

Meeting Housing Needs

Mid Devon Supplementary Planning Document



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Introduction

1. House prices in Mid Devon have risen by 263% since 1998, far outstripping local average wages. Income levels in the area are generally low and many jobs are low skilled. In October 2011 the average house price in Mid Devon had reached £219,300 representing 10.1 times the average full time wage. Recent financial upheavals have further exacerbated the situation by making it much harder to finance house purchases. As a result there is a pressing need to secure affordable housing in association with new market housing.
2. The Council's Corporate Plan 2010 to 2015 contains 11 corporate priorities and pledges to the community. One of those pledges is to deliver 450 affordable homes. The Council's adopted Core Strategy contains a target of 100 affordable dwellings per year. The key statement of national planning policy is the Government's National Planning Policy Framework (NPPF) published in March 2012.
3. To provide up to date evidence a Housing Needs Assessment was undertaken for the Council by David Couttie Associates in 2011. This used the Government's method for calculating need which identified that to meet the existing backlog of need in Mid Devon, 643 affordable dwellings are required per annum. Some of this need can be met by re-letting the existing social stock which currently averages 234 units per annum. After allowing for this level of re - let supply, and an estimated 16 shared ownership re - sales annually, there will still be a total annual affordable housing shortfall of 393 units if dealing with the backlog over 5 years or 335 units over 10 years.
4. This Supplementary Planning Document (SPD) sets out to provide additional advice and policy on the implementation of policies in the Core Strategy and the Allocations and Infrastructure Development Plan Document (AIDPD) which relate to the provision of affordable housing. SPDs expand upon policy or provide further detail to policies in Development Plan Documents (DPDs), but they do not have the status of an adopted development plan. They can demonstrate through illustrations, text and practical examples how policies can be taken forward. Supplementary Planning Documents can include design guides, site development briefs, or cover specific issues or themes. They are a material consideration for relevant planning applications but they must not be used to allocate land or contain policies that should be subject to independent examination.
5. This SPD is divided into policies, each with a supporting justification. The policies are distinguished by being in bold text. Quotations from the relevant parts of the Core Strategy, AIDPD or NPPF are included in boxes, to distinguish them from the SPD policies and text.
6. The provisions of this SPD relate to all facilities within the C3 Use Class (dwellings) with the exception of tourist accommodation.



Housing Tenures

MHN/1 Affordable Housing Mix

The Council will seek the provision of affordable housing in approximately the following proportions:

- Social Rented Housing 60%
- Intermediate and Affordable Rent Housing 40%

AIDPD Policy AL/DE/2:

Overall Affordable Housing Provision

2000 or more affordable dwellings should be provided between 2006-2026, of which about 60% should be social rented and 40% intermediate.

7. The Housing Needs Assessment examined the demand for affordable housing, the income levels of those in need of housing and how households would be able to access the various types of affordable housing available in Mid Devon. The survey concluded the following:

The overall affordable housing tenure mix balance to address local need could be set at 70% for social rent and 30% intermediate housing, but should be subject to a wider range of social stock supply and other planning, regeneration and development viability factors at local area level. Delivery of social rented units will be more difficult in the short to medium term because of viability and funding constraints and a balance of 60: 40 envisaged in the AIDPD may be more realistic in practice.

8. As a result the Council will pursue a target of 60% social rent and 40% intermediate housing unless evidence is produced in relation to a planning application to warrant a 70:30 split as set out in the Housing Need Assessment. The assessment makes reference to the new affordable rent housing option as having effectively removed discounted market rent as an intermediate housing option. Therefore, while affordable rented housing does not fall within the definition of intermediate housing, affordable rented and intermediate housing are combined to make up the 40% tenure split in Policy MHN1.

Housing Mix

Extract from Core Strategy Policy COR3:

The diverse housing needs of the community will be met through the provision of ... an appropriate mix of dwelling sizes and types.

MHN/2 Dwelling Mix

New housing developments should contain a mix of dwelling sizes. On sites of more than 5 dwellings, developments should be in the following proportions, taking account of local character.

Tenure	Bedroom Size (%)			
	1 Bed	2 Bed	3 Bed	4 Bed +
Market Sector	60		40	
Intermediate	20	80		0
Social and Affordable Rented	50			50

9. The Council carried out a Housing Needs Assessment in 2011 which showed that the major market housing demand is for two and three bedroom properties. However, forecasts of demographic change highlight growth in older households. The Housing Needs Assessment therefore recommends that future delivery of market housing has a bias in favour of smaller units to create a more balanced housing market. In the social rented sector the reverse is true with an oversupply of one and two bedroom properties. Social rented housing property therefore had size targets of 50% small units of mainly two bedrooms to meet the needs of single, couple and small family households and 50% three and four bedroom houses to address the needs of larger families recommended. For intermediate affordable housing the ratio recommended was 20% one and 80% two bedroom dwellings. Affordable rent housing is expected to follow the proportions for social rented housing.



Standards of Affordable Housing

MHN/3 Housing of an Acceptable Standard

Affordable housing is of an acceptable standard if it meets Level 3 of the Code for Sustainable Homes, or a higher minimum level that may be set by the Homes and Communities Agency or Mid Devon Local Plan. The code level must be demonstrated when an application is made and be part of any legal agreement.

10. The Homes and Communities Agency (HCA) requires Level 3 or above of the Code for Sustainable Homes for all affordable housing that it supports. This is intended to ensure that such dwellings are fit for purpose. These provisions are amended from time to time, and the latest can be found on the HCA website.
11. The need for affordable housing to achieve excellent energy efficiency is in accordance with the Mid Devon Community Housing Strategy. Low income households are those most likely to be affected by rising fuel prices, and the policy seeks to tackle rising problems of 'fuel poverty' for occupiers of affordable housing. Also the Government is requiring that all new housing developments achieve CO2 emissions at Level 4 of the Code for Sustainable Homes from 2013, moving towards a 'zero carbon' requirement from 2016.
12. The government also requires that all social housing will meet the Decent Homes Standard. However as it is likely that any new affordable housing provision will meet this requirement, the setting of a standard is not necessary in this document.

MHN/4 Lifetime Homes

The Council will require that 20% or more of the affordable housing meets the Lifetime Homes Standard.

13. The Lifetime Homes Standard was developed by a group of housing professionals in the 1990s, in response to concerns about the inconvenience and inaccessibility of new housing for large sections of the population. The 2011 Housing Needs Assessment used a household survey to assess the characteristics of households within the district. Households were asked whether any of their members had a disability. The survey showed that 20.3% (6,366 implied) households included a member with a disability. This data is supported by the Census results, which indicate that 17% of the population considered they had a "limiting long term illness" in 2001. The Housing Need Assessment also showed that the over 85 age group will increase by 190% between 2008 and 2033. It is therefore appropriate to seek the inclusion of a proportion of housing meeting the Lifetime Homes Standard within developments, particularly within the affordable housing sector. The standard comprises 16 design criteria which go slightly beyond the requirements of the Building Regulations, but the standard is supported by Government initiatives.

Qualifying Sites for Affordable Housing

Extract from AIDPD Policy AL/DE/3:

- a) Open market housing sites of more than four dwellings within the settlements of Tiverton, Crediton Cullompton and Bampton, and of more than two dwellings elsewhere should provide affordable housing. A target of 35% affordable housing will be applied to the number of dwellings by which sites exceed the relevant threshold.

MHN/5 Housing Site Area

The area of a housing site will be measured to include any adjacent land that has clear potential for housing development, or has recently been developed for housing, and can in other respects be considered part of the same housing site. Attempts to avoid the policy requirement for affordable housing by artificially reducing the area of a site or splitting sites up into smaller parcels will not be acceptable.

14. Policy AL/DE/3 states that affordable housing will be sought on sites which exceed the affordable housing threshold. In the case of Tiverton, Crediton, Cullompton and Bampton, affordable housing is required on sites of more than four dwellings and elsewhere it is required on sites of more than two dwellings.
15. In most cases, the area will be easily measured. However, in some cases, only part of a larger housing site will come forward, or applicants may seek to avoid the provision of affordable housing by excluding areas of land from a site. The Local Planning Authority will ensure that the full area of the housing site is considered in the application of policy AL/DE/3, in accordance with policy MHN/5 above.



Definition of Affordable Housing

16. The NPPF glossary (Annex 2) defines affordable housing.

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

17. Although the NPPF refers to eligible people it does not define what the term means. The AIDPD therefore contains a definition of “eligible people”... Policy AL/DE/4 states:

The occupation of affordable housing will be limited to households in need of affordable housing in accordance with appropriate officially published criteria such as those used by the Housing Authority for social rented housing and the Homes and Communities Agency for intermediate housing.

This is supported by paragraph 2.40:

The Housing Authority, currently Mid Devon District Council, use published criteria for allocating social housing. For intermediate housing, the national Homes and Communities Agency oversee local agents such as Home2Own, who also follow published eligibility criteria. In the case of affordable dwellings provided through the exceptions policy (AL/DE/6) or a specific allocation in a rural area, additional limitations will apply as set out in the relevant policy.

When affordable housing is permitted in rural areas under the exceptions policy, eligible people must be able to demonstrate a strong local connection.

Extract from AIDPD paragraph 2.44

The need must be for affordable housing...and from people with a strong local connection. Examples of a strong local connection could include having lived in the parish for three or more years or working locally. A scheme can then be promoted which meets that need. The size of the local scheme should be limited to meeting that local need and no more, with the form and type of affordable housing designed to meet the identified need.

MHN/6 Local Connection: exception sites

In order to meet affordable housing need where AIDPD Policy AL/DE/6 (Exceptions Policy) applies, preference will be given to eligible residents with a strong local connection, subject to evidence which accords with the provisions of local letting criteria as set out at Annex 1

18. It is important that affordable housing will be provided in a way which meets the needs of a community. This is particularly the case for rural exception sites. Annex 1 sets out the eligibility criteria which will be used for Mid Devon. The criteria are established by the Council’s Housing service and the Annex will be revised as and when the Housing service revises the criteria. These criteria will ensure that the affordable housing provided meets the needs of the area.
19. Social rented housing is provided by a registered provider such as a housing association, or another body operating in an equivalent manner. Such bodies are required to publish their criteria for assigning tenancies, on the basis of need. The Council assigns its own Council Housing in this way, using nomination criteria to ensure fairness in accordance with the Devon Home Choice policy. Similar arrangements are expected to operate for affordable rented housing.



Financial Implications of Affordable Housing

Extract from AIDPD Policy AL/DE/3:

The provision of affordable housing will be a high priority in considering planning applications, however if evidence is submitted which proves that this affordable housing target renders the site unachievable, a reduced level of provision or other alterations to the scheme sufficient to bring it forward will be negotiated.

Extract from AIDPD paragraph 2.35:

This policy has been subject to viability testing, which indicates that most housing sites can meet this target. However, it is inevitable that some sites will have unusual or exceptional costs, or that market conditions will vary over the time period of the plan. Accordingly, the policy allows developers to negotiate over the target, where they provide sound evidence relating to viability, which will be taken into account in the negotiations. Alterations to the scheme, including but not limited to reductions in the provision of affordable housing, will be considered in order to continue to provide achievable developments.

Extract from AIDPD paragraph 2.39:

There were 274 affordable dwellings built between 2006 – 2009 with a further 176 already committed, and therefore it is expected that a total of 2085 affordable dwellings will be provided on sites already built or allocated in this document. With further sites provided through Registered Social Landlord resources or on exceptions sites in rural areas, the overall target of 2000 affordable dwellings by 2026 should be met.

20. Intermediate affordable housing may take a variety of forms. This includes affordable rented housing which is let by registered providers of social housing to households who are eligible for social rented housing. It is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent. It can also include the provision of shared equity housing. In all cases though the houses must remain affordable in perpetuity. Hence low cost market housing is not intermediate affordable housing.
21. People with strong local connections often cannot afford market prices or rents. The Annex therefore sets out criteria for a local connection demonstrated by living or working in the local area, or having strong family connections there. This 'cascade' approach is designed to ensure that affordable homes do not remain empty if people with very strong local connections are not in need when housing becomes vacant.
22. The smaller settlements are expected to meet purely local needs as set out in the policy. Normally this would involve the parish or adjoining parishes, however the policy allows for rural affordable housing to meet the needs of Mid Devon as a whole.



MHN/7 Development Viability

The Local Planning Authority will seek the 35% affordable housing target unless information is presented which proves that this would make a development unviable. The inclusion of abnormal costs such as exceptional infrastructure and site clearance costs, and other one-off requirements such as the Community Infrastructure Levy should be taken into account when land is purchased and will only be considered by the Council in exceptional circumstances. The Council expects developers to pay a land value which reflects the costs of development, including the provision of affordable housing, as far as possible. Discussions relating to development viability must be based on sufficient detail to permit reasonable conclusions to be drawn.

23. One of the major costs associated with development is the cost of land. However, this is also potentially the most flexible. Landowners must expect that the price they receive for land will fairly reflect the planning requirements imposed on developers, including the costs of providing affordable housing, as well as on site infrastructure and other costs such as the Community Infrastructure Levy.
24. The Local Planning Authority accepts that development must be viable to proceed, and that it would be counterproductive to prevent new housing development by being completely inflexible on the implementation of policy AL/DE/3. However, with the high levels of need for affordable housing provision demonstrated in the Housing Needs Assessment, it is essential that developers robustly justify any level of provision below the 35% target. This target was supported by the Inspector in the Examination of the AIDPD and is therefore a key material consideration for relevant planning applications. In his report following the Examination of the AIDPD the Inspector accepted that a 35% affordable housing target was generally viable.
25. Where a developer considers that development viability is threatened by the provision of 35% affordable target, they should contact the Local Planning Authority at an early stage, in order to present their information. An “open book” approach will be necessary, as the Council will have to be persuaded that the policy is not wholly implementable. Without sufficient detail being presented, the Council will assume that viability is not an issue and pursue affordable housing requirements accordingly.

Extract from AIDPD paragraph 2.37:

there may be cases where on-site provision is not appropriate, for example the provision of a single affordable dwelling on a site may be inefficient to manage, and a Registered Social Landlord may be reluctant to take over such small scale provision. In accordance with national advice it is still appropriate for such sites to contribute to meeting affordable housing need and in these situations a contribution to off-site provision should be made. As stated in the policy, for sites where on site provision is not appropriate a financial contribution for affordable dwellings will be calculated as an equivalent cost to on-site provision. A contribution of approximately £50,000 per affordable dwelling has been calculated as a general equivalent cost to on-site provision, though this will vary from site to site and will be subject to viability assessment.

MHN/8 Developer Contributions

When affordable housing is provided in accordance with AIDPD Policy AL/DE/3, it is the preference of the Council that the developer constructs the dwellings and transfers them to a registered provider or appropriate managing organisation.

The transfer will be at a price which does not exceed the direct construction cost of the dwellings to be transferred excluding land costs.

Where alternative arrangements are made for on site provision on a particular site, then these will be on the basis that the cost to the registered provider of each dwelling will be the equivalent amount to that set out above, such as the provision of free serviced land.

26. Mid Devon has a severe need for affordable housing, as indicated by the Housing Needs Assessment and supported by the Inspector at the Examination of the AIDPD who considered the issue. The AIDPD has a target of achieving 2000 or more affordable dwellings during the 2006 – 2026 plan period.
27. Public subsidy of affordable housing is now very limited. However, the level of need in Mid Devon remains high. In order to achieve the objective of providing affordable housing public subsidy will need to be supplemented by finance from developers.



28. This subsidy is achieved by setting a maximum price that the registered provider (RP) will pay a developer for the transfer of the completed dwellings. This transfer price is to be capped to the construction cost of the dwelling. As specified in the policy, these construction costs are limited to the direct costs of building the dwelling, excluding the cost of the land. The RP will not be expected to pay for other, less direct costs, such as infrastructure costs, open space provision, education contributions and other potential onsite provision. Similarly the Community Infrastructure Levy (CIL) does not apply to affordable housing, so none of the developer's CIL charge can be passed on to the RP. The developer contribution to the affordable housing therefore consists of free, fully serviced land.
29. The method set out above is based on the dwellings being built by the site developer and then transferring them to the RP. However, for an alternative arrangement, such as the RP commissioning its own builder, then an equivalent financial arrangement between the parties will be necessary. For example, the provision of free, developable and serviced land to the RP.
30. In previous years grant funding was available from the Government to help with the provision of affordable housing. However this funding is no longer available. Housing viability assessment information prepared to support the AIDPD at examination indicates that the proposed provision of 35% is viable on the basis of no grant funding being available. However, individual negotiations on the basis of viability may lead to lower levels of provision.

Extract from NPPF

Where ... affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.

Extract from AIDPD policy AL/DE/3:

On sites which meet criterion 'a' of this policy, but on which the provision of affordable housing would not be an efficient use of resources or would otherwise be inappropriate, a contribution towards affordable housing provision elsewhere in Mid Devon will be required. The level of contribution will be subject to viability assessment based on the value of the site at the time the application is determined.

MHN/9 Off-site Contributions

When a financial contribution is proposed in lieu of affordable housing provision within the development site, in accordance with criterion e of AIDPD Policy AL/DE/3, the Local Planning Authority will commission an independent land valuation, the cost of which shall be met by the developer prior to the application being determined. The land valuation should include:

- a) The value of the free serviced land that would otherwise be provided within the site, applying the dwelling mix required by Policy MHN2 if relevant.**
- b) The average market dwelling sales price expected from a 100% market housing development on the site compared to the sales price of the equivalent dwelling within a mixed market and affordable housing scheme.**

The required contribution will consist of the free serviced land value (a), plus any additional value per market dwelling that results from offsite affordable housing provision (b).

31. It is important to ensure that onsite and off-site contributions are genuinely equivalent. Otherwise a developer will be able to avoid meeting the full requirements of providing an appropriate form of affordable housing and increase his financial benefit from a development. Evidence shows that higher values are achieved per market dwelling for 100% market schemes in comparison to those with affordable housing provision. The Council will therefore robustly pursue the provision of affordable housing within development sites. However where the Council accepts that on site provision is not feasible the Council will consider offsite provision under MHN/9. An independent valuation will be subsidised by the developer as part of the justification for offsite provision. The Council will provide a form for this purpose and a copy of the valuer's invoice.



MHN/10 Timing of Affordable Housing

Where affordable housing is provided on a housing site in accordance with AIDPD Policy AL/DE/3 the timing of provision will be set out in a planning obligation, taking into account part c of AIDPD Policy AL/DE/5, as follows:

- **50% of the affordable housing provision should be transferred before the occupation of 50% of the market dwellings.**
- **The remaining 50% of the affordable housing provision should be transferred before the occupation of 75% of the market dwellings.**
- **For off-site provision, the relevant provision or payment should be made before the occupation of the first dwelling on the site except for very large sites where payment will be by instalments.**

The timing of affordable housing provision may need to take into account any instalment policy for the payment of CIL.

Extract from the National Planning Policy Framework (NPPF) in relation to 'exception' sites

Local Planning Authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

MHN/11 Market Housing on Exception Sites

In exceptional cases the Local Planning Authority will consider the inclusion of some market housing within exception sites. The proportion must be subsidiary to the level of affordable housing and set at the lowest proportion that will ensure delivery of the site based on a viability assessment of the proposal. Distribution of market and affordable houses should be on the basis of AIDPD Policy AL/DE/5

32. The timing of affordable housing provision should be set out in a clause of the planning obligation based on the provisions of this policy. In the case of offsite provision, the early provision reflects the need for the Council to find alternative sites for affordable housing provision and an understanding of the time that this can take.

33. Policy AL/DE/6 of the AIDPD was prepared under guidance in operation prior to the publication of the National Planning Policy Framework (NPPF) where exception sites could only be made up of affordable housing. The NPPF now indicates that some market housing may be acceptable on exception sites. The principle is that the proportion is only there to assist the delivery of significant additional affordable housing. The proportion will therefore be set at the lowest level that will achieve delivery of the site and must be subsidiary to the provision of affordable housing. Exception sites are intended to deliver affordable housing in areas where market housing would not normally be permitted. This principle must not be overturned by exception sites generating large amounts of market housing in rural areas in conflict with the policies in the Core Strategy. The NPPF makes it clear that in a situation where there is significant disagreement between an adopted development plan policy and the NPPF then the NPPF will take precedence. This is one such disagreement.



Layout and Design

AL/DE/5 Inclusive Design and Layout

Housing sites to which policy AL/DE/3 applies should be developed to ensure the creation of inclusive, mixed communities as follows:

- a Affordable and market housing on a site should be the same mix of sizes and visually indistinguishable from each other;
- b Affordable and market dwellings should be intermixed within the site, avoiding any particular concentrations in any part of the site;
- c Affordable housing should be provided broadly in step with the market housing as the development progresses.

- 34. By definition, it is likely that affordable housing provision will be occupied by households on low incomes. It is important that affordable housing provision does not exacerbate social tensions and increase social exclusion. Social and other affordable housing which is segregated from other housing provision, and has a distinguishing design approach, can lead to such problems. It is the role of planning to try to ensure that such problems do not occur.
- 35. It is therefore important that the design of new housing areas which include affordable housing take a “tenure blind” approach to location and design. Under such an approach it should not be possible to distinguish the tenure of a dwelling from its external appearance. Similarly, there should be a genuine intermixing of tenures within a scheme with affordable housing distributed across a site rather than concentrated in any one area, often referred to as “pepperpotting”. This should be achieved by the implementation of AIDPD Policy AL/DE/5 as set out above.

Assessing Rural Need

Extract from AIDPD policy AL/DE/6:

The development of a site for 100% affordable housing to meet the needs of the local community will be permitted where:

- a There is a proven need for affordable housing from households who have a strong local connection with the parish or an adjoining parish;
- b The site adjoins a settlement in a location which takes account of visual and other impacts or is specifically allocated for affordable housing to meet local needs;
- c The type of affordable housing and the scale of provision is limited to meeting the proven local need;
- d A planning obligation is enforced which retains all the dwellings as affordable housing in perpetuity and gives priority to occupation by those with a strong local connection with the parish or adjoining parishes.

Extracts from AIDPD paragraphs 2.43 and 2.44:

A survey of a parish (including adjoining parishes if appropriate) will provide evidence of affordable housing need, both in terms of overall numbers and specific forms of affordable housing. The need must be for affordable housing (that is, it cannot be met from market housing), and from people with a strong local connection. A scheme can then be promoted which meets that need and no more, with the form and type of affordable housing designed to meet the identified need. A planning obligation will be required to ensure that all the dwellings on the permitted site are retained as affordable housing in perpetuity. A “cascade” approach will be adopted, in which those with strong connections with the parish are given the highest priority for occupation, then those with connections with adjoining parishes and then those from elsewhere in Mid Devon.



MHN/12 Assessing Rural Housing Needs

The Council will consider the following forms of information when assessing the level and type of need for affordable housing in a local rural area:

- **A housing needs survey specific to the parish and no more than two years old**
- **The Council Housing Register / Devon Home Choice**
- **The housing register of any registered provider**

Provision should aim to meet no more than the needs of the local rural area.

36. There are a number of methods for assessing needs in a particular local area, including a specific local survey, and the analysis of existing data such as housing registers held for the purposes of managing council and housing association lettings.
37. As affordable housing take a number of years to build, and also is then a permanent feature of a settlement, it is important that the provision meets a long term need in the area. Overprovision of affordable housing in a settlement is both likely to lead to pressure for occupation by people without a specific local connection and use up scarce resources which could provide much needed affordable housing elsewhere.

Implementation

MHN/13 Early Negotiation

Developers of sites likely to involve the provision of affordable housing should commence discussions with the Council as early as possible in accordance with the policies of the Statement of Community Involvement.

38. Early discussion of issues regarding affordable housing provision will assist later decision-making on a planning application. This should take the form of a pre-application approach to the Council by the scheme promoter (developer or landowner) as far in advance of any planning application as possible. The Council planning officers will seek to involve housing officers, whilst a partner registered provider should be identified at an early stage by the developer in order to ensure that any potential problems or disagreements are overcome early on. The Council's Statement of Community Involvement reinforces the need for early negotiation and consultation. Developers should not commence development of a site until they have a binding agreement with a registered provider or have come to an alternative agreement in accordance with Policy MHN9.



Local Need/Connection Qualification Criteria

In determining the allocation of affordable housing to local people on rural exception housing sites the District Council will utilise the following cascade criteria to determine the suitability of potential occupants:

1. The intended household has been continuously resident in the Parish of XXXXX for at least five years in Bands A-D;
2. The intended household is permanently employed in the Parish of XXXXX in Bands A – D and whose work is primarily based in this parish. For the purposes of this criteria 'permanently employed' means having held a permanent contract for a minimum of 16 hours per week for at least the preceding 6 months;
3. Former residents who previously lived in the Parish of XXXXX for a period of at least three years within the last 10 years in bands A - D. Those in the Armed Forces (definition attached as Appendix 1) will be considered above those former residents who wish to return to the Parish;
4. The intended household is in the A – D band and has a close living relation resident in the Parish of XXXXX. This means immediate family members (parents, siblings, dependent and non-dependent children) who themselves live in the parish of XXXXX and have done so for at least five years.
5. The intended household have been continuously resident in the Parish of XXXXX for six months or more in Bands A – D);
6. The intended household has a local connection to the Parish of XXXXX according to clauses 1 – 5, in order of preference, in the E Band where the household income is insufficient to enable them to afford or to sustain to rent or purchase a property suitable for their needs in the parish of XXXXX.
7. The intended household has a local connection to the Parish of XXXXX according to clauses 2 – 4, in order of preference those who are currently Council/Housing Association Tenants who are in the E Band that have moved out of the parish of XXXXX but wish to return.
8. Those residents in the neighbouring Parishes (order of the Parishes to be defined in S106 giving priority to Parishes in Mid Devon) in Bands A – D using the above criteria;
9. The intended household has a local connection to the neighbouring Parishes of XXXXX according to clauses 1 – 5, in order of preference, in the E Band where the household income is insufficient to enable them to afford or to sustain to rent or purchase a property suitable for their needs in the parish of XXXXX;
10. Those residents with a local connection to Mid Devon District in Bands A-D. For the purposes of determining 'local connection' the Devon Home Choice definition will be used (defined in Appendix 1).
11. The intended household has a local connection to Mid Devon District according to the Devon Home Choice definition in the E Band where the household income is insufficient to enable them to afford or to sustain to rent or purchase a property suitable for their needs in Mid Devon.
12. All Devon Home Choice applicants.



Appendix 1

Armed Forces Personnel

- Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
- Bereaved spouses or civil partners of those serving in the armed forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- Current or former members of the reserved forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

Devon Home Choice Local Connection Definition

An applicant fulfilling the local preference criteria will be the same as the one used in the DHC Policy (3.4).

To demonstrate a local connection (defined in Part VII of the Housing Act 1996) with Devon, applicants will:

- Normally be resident in the parish or neighbouring parish. Local Government Association (LGA) guidelines define this as having resided in the area for six out of the last twelve months, or three out of the last 5 years, where residence has been out of choice. In line with the Housing and Regeneration Act 2008, service personnel who have been based and living in that parish or a neighbouring parish will be considered to have a local connection.
- Work in the parish or neighbouring parish. The LGA guidelines define this as employment other than that of a casual nature. For the purposes of this policy this will be defined as having permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.
- Have a family connection in the parish or neighbouring parish. The LGA guidelines define this as immediate family members (parents, siblings and non-dependent children) who have themselves lived in the area for five years.

NB - Applicants will be required to provide proof of their local connection to Devon before their banding is assessed.

Glossary

Allocations and Infrastructure Development Plan Document (AIDPD)

This is a planning policy document which has been adopted by the Council that shows the sites which are allocated for development up to 2026 and includes policies to control development

Code for Sustainable Homes

The Code is the national standard for the sustainable design and construction of new homes. It aims to reduce our carbon emissions and create homes that are more sustainable. Under the Code the sustainability of a new home is measured against categories of sustainable design, rating the 'whole home' as a complete package. A star rating system is used to communicate a home's overall sustainability, from levels 1-6, including the following categories:

Energy and CO2 emissions	Waste
Water	Pollution
Materials	Health and Wellbeing
Surface water run off	Management
Ecology	

Community Infrastructure Levy (CIL)

The CIL is a charge on new development which raises funding for the infrastructure which is needed because of new development such as new roads or schools. It will largely replace the existing system of Section 106 Agreements or 'planning contributions'.

Core Strategy

This is a planning policy document which has been adopted by the Council that includes strategic policies to control development and sets out the levels of development that will happen in Mid Devon up to 2026.

Exception policy/sites

Sites to meet a proven local need for affordable housing which are outside settlements and are granted permission as an exception to planning policy.



Housing Needs Assessment

A survey based analysis of the need for affordable housing in Mid Devon which takes into account expected changes in the population

National Planning Policy Framework (NPPF)

A new, simpler framework for the planning system which streamlines the Government's national planning policy from over 1,000 pages to 52 pages that safeguards the environment while meeting the need for sustainable growth. Its content forms the basis for all planning decisions

Registered Provider

The old definition of registered social landlord ("RSL") has been replaced with the concept of registered providers of social housing. All providers of social housing will now be listed on a register and will become a "Registered Provider" (RP). A distinction between this system and the old system of RSLs is that a provider of social housing can now be either a non-profit organisation or a profit-making organisation. Each body will be designated as one or the other upon being entered on to the register. RSLs automatically became non-profit registered providers under the new system.

Statement of Community Involvement

This is a statement of a local authority's policy for involving the community in preparing and revising local development documents and for consulting on planning applications. The Council is required to abide by its provisions when it is preparing a policy document.

Supplementary Planning Document (SPD)

This is a policy document adopted by a Council to provide extra guidance on an issue which is covered by policies in other policy documents such as the Core Strategy or the AIDPD. It does not have the status of those documents but its content is taken into account when planning decisions are made.

Zero Carbon

A set of standards prepared by the Government for the construction of new homes which are intended to ensure that they each have a yearly net carbon footprint of zero. Regulated emissions such as a buildings energy efficiency and on site renewable or low carbon heat and power supply will be controlled through the Building Regulations with any remaining emissions expected to be offset by allowable solutions.