JCS or elsewhere in the Plan. As previously noted HOU1 is intended to expand on the provision of JCS Policy 11 2(b). Criterion (a) of HOU1 is written to complement the JCS policy. It provides a more local interpretation of the circumstances in which windfall and infill would be accepted in principle rather than the broader settlement approach set out in the JCS.

4.4. Criterion (b) is specific to the SSP2. It seeks to ensure that when proposals for windfall and / or infill come forward applications are determined in line with all the principles for development in the strategic, local and neighbourhood plans and not just the provision made in criterion (a).

4.5. Resisting the division of a curtilage in criterion (c) is not considered to go beyond the provisions of paragraph 70 of the Framework. The policy is seeking to provide a holistic approach to guide decision making in 3 areas which have been identified for their distinctive residential character and that offer of a range of housing that would be challenging to provide elsewhere in
the Borough. It seeks to provide decision makers with an opportunity to make an informed judgement on the appropriateness of infill at all in these three defined areas.

4.6. The Framework itself is silent on the matter of curtilage in the context of infill, perhaps because from a planning perspective the definition is vague and planning law has struggled to reach a view. Curtilage is a matter of fact and degree in each case and is not susceptible to a generic definition. However, paragraph 122 states that planning policies and decisions should support development that makes efficient use of land, it continues by setting out a series of criteria that should be taken into account as part of that process. These include the availability and capacity of infrastructure and services in criterion (c) and the desirability of maintaining an area’s prevailing character and setting (including residential gardens) in criterion (d). As noted above, development in the defined areas could well have a negative impact on all of these factors.

4.7. Paragraph 9 of the Framework considers the application of the 3 objectives set out in paragraph 8. Paragraph 9 goes on to say that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It is clear that while the Framework seeks to promote development it does not want policies and decision making to encourage new development at all costs.

4.8. The resisting of infilling through the division of curtilage originates in Policy K15 Kettering: Character and Density In Defined Housing Areas in the Local Plan For Kettering Borough (Adopted 1995). When this policy was tested through the Site Specific Part 2 Local Plan - Draft Plan Consultation two respondents (Comment ID: 139 and Comment ID: 134) supported the approach and requested that “the wording be strengthened to prevent curtilages being divided prior to application to develop”. It was determined by the Council that the additional wording was not necessary but that to resist infilling through the division of curtilage should remain.

4.9. Finally, as noted above, the policy is still being applied by development management officers and has been successfully upheld twice at appeal by the Planning Inspectorate

5. Matter 8 – Question 4: Are the areas listed within the area covered by the TCAAP? If so, are they appropriate for inclusion in the Plan? (See Initial Question 9 and the Council’s response)

5.1. The defined areas are not covered by the TCAAP Study Area and are therefore appropriate for inclusion in the SSP2.
HOU2 Older Persons Housing

6. Matter 8 – Question 5: Is the approach to older persons housing justified, effective and consistent with national policy and the JCS? Is there any overlap with JCS Policy 30?

6.1. The Background Paper: Provision of Category 3 Housing and General Housing for Older Persons (HOU3) sets out the justification for the approach to older persons housing. This document sets out the national policy context and the policy set out in the JCS.

6.2. Policy 30 (f) of the JCS encourages the provision of housing to meet the specialised housing requirements of older households and requires SUE’s and other strategic developments to make provision to meet these needs. Policies HOU2 (Older Persons Housing) and HOU3 (Retirement Housing and Care Homes) provide additional local policy which will require sites of 50 dwellings or more to deliver a proportion of housing to meet the needs of older people and provide local guidance on the suitability of sites to meet the specialist housing requirements of older people through support for development in locations with good access to public transport links and local facilities.

6.3. The approach to older persons housing is considered to be justified, effective and consistent with national policy and the JCS.

6.4. A number of representations were made in relation to these policies. A representation from Persimmon Homes Midlands (representor Id 25, comment number 44) objected to the policy as it is not justified, it provided insufficient certainty and it is unclear how the threshold relates to need. A representation from the Home Builders Federation (representor Id 58, comment no 152) considered the policy duplicates policy 30 of the JCS, that focus should be on allocating sites to meet the needs of specific groups and that the approach to proportion type and tenure is vague which causes uncertainty, further clarification is required. A representation from Gladman Land (representor Id 70, comment number 177) considered it is unclear how the threshold was determined, identified challenges to delivery and recommends more flexible wording. A representation from Northamptonshire County Council – Northants Adult Service (representor id 19, comment number 33) welcomed the ambition to include older persons housing in developments of 50 or more but considered a target should be set.

6.5. The Council’s response to these representations is set out in the ‘Regulation 20 Representations with Council’s response’. In addition to this further information is provided in the responses to questions 6, 7, 8 and 9 below to address the issues raised.
7. **Matter 8 – Question 6: Is the threshold of 50 dwellings/1.6 hectares justified? Does it relate to an identified need?**

7.1. The justification for the site size threshold is set out in section 6 of the Background Paper: Provision of Category 3 Housing and General Housing for Older Persons (HOU3). The threshold of 50 dwellings is considered to be appropriate, the threshold is high enough that it will not impact on the viability of smaller schemes and the approach set out in the policy will ensure that the precise proportion, type and tenure takes into account viability, local need and the scale and location of the site.

7.2. The need for older persons housing is set out in section 4 of HOU3, the conclusion of this document summarised that a key issue for North Northamptonshire is the provision of housing to meet the needs of older households, which is forecast to account for 60% of household growth between 2011 and 2031. Evidence of need is from the Strategic Housing Market Assessment Update (2015) HOU14 and the Study of Housing and Support Needs of Older People Across Northamptonshire HOU15.

8. **Matter 8 – Question 7: What is a ‘proportion’ and should this be specified? Is the desired mix clear and does it take account of local considerations? In determining the proportion, type and tenure, how will local need be evidenced? Does the Policy as drafted provide certainty and is it effective?**

8.1. The policy does not set a specific proportion, this is to ensure a flexible approach which enables viability, local need and scale and location of the site to be taken into account when determining the precise proportion, type and tenure to be provided. The required mix, which will be considered through the planning application process, will take into account local considerations as set out in the requirements of Policy HOU2, which include viability, local evidence and scale and location of the site. Local need will be based on the most up to date assessment at the time the proposal is being considered.

8.2. The policy sets out a flexible approach to ensure that the viability of schemes as well as site specific circumstances are taken into account. It is considered that the policy will be effective in delivering older persons housing to meet identified need while ensuring that viability of schemes is not negatively impacted.

9. **Matter 8 – Question 8: Is there any evidence that the requirements of the policy would affect the viability or deliverability of housing sites?**

9.1. The policy sets out a flexible approach to ensure that viability and deliverability of sites is taken into account when considering proportions, type and tenure to be provided.
9.2. The conclusions of the Site Specific Part 2 Local Plan Viability Assessment (VIA1), set out in section 9, recommended a flexible approach to policy for over 55 accommodation. Appendix 2 of VIA1 identified Policy HOU2 as having a low impact on viability.

HOU3 Retirement Housing and Care Homes

10. Matter 8 – Question 9: Is the approach to retirement housing and care homes justified, effective and consistent with national policy and the JCS? Does this policy provide a clear indication of how a decision maker should react to a development proposal for retirement housing and care homes? How in practice will support be achieved? (See Initial Question 25 and the Council’s response)

10.1. The NPPF, paragraph 61, states that planning policies should reflect an assessment of the size, type and tenure of housing needed for different groups in the community, including older people. JCS policy 30 (f) encourages the provision of specialist housing for older people, Policy HOU3 provides additional local policy and it therefore consistent with national policy and the JCS.

10.2. Section 6 of HOU3 sets out the justification for the policy. This policy reflects the recommendations of the Study of Housing and Support Needs of Older People Across Northamptonshire HOU15 which stresses the importance of the suitability of sites for specialist housing, such as proximity to services and facilities and close links to public transport.

10.3. The Council’s response to Initial Question 25 states that further consideration will be given in advance of the hearings as to how a decision maker should react to a development proposal when applying this policy.

10.4. Further consideration has been given to this and it is considered that the policy does provide a clear indication of how a decision maker should react to a development proposal for retirement housing and care homes. The policy supports proposals for retirement housing and care homes which have good access to public transport links and local facilities. This support will be taken into account when determining planning applications for the types of uses and in locations with good access to transport links and local facilities would weigh in favour of the proposal.

HOU4 Self Build and Custom Build Housing

11. Matter 8 – Question 10: Is the approach to self build and custom building housing justified, effective and consistent with national policy and the JCS? Where is the need for this type of housing established and is this a sound basis from which to seek provision?

11.1. The Self-build and Custom Housebuilding Act 2015 and the associated Regulations 2016, duties have been placed upon the Council to grant
sufficient land to meet the demand for self-build and custom housing identified on the register within three years. Paragraph 61 of NPPF, states that local authorities should consider ‘housing needed for different groups in the community should be assessed and reflected in planning policies’. Policy HOU4 seeks to add greater clarity and give local context to the requirements set out in JCS Policy 30 for encouraging custom and self-build housing to ensure that the Council meets these responsibilities.

11.2. As required by the Self-Build and Custom Housebuilding Act 2015 as amended by the Housing and Planning Act 2016. In order to determine the level of demand, councils, through this legislation, are required to ‘Prepare, publicise and maintain a register of individuals and associations of individuals who are seeking to acquire serviced plots of land’, as set in paragraph 6.1 of the Self-Build and Custom Build Housing Background Paper (HOU2).

11.3. At the time of writing (March 2019), there were 31 entries on the Council’s Self-Build Register, as shown in Figure 1 of HOU2. However, the Council recognised that the register could be a mis-representation of the true demand for this type of housing in the Borough.

11.4. As a result, as set out in section 9 of HOU2, the Three Dragons consultancy undertook an analysis ‘to gauge the level of demand and need for this type of housing in the local area’ and ‘set out the level of demand which is primarily obtained through the register and how these findings along with other secondary data will inform the relevant policies in the Kettering Borough Local Plan Part 2 (SSP2)’ as set out in paragraph 1.1 of Appendix 1 of HOU2.

11.5. The modelled demand of this analysis considered the ‘notional’ supply of single dwelling schemes, where ‘a reasonable assumption is made as to the involvement the purchasers have had in designing the new property’ (paragraph 10.2). This was then compared to the number of new entries on the register, per base period (Figure 5). This showed that the number of permissions granted between March 2016 and March 2019 exceeded the number of entries placed onto the register, during the same period.

11.6. Figure 7 of HOU2 showed that the modelled demand was significantly higher than that determined by the Council’s Self-Build Register. As a result, the Council considered ‘that action is required by the Council to facilitate the growth and acceleration of self and custom building house building in the area’ (paragraph 11.4).

11.7. Therefore, the Council sought to identify a policy mechanism to enable this, it was concluded that a threshold on larger sites would be the most effective in providing a consistent supply of self and custom build housing to meet the identified demand in the plan period. To identify the specific percentage and size of site required to make this provision, an analysis was undertaken by
the Council, based on previous housing delivery, as shown in Figure 10 of HOU2.

11.8. As a starting point two site size thresholds, 25 and 50 dwellings, were tested with a requirement of 5% provision of self and custom build housing. The reasoning behind this percentage was based on Policy 5 of The Plan for the Borough of Wellingborough, which used this percentage, and had been tested through Independent Examination in 2018, where it was determined that this policy was found sound and in accordance with national policy as set out in paragraphs 67 to 69 of the Inspector’s Report. Therefore, the Council considered it reasonable to use this as a starting point, as a result the figure of 5% was used during the aforementioned testing.

11.9. The Council considers the approach to self-build and custom build housing to be justified, effective and consistent with national policy and the JCS. It is also evident that there a need for this type of housing and that the use of both and primary data sources has established a robust evidence base on which to seek provision.

12. Matter 8 – Question 11: Is the 50 dwellings/1.6 hectare threshold justified? Is the requirement for 5% of plots to be made available for self-build or custom build serviced plots reasonable? How will local need be evidenced?

12.1. The Council considers that this policy mechanism seeks to ensure a constant and long term supply of self and custom build housing in the plan period to meet future demand and to ensure that larger scale sites make a reasonable contribution to meeting the need.

12.2. As shown in Figure 10 of HOU2 between 2011 and 2017, 318 dwellings or 66% of completions were on sites of 50 or more dwellings. 5% of this supply would account for 16 serviced plots, which would be a significant proportion of the current level on the register. These plots together with smaller windfall sites, are expected to meet the identified demand over the plan period.

12.3. Analysis has also been undertaken in relation to projected housing delivery, to determine the percentage of self and custom build housing that would be required to meet the demands set out in the Three Dragons report, as shown in Figure 8 of HOU2, 66 in years 1-5 and 72 for years 6-10. Separate analysis has been undertaken for these periods, as shown in figures 11 and 12, respectively. This concluded that in the first period, a percentage of 8.24% would be required on sites of 50 or more to meet the demand, as determined by the Three Dragons report. For the latter period, this figure increases to 13.36%. When considered together, between 2019 and 2031 a percentage of 10.74% would be required on developments of over 50 dwellings to deliver the potential demand of 714 dwellings within this period.

12.4. However, as set out in paragraph 15.1 of HOU2, ‘it is considered that a 50 dwelling site size provides a reasonable threshold for requiring 5% of plots on the site to be provided self-build or custom build housing’. Although the
Council recognises that the use of the 5% requirement in Policy HOU4, is unlikely to deliver the anticipated demand as determined by the Three Dragons report. It is also considered that this demand is an aspiration for the Council, and it should not be considered as a strict target or represent the primary source in determining the demand, as stated in paragraph 17.3 of HOU2.

12.5. In addition, paragraph 17.4 emphasises that the Council considers that Policy HOU4 is ‘capable of delivering diverse developments whilst meeting the evidenced level of need above that obtained by the register with the likelihood that delivery via the policies in the Part 2 Plan will exceed the need on the register’. To conclude therefore, the Council considers that the inclusion of Policy HOU4 demonstrates that ‘positive action is being taken towards the delivery of self-build and custom build housing in the long term both for both open market and affordable self-build housing’ (paragraph 17.4).

13. Matter 8 – Question 12: What does ‘appropriately marketed’ mean in practice and how will prevailing market value be assessed? Why has a 6 months marketing period been chosen and is this justified?

13.1. The terms ‘appropriately marketed’ and ‘prevailing market value’ place a requirement on the developer to undertake marketing which maximises the attractiveness of the site via means which make the site as visible to the market as possible. The methods by which the developer does this can be set out in the planning application for the site, where a judgement will be made by the case officer as to whether the marketing is appropriate. This will also be the case for prevailing market value, where if the means for determining this value are deemed suitable by the case officer, plots can be progressed to be built out for market housing.

13.2. The Council originally considered a 12 month period for the marketing period for serviced plots, however the Inspector for the Plan for the Borough of Wellingborough set out in paragraph 67 of his report, that:

‘A 12 month marketing period would be likely to create significant logistical problems for conventional builders returning to site after that time to build out plots which have not been sold to self/custom builders. This should be reduced to 6 months and MM8-9 are therefore necessary for the effectiveness of the Plan’.

13.3. As a result, the Council considered that a 6 month marketing period would be suitable for this policy to prevent the issues identified by the Inspector above, from arising and to ensure that Policy HOU4 is effective.

14. Matter 8 – Question 13: Is there any evidence that the requirements of the policy would affect the viability or deliverability of housing sites?
14.1. The SSP2 Viability Assessment determined that Policy HOU4 had low impact on viability as set out in Appendix 2 of VIA1. This type of housing was ‘not considered separately in our viability testing as the additional cost of providing a fully serviced plot for self-build units will be clawed back through the sale’ (Appendix 2 – Table).

14.2. The SSP2 Viability Assessment (VIA1) assessed a variety of development types to consider the cumulative impacts of policies within the JCS and PKB1. VIA1 concluded (paragraph 9.18 and 9.18) that the cumulative policy requirements set out in the JCS and PKB1 build in an appropriate level of flexibility primarily through affordable housing. Therefore, the bulk of the typologies tested were viable when considering other policy costs, including affordable housing.

14.3. Therefore, the Council is confident that Policy HOU4 would not affect the viability or deliverability of housing sites.

HOU5 Single Plot Exception Sites for Self-build

15. Matter 8 – Question 14: Is the approach to single plot exception sites for self-build justified, effective and consistent with national policy and the JCS? Does it add anything to Policy 13 of the JCS which deals with Rural Exceptions more generally?

15.1. It is considered that a single plot exception site policy would provide an additional option for those whose needs aren’t being meet by the market to build their own affordable home in the rural area. Therefore, a policy is included within the SSP2. In addition to this, this mechanism would offer an alternative offer to the more mainstream tenures. This type of scheme can be delivered through registered providers, self-build groups or community trusts. At present Policy 13 of the JCS, allows the provision of housing which meets locally identified need, located adjacent to settlement boundaries in the rural area.

15.2. Paragraph 61 of NPPF, states the ‘housing needed for different groups in the community should be assessed and reflected in planning policies’. Therefore, the Council considers that this policy provides a mechanism for enabling those who are not able to access this through the provision of a plot on the market to build their own affordable home. Therefore, the Council considers Policy HOU5 to be in accordance with the NPPF and the JCS, specifically Policy 13.

15.3. The focus of Policy HOU5 is to provide affordable self-build opportunities in the rural area. Policy HOU5 requires applicants to have a strong local connection to ensure the provision of the property meets the local need which has been demonstrated.
15.4. The Council considers that additional detail is required through the SPD and the policy itself to ensure that this policy achieves the Council's aim to enable the provision of affordable self and custom build housing for local communities in the rural area.

16. Matter 8 – Question 15: Is it justified to stipulate that the applicant is the prospective owner of the proposed dwelling and how will this be enforced? How will applicants demonstrate a strong local connection to the village? What if the house is not in a village? How can it be demonstrated that the applicant has a need that is not met in the market?

16.1. The Council considers that it is justified to stipulate that the applicant is the prospective owner, this is an exceptions policy which allows development in locations which would not normally be supported and this particular policy seeks to meet need for self-build, and therefore the applicant should be the prospective owner.

16.2. Further detail on the enforcement of this, the evidence required to demonstrate a strong local connection and how the applicant can demonstrate that they have a need which is not met by the market will be set out through the Rural Exceptions Sites SPD.

16.3. Policy HOU5 requires proposals to accord with Policy 13 of the JCS, therefore proposals should be adjoining an established settlement.

17. Matter 8 – Question 16: Is it appropriate to require such property to be built to the minimum nationally described space standards? What is the evidence for this, does it apply to self-build exception sites only, and does it accord with national guidance in terms of need and viability testing? What if the property is proposed to be bigger than the minimum space standards?

17.1. Policy 30 of the JCS requires all properties to meet the national space standards as a minimum. This Policy requires single plot exception sites for self-build to be built at the minimum national described space standard, to ensure that the dwellings are built to a scale to meet the identified need for affordable housing. This is to ensure that larger properties which are beyond what would be considered affordable are not provided.

17.2. The Whole Plan Viability Assessment for the SSP2 (VIA1) assessed the impact of this policy on viability as low.

18. Matter 8 – Question 17: What are the ‘exceptional circumstances’ to justify blanket removal of permitted development rights?

18.1. The Council considers that the policy allows development in exceptional circumstances to meet a need for affordable self-build housing not met by the market in locations where development would not normally be supported. As proposals are allowed in exceptional circumstances and the
considerations seek to provide housing to meet a specific need it is considered important to ensure that the provision is retained and the benefits of the proposal are protected in the long term. It is considered that for this category of development exceptional circumstances may exist to warrant the removal of some or all permitted development rights. This will be considered on a case by case basis.

19. Matter 8 – Question 18: What progress has been made on the Rural Exceptions Sites SPD which will provide guidance on the delivery of self-build or custom build affordable housing on rural exception sites? (See Initial Question 19 and the Council’s response)

19.1. The Council provided a response to a similar question in response to Question 19 of EXAM2. The Council can confirm that the information in this response remains up to date and no further progress has made on this SPD since this response was provided.

Affordable Housing

20. Matter 8 – Question 19: Is the Plan effective in the delivery of the affordable housing requirements in the JCS and does it meet national policy? Where is this evident?

20.1. The NPPF, paragraph 61, states that planning policies should reflect an assessment of the size, type and tenure of housing needed for different groups in the community, including those who require affordable housing. Where there is an identified need for affordable housing, Paragraph 62 of the NPPF requires, planning policies to specify the type of affordable housing required and expect it to be met on-site unless the criteria set out are met.

20.2. Policy 30 of the JCS sets out affordable housing requirements, this is set out in Policy 30 (d) and criterion (e) requires provision to be made on site unless the requirements set out are met.

20.3. Paragraphs 4.21 to 4.22 of the SSP2 set out the approach to affordable housing set out in the JCS.

20.4. The site allocations included in the SP22 will contribute towards meeting the affordable housing requirements set out in the JCS where the sites are above the threshold set out in Policy 30. Where sites are required to make provision for affordable housing a criterion has been added to the site specific policy requiring the site to provide affordable housing in accordance with Policy 30 of the JCS, for example Policy KET1 (k). The plan also identifies two rural exception sites which will contribute to meeting affordable housing needs, these are the sites allocated in CRA2 and CRA3.
21. Conclusion

21.1. The Council considers that the submitted Kettering Borough Site Specific Part 2 Local Plan is sound in relation to the Issues and Questions set out in Matter 8. This is founded on the assessment provided in this statement which sets out the approach to meeting housing needs. The statement draws on a series of background papers which form part of the evidence base for the SSP2.

21.2. The statement, read alongside the Council’s response to Question 10 of the Inspector’s Initial Questions (EXAM2), explains the rationale for preparing a separate Development Plan Document (DPD) for gypsy and traveller accommodation. It is considered that this approach is justified and effective in ensuring that needs of this group are adequately addressed while preventing delay to other policy areas included in the plan. The approach proposed is considered to be consistent with national policy. The timeframe for its development has been agreed and consultants appointed to inform the development of the DPD.

21.3. The statement explains the intention of Policy HOU1 and defines how it seeks to protected residential gardens and retain family housing in the defined housing areas. It explains the approach taken to determine the three areas thereby providing the justification for this selection. The definition of infill development is explained in the context of the policy and that criteria (a) and (b) are not covered by other general policies in the JCS or elsewhere in the Plan. The statement clarifies why resisting the division of a curtilage does not go beyond the provisions of paragraph 70 of the Framework. It confirms that the defined housing areas are not covered by the TCAAP and are therefore appropriate for inclusion in the SSP2.

21.4. The statement notes that the justification for the approach to older persons housing is set out in the Background Paper: Provision of Category 3 Housing and General Housing for Older Persons (HOU3). Read together with the analysis of national and JCS policy provided above the approach to older persons housing is considered to be justified, effective and consistent with national and strategic policy. The justification for the site size threshold is set out in section 6 of (HOU3) which determines that it is deemed appropriate. The threshold does relate to identified need as established in section 4 of HOU3 and evidenced by the Strategic Housing Market Assessment Update (2015) HOU14 and the Study of Housing and Support Needs of Older People Across Northamptonshire HOU15.

21.5. The statement explains why the policy does not define a specified ‘proportion’. It determines that the required mix will be taken into account through the planning application process and local need will be based on the most up to date assessment at the time the proposal is being considered. It is noted that Appendix 2 of VIA1 identifies Policy HOU2 as having a low impact on viability. The policy sets out a flexible approach and is considered to provide certainty and be effective.
21.6. The statement, read in conjunction with Section 6 of *HOU3*, establishes how the approach to retirement housing and care homes justified, effective and consistent with national policy. The Council had committed, through Initial Question 25, to give further consideration on the matter of how a decision maker should react to a development proposal when applying HOU3. Support will be achieved through the decision making process.

21.7. This statement clearly shows that the Policy HOU4, which sets out the Council’s approach to the delivery of self and custom building housing, specifically on larger sites. The Council considers this approach to be sufficiently evidenced and justified by a robust evidence base, in the form of the Self-Build and Custom Build Background paper (*HOU2*), which is informed and supplemented by analysis undertaken by Three Dragons consultancy.

21.8. More specifically, the threshold chosen in this policy has been informed by a thorough analysis of housing delivery and potential supply to meet the level of demand in the Borough for this time of housing, whilst having regard for both national policy and guidance and Policy 30 of the JCS.

21.9. Policy HOU5 provides an additional mechanism to deliver affordable self and custom build housing in the rural area. This supplements Policy 13 of the JCS which provides a general policy to provide affordable housing outside the defined settlement boundaries on settlements in the Borough. The detail as to how this policy will operate and be applied will be provided through an SPD, which is currently under preparation.

21.10. The statement is evident on how the Plan will be effective in the delivery of the affordable housing requirements of the JCS and it explains how it meets national policy.

21.11. Therefore, to conclude, the Council considers the Plan (*PKB1*) to be positively prepared and justified, effective and consistent with national policy and the JCS in relation to meeting housing needs.
Appendix 1 – List of Reference Documents

- Local Plan for Kettering Borough (Adopted 1995)
- PKB1 – SSP2 Publication Plan
- NPPF – National Planning Policy Framework
- JCS1 – North Northamptonshire Joint Core Strategy 2011-2031
- JCS2 – North Northamptonshire Joint Core Strategy 2011-2031 Inspector’s Report
- HOU2 - Self-Build and Custom Build Housing:
  - Background Paper
- HOU3 - Provision of Category 3 and General Housing for Older Persons:
  - Background Paper
- HOU4 - Defined and Protected Housing Background Paper (2019)
- HOU14 - The North Northamptonshire Strategic Housing Market Assessment Update (2015)
- HOU15 - Study of Housing and Support Needs of Older People Across Northamptonshire
- EXAM2 - KBC response to Inspector’s initial questions
- CON2 - Regulation 20 Consultation Representations and Council’s response
- VIA1 - Site Specific Part 2 Local Plan Viability Study
- The Plan for the Borough of Wellingborough
- The Plan for the Borough of Wellingborough Inspector’s Report
Appendix 2 – Planning Policy Committee Report
1. PURPOSE OF REPORT

To provide Members with an update on the progress being made with the Gypsy and Travellers Site Allocation Policy.

2. INFORMATION

2.1 Members may recall that at the meeting of this Committee on 10th September 2019 (Minute 19.PP.12 refers) Members noted the content of the Gypsy and Traveller Accommodation Assessment (GTAA) and that officers seek to progress a series of Proposed Actions Going Forward. The report highlighted that specialist consultants in this field have a greater depth of skills and knowledge of working with the gypsy and traveller community. The Council has appointed Opinion Research Services (ORS), authors of the North Northamptonshire GTAA to undertake a Pitch Delivery Assessment on the Council’s behalf. This will be a key piece of work establishing a strategy for meeting the Borough’s gypsy and traveller accommodation needs.

2.2 As a part of the commission, ORS will complete additional interviews with residents on sites where a need for pitches was identified in the GTAA. The intention is to better understand the accommodation needs, and to undertake an assessment of the sites, and the suitability, availability and achievability of providing additional capacity.

2.3 In addition, the GTAA identified 2 sites occupied by non-Traveller families. Additional interviews will be undertaken with families at these sites to better understand their accommodation need, and establish potential options for releasing these pitches for occupation by gypsies and travellers.

2.4 ORS will identify potential delivery models where need cannot be met on existing sites. This will include identifying potential locations for the identified need to be met across the wider North Northamptonshire area, in line with changes in Council boundary with the new North Northamptonshire Unitary Council. This could be through the allocation of new sites or extension/intensification of existing sites. In addition, upon request ORS will ensure it engages with those Parish Councils closely related to gypsy and traveller sites.
2.5 ORS will also support the Borough Council by bringing its vast knowledge of the national picture and initiatives being undertaken to address pitch supply and management issues of sites, and its knowledge of local family networks. It will also provide advice on unlocking the delivery of unimplemented sites in the Borough.

2.6 The timescales for the ORS Site Deliverability Assessment report are tight, identified as the end of September, there may be some limited slippage brought on by a delay in commencing the contract, and hitting the holiday and travelling period. It should however still be completed in good time for progress to be made towards developing a strategy on pitch delivery, and consulting with stakeholders and the public in January 2021.

3. **CONSULTATION AND CUSTOMER IMPACT**

3.1 Consultation in the preparation of the GTAA was undertaken primarily with members of the gypsy and traveller community. Consultation will be undertaken in the preparation of the Gypsy and Traveller Site Allocation Policy once sufficient evidence has been gathered to enable a supply strategy, or strategies, to be shaped. The proposed approach will be put before Members for agreement before consultations are launched.

4. **POLICY AND RESOURCE IMPLICATIONS**

4.1 The Gypsy and Traveller Site Allocation Policy will form part of the North Northamptonshire Development Plan and will guide the allocation of land for new gypsy and traveller sites in Kettering Borough. Policy 31 – *Gypsies and Travellers and Travelling Show People* of the North Northamptonshire Joint Core Strategy states that where necessary part 2 Local Plans will allocate further sites for accommodation for gypsies, travellers and travelling show people, it already provides a series of criteria for assessing new site allocations or considering planning applications.

4.2 The cost of preparation of the Gypsy and Traveller Site Allocation Policy will be met within the existing Development Services Planning Policy budget.

5. **LEGAL AND EQUALITY IMPLICATIONS**

5.1 The Gypsy and Traveller Site Allocation Policy will propose the means for providing pitches to meet gypsy and traveller accommodation needs identified in the GTAA. This document will provide the basis for the Council to go about satisfying the need, whilst eliminating unlawful discrimination, harassment and victimisation; provide equality of opportunity; foster good relations; and develop a robust policy and strategy involving stakeholders in the decision-making process.
6. CLIMATE CHANGE IMPLICATIONS

6.1 The Gypsy and Traveller Site Allocations Policy will be subject to sustainability appraisal throughout its evolution, inclusive of which is climate change implications.

7. RECOMMENDATION

It is recommended that Members note the contents of this report with regards to progress being made in preparing a Gypsy and Traveller Site Allocation Policy.

Contact Officer: Simon Richardson – Development Manager

Previous Reports/Minutes:

Ref: Planning Policy Committee - Gypsy and Traveller Accommodation Assessment (GTAA) 2019
Date: 10th September 2019

Ref: Planning Policy Committee - Agreement to Remove the Gypsy and Traveller Allocations Policy from the Site Specific Part 2 Local Plan
Date: 5th July 2017