

West Dorset, Weymouth and Portland Local Plan Examination

Consideration of amendments to Section 5.7 and Policy HOUS 6

Arising in Matter 4



West Dorset District Council and
Weymouth & Portland Borough Council

At the EIP session on Matter 4 – Housing Policy HOUS 1-7 on Thursday 27 November, the Inspector and objectors raised concerns over section the supporting text and wording of Policy HOUS 6 – OTHER RESIDENTIAL DEVELOPMENT OUTSIDE DEFINED DEVELOPMENT BOUNDARIES. The main issues were:

1. Can Policy HOUS 6 i and ii be made more 'precise' to address concerns about small rural dwellings being enlarged excessively & detracting from local character.
2. HOUS 6 iv – The tests for rural worker housing appear to be more restrictive than the NPPF. The approach seems to rely on the tests set out in the appendix of the outdated PPS7.
3. It is not clear what is meant by a "low impact dwelling" in HOUS 6 v. Does the locational aspect of this policy work?

1. To make the policy more precise, consideration has been given to the inclusion of a percentage threshold for the enlargement of a dwelling under HOUS 6, and a definition of "significantly larger" (criterion i) and ii)

The context of the dwelling, any neighbouring properties and the landscape or townscape setting will be the primary determining factors in the assessment of harm (amenity, character or change in housing stock) resulting from the size of an enlargement. It is noted that permitted development rights are now very generous outside of Article 1(5) land, and on a small, traditional dwelling would quickly exceed a reasonable percentage threshold for extension. The councils are therefore concerned about the implications of setting a threshold for enlargement in the way suggested and would strongly resist any proposal to introduce a specific empirical limit. It is considered that each application should be determined on its own merits in relation to the relevant criteria of the environmental policies of the Plan, the context of the site and a judgement of harm.

The councils are also concerned that there is no evidence base from which to determine a figure for the acceptable extension of a dwelling.

The councils would therefore not suggest amended policy wording.

Notwithstanding the above, should the Inspector consider that a percentage figure should be introduced, the councils suggest that the inclusion of "guide" figures within the preamble (para 5.7.2) would be the most appropriate means of achieving this and not by introducing changes to the policy wording of HOUS6. The suggested wording in paragraph 5.7.2 would be as follows:

Particularly within the AONB and outside the main settlements, the volume of cumulative extensions to existing dwellings should generally be no greater than 40% of the original dwelling. It should not be assumed that all extensions up to 40% will be acceptable, with the overriding considerations set out in criterion i). It is expected that replacement dwellings will be of a similar size to the original dwelling (within 10% volume), unless it can be shown that this results in a benefit to the character or appearance of the area. Both figures above take into account any unused Permitted Development rights, and are not in addition to these.

4 Consideration of policy tests for rural workers (criterion iv)

The NPPF advises local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. There are no further details provided in the NPPF and the National Planning Practice Guidance (NPPG) does not offer any further advice on this matter either. On this basis it will be for local authorities to determine what “essential need” means locally. In this respect, the tests set out in criterion iv) of HOUS 6 are not more onerous than the requirements of the NPPF, quite simply because the framework does not include any.

In this respect, the councils consider that some form of test is necessary to ensure that a new dwelling in the countryside is justified in the long term, and is therefore sustainable from an environmental, economic and social perspective. The tests set out do largely reflect the guidance that was contained in Annex A of PPS 7, but in the absence of replacement guidance, the financial and functional tests remain a robust means of assessing the need for rural worker accommodation. The tests do not conflict with the NPPF as they are intended to avoid isolated dwellings in the countryside that do not need to be there. This is particularly challenging in an attractive rural area, such as West Dorset, where residential land values far outstrip those of agricultural land and the demand for homes in the countryside is very high.

The councils consider that controls over the size of rural workers’ dwellings is justified to ensure that the accommodation is in effect an essential component of the business that supports the operation and allows it to be run more effectively. The house should not in itself become a financial burden on the business. Furthermore, the councils are keen to ensure that dwellings for essential workers remain available to support the rural economy in the long term. Rural workers’ accommodation therefore needs to be of a size that is affordable for those workers.

Notwithstanding the above, it is apparent that the tests used to determine ‘essential need’ could be introduced into the supporting text rather than included as sub-clauses of HOUS 6 itself. In addition, some of the sub-clauses are covered by other policies in the plan and could be deleted without affecting the soundness of the document. Therefore it is suggested that the following changes be made:

Paragraph 5.7.1:

5.7.1 Residential development in the countryside outside defined development boundaries is not generally considered sustainable. Exceptions in relation to affordable housing and sites for gypsies, travellers and travelling showpeople have been outlined above. There will be other circumstances when it makes economic and environmental sense to provide housing in a rural location, for example in the case of the replacement or subdivision of existing buildings. ~~And sometimes~~ In addition, there will be some cases where the viability of an agricultural, forestry or other enterprise for which a rural location is essential, depends upon a worker being resident on site to oversee the ~~essential~~ operation of the enterprise. ~~24 hours a day.~~ In considering proposals for rural workers’ dwellings, the council will need to establish that the accommodation is essential to the functional requirements of the business. It will also be necessary to establish that the business is financially sustainable in the long term, particularly where the proposal is for a permanent dwelling. The councils will also give

consideration to the availability of alternative accommodation on the holding or nearby; and whether a dwelling on the holding has been sold recently on the open market. The size of the proposed dwelling should also be appropriate to the needs of the business and positioned where it will effectively meet the functional needs. A temporary dwelling may be acceptable in the case of new businesses that cannot yet show financial soundness but where it has been established that there is a functional requirement for on-site accommodation.

Wording of Policy HOUS 6:

iv) New housing for rural workers (full time workers in agriculture, horticulture, and other rural businesses ~~which require essential 24 hour supervision~~), located outside the defined development boundaries, will be permitted provided that it can be demonstrated that there is an essential need for a worker to live at or near their place of work. :

- ~~the dwelling is essential to the requirements of the business~~
- ~~the business is financially sound~~
- ~~there is no alternative accommodation on the holding or nearby that exists or could be made available~~
- ~~a dwelling on the holding has not recently been sold on the open market without an agricultural or other occupancy condition~~
- ~~the scale of the proposed dwelling is of modest, and appropriate to the established need of the business, scale in keeping with the business and is, wherever possible, close to the existing buildings located appropriately to meet the functional needs of the business~~
- ~~the dwelling is of an appearance that is in keeping with its rural surroundings and is, where necessary, supported by an appropriate landscaping scheme well landscaped~~
- ~~In the case of new businesses that cannot yet show they are financially sound a temporary dwelling may be acceptable provided that other criteria are met.~~

5 Definition and necessity of “low impact dwellings” (criterion v)

Para 5.7.4 refers to “low impact dwellings (LIDs)”. The paragraph provides a useful explanation as to how such proposals will be considered but it is acknowledged that a definition of what is meant by “low impact dwellings” (which are often self-build projects) would be useful. In this respect, the term is considered to relate to dwellings which make use of renewable natural, local and reclaimed materials in delivering low or zero carbon housing. These LIDs are often designed to be self-sufficient in terms of waste management, energy, water and other needs.

Upon further consideration, it is apparent that the reference to ‘low impact dwellings or self-build dwellings’ in criterion v is not necessary in the policy wording, as other policies in the plan apply. This clause should be deleted.

Suggested changes to the text at 5.7.4 are as follows:

5.7.4 There is some demand for new low impact dwellings (LIDs) and self build projects, which make use of renewable natural, local and reclaimed materials in delivering low or zero carbon housing. These LIDs are often designed to be self-sufficient in terms of waste management, energy, water and other needs. Although ...

Delete criterion v) of HOUS 6.

v) ~~The location of low impact dwellings or self build dwellings will be allowed in line with other residential policy in the Local Plan.~~

Suggested changes to the Plan

5.7 OTHER RESIDENTIAL DEVELOPMENT OUTSIDE DEFINED DEVELOPMENT BOUNDARIES

- 5.7.1 Residential development in the countryside outside defined development boundaries is not generally considered sustainable. Exceptions in relation to affordable housing and sites for gypsies, travellers and travelling showpeople have been outlined above. There will be other circumstances when it makes economic and environmental sense, to provide housing in a rural location, for example in the case of the replacement or subdivision of existing buildings. ~~And sometimes~~ In addition, there will be some cases where the viability of an agricultural, forestry or other enterprise for which a rural location is essential, depends upon a worker being resident on site to oversee the ~~essential~~ operation of the enterprise. ~~24 hours a day. In considering proposals for rural workers' dwellings, the council will need to establish that the accommodation is essential to the functional requirements of the business. It will also be necessary to establish that the business is financially sustainable in the long term, particularly where the proposal is for a permanent dwelling. The councils will also give consideration to the availability of alternative accommodation on the holding or nearby; and whether a dwelling on the holding has been sold recently on the open market. The size of the proposed dwelling should also be appropriate to the needs of the business and positioned where it will effectively meet the functional needs. A temporary dwelling may be acceptable in the case of new businesses that cannot yet show financial soundness but where it has been established that there is a functional requirement for on-site accommodation. All applications will also be subject to the requirements of policies ENV 1 – 16.~~
- 5.7.2 Care has to be taken that the extension or replacement of existing buildings does not simply lead to a significant increase in less affordable, larger dwellings at the expense of cheaper, smaller properties. It is important to ensure that a range of dwelling types and sizes is available in rural areas, and a healthy social mix in the community. The scale and design of extensions and replacements individually, and cumulatively over a period of years, can also have an adverse impact both on the character of individual properties and the surrounding countryside. For these reasons, extensions should be subordinate in scale and proportions to the original dwelling, taking into account the extent to which the dwelling has been previously extended, or could be extended under permitted development rights. Particularly within the AONB and outside the main settlements, the volume of cumulative extensions to existing dwellings should generally be no greater than 40% of the original dwelling. It should not be assumed that all extensions up to 40% will be acceptable, with overriding considerations set out in criterion i). It is expected that replacement dwellings will be of a similar size to the original dwelling (within 10% volume), unless it can be shown that this results in a benefit to the character or appearance of the area. Both figures above take into account any unused Permitted Development rights, and are not in addition to. For the purposes of this policy 'original' is defined as the building as it was built or as it existed as of the 1st July 1948. The extension, replacement or subdivision of an existing dwelling house is subject to the existing use being lawful.
- 5.7.3 Outside defined development boundaries the subdivision of an existing home may be appropriate, particularly where houses have been joined together in the past to form one dwelling. However, the subdivision of a home would only apply to the house and not ancillary buildings such as garaging and outhouses.
- 5.7.4 There is some demand for new low impact dwellings (LIDs) and self build projects, –which make use of renewable natural, local and reclaimed materials in delivering low or zero carbon housing. These LIDs are often designed to be self-sufficient in terms of waste

management, energy, water and other needs. Although it is accepted that some elements of this type of dwelling are more sustainable, access to essential services such as school and health services need to be considered. These schemes would be, in principle, acceptable within defined development boundaries. If schemes meet the definition of 'affordable' then there is the possibility of the exception site policy catering for these types of homes in more rural locations and, in addition, if schemes meet the criteria for rural workers' dwellings then there is the potential for this to be allowed.

- 5.7.5 The creation of a new residential curtilage and extensions to existing residential gardens, either in the open countryside or on the outskirts of a settlement, will often involve the change of use from agricultural land. Unfortunately, such changes of use can have a serious negative impact upon the rural character of an area and the visual quality of the landscape, with the establishment of mown lawns, flowerbeds and the introduction of non-indigenous tree and shrub species. This can lead to an urbanisation of the rural area and is often reinforced by the introduction of domestic paraphernalia and structures such as sheds, greenhouses, fences, washing lines, play equipment and summerhouses. Careful consideration needs to be given to the size and shape of the existing plot and how it relates to others in the locality. The relationship of the site to the surrounding field pattern, topography and landscape features will also influence the impact on the wider landscape. In some instances the removal of permitted development rights may be necessary.

HOUS 6. OTHER RESIDENTIAL DEVELOPMENT OUTSIDE DEFINED DEVELOPMENT BOUNDARIES

- i) **The extension of an existing lawful dwelling-house located outside the defined development boundaries will be permitted provided that the extension is subordinate in scale and proportions to the original dwelling, and does not harm the character of the locality or its landscape setting.**
- ii) **The replacement of an existing lawful dwelling-house located outside the defined development boundaries will be permitted on a one-for-one basis, provided that**
 - **the new building can be accommodated within the existing curtilage,**
 - **the new building is not significantly larger than the original and does not detract from the character and appearance of the locality or its landscape setting.**
- iii) **The subdivision of an existing home, located outside the defined development boundaries, will be permitted provided that**
 - **the development can be accommodated within the existing building,**
 - **the resulting changes are compatible with the character of the area.**
- iv) **New housing for rural workers (full time workers in agriculture, horticulture, and other rural businesses ~~which require essential 24 hour supervision~~), located outside the defined development boundaries, will be permitted provided that it can be demonstrated that there is an essential need for a worker to live at or near their place of work.‡**
 - ~~— the dwelling is essential to the requirements of the business~~
 - ~~— the business is financially sound~~
 - ~~— there is no alternative accommodation on the holding or nearby that exists or could be made available~~
 - ~~— a dwelling on the holding has not recently been sold on the open market without an agricultural or other occupancy condition~~

- ~~— the scale of the proposed dwelling is modest, and appropriate to the established need of the business, and is, wherever possible, close to the existing buildings to meet the functional needs of the business~~
 - ~~— the dwelling is of an appearance that is in keeping with its rural surroundings and is, where necessary, supported by an appropriate landscaping scheme~~
 - ~~- In the case of new businesses that cannot yet show they are financially sound a temporary dwelling may be acceptable provided that the other criteria are met.~~
- v) ~~The location of low impact dwellings or self build dwellings will be allowed in line with other residential policy in the Local Plan.~~
- vi) New residential curtilages and extensions to existing residential gardens will only be permitted where they:
- reflect and/or reinforce existing plot and boundary patterns in the locality;
 - avoid an uncharacteristic urban extension into the open countryside;
 - will not harm visual amenities or the rural character of the area; and
 - include appropriate landscaping proposals.