

Dartmoor National Park Affordable Housing



Adopted Version May 2014



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Introduction

This document is the Affordable Housing Supplementary Planning Document (SPD) for Dartmoor National Park. It aims to make clear the National Park Authority's expectations and provide guidance to support the delivery of affordable housing in the National Park. It will be a material consideration when dealing with planning applications and will have weight in the event of a refusal and subsequent appeal.

The SPD is split into 6 topics areas; these aim to address the process of developing affordable housing, from identifying need through to viability and legal agreements.

The Authority has a Core Strategy adopted in April 2008 and a Development Management and Delivery Plan (the DMD) adopted in July 2013; these documents, together with the Minerals Local Plan, comprise the 'Local Plan' for Dartmoor National Park, also sometimes referred to as the 'Development Plan'.

As a protected landscape the primary focus for Dartmoor is the statutory purposes of National Park designation; *to conserve and enhance the natural beauty, wildlife and cultural heritage (of National Parks); and to promote opportunities for the understanding and enjoyment of the special qualities (of the National Park) by the public*. There is also a statutory duty to *seek to foster the economic and social well being of local communities* by working closely with the agencies and local authorities responsible for these matters¹. In this respect there is a fundamental difference between Dartmoor National Park Authority and the other local planning authorities operating in Devon, where we have a strong focus on providing for local needs rather than providing for market housing generally².

The Core Strategy set a robust focus on affordable housing with a housing strategy based upon the provision of affordable housing to meet identified local needs. It sets a settlement strategy, focussing development in 8 'Local Centres'³, with development for local needs in 34 'Rural Settlements'⁴. The DMD sits below the Core Strategy, its policies adding detail where required, in order to aid decision making and provide greater clarity.

This SPD aims to guide the use of these and national policies, and therefore support the delivery of affordable housing in the Dartmoor National Park. It is important to recognise that the Local Plan must be taken as a whole and any relevant policies taken into account when considering the guidance set out in this SPD.

Links with District/ Borough Housing Strategies

Dartmoor National Park Authority is the Local Planning Authority for the National Park, but not the Housing Authority. This SPD therefore has an important link with the Housing Strategies for Teignbridge, West Devon, South Hams, and a small part of Mid Devon, which cover the National Park area.

¹ Environment Act 1995

² An approach consistent with the English National Parks and the broads: UK government vision and circular 2010

³ These are identified in the Core Strategy as Ashburton, Buckfastleigh, Chagford, Horrabridge, Moretonhampstead, Princetown, South Brent and Yelverton.

⁴ These are identified in the Core Strategy as Belstone, Bittaford, Bridford, Buckfast, Cheriton Bishop (Cheriton Cross), Christow, Cornwood, Dean/Dean Prior, Dousland, Drewsteignton, Dunsford, Hennock, Holne, Ilsington, Liverton, Lustleigh, Lydford, Manaton, Mary Tavy, Meavy, North Bovey, North Brentor, Peter Tavy, Postbridge, Scorrington, Shaugh Prior, Sourton, South Tawton, South Zeal, Sticklepath, Throwleigh, Walkhampton, Whiddon Down, Widecombe-in-the-Moor

1. Defining and identifying local housing need

How do we identify housing need?

1.1

The National Park Authority currently works with the Housing Authority (District/Borough Council) and with the Rural Housing Enabler (RHE) at the Community Council of Devon to identify housing need at a Parish/Community level. Housing Needs Assessments (HNAs) undertaken by the Rural Housing Enabler are informed by a survey of all households within the Parish. Returns are then assessed based upon eligibility (e.g. against local criteria), housing need, and their ability to afford local prices, in order to establish whether they would be an 'eligible household' for the purposes of affordable housing for local needs on Dartmoor. Justification for a development based upon housing needs extending beyond the Parish will only be appropriate where the scheme is agreed with those communities as jointly meeting housing needs on a single site.

1.2

Assessments are being constantly refined, and recently have linked more closely with evidence from the Housing Register (currently Devon Home Choice) and South West Homes to ensure that those already registered are captured as having a need. The Authority supports the increased use of information from the Housing Register, however this information cannot currently act as a substitute for an independent HNA as it does not provide information regarding an 'eligible household' sufficient to support a planning application. Whilst HNAs can be more accurate they do have a limited shelf-life, typically 3-5 years, as they represent a snapshot in time. Information from the Housing Register is 'live' data, but is currently not sufficiently detailed. Strategic Housing Market Needs Assessments (SHMNA) provide a high level indication of need to support strategic decisions, such as the nature of policies or allocations in the Local Plan; they are not appropriate evidence to support individual planning applications in Dartmoor National Park.

1.3

The HNA, normally driven by a Housing Authority and Parish Council to identify need and bring a scheme forward, are currently undertaken at a very early stage in the process. These surveys can also play a role in raising the awareness of affordable housing, and drawing out potential sites or issues within the community.

1.4

The Authority recognises the time it can sometimes take to bring forward a scheme, which has in the past meant that two surveys or a 'refresh' of an initial survey has been needed. Given this the Authority will take a flexible approach to the initial identification of housing needs, or the need for a refreshed survey where there is robust evidence of need. This would include supporting lighter touch surveys at the beginning

of the process in order to establish a principle of need, with a full HNA then being undertaken prior to a planning application, in order to inform the scale and nature of need in more detail. The Authority may also consider information from the Housing Register as sufficient evidence of the need to initiate work in a community, but it is currently not adequately detailed or up to date to support a planning application on its own.

What is an 'eligible household'?

1.5

An eligible household is one where there is a clear need for accommodation, an inability to afford local accommodation at current open market prices, and conformity with relevant local occupancy criteria, as set out in the Local Plan.

I In housing need

This is a household which has been assessed and placed on the Housing Register in Bands A-E

- Emergency Housing Need (A);
- High Housing Need (B);
- Medium Housing Need (C);
- Low Housing Need (D);
- No Housing Need (E) (where applicable)

Where Band E does not form part of the Housing Register, the Authority may consider those meeting the following elements of Band E to be in housing need:

- Any household where the household income is insufficient to enable them to afford or to sustain to rent or to purchase a property suitable to their needs in the parish
- A member of a household working in the parish of provision paid or unpaid for 16 hours or more a week for a minimum period of 12 months (it is important to note that this aspect applies only to (I) 'in housing need' and is distinct from (III) 'a local person')

II Unable to afford open market prices

The Authority will consider typical measures of affordability used in Housing Market Assessments, linking incomes with lower quartile house prices in the area. This includes the benchmark⁵ that no more than 25% of gross household income is spent on housing costs, with a typical measure of a mortgage which is 3.5 times gross household income being achievable.

III A household including a 'local' person

This is defined in the Local Plan⁶ as:

- (i) those people currently living in the parish of provision, or a rural parish adjacent to the parish of provision, and having done so for a period of at least five years; or

⁵ Strategic Housing Market Assessment – Practice Guidance (DCLG 2007)

⁶ Development Management and Delivery DPD paragraphs 2.19.12 - 2.19.14

- (ii) those people who have lived in the parish of provision or a rural parish adjacent to the parish of provision for a period of five years but have moved away in the past three years; or
- (iii) those people who have a strong local connection with the parish of provision or a rural parish adjacent to the parish of provision by virtue of, for example, upbringing or current employment.

The eligible adjacent rural parishes will be specified in the legal agreement attached to the property (the 'Section 106 Agreement') according to the individual location of the development. It should be noted:

- adjacent parishes containing a Local Centre will not normally be considered to be an adjacent rural parish to the parish of provision;
- parishes lying substantially outside the National Park containing a town or other large community will not normally be considered to be an adjacent rural parish to the parish of provision.

1.6

The Authority has not defined what is meant by a 'strong local connection', as this enables a degree of flexibility. It is however recognised that it is helpful to have a measure of the strength of connection the Authority would expect; some examples of a strong local connection are as follows:

- a person with a family member (for example a parent, parent-in-law, son, daughter, step-son, step-daughter, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece) who is living in the parish and has done so for a continuous period of at least 5 years;
- a person whose upbringing or a significant part of their upbringing took place in a relevant parish;
- a person who is employed (for not less than 16 hours per week) in the parish of provision or whose work is primarily carried out within the parish, having done so for a continuous period of at least 2 years;
- a person who has spent a significant length of time (normally more than 5 years) living in the parish in the past.

1.7

We will offer advice in the drafting of Allocations Plans or Local Lettings Plans. This can allow the local community an opportunity to identify local priorities in the allocation of properties, and provide a clearer process for identifying an eligible household. In all cases Allocations Plans and Local Lettings Plans must be consistent with the criteria in the Local Plan and the overarching Section 106 Agreement.

⁷ This refers to Section 106 of the Town and Country Planning Act 1990

2. Considering potential sites

What sites may be appropriate for affordable housing?

2.1

The Local Plan sets out a range of policies against which the merits of a site, its location, layout, design etc may be considered. The Authority's Design Guide SPD also provides additional advice on good design in the National Park. The Local Plan sets out advice on how we will consider and show flexibility in the assessment of site layout and scheme mix (e.g. tenure, property size) in order to promote sustainable development and enable viable schemes to come forward.

2.2

The Local Plan identifies a number of housing sites in the 8 Local Centres in the National Park. It does not identify potential sites for affordable housing in the Rural Settlements on Dartmoor or in Local Centres where there is no current identified need. It will consider potential sites identified within the settlement or alternatively 'exception sites' on the edge of settlements where that is necessary to meet identified needs of these smaller communities. The Local Plan recognises that the meeting of needs in another community within or adjacent to the parish may be appropriate where there is environmental constraint in some settlements. The priority should always be to locate affordable housing where there is the local need. However, in limited circumstances, we may also consider the meeting of needs in another community within or adjacent to the parish where this supports the viability of a scheme to the benefit of the communities involved.

How are sites assessed?

2.3

The Local Plan identifies settlement boundaries in Local Centres, which makes the identification of exception sites as 'adjoining' the boundary easier. Settlement boundaries are not identified in Rural Settlements due to the dispersed and varied character of these smaller settlements. Policy DMD22 (residential development in Rural Settlements) describes exception sites as *suitable land within or adjoining the settlement and well related to its existing built form*. In these cases we will consider on a case by case basis the merits of a site, its suitability in respect of the policies of the Local Plan and the availability of other suitable land in the settlement.

2.4

In all cases the value of the land should reflect the fact that it would only be available for affordable housing. Currently this would lead to a typical land value of £5,000-£10,000 per housing plot on an exception site. Where we have agreed that an element of cross subsidy (i.e. some limited open market housing - see section 4) may be appropriate, to support the viability of the scheme which would otherwise be only for affordable housing, the land value of all plots must still reflect that for affordable housing only.

3. Delivering different types of housing

Delivering different types of housing in the National Park

3.1

Housing in the National Park is delivered by a range of different mechanisms, some of which are explored in more detail below. The Local Plan has a strong focus on delivering affordable housing in communities where a local need is identified. It is important to recognise though, that there is a demand for other types of housing in the National Park ranging from rural workers dwellings, families or single people looking for private rental or to buy, older people seeking to downsize and an increasing interest in self-build. We would encourage those developing housing schemes to recognise this wider need and consider how a development as a whole, and in particular the open market element, might aim to meet some of the demand for these other types of housing in the local community.

3.2

Where other needs are identified in a community, for example older persons housing, we will encourage developers to include an element of different house types which might meet this need. In certain circumstances we may consider these other needs as part of the cross-subsidy element of an exception site development. Where this is the case we may seek additional measures as appropriate, such as a local occupancy condition, in order to ensure that these properties are made available for local people in perpetuity. In respect of older persons housing it is important to recognise that providing housing which meets this need for local people can free up existing family sized housing within a community.

Housing with Registered Providers ('Housing Associations')

3.3

The usual approach for larger housing schemes is development by or with a Registered Provider (generally a 'Housing Association'); this has historically provided the greatest number of new affordable homes in the National Park. These homes would normally be at affordable rent level, or a shared ownership/equity property. Development may be undertaken by a Registered Provider, or in some cases it may be built by a developer and transferred to a Registered Provider on completion.

3.4

Where development by a Registered Provider includes properties for shared ownership the lessee would normally acquire up to 80% of the equity of the property. Where the lessee acquires more than 80% and then wishes to dispose of the property it should be sold back to the Registered Provider. What is important is that the property remains available as an affordable house for local people in the long term and not just for the duration of the first occupier. Where a lessee is struggling to sell their share of the property (for example, because

they have acquired a large share), the Authority will look to the Registered Provider to buy back all or a proportion of the equity. We will also be flexible with regard to the ongoing tenure of that property. For example by allowing it to become a rental property if the demand for shared ownership is limited.

Privately built (intermediate) and 'self build' housing

3.5

Intermediate housing is 'more affordable' housing and aims to meet a need between affordable rent and market housing where the household is not able to afford market prices. This model requires that occupants meet the same 'eligible household' criteria, but instead of the property specification and rent level being set by a Registered Provider, a Section 106 Agreement restricts the rent or sale price of the property each time it is re-let or sold.

3.6

Historically the Authority has limited the size of new intermediate dwellings to 80m² to sustain their affordability. It is recognised that in some cases this floor space limit may prove inflexible in respect of conversions or the desire to provide larger family housing. A key principle is that properties built via this route must be of a sale or rental value which is within the reach of a qualifying person; the Authority will be flexible on property size subject to an appropriate discount rate as necessary. Size and specification are important –high quality design is essential in the National Park, so a careful balance must be struck between good quality development and one that could be valued such as to be unaffordable to the people who are actually in housing need.

3.7

When considering proposals for privately built affordable housing, the most important aspect is its affordability; in assessing proposals we will therefore consider:

- The size of the property. The following gives an indication of unit size for a range of property types, together with the potential discount rates which may be necessary:

Table 1. Indicative property sizes and discount rate

Unit Type	Indicative Unit Size (m ²)	Potential discount rate
1 Bed (2 Person) Flat	48	20%
2 Bed (4 Person) House	62	20%
3 Bed (5 Person) House	85	20-30%
4 Bed (6 Person) House	95	30-40%

Properties which exceed the above guidelines may not be of a sale value such as to be truly affordable for an eligible household.

Permission will therefore be granted subject to a level of discount on market prices which ensures genuine affordability.

- Garages will not normally be acceptable, a modest car port may be.
- The property should have a modest amount of garden space. Large gardens or associated land and buildings would not be acceptable.
- The finish of the property must be carefully considered. Whilst the Authority will seek a high standard of design and build including aspects of sustainable design, a high internal specification is not appropriate for this type of housing, and could make the property unaffordable for an eligible household. Intermediate homes would normally be expected to meet the same Code for Sustainable Homes standard as those built by Registered Providers.
- Permitted Development Rights will be removed in order for the Authority to control extensions to the property (including loft conversions), preventing them from becoming less affordable.

It is crucial that the price paid for the land reflects the above factors, or development may not be viable.

In all cases the sale price or rental level should be discounted by not less than 20% from its open market level, having already taken into account the occupancy condition attached to the property (which typically is a discount of around 15%). In order to secure this, a Section 106 Agreement will require that upon the sale or resale of the property, a valuation is undertaken by the District Valuation Office⁸ at the owner's expense.

In order to show clearly the discount applied these valuations will set out:

- a) the unrestricted market value of the property;
- b) the value of the property, taking into account the occupancy condition;
- c) the discounted value based upon a reduction of (b) by the percentage specified in the Section 106 Agreement. The property may not be sold for more than this value.

3.8

Where the conversion of a building to a dwelling would be acceptable in respect of policy, but conversion to an affordable dwelling may not be appropriate, we may consider the possibility of permitting an open market dwelling. This being the case we would seek the affordable housing contribution via a commuted sum (see 4.7 page17).

3.9

The guidance on property size above will also be a helpful benchmark for proposals for agricultural workers dwellings in the National Park. Whilst we may consider proposals which include a modest amount of additional floor space for office or utility/boot room, the focus should remain on providing a dwelling which is affordable for an agricultural worker and potential future occupancy as an affordable dwelling.

⁸ It is important to note that whilst the valuations must be undertaken at the owners expense the District Valuation Office (The Valuation Office Agency) can only be instructed by the local authority.

Discount Market or 'low cost' Housing

3.10

The National Planning Policy Framework (NPPF) makes clear that low cost discount market housing does not meet the definition of affordable housing. It cannot therefore constitute the affordable housing obligation of a development. Discount market housing could however have a role in the National Park and may make up a portion of the overall provision in mixed affordable and market schemes.

3.11

Discount market housing may be appropriate in areas of higher house prices; in particular certain communities find that some local people may not qualify for affordable housing, but cannot actually afford to buy a house locally on the open market. These people may not qualify for affordable housing as they technically earn enough to afford a house, however the reality may be that they can only afford the house they might need elsewhere, and not in their own community. For this reason discount market housing would only be appropriate where it is secured for occupancy only by local people in perpetuity, through a Section 106 Agreement. Where discounts are on first occupancy only they should be for a period of not less than 5 years.

Community Land Trusts, Neighbourhood Plans and the Community Right to Build

3.12

Increasingly, communities are taking the opportunity to lead or guide development in their area. Separate advice is available at a national and local level on these different potential routes, such as Neighbourhood Planning, the Community Right to Build and the role of Community Land Trusts and Community Interest Companies. We will continue to support Dartmoor communities wishing to explore these different options. Community Land Trusts have the advantage of being rooted in the community and can perhaps therefore be well placed to ensure the affordable unit benefits the local community in the longer term.

3.13

These tools provide alternative routes for bringing forward affordable housing in a community. Whilst the policies of the Local Plan remain, community level planning can enable local people to have a greater influence over where and how housing may be built (see also paragraph 1.7) as well as how they are occupied. A strong community stake in housing development will normally mean applications are then more positively received. Importantly, these are tools for positive planning, and not intended as an opportunity to prevent development from coming forward.

4. Viability and legal agreements

Why is viability important?

4.1

We recognise that viability is a key issue in the delivery of affordable housing. We will continue to work flexibly with the Housing Authorities, communities and housing providers to bring forward schemes where there is an identified need for affordable housing.

4.2

In the current funding regime some schemes are unable to meet the current policy expectations for affordable housing at 50% in Local Centres, and 100% in Rural Settlements. Planning officers are increasingly involved in appraising the viability of schemes and negotiating a viable contribution to affordable housing. In many cases we require specialist support in order to assess viability appraisals.

How do we assess viability?

4.3

Any planning application submitted to the Authority which is not delivering the level of affordable housing required by policy must be supported by a detailed viability appraisal carried out by a suitable professional⁹. We will consider the suitability of the viability appraisal submitted and may undertake a further appraisal based, where appropriate, upon the figures provided by the applicant in order to consider the robustness of the submitted appraisal (the information required for the Authority to undertake its own appraisal, in addition to that already undertaken by the applicant, is set out in *Development Viability Assessment Information* form. Where necessary we will seek verification of the applicant's viability appraisal; this independent viability appraisal will be carried out at the applicant's expense by a suitable professional instructed by the Authority.

When may the Authority accept cross-subsidy on exception site schemes?

4.4

Exception sites are an important route for the delivery of affordable housing in the National Park, particularly in respect of the Rural Settlements; development on exception sites should come forward for 100% affordable housing.

4.5

We do, however, recognise that the level of public subsidy currently available is below that which has historically enabled a good level of development on exception sites at 100% affordable housing. Currently the viability of some exception sites, particularly those with limited subsidy may be marginal. In cases such as this we may consider allowing an element of cross-subsidy on exception sites in order to bring forward affordable housing.

⁹ Such requirements may be set out formally in the Authority's Validation Checklist, or a Planning Performance Agreement.

4.6

Cross-subsidy may be acceptable on exception sites where:

- (i) The land for development is brought forward at a level which reflects a value for affordable housing only; and
- (ii) the scheme can be shown not to be viable at 100% affordable housing; and
- (iii) there is support for the principle of an element of cross-subsidy on the site in order to bring affordable housing forward within the community (normally the Parish/Town Council); and
- (iv) the level of cross subsidy proposed is the minimum level necessary to bring the affordable housing forward and the number of market units on the site does not exceed 25% of the development.

We would expect the cross-subsidy element of the scheme to explore how it could meet other local housing needs or requirements in the community. In particular this may include properties suitable for older local people seeking to downsize, or open market self build. Wherever viable we will seek a local occupancy condition on these properties.

When may the Authority accept commuted sum contributions?

4.7

In the majority of development we would expect affordable housing to be provided on site. In a very limited number of cases we may consider a 'commuted sum' contribution i.e. a financial contribution towards affordable housing elsewhere rather than provision on the site. The National Planning Policy Framework (NPPF) states off-site provision or a financial contribution of broadly equivalent value should be robustly justified and contribute to the objective of creating mixed and balanced communities. We will only consider a commuted sum in lieu of on-site provision of affordable housing where:

- A. The proposal is for the conversion or change of use of an existing building which the Authority considers would be acceptable for use as a dwelling in line with Local Plan policies, but inappropriate for use as an affordable dwelling by virtue of:
 - its anticipated market value; or
 - the feasibility of converting or adapting the building for the purposes of affordable housing; or
 - the impact of the conversion or adaptation for the purposes of affordable housing upon the building (for example where it is a heritage asset); or
 - the sustainability of its location (i.e. it is in a very isolated rural location).
- B. The proposal is for new build dwelling(s) in a Local Centre, where the Authority considers that housing development is acceptable in line with Local Plan policies, but that the form or design of a unit(s) to meet affordable local needs would be inappropriate in the local context.

Commuted sums will only be appropriate where the Housing Authority advises that there is reasonable prospect of a local affordable housing development to which a sum would contribute being delivered within the next 10 years.

4.8.

Given the range of land and property values, and potential build costs across the National Park, we will negotiate commuted sums on a case by case basis. These sums should be calculated on the basis of equivalence; i.e. the contribution would be equivalent to the provision of an affordable dwelling on site. The principle being that the developer of a scheme should be no worse or better off whether they provide the affordable housing required on-site or as a financial contribution. The calculation of a commuted sum would therefore be based upon the difference between the value of a development providing the required amount of affordable housing in line with policy, and the value of that development at 100% market housing.

4.9.

Applications which propose an off-site contribution to affordable housing must therefore be supported by viability appraisal and negotiated on a case by case basis. Where necessary we will seek verification of the applicant's viability appraisal; this independent viability appraisal will be carried out at the applicant's expense by a suitable professional instructed by the Authority.

4.10.

Commuted sums will be held by the relevant Housing Authority. The Housing Authority will be asked to covenant in the Section 106 Agreement that the commuted sum will contribute to affordable housing in the parish or adjoining rural parish. Where this proves not to be possible within the given timescale the Section 106 Agreement may provide for the sum to be used to contribute to affordable housing elsewhere in the National Park.

How does a cascade operate in our legal agreements?

4.11.

Legal Agreements (Section 106 Agreements) are a key tool in ensuring that the requirements of the Authority's housing policies are met through a development; securing affordable housing for local people in perpetuity. The requirements set out in these legal agreements must reflect the Authority's policies, and be consistent with the advice in the National Planning Policy Framework (NPPF paragraph 203-206). These agreements must strike a balance however, meeting the expectations of the community whilst not being so restrictive as to impact upon a developer or buyer's ability to get a mortgage, or leaving properties empty because an eligible household cannot be found.

4.12

Occupancy restrictions will be used in Section 106 Agreements to secure occupancy by an eligible household. In order to allow for cases where an eligible household cannot be found within a reasonable period of time we will include a 'cascade' to a wider area, in order that a property is not left empty. This cascade is also an important requirement for mortgage lenders, as they would seek re-assurance that, should the property be repossessed, it could be disposed of within a reasonable period of time.

4.13

We operate a different cascade for rental properties and intermediate or shared equity/ownership properties. The cascade would normally operate as follows:

Registered housing provider

Properties advertised through choice based lettings (currently Devon Home Choice or South West Homes).

- (i) The Parish of provision or adjoining rural parish
- (ii) Where no qualifying person can be found after 8 weeks,
all of the National Park

Privately delivered intermediate sale or rent

Properties valued by the District Valuation Office and advertised at or below the agreed discounted price.

- (i) The Parish of provision or adjoining rural parish only
- (ii) Where no qualifying person can be found after 13 weeks,
all of the National Park

Upon the possession of the property by the mortgagee, if after the expiry of 13 weeks no offer has been received for the purchase of the Affordable Dwelling (subject to contract) at the full asking price, the requirement for the Affordable Dwelling to be occupied by a Qualifying Person shall not apply to that disposal and any person to whom the Owner shall dispose of the Affordable Dwelling shall be conclusively presumed to be a Qualifying Person and entitled to occupy that dwelling:

- (a) for the purposes of that disposal; and
- (b) for the duration of that person's ownership of the Affordable Dwelling

In all cases where a property is not occupied by an eligible household it shall be for that instance only, and the property will revert to the top of the cascade upon its next re-let or sale. In respect of (i) we may consider where it would be appropriate that provision within a Local Centre may cascade to an adjoining Local Centre.

4.14

We will apply the above approach flexibly, responding to local circumstances and the particular aims of Parish Councils or Community Land Trusts where possible. This may include using Local Lettings or Allocations Plans to add further interpretation to the above, for example reflecting a 'parish first' priority. Importantly, whilst these may aid interpretation or assign priority, they must be consistent with the overall principles set out in the Local Plan.

How might we defer planning obligations or renegotiate agreements?

4.15

The Authority will be flexible in its approach to the phasing or deferral of planning obligations where this is shown to support the viability of the scheme. This may include, for example, a phasing condition and/or Section 106 Agreement allowing the sale of some open market units prior to the completion of the affordable housing, in order to improve the developer's cash flow.

4.16

The National Planning Policy Framework (NPPF) makes clear that planning obligations should only be sought where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

We recognise the need to negotiate planning obligations in such a way as to enable appropriate development to come forward, potentially with a lower affordable housing contribution where this is robustly justified on the grounds of viability. We would, however, only accept a lesser contribution to affordable housing on this basis if it is certain that the scheme will be delivered immediately, and not held back and completed at a later time. This would be secured through a Section 106 Agreement. The Section 106 Agreement may also require the re-assessment of a scheme's viability, for example upon the commencement of each phase of a development, or if the development has not been completed within the specified period of time.

4.17

A Section 106 Agreement may be varied or amended at any time by further agreement in writing between the original signatories or their successors; a formal procedure is now in place for the application and appeal of affordable housing obligations relating to scheme viability¹⁰. We will always give careful consideration to applications to vary or amend an agreement where they set out clear evidence of changed circumstances. However, the overriding consideration will remain the delivery and retention of affordable housing for local people.

¹⁰ The Growth and Infrastructure Act inserts new Section 106BA, BB and BC into the 1990 Town and Country Planning Act. This makes formal provision for the applications and appeal for the review of planning obligations on planning permissions which relate to affordable housing (excluding exception sites).

5. Delivery and enforcement

5.1

Registered providers should ensure that people applying to live in new or newly available affordable housing in Dartmoor National Park will qualify to do so. This will require reference to the Section 106 Agreement for the property in question. Where possible, we will be flexible in the application or revision of Section 106 Agreements where properties are proving 'hard to let', in order to reduce periods where a house is empty. The focus will however always be on the current Local Plan policies and the definition of an eligible household, in order to ensure local people have the best opportunity for vacancies in their community.

How long must vacant properties be advertised for?

5.2.

The Authority has traditionally sought long advertising periods on vacant properties, in order for local people to have the best opportunity to take up vacancies in their community. Recognising however that this can create issues around mortgage availability and mean longer periods where properties are left empty, we may allow shorter time periods where properties are advertised through choice based letting. The Authority will require a minimum of 4 weeks advertising through choice based lettings (currently Devon Home Choice) including 2 advertisements, and a minimum of 13 weeks for shared equity and intermediate properties.

5.3.

Alongside this we will work more closely with local housing authorities, Devon Home Choice, Parish/Town Councils and local groups such as Community Land Trusts, to promote the awareness of vacant properties in the National Park. Promoting the awareness of vacancies by encouraging local people to register with Devon Home Choice or South West Homes, and ensuring communities are aware of an existing stock in their area, which will give rise to vacancies, will give local people the best opportunity to acquire a property in their community.

How do we monitor and enforce legal agreements and occupancy conditions?

5.4.

Significant resources go into the delivery of affordable housing. It is therefore important that we place an appropriate level of priority in ensuring that these properties are occupied in accordance with legal agreements. A proactive approach in the first instance is always preferred over enforcement action, and we would always encourage housing authorities, housing providers and individuals to seek our advice on whether an individual meets the qualification criteria for that property. In rented properties the onus is upon the Housing Association or Provider to ensure new tenants will comply with the relevant occupancy conditions. The *Affordable Housing Eligible Housing Information form* can be completed to establish whether he/she satisfies the Affordable Housing Criteria.

5.5.

The Authority may from time to time require information from occupiers to confirm their occupancy is in accordance with the conditions set out in the Section 106 Agreement. This is particularly important in respect of privately built intermediate housing whether owned or rented.

6. Monitoring and review of this document

6.1.

It is important that planning policy and associated advice such as an SPD is kept up to date. The Local Plan is currently monitored through the Authority's Annual Monitoring Report (AMR), which already includes indicators to monitor the housing policies in the Core Strategy and the DMD. Additional indicators may be included to supplement existing monitoring and ensure the SPD is performing as intended.

6.2.

In particular the Authority will monitor closely the effectiveness of elements in this document relating to discount rates on intermediate properties, the level of delivery via cross-subsidy schemes, and the viability and effectiveness in delivery of commuted sums.

6.3.

Affordable housing is currently a rapidly changing sphere of work. The Authority will consider a formal review of this SPD in 5 years unless monitoring indicates an earlier review is necessary.



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