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PLANNING STATEMENT

SITE: LAND AT BRYNLLYWARCH GARDEN KERRY NEWTOWN SY16 4PD

APPLICANT: MR KEITH HARRIS

PROPOSAL: ERECTION OF 2 AFFORDABLE DWELLINGS FORMATION OF VEHICULAR ACCESS
INSTALLATION OF SEWAGE TREATMENT PLANT AND ALL ASSOCIATED WORKS

LOCAL AUTHORITY: POWYS COUNCIL

Application Description:

Statement to support a Planning Application for the erection of 2 affordable dwellings, formation of vehicular access, installation of sewage treatment plan and all associated work (Part Retrospective) at Brynlllywarch Garden, SY16 4PD.

This application is a re-submission of the previous application under reference 22/1869/FUL which in turn was made pursuant to outline and reserved matters applications that were previously passed as 4 applications (2 outline and 2 reserved matters applications per plot) as detailed in the planning history below

Relevant planning history:

Planning application reference 22/1869/FUL for the erection of 2 affordable dwellings, formation of vehicular access, installation of sewage treatment plan and all associated works has been refused. The application in hand represents a revision to this refused application reflecting the refusal reasons and decision of the Local Authority.

There were two existing outline planning permissions and two existing reserved matters approvals in respect of each plot on the development:

P/2016/0937 - Outline: Erection of an affordable dwelling including new access and installation of sewerage treatment plan – Approved 20.03.17

P/2017/0383 – Outline: Erection of an affordable dwelling, installation of sewerage treatment plan and formation of vehicular access - Approved 21.06.17

18/0118/RES – Application for reserved matter following the approval of P/2016/0937 for the erection of an affordable dwelling – Granted 15.08.18

18/0117/RES – Application for reserved matters following the approval of P/2017/0383 for the erection of an affordable dwelling – Granted 15.08.18

22/1035/REM – Section 73 application to vary condition number 2 attached to Reserved Matters approval P/2018/0633 (Plot 1) to allow a revised site layout – Refused 31.08.2022

Plot 1 has been built to a different orientation compared to the original approved scheme. Permission was sought to amend this layout under application ref. 22/1035/REM however the commencement period for the application had expired. As such, this is why the application is considered to be part retrospective.

Landscaping measures agreed as part of application refs. 18/0118/RES and 18/0117/RES as considered appropriate and can be controlled by condition in the event of a grant of planning permission alongside any additional landscaping measures if the Council deem it necessary.

Access and Parking will be implemented as per application refs. 18/0118/RES and 18/0117/RES, this was deemed acceptable as part of these applications.

Condition number 7 of planning permission P/2017/0383 in relation to contaminated land investigation has been satisfied – 29th July 2022 – 22/1153/DIS

Condition number 7 of planning permission P/2016/0937 in relation to contaminated land investigation has been satisfied – 29th July 2022 – 22/1037/DIS

Changes since the previous application:

Planning application reference 22/1869/FUL

The planning application was refused by the LPA for a similar but different development as now proposed which has now been amended to respond to the refusal reasons of the Local Authority in accordance with National Planning advice.

Refusal Reasons: (Heal commentary in bold)

1. The proposed development is considered to be unjustified development in the open countryside contrary to policies SP5, SP6, H1 and H6 of the Powys Local Development Plan, Planning Policy Wales (11th Edition, 2021) and Technical Advice Note 6. **The proposed development does not cause harm or detriment to the amenity of the area or neighbouring dwellings or to the character and appearance of the locality. The scheme was previously approved in its current setting and nothing has materially changed in this regard during the period of time from when the planning permission was initially granted to this application. The landscape remains fundamentally the same and the requirement for the housing by local people is still needed to allow them to remain as a family unit within close proximity to each other providing mutual support.**

Although the classification of the area has changed – this is still basically a rural settlement as shown on the plan below – Residential Properties within the immediate area are marked with an “R” it can be seen that there are several within the area.



The site is solely for affordable housing and there will be clear and adequate arrangements to ensure that the benefits of affordable housing are secured for initial and subsequent occupiers, in accordance with the requirements of Policy SP3 (affordable housing Target) by way of a Section 106 Agreement which the applicant is willing to enter into.

2. The proposed development exceeds the maximum threshold of approximately 0.1ha for an acceptable plot size within a Rural Settlement and is therefore considered contrary to policies H1 and H6 of the Powys Local Development Plan, the Powys Affordable Housing and Planning Policy Wales (11th Edition, 2021). **The Plot size has been reduced for each plot in accordance with the guidelines. Revised plans accompanying this statement.**

3. The proposed development exceeds the maximum threshold of 115sqm for an affordable dwelling and is therefore considered contrary to policies H1 and H6 of the Powys Local Development Plan, the Powys Affordable Housing SPG and Planning Policy Wales (11th Edition, 2021) **The revised plans submitted with this application show a reduced scheme for the upper floors of the dwelling bring them in to line with current guidelines for affordable housing**

4. Insufficient information has been submitted to demonstrate that there is a proven unmet local need and to confirm the applicant's eligibility to occupy the proposed affordable dwelling contrary to policies SP5, SP6, H1 and H6 of the Powys Local Development Plan, Planning Policy Wales (11th Edition, 2021) and Technical Advice Note 6. **This is an Exception Site developed by individuals - The initial occupier shall be the applicant who obtained the permission and his immediate family who also have a local need and a local connection to the area as is required to comply with these policies. Suitable evidence can be provided to evidence the applicants and his family's need in connection with this application and their eligibility to occupy an affordable dwelling. Copies of the appropriate evidence are provided at Appendix 1 of this statement. The applicant and his family would be agreeable to being assessed to confirm that they meet the criteria for affordable housing – their local connection is clear from the evidence provided.**

Delegated Decision Extract under planning ref 22/1869/FUL (extract)

(With Heal Commentary in bold)

Requirements relating to Contaminated Land have been detailed in the report and it has been confirmed that these can be dealt with by way of condition within the planning permission.

The Planning, Design & Access Statement 31 October 2022 states:

"No concerns were raised by the Affordable Housing Officer as part of their response to the previous discharge of conditions application."

No concerns were raised about the size of the affordable dwellings, because this was not part of the reserved matters application.

The current space standard are published by Welsh Government on <https://gov.wales/acceptable-cost-guidance-social-housing-grant-guidance-sociallandlords>. The gross internal area for a three-bed house is:

88m² for a 4 persons, 3-bed house

94m² for a 5 persons, 3-bed house

In any case, the gross floorspace of the dwelling(s) should be no more than 115 square metres as detailed in 8.16 of the Affordable Housing Supplementary Planning Guidance (October 2018). 8.19 sets out the expectations about maximum plot size. **The plans have**

been revised and are submitted with this application showing that the dwellings now comply with this requirement.

Officer Appraisal

Site Location and Description

The application site is located within the community council area of Kerry and not within a settlement development boundary and would therefore be considered as development within the open countryside as defined by the Powys Local Development Plan (2018). **The site has remained the same pursuant to the original planning permissions granted for each of the plots. The only change has been to the actual classification of the area. However the need for the housing remains the same and the principle for development has been established.**

Since the passing of the original outline application for the two dwellings, both local and national policy has developed. However, the previous outline applications remain a material consideration. As such, even if the development plan has moved on and Pentre no longer carries the designated rural settlement status, the relevant test outlined within the policy it is 'well integrated'. The Council's previous view is that this was the case and as such, the location of the development is considered acceptable. This also allows the proposal to accord with PPW Paragraph 3.60. It is noted that this application seeks the erection of 2 no. properties rather than the one listed within the policy. However, the site has previously been deemed acceptable for the erection of two properties and despite the policy evolution, it is considered that there is sufficient flexibility to allow this development. The proposed development is considered to draw on support from national policy and justify the erection of 2 no. dwellings.

The site is accessed off a private road from the C2012 classified highway approximately 0.7 miles south of Kerry. The application site is agricultural land located adjacent to a private access road to the west, classified highway to the north and agricultural land to the north, east and south.

Background

The application site previously benefitted from two separate planning consents for 2 affordable houses that were considered at outline and reserved matters stages. The subsequent approvals had prior to commencement conditions attached that were not discharged prior to works being started on site. This was identified through an enforcement case which is currently being considered by the Authority in respect of the site. Discharge of condition applications and a Section 73 application were submitted after the 5 year time period of the outline planning consent to seek regularisation of the unauthorised works taking place. Given the assessment of the conditions not having been discharged prior to development starting and being considered condition precedents, officers considered the two permissions to have lapsed and the works that had been undertaken on site were not lawful. The agent has subsequently submitted this application to seeks a regularisation of the two consents under one planning permission. **This further application now addresses the required alterations to the site to allow for the development to proceed.**

Officers note the principle of development considered previously at outline planning stage was done in accordance with the then adopted Unitary Development Plan. This has now been replaced by the authorities current Local Development Plan which would seek to establish a principle of development in relation to the proposed development.

Principle of Development

Policy SP3 (Affordable Housing Target) of the adopted Powys Local Development Plan

(2011-2026) sets-out that the LDP seeks to provide 952 affordable dwellings within the plan period, through affordable housing contributions as part of market housing sites in accordance with LDP Policy H5, and through providing a framework for determining affordable housing exception sites in accordance with LDP Policies H1 and H6.

Policy SP5 (Settlement Hierarchy) of the Powys LDP sets-out the 'settlement hierarchy' for the Powys LPA Area, which takes account of a settlement's size, levels of service provision and the capacity and suitability of a settlement to accommodate sustainable growth. Part 3.3.29 of the LDP, within the supporting text for Policy SP5, confirms that

"The spatial element of the LDP Strategy identifies where development should be located during the Plan period, with the aim of ensuring that development meets the needs of Powys' communities and is directed to locations that are sustainable in terms of their size, function, character, facilities, transport linkages and social and environmental capacity."

The application site is not identified to be located within either a Town, Large Village or Small Village within the settlement hierarchy under LDP Policy SP5. However, 'Rural Settlements' are not listed within the policy, and instead, the following criteria are to be applied to ascertain whether a settlement can be considered a 'Rural Settlement' for the purposes of the LDP:

They shall be historically recognised / named settlements; and

They shall contain at least 10 closely grouped dwellings.

The count of dwellings in bullet point 2 above shall not be taken to include farmhouses, rural conversions or dwellings originally granted for local need/affordable or agricultural/rural occupancy.

Part 3.2.25 of the Powys LDP further confirms that "in order to promote the principle of more sustainable communities, the Council considers it appropriate to exclude very small or widely scattered settlements from the definition of rural settlements.

Furthermore, homes which by their nature are located rurally (e.g. farmhouses) and those which originate from exceptions to the general policy approach of exercising strict control over new housing in the rural area, are outside the scope of the definition."

The application site is noted to be located within a rural area and is characterised by its 'ribbon' form of linear development along the C2012 public highways.

Is noted that Pentre was a listed rural settlement within the Unitary Development Plan, however the current Local Development Plan (2018) does not list rural settlements.

Considering the current Local Development Plan and the criteria for defining a rural settlement, the application site is not located within a historically named and recognised settlement, and it does not contain ten closely grouped dwelling houses, as is required by the criteria of LDP Policy SP5.

It is noted the cluster in which the proposed development is located was originally considered as part of the rural settlement of Pentre under the Unitary Development Plan. However given the assessment criteria adopted with the Local Development Plan, and that the two clusters are clearly separated by approximately 135 meters officers do not consider the grouping of the two areas for the assessment would be applicable in these circumstances.

Thus, for the purposes of assessing the planning application, and as defined by the adopted Powys LDP, the application site is deemed to be sited within the open countryside, as per the criteria and requirements of LDP Policy SP5.

Furthermore, the application proposes two affordable dwellings at a site which would only be considered acceptable should the application site fall within a defined Town, Large Village or Small Village within the settlement hierarchy under LDP Policy SP5.

Policy H1 (Housing Development Proposals) of the Powys LDP sets-out the following criteria in respect of housing development proposals within the open countryside:

“To ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP3, SP5 and SP6, housing development proposals will only be permitted:

In the Open Countryside:

- i. Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or
- ii. Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or
- iii. Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8”

The supporting text for LDP Policy H1 adds the following:

“Policy H1 applies a restrictive approach to housing development in the open countryside in line with national policy. The policy identifies where certain types of development will be supported and determined in accordance with national policy and Technical Advice Notes namely

Rural enterprise worker dwellings – see TAN 6, July 2010.

One Planet Development – see TAN 6, July 2010.

Re-use / adaptation of rural buildings – see PPW, TAN 6 and TAN 23.”

The proposed development for two affordable dwellings at the site is not considered to be compliant with any of the above types of development deemed to be acceptable within open

countryside locations as per the currently adopted local development plan (2018). Indeed, the proposal does not relate to a rural enterprise dwelling or 'One Planet Development' and the development would not involve the conversion of an existing rural building.

*In light of the above, the principle of the proposed development in this location is deemed to be fundamentally unacceptable, in accordance with the aims, policies and objectives of the adopted Powys Local Development Plan (2011-2026). Indeed, the development of two affordable dwellings at this location would represent an unacceptable and unsustainable incursion of residential development into the open countryside, contrary to the aims and objectives of both local and national planning policy and guidance; principally LDP Policies H1 and H6, Planning Policy Wales (Edition 11) and Technical Advice Note 2. **The site has remained the same pursuant to the original planning permissions granted for each of the plots. The only change has been to the actual classification of the area. However the need for the housing remains the same and the principle for development has been established.***

Affordable Housing Eligibility

Policy H6 of the adopted Powys Local Development Plan (2011-2026) seeks to ensure that proposals for the development of affordable housing are to meet a proven, unmet local need that are of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier. The site should be solely for affordable housing and there must be clear and adequate arrangements in-place to ensure that the benefit of the affordable dwelling(s) are secured for initial and subsequent occupiers in accordance with the requirements of LDP Policy SP3.

In accordance with the Authority's adopted Affordable Housing SPG, in order to be eligible for affordable housing, applicants must meet the 'local connection' and 'financial assessment' tests detailed within Appendix C of the SPG. No information has been submitted as part of this application to demonstrate the applicant's eligibility and need for affordable housing, and their local connection. Furthermore, no evidence has been submitted to demonstrate the applicant's registration with Tai Teg, in-line with the criteria of the adopted Affordable Housing SPG.

Officers do note that a previously consented scheme for two affordable dwellings was approved on site in 2017, however no evidence as detailed above has been submitted with this application. Consequently, the need and circumstances of the applicants may have changed in the 4 years since planning was originally granted and therefore reassessment would be required.

As such, it is not considered both the local connection and financial tests have been met. **This is an Exception Site developed by individuals - The initial occupier shall be the applicant who obtained the permission and his immediate family who also have a local need and a local connection to the area as is required to comply with these policies. Suitable evidence can be provided to evidence the applicants and his family's need in connection with this application and their eligibility to occupy an affordable dwelling. Copies of the appropriate evidence are provided at Appendix 1 of this statement. The applicant and his family would be agreeable to being assessed to confirm that they meet the criteria for affordable housing – their local connection is clear from the evidence provided.**

Density, Scale & Affordability

The Authority's adopted Affordable Housing SPG confirms that the maximum plot size for an affordable dwelling in a rural settlement should not exceed 0.1 hectares. On this occasion, the application site lies within the open countryside, and whilst the scale restriction is therefore not directly applicable, it is deemed the most appropriate restriction to apply to the proposed development. The application site measures approximately 0.27 hectares in total area for the two dwellings. The proposed site therefore exceeds the threshold for plot size and is not deemed to be of an acceptable scale given the current guidance within the authorities adopted Affordable Housing SPG. **The plot sizes have been reduced accordingly**

The scale of the proposed dwelling is also a key consideration in determining the acceptability of a new affordable dwelling.

Part 8.16 of the Affordable Housing SPG states the following with regard to scale:

"In any case, the gross floorspace of the dwelling(s) should be no more than 115 square metres, as per the maximum space standard in the ACG. This figure does not include external wall thicknesses, however it includes garages where they are integral to the dwelling."

The submitted plans and elevation drawings illustrate that the dwellings proposed would have a gross internal floor area of approximately 120sqm, therefore exceeding the threshold as specified within the adopted Affordable Housing SPG as stated above.

*In light of the above, the proposed dwellings have not been designed in accordance with the adopted Affordable Housing SPG and the dwellings would therefore not be considered to be affordable as defined by the criteria as set out within the Local Development Plan. **The Dwelling sizes have been reduced accordingly.***

Design, Scale & Visual/Landscape Impact

With respect to design, specific reference is made to Policy DM13 of the Powys Local Development Plan (2011-2026). This policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. It states that, in terms of design, proposals will only be permitted where the following criteria are satisfied;

- 1. "Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.*
- 2. The development contributes towards the preservation of local distinctiveness and sense of place."*

Further design-specific guidance is set-out within TAN 12 (Design) and the Council's adopted Residential Design SPG.

With regard to the potential impact upon the surrounding landscape, regard must be paid to LDP Policy DM4 (Landscape) which states that proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. Consideration has been given to LDP

Policy DM4 (Landscape). A visual and sensory evaluation of the site using LANDMAP classifies the area of land as being of moderate value, with it being evaluated as follows:

Typical example of mixed arable and livestock farming that is evident throughout the study area. Displays an extensive patchwork of small to medium sized fields that are good examples of this aspect type but are suffering from some loss of character to the outer edges of the aspect due to the amalgamation of smaller fields for easier cultivation

Whilst it is accepted the overall visual impact of the proposed built development could be softened and mitigated to an extent with a comprehensive soft landscaping scheme, it is not deemed appropriate to simply screen unacceptable development within the open countryside from view so as to make it acceptable. As noted above, the proposed development is unjustified in this location and contrary to local planning policy, and as a result, whilst soft landscaping could help to lessen its visual and landscape impact, it is not considered this would render the development acceptable on this occasion. **The setting remains the same as when the original planning permission were given. Conditions can be added to the permission to deal with any landscaping concerns.**

The proposed dwellings exceed the affordable dwelling size as stated with the Affordable Housing SPG and therefore a reconsideration of the scale of the dwellings would be required. However, the design of the proposed dwellings is considered to be acceptable and would not detract from the character of the immediate and surrounding area. **The size has been reduced to comply with the affordable dwelling required specification.**

The materials proposed which include Blockleys Heritage Shropshire blended brickwork walls with a Spanish slate roof and white plastic windows and doors would be considered acceptable.

In light of the above, the siting of the proposed development is deemed to be unacceptable on this occasion, and would cause an adverse visual impact upon the character of the surrounding rural area, without paying any attention to the local distinctiveness and 'sense of place' of the site's environs. As such, the proposed development is considered to be contrary to the requirements of Policy DM13 (Criteria 1 and 2) of the adopted Powys Local Development Plan (2011-2026), TAN 12 (Design) and Planning Policy Wales (Edition 11).

Conclusion

Officers note the agents submitted information in support of the application has given significant weight to the fact that the site benefits from consents for two affordable dwellings. Whilst this is not contested by officers, that fact that the policy position of the authority has changed since the original principle of development was

Decision - Refuse

The Applicant has sought to address the matters contained in the report but Reducing the dwelling and plot sizes to accord with the affordable housing legislation. He has now provided the evidence required to show both his and his family local need for the housing in the area. As stated above although the classification of the area may have now changed the need for the housing still remains and based on the very real lack of affordable housing

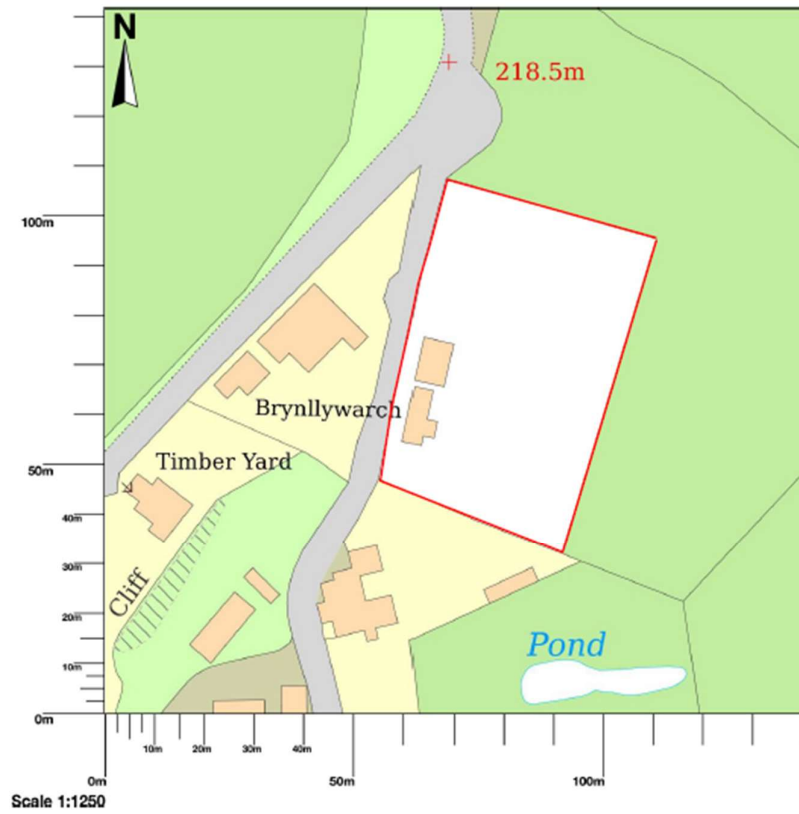
in rural Wales as detailed later in this report, significant weight should be given to this aspect of the application.

Site Location and Development Plans

Site location and Description

The application site is located adjacent to the cluster of properties at Pentre and the settlement of Kerry is located c. 1.32 KM to the northwest of the site. Site Plan below

Brynlywarch Garden, Kerry, Newtown, SY16 4PD



Revised plan for each plot now reduced to 115 sqm for affordable housing

A2 Do not scale from this drawing for construction purposes. Check all dimensions on site before setting out. This drawing is copyright and may not be reproduced without permission of the owner.



Revised plan showing the reduced plot size for affordable housing

10.12 It is important that there is adequate housing provision in rural areas to meet the needs of local people and to contribute to the delivery of sustainable communities. Development plans must set out how planning at the local level will contribute to meeting identified rural affordable housing needs. Local planning authorities should allocate sufficient land either within or adjoining existing rural communities to enable these local requirements to be met in a manner which contributes to the achievement of sustainable communities. This may include, where justified by evidence, sites solely for affordable housing

10.13 Affordable housing provision in rural areas must be supported by a rural exception site policy¹⁴. Rural exception sites should be small (as locally defined in the development plan), solely for affordable housing and on land within or adjoining existing rural settlements which would not otherwise be released for market housing. The affordable housing provided on such sites should meet the needs of local people (see paragraphs 10.16-10.17) in perpetuity and count towards the overall level of housing provision.

10.16 Local planning authorities must set out in their development plan their definition of 'local need' for affordable housing in rural areas, within the overall aim of contributing to the delivery of sustainable communities. This can include:

- existing households needing separate accommodation in the area;
- people whose work provides essential services and who need to live closer to the local community;
- people with a family connection or long standing links with the local community; and
- people with a job offer in the locality who require affordable housing.

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) provides further guidance on how national policy and guidance in respect of affordable housing can be taken forward in rural areas.

Technical Advice Note 6 (TAN6) Extract

4.2.3 In smaller settlements and clusters, planning authorities should proactively engage with the local community and rural housing enablers to bring forward sites for affordable homes to meet local needs. The objective should be to develop a clear vision of how the local need for affordable housing can be met and the sustainability of the community as a whole enhanced. Planning authorities should ensure that the affordable housing provides for genuine local needs, is affordable in perpetuity, well designed and of the right scale. Sites for affordable housing should either be selected as part of the development plan process or be brought forward as affordable housing exception sites. There should be a high degree of certainty that the identified site will be brought forward for development as affordable housing.

4.2.4 To meet the need for affordable housing, as defined in TAN2, in smaller rural communities planning authorities should adopt a flexible approach to delivery. Whilst some schemes will be delivered by Registered Social Landlords, a broader range of delivery options will be necessary to meet community and individual needs and preferences. Possible methods of delivery include community land trusts, private landlords and unsubsidised affordable housing where the affordable housing is provided by a developer, or directly by the intended occupier. In the case of unsubsidised affordable housing the initial and resale value of the

affordable home is capped at an affordable level linked either to a fixed multiple of local incomes, or discount from market value. Whilst the price of the affordable home covers development costs, prices are well below market values. For this model to work planning authorities must ensure that properties constructed are affordable to the local community as a whole, not only the initial occupier, and requests to allow disposal on the open market (except where the mortgagee is in possession) resisted.

Planning Policy for Wales – February 2021

In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver developments that address the national sustainable placemaking outcomes. Not every development or policy proposal will be able to demonstrate they can meet all of these outcomes, neither can it necessarily be proved at the application or policy stage that an attribute of a proposal will necessarily lead to a specific outcome. However, this does not mean that they should not be considered in the development management process to see if a proposal can be improved or enhanced to promote wider well-being. It is for developers and planning authorities to identify these opportunities and act upon them.

The Wales Planning Policy Development Programme

A Study to examine local barriers to the delivery of affordable housing in rural Wales - August 2009 - Extract

Background and Context

Previous research, including the Joseph Rowntree Foundation Commission on Rural Housing in Wales and the Essex Review have identified the scale of the housing supply and affordability problem in rural Wales. The housing affordability problem is driven by a complex set of factors, including the changing rural economy, immigration, the operation of land and housing markets, problems in accessing development finance; the limited supply of social housing, the condition of the existing housing stock and the physical, access and infrastructure problems with some potential development sites. The earnings to house price ratios are greater in rural areas and most acute in smaller and more isolated rural settlements and homelessness has risen sharply in rural areas.

Previous research has also identified a series of further localised barriers to the delivery of affordable housing in rural areas, including difficulties in identifying, quantifying and understanding housing demand and capturing hidden housing need at the individual settlement level; limitations to Social Housing Grant and Acceptable Costs guidance; the lack of developers; the lack of economies of scale in rural developments; and considerable local opposition to affordable housing developments.

Previous research suggested that opportunities to deliver affordable housing in rural areas of Wales were not being maximised. Section 106 Agreements have been limited, partly as a result of small rural developments falling below threshold sizes. Difficulties remain in the use of rural exception sites, including identifying and bringing forward potential sites and working

with landowners and developers. Weaknesses have also been identified in local strategies, policies and delivery mechanisms.

Recommendations

Local Authorities

Local authorities should ensure that the delivery of affordable housing is a key corporate priority and ensure that the delivery of affordable housing in rural areas is specified and disaggregated in strategies, with specific numeric targets and delivery plans. This should be complemented by political leadership and commitment at senior policy officer and councillor levels

Local authorities should promote a tenure-neutral approach to new affordable housing developments in order to maximise flexibility, ensure the best fit with local requirements and enhance the viability of individual schemes. The overall impact of this approach will need to be monitored to ensure that a range of tenure options are made available

Local authorities should give increasing emphasis to maximising the potential of the existing housing stock through empty homes strategies which comprise audits of empty properties, targets and delivery plans to meet these targets, utilising measures such as compulsory purchase orders, empty dwelling management orders and mitigating the impact of second homes in areas of housing pressure. This should be combined with a continuing focus on the repair, renovation and maintenance of existing housing.

Local Planning Authorities

Local planning authorities should ensure that they have explicit and consistent policies in place (particularly for the use of Section 106 Agreements and rural exception sites), supported by robust evidence of housing need (including at individual settlement level), protocols, supplementary guidance and the provision of information to a range of local stakeholders and audiences. These policies should then be implemented consistently and transparently. It is important to ensure synergies between strategic objectives and the decision making processes on individual development applications and outcomes

Local planning authorities should ensure that appropriate training is provided to their staff, for example on negotiating skills. Joint training between staff from different planning authority departments could be extended to involve other key stakeholders, including councillors and community councillors

Local planning authorities need to intensify their proactive work with public bodies, utilities, charities and churches to explore the possibility of land sites being secured for affordable housing developments. This should be combined with local planning authorities continuing to make their own land available for development

Local partnerships need to be more extensive, extending to landowners, developers and community councils and should be characterised by earlier engagement at both strategic and individual development proposal levels. Enhanced partnership relationships and early stage negotiations, for example over Section 106 Agreements, are resource intensive but often assist in reducing conflicts and delays at a later stage in the development process. It is

important that all local stakeholders are involved in consultations on policy development and guidance.

Key factors of the Survey:

The Gallent (2009b:273) argued that it is land availability that presents 'by far the biggest obstacle' to housing supply in rural areas.

Particular problem of hidden housing need in rural areas, partly because individuals were not being placed on social housing registers and individuals often did not identify themselves in need in areas where there was no affordable housing available. **This is relevant to the application and his family who remain in a property much too small for their growing family but this falls under the radar as they have not requested assistance due to lack of affordable housing in their area. The applicant is basically homeless and staying with a friend**

Both situations remain as a hidden housing need. The personal circumstances of the family mean that their need is greater than ever before, due to the complex needs of their youngest son. They have 3 children working towards their education and studying for exams and a son with special needs in a house far too small to make day to day living comfortable.

Housing that enables people remain in, or move to rural areas

This proposed development would allow all parties to remain in the village where they currently reside. When selecting Kerry as a place to live, the community and school was a big factor in the decision making process for the family. As the family grew, it became apparent that the housing situation was a problem. Large rental properties are either not available or not affordable and large family homes to buy are simply out of reach.

Land and house prices and land availability were the most commonly cited most significant barrier. **This barrier can be overcome by allowing the applicants land to be developed with the two affordable dwellings for use by him and his family and future families in need of such accommodation in an area which lacks affordable house.**

Deliver affordable housing in rural areas that enable key workers in public and private sector with a strong local connection to continue living in their communities

The complete family are born and bred within this community.

Their combined occupations are all community based. The Applicant son's Partner is a qualified nurse, currently a student undertaking a degree in nursing, His son is a ground worker and the Applicant is a builder. So combined they have a lot to offer the community with one party be a key worker.

Positives and normal barriers that are already overcome:

- Land can be rare for development and this land is secured
- Local labour and materials will be used for the development supporting the local community and sustainability

- All environmental conditions were met on previous applications
- There are no infrastructure problems
- The Local Council had no objections to the proposal previously
- There was no local opposition towards the proposal previously
- Providing two houses for local people - one family currently rent a small house in the village and this project will in turn make available another rental property within the village for another family.

We would ask that the planning department give some weight to the issues raised in this survey in conjunction with this application

Local Planning Policy Context

Powys Local Development Plan 2011-2026

Supplementary Planning Guidance - Residential Design (Adopted January 2020).

Strategic Policy SP3 – Affordable Housing Target

Over the Plan period 2011-2026, the LDP will seek to provide 952 affordable dwellings through the following measures:

1. Setting thresholds and targets requiring housing development to contribute to affordable housing provision in accordance with Policy H5; **This development is providing two affordable dwellings for the current applicant and his family. Following on from that the properties will continue to be affordable homes for future residents**
2. Providing a framework for determining affordable housing exception sites in accordance with Policies H1 and H6. **The site was previously granted permission for two affordable dwellings and this has not materially changed.**

The provision of affordable housing will be controlled to ensure that dwellings remain affordable and available to those in local need in perpetuity. **The Applicant will enter into the appropriate Section 106 agreement with the local authority to ensure that this remains the case.**

Paragraph 3.3.20

The LDP supports the development of sites for 100% affordable housing within settlement boundaries and on suitable exception sites. The LDP also makes provision for the release of land outside settlement boundaries for affordable housing as an exception to policies relating to general housing provision, in order to address local need for affordable housing, particularly in rural areas. The policy approach towards the location, scale and type of affordable housing proposals across the different settlement tiers is set out under Policy H1,

and Policy H6 sets out the specific circumstances and requirements that will apply to affordable housing on exception sites

Supplementary Planning Guidance (SPG) – Affordable Housing Adopted October 2018

Paragraph 1.3 of the above states the following:

This SPG has been prepared with regard to the aspirations set nationally by the Welsh Government to deliver 20,000 new affordable homes, to make homes available at affordable rent in every part of Wales, and to make buying a home more affordable, including in high cost rural areas. At a local level, the delivery of affordable housing is a key corporate priority of Powys County Council, as expressed through Towards 2040 - the Powys Well-being Plan, Vision 2025: Corporate Improvement Plan and the Local Housing Strategy for Powys (2016-2020).

Paragraph 4.3 states the following

4.3 Affordable Housing Need

4.3.1 The Powys Local Housing Market Assessment (LHMA) undertaken in 2010 (and updated in 2014) establishes the nature and level of affordable housing need in Powys. Based on the findings of the LHMA for the LDP area, there is an authority-wide need for 1,530 additional affordable homes over the remainder of the LDP period (up until 2026).

Where a local planning authority has identified a lack of affordable housing it must consider including an '**affordable housing exception site**' policy in its development plan, setting out the circumstances where sites may be released for 100% affordable housing to meet local needs as an exception to the policies for general housing provision.

Paragraph 8.8.2 states the following

Evidence of local housing need

6.6.2 The Powys LHMA (2010, updated 2014) provides robust evidence of local housing need and will be used for negotiating an element of affordable housing on market developments under Policy H5. Based on this evidence, there is an overall need for affordable housing across all areas of the LDP, and market housing developments are expected to contribute towards meeting this need. **This development contributes two dwellings which will in the future contribute to this need.**

Strategic Policy SP5 – Settlement Hierarchy

The sustainable settlement hierarchy comprises: Towns Large Villages Small Villages Rural Settlements Open Countryside including the Undeveloped Coast

The development limits for Towns and Large Villages are set by designated Development Boundaries shown on the LDP inset maps.

Settlements across the Powys LDP area have been categorised into the hierarchy as follows:

Kerry Listed as a Large Village –
Rural settlements are not listed but are noted as follows

These are not listed but will be assessed against the following criteria:

- *Historically recognised / named settlements; and*
- *Contain at least 10 closely grouped dwellings.*
- *The count of dwellings in bullet point 2 above shall not be taken to include farmhouses, rural conversions or dwellings originally granted for local need/affordable or agricultural/rural occupancy.*

Although the classification of the area has now changed the setting and requirements remain the same.

3.3.29 The spatial element of the LDP Strategy identifies where development should be located during the Plan period, with the aim of ensuring that development meets the needs of Powys' communities and is directed to locations that are sustainable in terms of their size, function, character, facilities, transport linkages and social and environmental capacity.

3.3.30 The spatial strategy is based upon the sustainable settlement hierarchy and aims to disperse development proportionately around the Plan area in order to meet the needs of Powys' communities. Development outside of the main towns and large villages is closely controlled. This ensures that the higher tier settlements within the County remain as foci for housing, employment and services, contributing to their vitality and promoting vibrant and sustainable communities. This approach reinforces infrastructure provision (both social and physical) so as to reduce the need to travel. The Plan supports the use of policies that encourage the level of development most appropriate to each settlement. The strategy therefore ensures that an appropriate balance is struck between sustaining our more rural communities, meeting needs locally, whilst protecting the County's natural assets

Strategic Policy SP6 – Distribution of Growth across the Settlement Hierarchy

Housing and employment development is distributed in accordance with the following settlement strategy based on a settlement's levels of service provision and size (households) and subject to its capacity to accommodate sustainable growth:

Assuming the development is in a rural settlement then the following applies

Rural Settlements and Open Countryside:
No more than 15% of the Plan's Housing Growth:

Rural Settlements Housing and Employment:

Rural Settlements will be identified against the criteria set in Policy SP5. They are not listed in the LDP or subject to defined development boundaries. There are no allocations for development within this tier and proposals for development will be required to meet the exceptions policies as set out in national or local policy. Housing: Open market housing development will not be permitted in Rural Settlements. *Single affordable homes to meet*

local need in perpetuity will be permitted on suitable sites where well-integrated into a rural settlement.

Policy H1 - Housing Development Proposals

To ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP3, SP5 and SP6, housing development proposals will only be permitted:

In Rural Settlements: i. For affordable housing in accordance with Policy H6 where the development proposal is for only a single dwelling on a site which is well integrated into the settlement; or ii. Where development satisfies one of the criteria set out in 4. i) - iii) below.

In the Open Countryside: i. Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or ii. Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or iii. Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8.

Criterion 3. relates to Rural Settlements where development proposals for new open market housing will not be permitted. Policy H6 is an exceptions policy which enables local affordable housing to be built in areas which otherwise carry a presumption against development. Due to their nature, Rural Settlements are not regarded as suitable locations for any type of larger housing scheme (whether open market or affordable). Therefore, Criterion 3. limits development in this settlement tier to only single rural affordable homes. However, there are situations where new housing development in the rural area may be of a nature that is supported by national policy. It is therefore, considered appropriate for the policy under H1 3. ii) to support the same types of development in Rural Settlements as that permissible in the open countryside.

Policy H6 - Affordable Housing Exception Sites

Proposals for the development of affordable housing to meet a proven, unmet local need in Towns, Large Villages, Small Villages and Rural Settlements will be permitted where:

1. The proposed development is of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier, and accords with the requirements of Policy H1; and
2. The site is solely for affordable housing and there are clear and adequate arrangements to ensure that the benefits of affordable housing are secured for initial and subsequent occupiers, in accordance with the requirements of Policy SP3 (**affordable housing Target**)

Policy H6 is a traditional exception site policy which allows the development of sites for 100% affordable housing to meet local needs in locations not normally acceptable for residential development in accordance with PPW and TAN 2. Sites adjacent to Towns and Large Villages are likely to be suited to accommodating the larger affordable housing schemes and therefore

these sites are reserved for development by Registered Social Landlords, or equivalent organisations, or the Strategic Housing Authority. Single unit developments by individuals will not be acceptable in these locations.

The policy also aims to help sustain rural communities and retain people in their local communities by allowing the development of small scale affordable homes to meet local identified housing need. Affordable housing development in Rural Settlements will be restricted to single affordable dwellings to meet a specific identified local need. Affordable homes in Small Villages and Rural Settlements may be developed by an RSL or an individual (self-build) to meet a specific identified local need.

New affordable homes should be of a size, scale and tenure that is commensurate with the defined need. The design of social housing is governed by various standards and minimum requirements, such as the Development Quality Requirements and Welsh Housing Quality Standards issued by the Welsh Government. The Affordable Housing SPG provides further detail on mechanisms to control the affordability of housing in terms of size and design, particularly in respect of intermediate forms of affordable housing.

Conclusion:

This resubmission has sought to address matters raised in relation to the previously refused application such that it is safe now to approve this proposal. In particular the need for these properties has not changed and although legislation may have changed, the principle of the development remains and the landscape unaltered.

Planning permission should therefore be forthcoming.

Recommendation:

The Planning Authority is respectfully requested to approve this application.

**HEAL Planning
11 St. Mary's Place
Shrewsbury
SY1 1DZ**

Appendices

Evidence of Local Connection for the Applicant and his family to allow them to continue to reside in the local area in an affordable dwelling.

Dwelling 1:

Kirk James Harris

Kerrie Louise Jones (his Partner)

Children -

Louis Aged 4 Born 2018 who is diagnosed with special needs

Ava Aged 9 Born 2014

Kirk Harris and his family currently reside in Kerry and have done since the 1st November 2015. A tenancy agreement is provided to evidence this.

Kirk Harris previously resided with his parents in Newtown Powys.

Dwelling 2:

Keith Harris - The Applicant

His Grandchildren –

Connor Aged 16 born in 2007

Nikita Aged 13 born in 2010

Both Kirk and Kerrie have been registered for housing in Powys across all Housing Associations since Jan 2021. They have not been offered any suitable housing in the area.

Keith Harris has resided in the Newtown area all his life (from 1964) . A Letter from his medical practice is provided to evidence this.

The Applicant and his family can there establish local connection and have complied with this criteria.

Affordability:

The Applicant is currently homeless and is residing with a friend due to being unable to proceed with the development of the plots. He sold his previous residence to fund the build.

His son Kirk, has never been able to buy his own property because of the affordability factor. His girlfriend is a student and their income is below £45k. They currently rent a 3 bedroom house and are unable to rent a larger house i.e. 5 bedrooms for 6 people, (including their special needs child) because of the cost of doing so.

Housing Available in the area:

A 62 housing development that has been fully sold and built on the edge of the existing residential village in Kerry. This development gained full planning permission without the requirement for the affordable housing criteria. The properties were sold on the open market to anyone. Purchasers did not need to live or work in and around the area for any given time. This development has basically extended the length of the village.


Attached are selection of sales particulars. Some of the properties are in Kerry. They are either not large enough, and the larger properties are not financially viable for first time buyers.

Rural communities need young families for sustainability and housing makes it very difficult for local people to access suitable accommodation. Building affordable housing for young families, underpins the sustainability to local communities which in turn protects the services and facilities of local businesses.

Another problem is that properties in rural locations, large enough to facilitate say a 6 person family, normally come with land attached, this raises the value and makes properties such as these not in the reach of young families.

Rental properties in the area are scarce and any currently available are too small for the needs of the whole family or have very high rents payable.

Details of some properties for sale in the area are shown below:






Upper Trefeen, Kerry, Newtown ✕
 Character Property 🏠 5 🚗 2

A beautiful black & white timber-framed farmhouse, dating from the 17th century, enjoying an elevated position within rolling countryside, offering a tranquil setting with stunning views. Sitting within circa 2 acres of land

Reduced on 21/06/2023 by Grantham's Estates Limited, Shrewsbury

£390,000
 Guide Price

 01743 652213  ❤️ Save





Willans Court, Kerry, Newtown, Powys, SY16 ✕
 Detached 🏠 4

Property image 1
 An attractive residential estate. Within popular village of Kerry. Well presented & appointed accommodation. Ent Hall, WC, Lounge,

Added on 14/06/2023 by Morris Marshall & Poole, Newtown

£375,000
 Guide Price

 01686 805803  ❤️ Save





Canal Road, Newtown, Powys, SY16 ✕
 Detached 🏠 5


An exciting development opportunity within the town, Vernon House is a Five Bedroom Detached Dwelling House requiring a scheme of

ONLINE VIEWING

Reduced on 15/06/2023 by Morris Marshall & Poole, Newtown

£395,000
 Guide Price

 01686 805803  ❤️ Save



Canal Road, Newtown, Powys ✕
 Detached 🏠 4 🚗 3

An immaculately presented four bedroom detached, family home with light, spacious rooms which are all complimented by modern decor. This stunning family home briefly comprises an entrance hall open plan to a

Added on 22/03/2023 by Fine & Country, Newtown

£375,000
 Guide Price



Sawmills, Kerry, Newtown, Powys, SY16 ✕
 Bungalow 🏠 2

Detached Single Storey Dwelling. Refurbished by current owners. In attractive Sawmills Area. Kerry 0.5 mile, Newtown 4 miles. Well

ONLINE VIEWING

Reduced on 27/06/2023 by **Morris Marshall & Poole, Newtown**

£245,000

MORRIS MARSHALL POOLE 01686 805803 ✉ ♡ Save
 Local call rate



Windy Ridge, Hillside Avenue, Newtown, Powys, Mid Wales, SY... ✕
 Detached 🏠 5

A spacious well maintained and very desirable five bedroome detached house in a private location at the end of a cul de sac with extensive mature gardens with a small area of woodland, enjoying a

Next image on 31/05/2023 by **Harry Ray & Company, Welshpool**

£550,000
 Guide Price

HARRY RAY & COMPANY 01938 530450 ✉ ♡ Save
 Local call rate



Vastre Bungalow & Vastre Cottage, Kerry Road, Newtown, Powys, S...
 Guide Price **£630,000**
 2 Bedroom Detached Bungalow



Aberhafesp, Newtown, Powys, SY16

Guide Price £345,000

3 Bedroom Detached Bungalow



Bettws Cedewain, Newtown, Powys, SY16

Guide Price £325,000

3 Bedroom Detached House



Old Barn Lane, Newtown, Powys, SY16

Offers Over £325,000

3 Bedroom Detached House



DOLFORGAN VIEW

KERRY, POWYS, WALES

Wyro's latest Net Zero Carbon emission homes which are due on the market over the next few weeks in July start from £159,000 for a one bedroom terraced house and £229,000 for a three bedroom semi-detached. More info at wyrogreenhomes.co.uk or via sole