

Response to Matter 10 - Housing

- ***Do the policies reflect national policy in PPS1, PPS3 and PPS7 concerning development in and adjacent to rural settlements and in the countryside?***
 1. The general objective of PPS1 is to deliver sustainable development through spatial planning. It aims to deliver this key objective, by promoting the following criteria:
 - *Appropriate Locations* - Paragraph 27 (iv) outlines how local authorities should bring forward sites of suitable quality in appropriate locations to meet the expected needs for housing.
 - *Accessibility* - Paragraph 16, part 3 promotes accessibility, both in terms of location and physical access as a key theme for achieving sustainable development. This includes improving access for all members of the community to jobs, health, housing, education, shops, leisure and community facilities.
 - *Facilities* - Paragraph 27 (ii) encourages the improvement of facilities, to promote the well-being of communities.
 - *Protection of the countryside* - paragraph 17 and 27 (v) outlines how the Government is committed to protecting and enhancing the quality of the natural environment. This includes 'planning policies which should seek to protect and enhance the quality, character and amenity value of the countryside'.
 2. PPS3 builds on the policies in PPS1 and gives a more detailed stance on planning for housing, in both the urban and rural areas. The main purpose of PPS3, specifically in the rural area promotes:
 - *Suitable locations* - the section outlined on page 13, outlines how housing development should be located in a suitable location, which offers a good range of community facilities and with good access to jobs, key services and infrastructure.
 - *Accessibility* - paragraph 38, part 6, outlines that the 'accessibility of proposed development to existing local community facilities, infrastructure and services, including public transport.'
 3. Further detailed guidance on the above is clarified in paragraph 38, part 7.
 4. PPS7 promotes sustainable development in rural areas. The following guidance is relevant to the Tenterden and Rural Sites DPD, specifically paragraph 8, '...the focus of additional development in rural areas should be on existing towns and identified service centres. But, it will also be

necessary to provide for some new housing to meet identified local need in other villages.'

5. With regards to development on the edge or adjacent to built-up settlements this is further clarified in paragraph 9(ii) of PPS7 which states that new house building should be strictly controlled in the countryside, away from established settlements or from areas allocated for housing in development plans. Paragraph 15 also states that: 'Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.' Paragraph 10 outlines where special justification for development in the rural areas is acceptable.
6. Policies TRS1-5 of the DPD are entirely consistent with this national policy and this is further clarified below.

TRS1: Minor residential development or infilling

7. Policy TRS1 has been written to ensure that a continual supply of housing can be brought forward in the most sustainable rural settlements in accordance with PPS3, whilst preventing development in the countryside, in accordance with PPS7, 9(ii). The aim of PPS3, paragraph 3 criterion 3 is to supply more housing in both urban and rural areas to ensure that people have access to housing that is both affordable and meets their needs (PPS3, paragraphs 20 and 21). By allowing development in a range of existing settlements, it enables housing to continue to be provided in the most sustainable locations, whilst preventing the need to develop in the countryside (see response to TRS2 below).
8. Ashford Borough Council use a definition of the built-up confines of a settlement (paragraph 7.8 of the DPD) to protect the countryside from development. This does not allow residential development outside the built-up confines, as it is considered that the once beyond the built-up confines, any site should be regarded as being part of the 'countryside' and should, in principle, be protected for its intrinsic value and character in accordance with PPS1 paragraph 17 and 27 (v); PPS3 paragraph 10, criteria 4 and paragraph 38 (part 6) and PPS7 paragraph 9 (ii).
9. However, Persimmon Homes (TPV199, 200, 202 and 203) object to the policy stance, because they feel new development should also be allowed outside the 'built confines', on the edge of settlements in accordance with national policy. This is further reiterated by Savills (TPV327) and Mr Stephen Penny's objection (TPV7), as they consider the current built-up confines definition is too restrictive and should include residential curtilages on the edge of settlements, as this is defined as PDL in PPS3 (Appendix B). It is considered by all objectors that by not allowing growth on the edge of settlements, the rural settlements could become sterilised.

10. The Council in response to the above considers that the correct interpretation of national policy has been undertaken and therefore policy TRS1 is sound. Although PPS7 (2004) outlines at paragraph 9 that:

“9. In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:

(i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; “

11. PPG3 was superseded by PPS3 (2006), (see PPS3, Appendix A), therefore making the above guidance in PP7 out of date. In any event, this guidance applied specifically to the allocation of sites, rather than the determination of windfall proposals. Given that the thrust of Government guidance is that less reliance should be placed on windfall proposals for the delivery of new housing, it is reasonable for policy TRS1 to take a reasonably strict approach in respect of limiting the impact of such schemes. The continuous delivery of windfall residential developments in the rural areas in recent years also indicates that a policy limiting such developments to within the built-up confines of settlements has not been unduly restrictive. A policy which permits development on land adjoining settlements would lead to expansion of villages and encroachment into the countryside and this would be inconsistent with government guidance.
12. In reference to residential curtilages, although this is accepted as PDL, the guidance in Annex B of PPS3 is clear in stating that this does not mean that there should be a presumption that such land is suitable for development or that the whole curtilage should be developed. The nature of many residential curtilages on the edge of villages are that they are large and open in character, therefore having more in common with the adjacent countryside than the ‘urbanised’ part of the settlement. As one of the main objectives of PPS1 and PPS3 is to avoid development in the open countryside and to protect its intrinsic character, it should follow that if the residential curtilage exhibits the characteristics of the countryside, then whether it is PDL or not, it should be regarded as falling outside of the built-up confines of the settlement.
13. CPRE (TPV53 and TPV55), the Weald of Kent Protection Society (WKPS) (TPV235), Wye and Hinxhill Parish Council (TPV445) and Mrs Scott (TPV250) have opposed the supporting text to TRS1, paragraphs 7.7 and 7.8 of the DPD as they disagree with using a written definition of the ‘built-up confines’, but instead promote the use of a ‘village envelope’ defined on a map.
14. The Council has used a written definition of the built-up confines over many years and through several Local Plan reviews. This approach has been used successfully in this time, including in appeal situations. It ensures that each planning application is considered on its individual

merits, rather than being judged as either 'in or out' of the settlement in a DPD. This gives the policy flexibility and ensures that development is provided in the most suitable and sustainable locations. There is no specific Government guidance which states how a Local Authority should define the extent of a settlement and there is no justification to amend the approach in this DPD.

TRS2: New residential development elsewhere and TRS3: Replacement dwellings in the countryside

15. In accordance with PPS1, new house building should be strictly controlled (including single dwellings) in the countryside away from established settlements or away from areas allocated for housing in development plans. PPS7, paragraphs 10 and 11, identify that exceptions to this rule could include a functional need for a countryside location or a single property with exceptional innovative design or justification merits. This has been reiterated through the Council's Core Strategy (6.30 and 6.37) and built upon in policy TRS2 of the DPD.
16. Policy TRS2 restricts development outside the built confines of the settlements listed in TRS1. These rural settlements have been selected based in part on the Sustainability Matrix (see Employment and Housing Background paper **(CD12)** as they are the most sustainable settlements in accordance with PPS1. The smaller villages and hamlets not on this list have very few, if any, local facilities or have no realistic or suitable opportunities for new residential development.
17. The stance taken, with this policy being criteria based ensures that the policy approach is flexible and therefore can incorporate the exceptions outlined in PPS7 paragraphs 10 and 11, for example, agricultural dwellings. The exception outlined in PPS7 (paragraph 11), provides specific guidelines on what constitutes a property of specific merit and therefore local policy does not need to replicate these guidelines in accordance with PPS12.
18. Policy TRS3 has been written as an 'exception' to the general restriction of new dwellings in the countryside. This is in accordance with PPS3, paragraphs 20 and 21, and PPS7, paragraph 8, which ensures dwellings remain suitable and effective for the dwelling occupiers needs, for example a growing family. It also helps to address sub-standard housing in a response to PPS3, paragraph 10, criteria 1, which states that: The planning system should deliver high quality housing that is well-designed and built to a high standard.
19. CPRE (TPV56) agree with the policy in general, however they have objected to the exclusion of residential extensions in the policy text, as the same restrictions should apply.

20. The Council disagrees with this as residential extensions are more properly dealt with under the forthcoming Generic Development Management DPD as the same criteria are likely to apply whether in an urban or rural situation. It is considered by Council that each extension should be looked at on its own individual merits, through the development management process. There is no specific Government guidance on extensions in the countryside and the DPD approach is considered the most flexible.
21. TDRA (TPV335) have objected to the policy text of TRS3, criterion b. It is suggested to change the text to read ‘no more visually intrusive than the existing”, which is argued as a similar stance taken by Maidstone BC. The change in wording proposed by TDRA would permit replacement dwellings of any dimensions providing that they are well screened. The Council considers this suggestion is unsuitable as the criterion would be highly subjective, for example, it doesn’t address where you are assessing the visual intrusion from and would depart from the main principles behind the policy set out in para. 7.13 of the DPD.

TRS4: Exception site for local needs housing

22. Paragraph 30 of PPS3 outlines the conditions that should be undertaken when utilising the delivery of local needs housing in rural areas through the use of a rural exception site policy. National policy states that, ‘a Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.’ The supporting text in policy TRS4, paragraphs 7.30 and 7.31 offers further clarity to ensure that Local Needs housing is delivered to communities in line with the guidelines set out in PPS3.
23. GOSE, (TPV434) argues that the wording the Council has used in the supporting text of the DPD (paragraph 7.20) does not appear to fully reflect that set out in PPS3 (paragraph 30), as set out above.
24. The Council does not agree with GOSE’s comments as there is only the need for the Council to consider allocating sites specifically for affordable housing in rural areas – there is no requirement to do so and in fact, policy TRS4 represents the ‘rural exception site policy’ advocated in PPS3 para. 30. The Council believes this is a far more flexible approach than attempting to make site specific allocations, which has proved successful over many years in the Borough. Coupled with the requirement to deliver affordable housing in policy CS12 of the Core Strategy (which is re-iterated in many of the site allocation policies in the DPD), this represents a sound and robust approach to the delivery of affordable housing in the rural areas.
25. Mr Keith Brannon from Mason Brannon (TPV349) has objected to TRS4 because he suggests the policy is not delivering enough housing in rural locations, citing Bethersden as an example and proposes the ability for

general demand housing to be brought forward as a means of releasing a site for local needs.

26. However, the data shown in the tables at the end of this Response paper indicate that the policy has operated successfully in many different villages over a number of years. By introducing an ability for general demand housing to 'cross-subsidise' local needs housing would seriously undermine the objective of the policy to release sites as an 'exception' to normal policies of restraint and could result in added 'hope value' which, it is claimed, is preventing sites coming forward. Such an approach would run counter to Government guidance on the location of 'general demand' housing and should not be supported.
27. Representation TPV57 states that although CPRE fully support the intention of Policy TRS4, they are concerned with the clarity of the wording that states that permission will be granted "within or adjoining rural settlements". The Council considers that this is the correct approach for delivering local needs exception sites, as it helps to ensure that they are delivered in the most accessible and sustainable locations possible rather than be potentially in remote locations in the countryside

TRS5: Exception sites for specialist housing schemes

28. Please see response under question 10.3 for further clarification regarding TRS5.
- ***Do they contain repetitive criteria about the universal planning considerations such as traffic generation or effect on neighbours, which could be left to an overarching policy on Design Quality in a Development Management DPD***
29. In general, the Housing topic policies in the DPD TRS1-TRS5, are not considered to have unnecessary or repetitive criteria within the policy text. Specifically, reference to traffic generation cannot be found in any housing topic policies or site specific policy within the DPD. Traffic criteria are identified in the policy text covering employment policies, but this is considered to be necessary due to the likely traffic generation that employment proposals bring forward.
30. Specific reference to the design of sites is referenced in four of the five housing related topic policies. However, this is judged as an appropriate policy stance, because there is not a Core Strategy (CD5) policy that deals with design issues that may affect landscape or character in rural areas. The overarching policy on Design Quality is policy CS9. However, it is considered that particular contextual issues, which covers the varied rural context of development justifies a further, more detailed reiteration in the DPD policies.
31. The Council would be concerned about leaving important criteria-based requirements to a future DPD as this would leave a 'gap' in the policies

of this DPD until the future DPD were adopted. If the Inspector is minded to suggest any amendments to the criteria in policies TRS1-5, then this could focus on 'neighbour amenity' criteria which, if accepted, could be regarded as inherent in considering the merits of planning applications.

- ***Is there sufficient justification for the apparent conflict between PPS3 and the supporting text to Policy TRS5, in referring to exception sites for specialist needs housing accommodating the needs of those from outside the Borough?***

32. PPS3 doesn't specifically address the need for exception sites for specialist need housing schemes. Therefore, the Local Authority response to this matter has been undertaken in a way that is consistent with National Policy, specifically PPS7, paragraph 8 which states that 'the needs of all in the community should be recognised, including those in need of affordable and accessible, special needs housing in rural areas.' The Council feels that policy TRS5 addresses the needs of these vulnerable groups in a positive way, by ensuring that special needs housing developments may be an acceptable 'exception' to national policies of restraint.

33. In particular, it should be recognised that the need for special needs accommodation is unlikely to focus in a single settlement in sufficient numbers to enable a viable scheme to be brought forward to just serve the members of that individual village or parish and hence, a policy approach that enables a grouping of local special needs from across a group of parishes will be a much more effective tool in enabling such accommodation to be brought forward. As such, there is no logical reason why an arbitrary administrative boundary should be a restriction in the application of the policy to meet specified needs.

34. Robert Stevenson from the Martha Trust (TPV411 and TPV408) has objected to the policy stance taken by the Council in TRS5, as he believes that the policy should contain specific reference to residents that have profound and multiple learning disabilities. There is no need for the policy to make specific reference to a particular form of special need as this would be encompassed within the general coverage of the policy.

- ***Will the rural exception sites policy TRS4, on its own, be likely to bring forward an adequate amount of rural affordable housing to meet local needs? If not, how will the DPD achieve this aim?***

35. Objection TPV371 from Barratt Strategic suggests that the exception policy has not been sufficient to bring forward the amount of affordable housing required and that incentives need to be provided to developers to do so. However, it can be seen that the Rural Exception policy has been used with a high level of success since the Local Plan 2000, where a similar policy was adopted (HG15: Local Needs Housing). Since 2003 alone, 64 affordable 'local needs' dwellings have been granted planning permission on rural exception sites (see Table 1). This data has been

sourced from the Council's annual Housing Strategy Statistical Appendix (HSSA), formerly the Housing Investment Programme (HIP), which is the statistical document supporting the Council's housing strategy. The Council therefore can justify the use of Policy TRS4 because evidence demonstrates that it is a successful vehicle for delivering housing to meet local needs.

	Monitoring Year							TOTAL:
	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	
No. of affordable units granted planning permission on Rural Exception Sites	16	0	22	4	11	0	11	64

Table 1: No. of affordable units granted planning permission on rural exception sites, data from the Council's Housing Strategy Statistical Appendix (HSSA).

36. In addition, the DPD will also deliver affordable housing through policy CS12 contributions on qualifying allocated sites. Although these sites won't be specifically designated for local people, they will provide a further opportunity for affordable housing in the rural area. If all qualifying allocated sites are developed during the plan period, under CS12 guidelines, potentially 269 affordable units could potentially be delivered in the rural area (See Table 2). In addition, if local need exception sites come forward at a rate that they have in recent years an average of 9 dwellings will come forward each year.

	Phase 1	Phase 2	TOTAL	Approximate affordable units that could be delivered in accordance with CS12 (35% on sites ≥ 15 units)
TENT 1	300	175	475	166
CHAR 1	35	-	35	12
CHAR 2	55	35	90	32
HAM 1	50	-	50	18
HAM 2	-	20	20	7
WYE 1	25	-	25	9
WYE 2	20	-	20	7
CHIL 1	30	-	30	11
BID 1	10	-	10	
ALD 1	20	20	40	14
ROLV 1	20	20	40	14
BETH 1a	15	-	15	5
BETH 2	5	-		
WOOD 1	10	-	10	
	595	270	865	269

Table 2: Distribution & Phasing of Rural Housing Allocations, reproduced from Appendix 3 of the Tenterden and Rural Sites DPD and updated with potential affordable housing units that could be delivered over the plan period.