



Housing Provision Supplementary Planning Document

How we use Core
Strategy Policy CS18
'Housing Provision' in
planning decisions

Adopted March 2014

Amendments

Date	Page	Section	Detail	Reason
March 2015	Page 11	APPENDIX A – Localities Central and South East Distinctive Area	Replaced 'Staveley with Ings' with Hugill Over Staveley Nether Staveley	Accuracy - Staveley with Ings is the Parish Council which represents the parishes of Hugill, Over Staveley and Nether Staveley

1. INTRODUCTION

Why do we need a Supplementary Planning Document?

- 1.1 The purpose of this Supplementary Planning Document (SPD) is to explain:
- the Authority's requirements for all new housing development;
 - how Policy CS18 of our Core Strategy will be applied in the determination of planning applications, and
 - the range of planning controls we will use.

It does not deal with location, design or proposals for holiday letting.

What is the policy context?

- 1.2 The Vision for the Lake District National Park is that it will be an inspirational example of sustainable development in action.
- 1.3 Government published the English National Parks and the Broads UK Government Vision and Circular in March 2010.
- 1.4 Our planning policies were adopted as part of our Local Plan Core Strategy in October 2010. Core Strategy policy CS18 states "we will permit new dwellings where they contribute towards meeting an identified local need or local affordable need."
- 1.5 Government published the National Planning Policy Framework (NPPF) in March 2012.

What do these policies mean in practice?

- 1.6 The Core Strategy complies with the NPPF's pro-growth stance, by actively facilitating new housing. The Government also makes clear in the 2010 Circular that National Parks are not appropriate locations for unrestricted housing. These two Government positions must be read together.
- 1.7 This means that whilst we are seeking to accommodate growth – and more housing is critical to this – the limited opportunities for new development in the National Park combined with the very particular and acute pressures on local housing markets (due to the popularity of the National Park for second homes and retirement for instance) means we need to ensure every new dwelling contributes towards counteracting these pressures; we do this by restricting the occupancy of new housing, and by allowing new housing where and when it is needed.

How will we use this SPD?

- 1.8 We are the Local Planning Authority for the National Park. We are required to take the policies of the adopted Local Plan as the starting point in any planning decision. The Local Plan for the Lake District National Park comprises:
- The Core Strategy
 - The Allocations of Land Plan
 - The Minerals Safeguarding Areas Plan
 - This and other SPDs

There are also a small number of saved policies from the 1998 Local Plan

- 1.9 We are not a strategic housing authority with statutory housing responsibilities; this is the role of the District and Borough Councils, who we work closely with to help meet identified housing needs.
- 1.10 Policy CS18 has been subject to an independent Sustainability Appraisal, including an Equality Impact Assessment. The SPD is not therefore subject to an independent Sustainability Appraisal.

Pre-application advice

- 1.11 We are happy to offer advice prior to submitting a planning application. A Duty Planner is available 9.30 – 12.30pm Monday – Friday at Murley Moss, Kendal. We also hold planning surgeries in locations across the Park where a Planner is available to provide detailed planning information. More information on either of these services is available on our website www.lakedistrict.gov.uk/index/planning/surgeries.htm

2. REQUIREMENTS FOR ALL NEW HOUSING DEVELOPMENTS

General requirements

- 2.1 We want new development to contribute towards supporting and maintaining vibrant and sustainable communities. Policy CS18 of the Core Strategy aims to facilitate the delivery of 900 houses between 2010 and 2025.
- 2.2 Through Policy CS18 of the Core Strategy we will permit new dwellings where they contribute towards meeting an identified local need or local affordable need, with priority given to the delivery of local affordable need housing, and where they:
- help to redress the imbalances in the local housing market, and
 - are secured in perpetuity for the purpose originally intended through the use of appropriate planning controls.

This means that we will not permit open market housing.

- 2.3 Policy CS18 will be applied to all applications for new dwellings. As well as new builds, this includes the sub-division of existing houses, changes of use and the conversion of traditional buildings. If the overall number of dwellings is increased (for example, through the subdivision of a large house into two smaller houses the 'net gain' is one house), an occupancy restriction in accordance with Policy CS18 will apply to any net gain from developments. For replacement dwellings, where occupancy restrictions on the original dwelling exist these will be retained.

Site specific requirements

- 2.4 Housing development can either come forward on:
- a. Land allocated for housing, or
 - b. Anywhere else where the location accords with Core Strategy Policy CS02 – commonly referred to as windfall opportunities
- 2.5 On allocated sites (a) all housing should meet local affordable needs – the evidence requirements to meet local affordable need is explained in paragraph 3.2.
- 2.6 On windfall sites (b) up to three houses can be built to meet local needs – how we implement this is explained in paragraph 3.5. If the site is capable of delivering more than three houses, and if a need for local affordable need housing exists, any houses over and above the three local need houses must be to meet local affordable needs as explained in paragraph 3.2.
- 2.7 The criteria used to determine whether someone has a need to live in the locality is different for proposals for local affordable need and local need housing. The criteria used for local affordable need housing has been established alongside the local Housing Authorities having regard to their statutory housing responsibilities and the provisions in section 199 of the Housing Act 1996 which relate specifically to local connection criteria. The criteria are also established in the Countywide 'model' Section 106 agreement. The criteria for local need housing meanwhile are specific to the Lake District National Park Authority's approach.

3 IMPLEMENTING POLICY CS18

- 3.1 Our policies are the starting point for all our planning decisions, but we must also take into account any other relevant planning matters (material considerations) and weigh these in our decision. Government has confirmed through the National Planning Policy Framework that a flexible approach is required, although we must have good reasons to digress from policy.

Local Affordable Need Housing

- 3.2 We prioritise affordable housing developments, but it is important affordable housing is meeting the specific needs of a locality, which fluctuates over time. So proposals for local affordable need housing need to be supported by evidence that the need exists and the proposal provides for the size, type and tenure of houses required.
- 3.3 Parish-wide housing needs surveys are a good starting point to provide this evidence and we can provide details of these. Where a parish-wide survey does not exist or is not up-to-date, other forms of evidence may be considered such as Strategic Housing Market Area Assessments and Cumbria Choice – Choice-Based Lettings register. Details of both can be obtained from the relevant District and Borough Councils.

District Councils	Contact details
Allerdale Borough Council	01900 702570 housing@allerdale.gov.uk
Copeland Borough Council	0845 054 8600 www.copeland.gov.uk
Eden District Council	01768-817817 housing@eden.gov.uk
South Lakeland District Council	0845 050 4434 info@southlakeland.gov.uk

- 3.4 All new affordable housing will be restricted to those who can demonstrate they have a need to live in the Locality and are in Affordable Housing Need. In practice the occupant must satisfy one of the following criteria:
- The person is continuously resident in the Locality defined for three years immediately prior to occupation; or
 - The person has been in continuous employment in the Locality defined for at least the last 6 months and for a minimum of 16 hours per week immediately prior to occupation; or
 - The person is a former resident who wishes to return to the Locality defined having completed a post-secondary (tertiary) education course within 12 months prior to occupation and who immediately prior to attending the course lived in the locality defined for at least three years; or
 - The person is currently in prison, in hospital or similar accommodation whose location is beyond their control, and immediately before moving to this type of accommodation lived in the Locality defined for at least three years; or
 - The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to

provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

- The person is a former resident who lived in the Locality defined for three years and then lived outside the Locality defined for social and/or economic reasons and is returning to live in the Locality defined within three years of the date of their departure.
- The person is a person who –
 - (a) Is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;
 - (b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where -
 - (i) The spouse or civil partner has served in the regular forces; and
 - (ii) Their death was attributable (wholly or partly) to that service; or
 - (c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

And, housing for local affordable need is also restricted to:

- those who do not have available to them and could not afford to acquire or rent a home suitable to their needs at normal market prices or rents prevailing in the locality, **and**
- Needs to move from accommodation which is shared, temporary, overcrowded or has significant hazards, as defined by the Housing Act 2004 (Housing Health and Safety rating System), or
- Needs to be housed as a result of leaving tied accommodation, or
- Is an older person or disabled and need to move to more suitable accommodation due to medical conditions

The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

- 3.5 We will secure occupancy restrictions through the use of a legal agreement using Section 106 of the Town and Country Planning Act 1990. This will apply the criteria outlined above to the dwelling(s) and also define the 'Locality'. (See paragraph 3.10)
- 3.6 The criteria set out above will be referenced in a Section 106 agreement (see Section 4). Housing Associations are currently the main provider of affordable housing in the National Park and they will allocate their properties according to the relevant S106 Agreement. However, they are also governed by the provisions of the Housing Act 1996 and their own management priorities. This means that when the Housing Association is deciding who to allocate a vacant property to, preference may be given to specific people by virtue of their circumstance. By way of example, priority is given to those that are homeless or need a house by virtue of medical or welfare grounds. In all cases, the successful applicant will need to demonstrate they have a need to live in the locality i.e. that they also comply with the occupancy criteria outlined in 3.4 above.

Local Need Housing

3.7 Like our approach to local affordable housing, it is important that local need housing is successfully meeting an identified need. Levels of need fluctuate in every Locality over time. This means that planning applications for local need housing should only be made once the local need has been established and the proposals reflect this in terms of numbers, size and type.

3.8 The following sources of evidence are used to establish an identified local need:

- Current Strategic Housing Market Area Assessments (see Glossary)
- Current Parish-wide Housing Needs Surveys (See Glossary)
- Personal circumstances
- Other local surveys, including surveys undertaken by the applicant

Often the Strategic Housing Market Area Assessments or Parish-wide Housing Needs Surveys will provide the necessary evidence, but any of these sources can be used to identify local need.

3.9 Additionally, all new local need housing will be restricted to those who can demonstrate they have a need to live in the Locality. The occupant must satisfy one of the following criteria:

- The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation; or
- The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or
- The person has been continuously resident in the locality defined for three years immediately prior to:
 - Needing another dwelling resulting from changes to their household (including circumstances such as getting married/divorced, having children or downsizing)
 - Undertaking full-time post-secondary education or skills training and is returning to the locality defined within 12 months of its completion, or
 - being admitted to hospital, residential care or sentenced to prison, and are returning to the locality defined within 12 months of their discharge/release, or
- The person is a person who –
 - (a) Is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing;
 - (b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where -
 - (j) The spouse or civil partner has served in the regular forces; and
 - (ii) Their death was attributable (wholly or partly) to that service; or
 - (c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

- 3.10 We will secure occupancy restrictions through the use of a planning condition. This will establish the 'local' criteria and housing need qualification and also define the 'Locality'.
- 3.11 In line with policy CS18, where four or more units are proposed on a windfall site, we will require these developments to provide an element of affordable housing. In these cases three houses will be allowed for local need but all others will be required to meet the identified local affordable need, where this need exists. A lack of up-to-date or robust evidence will not be accepted as evidence of a lack of need.
- 3.12 In order to prevent incremental development of a site, we will ensure the efficient use of land by applying the sustainable development principles set out in Policy CS11.

Identifying the Locality

- 3.13 Localities are set out in Appendix A. We have defined geographic areas which make up Localities. These are based on the Distinctive Areas defined in the Core Strategy, and reflect the social and economic relationships between adjoining parishes. All new houses will have their occupancy restricted to persons who can demonstrate their housing need arises within the locality in which the house will be built.
- 3.14 Our starting point will always be to restrict occupancy to these defined Localities. Where reasonable justification for amending these is provided, changes to the defined Localities can be made to ensure the locality is the most appropriate for that individual scheme. We will consider three types of amendment to the defined Localities:
- The inclusion of whole parish areas where the parish is bisected by the National Park boundary
 - Inclusion of Parishes immediately adjacent to but outside the National Park, where the parish looks towards the National Park to meet their housing needs rather than to settlements or areas outside National Park
 - A combination of Parishes wholly within the National Park which do not relate to a single Distinctive Area as set out in the Localities defined
- 3.15 Any proposals within the Locality but outside the National Park will be determined by the relevant local planning authority, which use different planning policies.

Delivery

- 3.16 Normally, housing to meet local affordable need is managed through Registered Providers (RPs) – which are typically Housing Associations - because they are familiar with administering S106 Agreements. We do however recognise alternative housing providers, including private developers and community land trusts, and we will work with these groups to ensure they are confident in administering adequate measures to control affordability and occupancy in perpetuity. In particular, we will assist by helping future occupants to demonstrate they are in affordable housing need by providing them with a certificate. See our website for information on our assessment procedure and application form.

- 3.17 Registered Providers are responsible for deciding who is eligible and who is prioritised for the housing they manage, but in all cases they must still comply with the occupancy restrictions we place on new homes.

Risk awareness for developers

- 3.18 Our housing policy supports speculative development. But applicants and developers should note that our approach to meeting identified local housing needs is a long-term and strategic one. As such, we will not relax the occupancy restrictions we place on new dwellings.
- 3.19 Awareness of this is important, because speculative developers typically require a relatively quick sale to recoup development costs. The onus is on the applicant / developer to satisfy themselves that there will be a sufficient market for the dwelling(s) when they wish to rent or sell, having regard to the occupancy restriction that will be placed upon it.
- 3.20 We therefore believe that market research by the applicant is strongly advisable before proceeding with development. It is important to also have regard to the impact the occupancy restriction may have upon the end value of the property.
- 3.21 We will not relax occupancy restrictions in the event that an applicant / developer cannot sell or rent properties in the timeframes they require. Local need will inevitably fluctuate over time, and our approach is focused on the long-term benefits of this housing provision.
- 3.22 Likewise, if a future owner is having difficulty selling a property with an occupancy restriction, this will not justify the relaxation of the restriction.

4. PLANNING CONTROLS

How will occupancy be controlled?

- 4.1 All new housing developments will be restricted for the purpose of meeting either local need or local affordable need for the lifetime of the dwelling. It will also be restricted to be the person's main residence in all cases.
- 4.2 We will secure occupancy restrictions through the use of either a planning condition or a planning obligation through a Section 106 legal agreement of the Town and Country Planning Act 1990.
- 4.3 A Section 106 Agreement will be required for local affordable need housing schemes to establish the 'local' criteria and housing need qualification and to specify the 'locality'.
- 4.4 A planning condition will be applied to local need housing to ensure future applicants can satisfy they are 'local' and specify the 'locality'.
- 4.5 Examples of Section 106 Agreements are available on our website.

How do we ensure compliance with the occupancy restriction?

- 4.6 It is important that the occupiers of the new housing are aware of the intentions of the occupancy controls. We will work jointly with the District Council housing authorities, Housing Associations, and Parish Councils to publicise the restrictions and to ensure that they are complied with. Measures will be put in place to enable persons to report suspected breaches of the controls and our Development Management Service will rigorously investigate claims of occupancy which contravene imposed restrictions. If the occupant is not complying with the occupancy restrictions this is a serious matter and we will take action.
- 4.7 All housing approvals will contribute to our housing provision target when the development is completed. We monitor housing completions on an annual basis to assess how well we are performing against this target.

How will price be controlled?

- 4.8 Local affordable housing for social rent is not available for sale and is therefore not the subject of a price control mechanism.
- 4.9 For local affordable need housing for sale, both the initial sale price and subsequent resale prices of these properties will be restricted using a mechanism which reflects both local incomes and house prices to ensure that the property remains affordable at the time of sale.
- 4.10 We are not seeking to control the sale/rental price of local need housing, but we are aware that the use of a planning condition which restricts occupancy in this way can reduce the marketable value of the dwelling.

APPENDIX A – Localities

Locality / Distinctive Area	Parishes	Rural service centre / village
North	Above Derwent Bassenthwaite Bewaldeth and Snittlegarth Blindbothel Blindcrake (area within the NP) Borrowdale Buttermere and Brackenthwaite Caldbeck Embleton Ireby and Uldale (area within the NP) Keswick Lorton Loweswater (area within the NP) St Johns, Castlerigg and Wythburn Setmurphy Threlkeld Underskiddaw Wythop	Bassenthwaite Braithwaite Caldbeck Embleton High / Low Lorton Keswick Portinscale Rosthwaite / Stonethwaite Threlkeld
East	Askham (area within the NP) Bampton Barton Dacre (area within the NP) Hutton (area within the NP) Lowther Martindale Matterdale Mungrisdale (area within the NP) Patterdale Shap Rural (area within the NP) Thrimby (area within the NP)	Askham Bampton Glenridding / Patterdale Penruddock Pooley Bridge
West	Bootle Drigg and Carleton (area within the NP) Ennerdale and Kinniside (area within the NP) Eskdale Gosforth (area within the NP) Irton with Santon Lamplugh (area within the NP) Millom Without (area within the NP) Muncaster Ponsonby (area within the NP) Ulpha Waberthwaite Wasdale Whicham (area within the NP)	Bootle Ennerdale Bridge Eskdale Green Gosforth Lane End (Waberthwaite) Ravenglass Silecroft

<p>Central and South East</p>	<p>Broughton East Cartmel Fell Crook Crosthwaite and Lyth Fawcett Forest (area within the NP) Helsington Hugill Kentmere Lakes Longsleddale Nether Staveley Over Staveley Skelwith Staveley in Cartmel Strickland Ketel (area within the NP) Strickland Roger (area within the NP) Underbarrow and Bradleyfield Upper Allithwaite Whitwell and Selside (area within the NP) Windermere Witherslack Meathop and Ulpha</p>	<p>Ambleside Chapel Stile / Elterwater Crosthwaite Grasmere Lindale Staveley Troutbeck / Troutbeck Bridge Windermere / Bowness Witherslack</p>
<p>South</p>	<p>Blawith and Subberthwaite (area within the NP) Broughton West (area within the NP) Claife Colton Coniston Dunnerdale with Seathwaite Egton with Newland (area within the NP) Haverthwaite Hawkshead Kirkby Ireleth (area within the NP) Lowick (area within the NP) Satterthwaite Torver</p>	<p>Backbarrow / Haverthwaite Broughton in Furness Coniston Hawkshead</p>

APPENDIX B – Guidance on size

We need to ensure new houses have sufficient space and amenity to support the needs of the person or persons who will ultimately live there. The following approximate minimum dwelling sizes are provided to help guide future housing development and should be regarded as advisory rather than absolute sizes.

Property type	Suitability	Approximate minimum size for housing (internal)
1 bed flat	Single person under 55; Single person over 55; Couple under 55; Couple over 55	40 sq. m
2 bed flat	Single person under 55; Single person over 55; Couple under 55; Couple over 55	50 sq. m
2 bed house/bungalows	Single person over 55; Couple under 55; Couple over 55; Family with one child; Family with two children	65 sq. m
3 bed house	Family with one child; Family with two children; Family with three or more children	75 sq. m
4 bed house	Family with three or more children	85 sq.m

APPENDIX C - Glossary

What is Affordable Housing?

(Taken from the National Planning Policy Framework)

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

Allocated Sites

Land set aside specifically for the purpose of providing affordable housing only.

Community Land Trusts (CLTs)

Community Land Trusts are community based organisations that enable local communities to own and manage local land assets for the benefits of their local community, such as affordable housing. CLTs offer a credible method of delivering local affordable housing, and we are happy to work with them. We will apply relevant planning policies to ensure that any affordable housing developed by this method will remain affordable to those in housing need in perpetuity.

Cumbria Joint Strategic Needs Assessment (2009)

This report describes the health and wellbeing of the people of Cumbria and the strategic direction of service delivery to meet these needs. It identifies four major challenges for Cumbria the first of which is ‘the ageing population and the declining number of young people’. This recommends that housing is planned to take into account the growing number of older people in Cumbria, and to create opportunities to retain and attract younger people to Cumbria.

Housing Authority

The strategic housing role of local authorities is to assess and plan for housing needs across all tenures, make best use of existing stock to meet need and plan and facilitate new housing supply.

Local Need housing

Local need housing can only be occupied by someone who can demonstrate a local connection, this is secured through the use of occupancy restrictions. No price control mechanism is applied so these homes are not defined as 'Affordable Housing'. But the local occupancy clause does in effect reduce open market values resulting in 'low cost market' housing.

Parish-wide Housing Needs Surveys

In some circumstances, especially in rural areas, it is recognised by national and regional guidance that it may be necessary to undertake further more detailed local survey work to assess particular needs. Cumbria Rural Housing Trust (CRHT) has conducted several Parish-wide housing needs surveys within the National Park which provides us with an appreciation of the level of housing need within our local communities. Allerdale Borough Council has undertaken surveys for those Parishes in the National Park which fall within Allerdale Borough Council.

CRHT website www.crht.org.uk

Low Cost Homes for Sale

Low cost home ownership (LCHO), which is sometimes referred to as shared ownership (part-rent, part-buy) or shared equity, offers those eligible the opportunity to purchase part of their home and begin building their own equity. There are a number of schemes designed to help people buy an affordable home:

1. New Build HomeBuy (shared ownership)
2. Social HomeBuy
3. Rent to HomeBuy
4. HomeBuy Direct

Low cost market housing

Dwellings sold below the market value or at the lower end of the property market. The National Planning Policy Framework (2012) does not consider low-cost market housing to be affordable housing. Although cheaper than new-build market housing for sale, it is still likely to be more expensive than private rented accommodation and could not therefore be considered to be housing available to people who cannot afford to rent or buy houses generally available in the open market.

Planning Condition

A planning condition is a requirement attached to a planning permission to limit, control or direct the manner in which a development is carried out and used.

Section 106 Legal Agreement

A legal agreement, made under the provisions of Section 106 of the Town and Country Planning Act 1990, which sets the requirements the planning authority and the applicant have agreed to.

Shared ownership

Housing which is partly sold to the occupiers and partly rented to them by a Registered Social Landlord.

Strategic Housing Market Area Assessment

A suite of Strategic Housing Market Area Assessments (SHMAA) has been produced by the District Housing Authorities. They identify a housing need at the strategic level.

These are available for download from the following District Authorities websites.

www.copelandbc.gov.uk

www.allerdale.gov.uk

www.eden.gov.uk

www.southlakeland.gov.uk

Registered Providers (RPs)

Applies to housing landlords registered with the Home and Communities Agency. These may be charities that are Housing Associations, Industrial Provident Societies and Not-for-Profit Companies. They comply with standards concerning housing management, development and funding.

Windfall site

These are sites which were not identified and allocated for future development during the preparation of the Local Development Framework. They are sites which come forward unexpectedly during the plan period.