

South Gloucestershire Council

Rural Affordable Housing Exception Site Guidance

Purpose of this guidance note

This guidance note has been produced to explain the stages and roles of key partners involved in establishing whether there is a need for affordable housing in rural settlements and, if a need is identified, enabling the successful delivery of affordable housing on rural exception sites.

The key stakeholders in the process are the Parish Council, the local Ward Councillor, South Gloucestershire Council and a Housing Association.

Introduction

Rural exception sites are sites for affordable housing development in rural locations where market housing would not normally be acceptable because of planning policy constraints. Homes can be brought forward on these sites only if there is a proven unmet local need for affordable housing and a legal planning agreement is in place to ensure that the homes will always remain affordable, will be for people in housing need and prioritised for those with a strong local connection to the parish.

New guidance set out in the Government's National Planning Framework now allows an element of market housing to be developed on Rural Exception Sites to support the delivery of the affordable housing where sufficient public subsidy is not available.

The Council strongly believes that the best way to deliver affordable housing in rural areas is by working in partnership with key stakeholders, and in particular with local communities and their parish councils. It will also generally seek to achieve Rural Exception Sites where the Parish Council has given its support. The Council will not promote or encourage new affordable housing development where there is not a clear local unmet need. The homes provided must meet the Council's definition of affordable housing to meet specific local needs as set out in the South Gloucestershire Affordable Housing Supplementary Planning Document, 2008 (AH SPD).

This guidance note should be read in conjunction with:

- the Government's National Planning Policy Framework:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
- South Gloucestershire Core Strategy Policy CS19 (Rural Housing Exception Sites)
<http://www.southglos.gov.uk/documents/cleanversionforinterimpublishation2.pdf>

- the South Gloucestershire Affordable Housing and Extra Care Housing Supplementary Planning Document, 2014 (AH SPD)
<http://www.southglos.gov.uk/documents/AH-ECH-SPD-FINAL-V13-2.6.14-sc-links.pdf>
- South Gloucestershire Statement of Community Involvement
<http://www.southglos.gov.uk/environment-and-planning/planning/planning-policy/statement-of-community-involvement/>
- Community Infrastructure Levy (CIL)
<http://www.southglos.gov.uk/environment-and-planning/planning/community-infrastructure-levy/implementation-of-cil/>

Useful Contacts

Housing Enabling Team

For more information on affordable housing policy

Tel no: 01454 865599

Email: affordablehousing@southglos.gov.uk

Strategic Planning Policy and Specialist Advice Team

For more advice on planning policy and Neighbourhood Planning

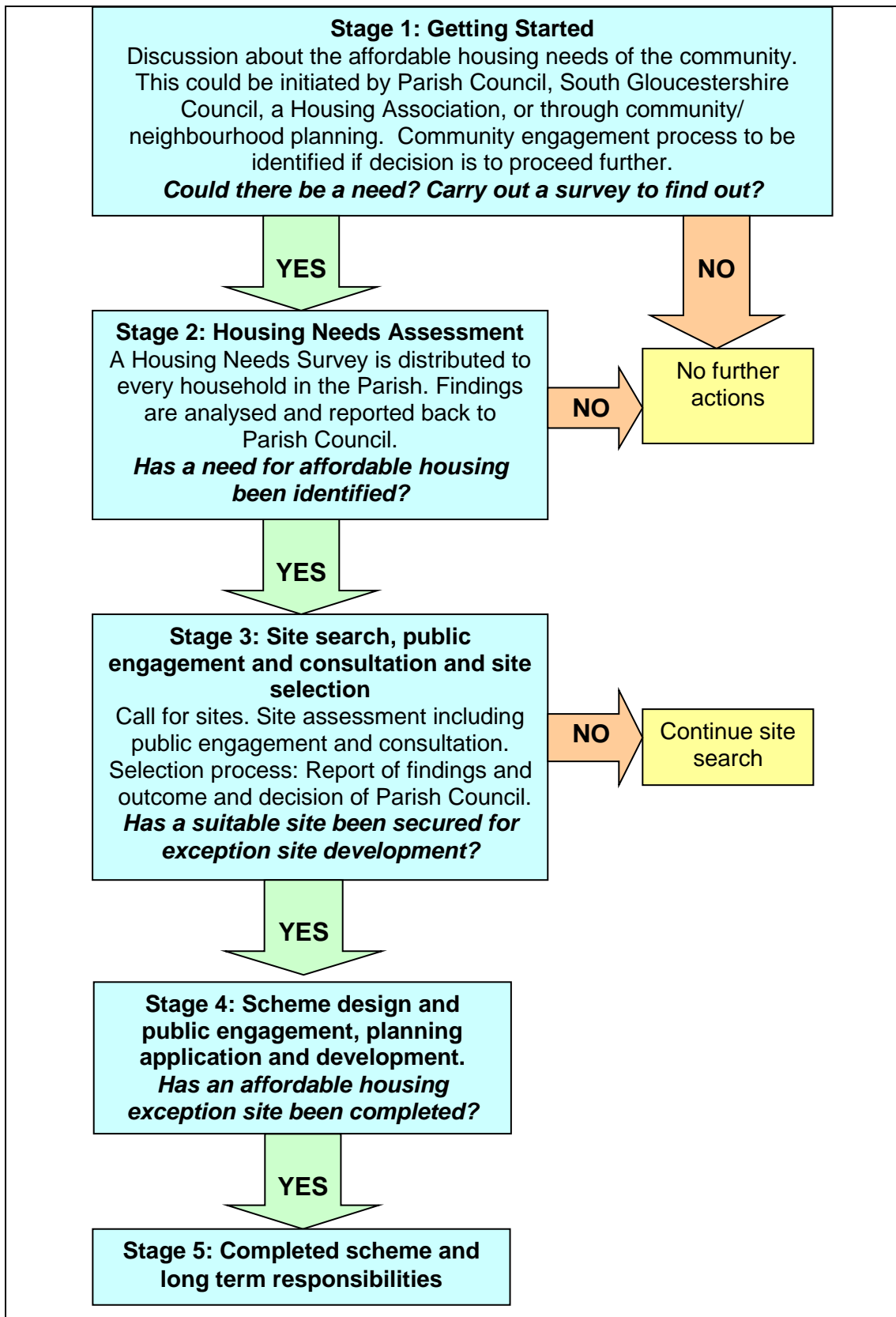
Tel no: 01454 863469

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Visit: www.southglos.gov.uk/planningpolicy

Appendix A sets out the local connection criteria.

Summary of Rural Affordable Housing Exception Site Process



Stage 1: Getting Started

The Council has a key role in assessing and meeting local housing needs, including the enabling of new affordable housing where appropriate. The Council's Housing Enabling team is keen to respond to approaches from Parish Councils and to advise on affordable housing issues.

The Parish Council should represent the views of local people with concerns about unmet housing needs. If any indications of potential needs arise from a Parish Plan or the Neighbourhood Plan process the Parish Council should consider what action to take. If appropriate you should consider taking the opportunity to discuss affordable housing with the Housing Enabling team at a parish council meeting. If the Parish wishes to proceed further a process for future community engagement can be agreed.

The Council can provide strategic advice on affordable housing and numbers of local people on the waiting list. The Council will encourage the Parish Council to consider an investigation of local housing need where appropriate. The Local Planning Authority can also provide planning advice. A partnership working approach is encouraged from the start.

Ward Councillors should represent the views of local people at local and district level and maintain an overview throughout the process. They also have a role in considering how rural housing policies can help locally and adopt appropriate policies where needed.

If a Housing Association receives any direct enquiries from Parish Councils they should refer them to the Council. If a Housing Association is involved at this stage they should share information about potential development opportunities and where appropriate, work jointly with the Council and Parish Council in considering an investigation of local housing need.

Stage 2: Housing Needs Assessment

A local Housing Needs Survey will need to be conducted to determine the level of affordable housing need in the Parish. The Parish Council should be involved in planning the investigation of local housing need in partnership with the Council and share the responsibility for distributing and publicising the Housing Needs Survey form to all households in the survey area.

The Council should carry out the Housing Needs Survey, analyse and produce the report **or**: Commission an independent Housing Needs Survey based on the Council's standard Survey and Report template. Individual responses to a survey are kept confidential. The resources available to carry out surveys are limited.

Considering the outcomes of the housing needs survey

The Council will discuss the findings of the Report with the Parish Council, and Housing Association (if known). The Parish Council should comment on the findings of the Housing Needs Survey. If an affordable housing need is

identified, the report will give an indication of the number, type and tenure of affordable homes that are needed by people with a local connection to the parish (as defined by criteria see Appendix B). The analysis will consider information on the incomes and savings of respondents in relation to their needs and local housing costs. This is assessed against the housing need criteria for the Council's housing register.

If appropriate a Housing Association will be invited to contribute to discussions on the survey and register findings. Householders will be encouraged to complete a Housing Register Application Form (HomeChoice) if they feel they are in housing need.

If a need for affordable housing is identified, the Parish Council should take responsibility for exploring options to meet that need in partnership with the Council. If no need is found, no scheme will be investigated.

Selection of a Housing Association

Selection can happen at various stages of the process. Ultimately the Parish Council can choose which provider they work with. It may be that a particular housing association is active in the area, already has housing stock in the village or has links with a landowner. Ideally a Housing Association should be involved from an early stage and a member of the West of England Housing Delivery Panel so advice and expertise can be offered. A Housing Association will need to be involved in Stage 3.

There should be a distinction between the organisation carrying out the survey and enabling work and the housing association as developer. The findings and analysis of the survey should be independent.

Stage 3: Site Selection and Consultation/Engagement,

Site Selection

All partners will need to work together to find a suitable site for development. This requires a logical and transparent comparative assessment of potential sites in relation to planning policies and constraints.

Sites within or adjoining settlements should be considered. It is suggested the assessment should cover potential sites all round "the clock face" of the settlement. Consideration should also be given to investigating the use of previously development land.

Matters to be taken into consideration in the assessment should include:

- relationship of proposed sites to the built form of the existing settlement;
- highway and pedestrian access and safety;
- environmental factors, such as landscape form and character, flooding, archaeology and historic character, ecology, agricultural land quality etc; and
- implications of any relevant planning policy such as Green Belt, Area of Outstanding Natural Beauty

Each site should be assessed against all the matters and the conclusions clearly set out in a transparent manner. However if there is an overriding reason for not investigating a site further this should be clearly documented and the assessment of the other matters will not be necessary.

Further advice on site selection assessment may be obtained from the Council's planning and transportation officers. The Council holds a significant amount of environmental evidence much of which can be accessed directly from the Council's web site.

The willingness of the landowner to provide a site on acceptable terms and development costs will be key factors in deciding deliverability and feasibility. If an appropriate site emerges detailed proposals will be worked out to confirm its feasibility taking account of the identified needs and the planning and financial constraints which apply.

Proposals containing a small element of market housing may be considered appropriate provided that it can be satisfactorily proven that this will facilitate the delivery of affordable housing to meet an identified local need where sufficient public subsidy is not available. Such proposals would need to be supported by a viability assessment which demonstrates that the proportion of market housing provided should be no greater than that required to deliver the agreed amount of affordable housing identified from an approved housing needs survey.

Engagement and Consultation

Consultation and engagement at the site selection stage is recommended in order to help inform the local community and to provide an opportunity for their input into the process.

Consultation and engagement guidance and requirements are set out in the Council's Statement of Community Involvement.

The Parish Council's roles at this stage are to confirm support in principle for work to identify a scheme to meet identified affordable housing needs and to agree an appropriate mix of homes in relation to overall need from the Housing Needs Survey. Together with the other key stakeholders the Parish Council should participate in the site assessment and selection process. Parish and Ward Councillors can bring valuable local knowledge to this process. The Parish Council together with the Council and the Housing Association should organise effective public consultation and engagement to facilitate community involvement in the site assessment and selection process. The Parish Council should actively engage with landowners to identify potential development sites.

The Council will help to identify and appraise potential sites from a planning perspective.

The Housing Association will input rural development expertise into the site identification process and will negotiate the site purchase with the land owner

established through the site selection assessment. If higher priority sites are not forthcoming for development this must be evidenced.

Once a preferred site has been identified further engagement and consultation should be undertaken to assist in the preparation of a detailed design for the site.

Stage 4: Planning application and Implementation

The Council and Housing Association will work with the Parish Council throughout the consultation, planning and development process.

The Parish Council should take an active role in the early design stages of the proposed development and support the housing association and planners to achieve an acceptable, viable design. The Housing Association should instruct an architect to plan the layout and design of the scheme and carry out all surveys and investigations relevant to the site.

All key stakeholders should work together to arrange and carry out the local consultation to allow the community to view and comment on the proposed development. The Housing Association will explain the proposals and will listen to community comments arising from the consultation event and modify the scheme if appropriate.

The Council and Housing Association will provide a clear explanation of the legal agreement. All exception site developments are subject to a legal agreement called a Section 106 agreement which is linked to the planning permission to ensure that the properties will always be for people in housing need and prioritised for those with a strong local connection to the parish or group of adjacent parishes.

The Housing Association will submit the planning application. Local Planning Authority officers will have responsibility for processing the Housing Association's planning application in accordance with policy, making recommendations to elected Councillors as appropriate. (There must be no presumption that planning consent will be given). They will need to confirm evidence of local need. The Parish Council will be required to consider the planning application based on the merits of the application taking into account any material considerations.

The Housing Association will need to secure funding to ensure that the scheme is viable and deliverable. The Council will charge any Housing Needs Survey and report costs to the Housing Association partner appointed (should a suitable site be identified). Once planning permission is granted the Housing Association will appoint a contractor to build and project manage the scheme.

The Community Infrastructure Levy (CIL) is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the Council, local community and neighbourhoods want - for example new or

safer road schemes, park improvements or a new health centre. Upon commencement of the development, where a Rural Exception Site includes an element of market housing, CIL will be levied on the market dwellings.

Once homes are built the Council will administer the choice-based housing allocation system (HomeChoice). The Housing Association will then receive a shortlist of housing register applicants who have bid for the properties and allocate tenancies according to Council's allocations policy and in line with the local occupancy criteria within the legal agreement.

Stage 5: Long Term Responsibilities

Once a scheme is completed there are responsibilities that partners must undertake to ensure that the scheme is a long term asset to the Parish.

The Housing Association should manage and maintain the properties. Parish and Ward Councillors should communicate any housing management issues to the Housing Association. The Council should review the development process and outcomes.

The Council and Housing Association should continue to identify applicants from housing register for any subsequent re-lets or re-sales of properties in line with the local occupancy criteria set out in the Section 106 legal agreement and the Council's allocation policy.

APPENDIX A

Local connection criteria

"Local Connection" shall mean a connection demonstrated by a person or member of their household who at the date of an Affordable Dwelling in the relevant Parish being advertised:

- (i) has been resident within the Parish of XXXXXXXX for a continuous period of three years within the preceding five years or six months in the preceding twelve months other than not of his own choice (not including serving with regular armed forces of the Crown) or
- (ii) is permanently employed within the Parish of XXXXXXXX or is moving to the Parish to take up an offer of permanent employment or
- (iii) has a close family member (e.g. parent or adult child or sibling) who is living and has lived in the Parish of XXXXXXXX for a continuous period of five years immediately preceding the date of advertising the Affordable Dwelling
- (iv) because of special circumstances.

It is the responsibility of the housing association landlord of the advertised property to assess the local connection of the applicant. This assessment may require the applicant to provide evidence such as listed below, although this is not exhaustive.

Residency – sufficient evidence to cover the relevant local connection period for prospective purchaser/tenant/close family member as appropriate

- Utility bills (water, gas, electricity, phone etc)
- Council tax bills
- Bank/Building Society account/credit card statements
- State benefit books
- Receipts showing rent paid
- Payslips showing home address
- Written certification from either a Solicitor / Social Worker / Probation Officer / Inland Revenue Officer / Police Officer / Teacher or Doctor

Employment – sufficient evidence to cover the relevant local connection period

- Payslips showing employer's address
- Employer's letter confirming length and terms of employment (including hours worked if applicable)

Rural Exception sites

A Parish housing needs survey will be carried out to identify those people living in the Parish who are in housing need and eligible for affordable housing. This provides the evidence to justify the departure from the planning restrictions on residential development outside settlement boundaries to deliver a Rural Exception site.

All lets on a Rural Exception site will be subject to a requirement to demonstrate a local connection to the Parish. Lets will be made on the basis of a sequential priority, or cascade, so that those with a local connection to the Parish will have first priority but if there are no applicants who meet that criterion, priority will be given to applicants with a local connection to neighbouring Parishes and thereafter to the whole of the District of South Gloucestershire.

All applicants must be registered on the Council's Housing Register and all properties will be advertised through the Choice Based Lettings system (HomeChoice) or for intermediate affordable housing via the HomeBuy agent.

Other rural development

In relation to other development of rural affordable housing (not on exceptions sites) a priority will be given to applicants with a local connection to the Parish, where there is evidence of local affordable housing need.

In the assessment of bids through HomeChoice for tenancies on such affordable housing a local connection bid will take priority where **all other criteria are equal**, PROVIDED THAT applicants with a **priority card** as defined in the Council's HomeChoice Lettings Policy and Procedure shall be given preference over all other applicants who have bid.

To illustrate this, if two applicants have the same housing need, e.g. both have been designated as Band A applicants, the applicant with the local connection shall be given priority. However, if an applicant with a lower assessed need, e.g. Band B, has a local connection but another Band A applicant does not, the Band A applicant would have priority, despite not having a local connection.