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Paul Lewis
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Dear Paul

Consultation on Planning Policy Changes to Support Sustainable Development in Rural Areas

RTPI Cymru is pleased to submit a response to the proposed planning policy changes to support sustainable development in rural areas. RTPI Cymru's Policy and Research Forum has considered the proposals and its responses are contained in the attached appendix against each of the consultation questions.

The advice needs to define or provide further guidance on what is meant by "other rural enterprise". There needs to be clarification to whether this policy is directed towards rural businesses including wider rural services that operate to provide for the needs of those living, working and visiting rural communities e.g. shops, post offices, pubs etc. Or is it directed to a narrower view of rural businesses whose work is solely on the land? The consultation questions appear to shift their emphasis from a wider definition to measures specific to farming.

Permitting a second dwelling on a farm holding might be one option that could work in certain circumstances, but it would need to be very carefully conditioned.

While planning policy does need to be flexible enough to accommodate the changing needs of rural communities, it must be linked to a community vision for the future of rural areas.

Circumstances vary across rural Wales and the LDP is the proper mechanism to take account of these. There is also a particular need for guidance and LDP policies to recognise the differing pressures in the urban - rural fringe and in deep rural areas. The Forum considers that the role of LDPs and Supplementary Planning Guidance (SPG) must be emphasised in delivering policy on essential and affordable dwellings and Low Impact Developments (LID).

Each LPA should have done a Housing Needs Assessment or one of the new housing plans (or be part of a regional plan). This should be the basis of their LDP in terms of local need and level of contribution required, as opposed to some ad hoc approach or national prescription.

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There may be benefits for Wales in linking with the work produced in England by bodies such as the Commission for Rural Communities and the Rural Affordable Housing Commission.

Expertise is also a real issue. The Forum wishes to encourage small LPAs to work together to obtain what is needed, at a lower cost than for each LPA working individually.

I trust you find the Forum's comments helpful but do not hesitate to contact me should you require any further clarification. The Forum has no objection to these comments being made public.

Yours sincerely,

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Planning Policy Changes to Support Sustainable Development in Rural Areas

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Essential Dwellings

It is vital to include workable safeguards to ensure that only genuine applicants are successful and speculative development is deterred.

Q1. Should essential dwellings be used for affordable housing where their original justification has ceased to exist?

Only once the original use has ceased completely, should there be a change in its use. However, changing the use to affordable housing is supported once it has ended, provided the location is appropriate for affordable housing. Such areas need carefully defining.

There is need to ensure that when the original need for such houses ceases they are made available to local people first through local housing allocation policies. Great care is required to ensure that mechanisms for controlling future use as affordable housing are robust.

Q2. How can essential dwellings be made more sustainable, e.g. should they be required to generate power/heat and dispose of waste on site?

Essential dwellings should be subject to the same stringent environmental sustainability tests as any other dwelling, as proposed in the recent further consultation on planning for climate change, but they must also remain in keeping with the settlement and landscape context. Sustainable design must be incorporated as a core element in the provision of essential dwellings.

Q3. Should limits be placed on the size of essential dwellings to ensure that they remain affordable to the local community?

There should be limits on the size of the dwellings permitted. However, this is not straightforward; Families in search of affordable housing will vary in size. There are also likely to be variations in the threshold of affordability across different parts of Wales; small size is not necessarily the same as 'affordability'. There is a need to ensure that future sale price or rent will need to be related, in perpetuity, to local incomes.

Q4. What evidence should be provided to demonstrate that succession will take place?

There should be evidence of employment of at least 17 hours per week (half normal full time) for a minimum of two years. Please see further comments on this against Q9.

In addition there should be some evidence that the start of the transfer of the company / business is in train. Perhaps the legal process will have a part to play in providing binding evidence that succession will take place.

Q5. Should a temporary dwelling be considered to meet a retiring farmer's needs in locations unsuited for affordable housing?

In this question, the consultation turns from addressing a wider definition of rural enterprise to that of farming. There needs to be clarification of whether there will be different policies for farm use verses other rural business.

How many retiring farmers would wish to have a temporary dwelling other than for a very short interim period? A retiring farmer may well wish to remain on the farm if the family are continuing to run it, but there will be cases where a retiring farmer will prefer to move into a home in a nearby serviced settlement. On- farm provision may be an option, but only if such a location is suitable for affordable housing, and should not be long term and not something to encourage.

An alternative scenario may also be that only an annex to an existing dwelling is required, if the family retains the farm. This option should also be considered.

Q6. Should the applicant for the second dwelling be required to demonstrate functional need?

It will be difficult to demonstrate functional need under the current definition included within TAN 6 which sets out a requirement for a worker to be present on the holding for 24 hours a day and 365 days a year. There is therefore a need to redefine functional need to ensure clear policy guidance in assessing such proposals as it appears that a functional need under the present definition cannot be justified by part-time working

Second dwellings must be subject to stringent tests, which are at least, if not more rigorous than the test for single dwellings.

There needs to be clarification over the definition of a second dwelling. Does this mean a first new dwelling in addition to the existing farmhouse? In development Control terms a second dwelling can sometimes be taken to mean 'one built subsequent to a first new dwelling'. To avoid confusion it might be more appropriate to replace 'second' with the word 'additional'.

Q7. Should income from off farm activities or employment be included when assessing the financial viability of the farm business?

Yes, but working on the land is the principal activity, whether as a farmer or on other land management work (forestry, fishing, minerals etc). The Forum recognises that off-farm activity is becoming more important in some cases.

Q8. Should this policy apply universally across Wales, or should local development plans identify the areas in which the policy will apply?

Given the contrast in the rural economy across Wales, there is merit in allowing for local differences through LDPs.

However, flexibility should not be confused with *carte blanche* for permissions in rural areas to be steered through simply to look after the rural population with no ties to agriculture or rural enterprises.

Q9. Do you consider 20 hours an appropriate measure for part time work, if not can you suggest an appropriate measure?

See also the response under Qs4 and 6.

20 hours would appear reasonable; although the evidence in support for 20 hours should be clearly defined and referenced. 17 hours is also an accepted threshold, being half normal full time. The ONS Labour Market Surveys define 'part-time as less than 30 hours a week, although the Forum would not propose this high level for this purpose.

Q10. Should the dwelling be subject to a condition restricting occupation of the dwelling to the owner or employee of the business?

Yes. This is a clear way of demonstrating the continued need for an essential dwelling; it also strengthens the restriction of the dwelling to its intended purpose.

It is also vital that dwellings are retained as part of the affordable housing stock in the longer term. See the comments made against Q1.

Q11. How long should the business have been trading profitably before a permanent dwelling may be considered?

Three years would be a reasonable time period in which to demonstrate probable longevity on which to base the need for a permanent dwelling. However, this may vary from business to business, but the Forum agrees that some evidence of stability and success is necessary. What happens if growth is rapid and expansion is considered?

The Forum would recommend seeking legal advice on this matter.

Affordable Housing in Rural Areas

Q12. Should all new market housing be required to contribute to affordable housing?

Yes. In some cases this may be more appropriate through commuted sums, particularly on small sites (or even single dwelling plots) and in locations where affordable housing is not best placed.

The thresholds quoted in the document (para 2.4) are by and large unsuited to the scale of development likely to take place in rural areas. If they were lower then fewer developments would slip through the net and there would be less need for commuted sums. In any event, the contribution that small sites could make to the finance available for affordable housing is likely to be limited given that absolute numbers of such developments in rural areas are low.

Some areas in Wales currently distinguish between towns and rural areas, for example Monmouthshire whose thresholds are ten and five respectively. However other rural areas set their threshold lower, for example three in the Brecon Beacons NPA. Guidance should be provided for setting such a level through LDps or SPG.

There are issues here about the effects on the viability of developments, particularly in the current climate. Given the seriousness of the situation in rural areas in Wales there may be a case for 100% affordable housing allocations in villages, or perhaps 80% to give some incentive for land to come forward if these were in areas where housing sites

would not normally be allocated. LDPs could consider a refinement of the existing rural exceptions policy.

Q13. What are the potential consequences of the proposed policy?

There are issues regarding profit margins linked directly to market prices; in some areas whose housing markets are depressed, it may be difficult to encourage development, even of market housing, if additional requirements were demanded to support affordable housing.

It may be that a flexible scale is necessary depending on the state of the housing market. It would be easy to claim the market is too frail to pay a static sum.

Q14. Should the affordable housing contribution from small sites and single dwellings be based on site values, construction cost or something else?

The contribution should be set at a combination of site values and estimated construction costs, at the time of approval of the application. A specific time period is required at which point to calculate the figures; the time of submission of the application for development is not considered appropriate, as developers would seek to submit at times of low costs only.

Q15. Should affordable housing built in these locations be available to any local person in need of affordable housing or should it be limited to individuals whose employment means that it is essential for them to live locally?

This would be dependent on the local circumstances, which would be divergent across Wales. As a general point employment requirements should be an important factor, given this is needed to sustain local economies. Criteria will be needed, but both local people in need and potential new employees should be able to apply.

The Forum also supports the proposed para 9.2.21 shown here (2.10). It is useful to see a clear link with the local settlement and landscape character.

Q16. Should this policy apply universally across Wales, or should local development plans identify the areas in which the policy will apply?

As stated in Q15, there should be local flexibility, given the wide variation in the rural economy across Wales.

Q17 Should the existing rural exception site policy be extended to include urban areas as well?

It sounds logical that the rural exception site policy should at the very least be piloted in urban areas, where there is also a considerable need for affordable housing. The present financial crisis is in the process of re-adjusting housing prices, but it may not go far enough in making them more affordable.

Low Impact Development

Q18. Should Low Impact Development schemes be allowed only on previously developed land?

There is no reason per se not to allow Low Impact Developments (LID) on previously development land. However, other factors, such as location, cost and accessibility to services, should also be material considerations.

Q19. What tests e.g. functional and financial (in addition to usual planning considerations) can you suggest should be applied to consider LID planning applications?

All three sets of tests should be applied here, but LPAs may well need to make a big leap of faith in some circumstances. Lancaster did this some years ago over such a LID scheme and it has worked really well. Just about everyone locally (mainly ordinary farmers!) were opposed but the applicants were very convincing and have had to work very hard to make a go of it. Good practice guidance and training would be useful to support LPAs in making decisions on these developments.

However, the Forum wishes to emphasise that although this type of development should be subject to normal DC considerations, specific reference is needed to such schemes having limited transport impact, to achieving high design standards which enhance the environment and also to applying planning guidance which protects the needs and interests of the Welsh language.