
10. PEAK DISTRICT NATIONAL PARK AUTHORITY DEVELOPMENT MANAGEMENT POLICY DMH1 PRACTICE NOTE (SW)

1. Purpose of Report

1.1 To approve the Development Management Policy (DMP) DMH1 Practice Note which sets out the flexible approach to space standards in relation to applications for affordable dwellings by those seeking to meet their own housing need.

RECOMMENDATION

That the Committee approves the use of the DMP Policy DMH1 Practice Note.

2. Key Issues

2.1 DMP Policy DMH1 sets maximum gross internal floor areas (in relation to the number of bed spaces) for affordable housing permitted under Core Strategy policy HC1. A report on the use of Policy DMH1 was presented to Planning Committee on 16th April 2021. The report set out:

- the broad purpose of policy DMH1 (to secure a range of properties of different sizes that are available for the local community in perpetuity, including smaller properties that are more likely to be affordable for local residents)
- that use of DMH1 is being challenged and questioned by members
- the mechanisms that could be used to provide greater clarity for officers and members when using DMH1 to determine planning applications.

2.2 Members were advised that the following mechanisms could provide clarity regarding the use of Policy DMH1:

- Practice Note
- Supplementary Planning Document
- Cover the issue comprehensively at plan review
- Ensure policy planners are consulted on planning applications

2.3 It was agreed that officers should prepare a Practice Note in consultation with the Local Plan Review Steering Group and interested members. Practice Notes are informal documents that provide additional guidance to ensure a consistent approach towards policy implementation. The DMH1 Practice Note is in Appendix 1. A description of the process used to produce the Practice Note is in Section 5.

2.4 The space standards as set out in Policy DMH1 are:

Number of bed spaces	Maximum Gross Internal Floor Area (m ²)
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

2.5 The Practice Note states that different size thresholds can be applied in the circumstances outlined below.

- Properties for individual people will continue to be subject to a maximum allowance of 39m². In cases where flexibility is required based on personal circumstances, or in locations where for reasons relating to valued landscape character or the style and traditions of the locality, and a 2-storey house is most appropriate, individuals can apply for homes up to a maximum of 58m².
- Couples or two people forming a household together can apply for homes up to 70m².
- Families or people forming a household together of 3 or more, can apply for homes up to 97m².

2.6 Members may wish to consider whether to also ‘convert’ the Practice Note into a Supplementary Planning Document. Practice Notes and Supplementary Planning Documents (SPDs) are both material considerations in decision-making but SPDs can be given greater weight than Practice Notes due to the statutory process of consultation.

3. History

3.1 Size restrictions on affordable dwellings were introduced in the Local Plan 2001 to ensure they would remain more affordable, in perpetuity, for local people in housing need.

3.2 The Local Plan (2001) was followed by the Affordable Housing Supplementary Planning Guidance (SPG) (2003). This set out limits for extensions to affordable dwellings, and the requirement for a legal agreement to secure local connection.

3.3 It became accepted practice for all dwellings to be permitted at the maximum size threshold, irrespective of identified need. Consequently the size of properties built did not respond to a range needs (including for smaller houses) for the community in perpetuity.

3.4 The Core Strategy (2011) (CS) and the Development Management Policies (2019) (DMP) superseded the Local Plan (2001) and the Affordable Housing SPG (2003). To address the issue of affordability and identified need, the DMP introduced policy DMH1 to establish a clear connection between identified need and the size of the property required to fulfil that need. By doing so it aims to secure properties for local people that range in size, including smaller properties that are more likely to be affordable.

3.5 Policy DMH1 is now well embedded in decision making and in 2021 three appeals for affordable housing to meet individual’s¹ needs were dismissed on the grounds that the size of the affordable dwelling was more than the identified need². This is clear evidence that the policy is working effectively at appeal. Inspectors are supportive of the purpose and intent of policy DMH1.

¹ For clarity, an individual’s need is a term used to refer to the household as a whole.

² NP/DDD/1020/0941 Appeal ref APP/M9496/W/21/3277640

NP/DDD/1220/1217 Appeal ref APP/M9496/W/21/3277313

NP/DDD/0221/0150 Appeal ref APP/M9496/W/21/3275813

3.6 The Practice Note will ensure that decision-making, both for delegated and committee decisions, on applications from individuals seeking to meet their own housing need, is consistent and robust.

3.7 DMP paragraphs 6.46-6.48 identify affordable housing built by individuals to meet their own need as ‘intermediate housing’. This is a level of affordability between truly affordable (social rented) and market housing. This type of affordable housing has less stringent occupation requirements attached to it. After the first 3 years of occupation they can be sold to people with a local connection but not in housing need. With regards to this type of affordable housing the DMP para 6.48 states,

“... greater flexibility will be afforded in terms of the size requirement up to the maximum of 97m² in accordance with policy DMH1.”

3.8 So whilst the size of house is still controlled in line with need there is scope to be more flexible with ‘intermediate housing’ (the level between truly affordable and market housing). It is the interpretation of flexibility that requires further guidance through the practice note.

4. Practice Note

4.1 At Planning Committee on Friday 16 April 2021, members agreed that a Practice Note should be prepared for DMP Policy DMH 1 because greater clarity was needed with regard to the interpretation of this policy, specifically with regard to the degree of flexibility that could be applied to the floor space requirements of new affordable housing built by individuals to address their own identified need.

4.2 At an extraordinary meeting of the Local Plan Review Steering Group on 21st November 2021³, officers recommended and members agreed to the level of flexibility that should be used to interpret paras 6.46-6.48 of the DMP in relation to affordable housing built by individuals to meet their own need.

4.3 A draft Practice Note was prepared by officers based on the outcome of the meeting and members were consulted on this draft 9th December – 4th January 2022. Comments received are in Appendix 2. An officer response to the comments is in Appendix 3.

4.4 The Practice Note has been amended to address members’ comments. Any suggested changes or comments that have not been incorporated in the draft Practice Note are addressed in the officer response.

5. Main Policies

5.1 Relevant Core Strategy Policies:

- HC1: New Housing

Development Management Policies:

- DMH1: New Affordable Housing

³ In addition to the appointed members, Patrick Brady attended and David Chapman was invited but did not attend.

National Planning Policy Framework (NPPF)

5.2 The practice note provides informal guidance on the level of flexibility the Authority will apply to the standards set out in policy DMH1 for affordable dwellings built by individuals meeting their own need as referenced in DMP para 6.46.

5.3 Policy DMH1 provides further detail to the overarching Core Strategy policy HC1. Both policy HC1 and DMH1 align with NPPF para 78 which states,

“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.”

6. Human Rights

6.1 It is not considered that the Policy DMH1 Practice Note will raise any human rights issues, as it simply provides informal guidance on applying policy DMH1 contained in the DMP.

7. Sustainability

7.1 The Policy DMH1 Practice Note provides further guidance to DMP policy DMH1: New Affordable Housing, which was subject to a Sustainability Appraisal as part of the Local Plan development process.

7.2 It is for the reasons set out above that neither a Sustainability Appraisal nor a Strategic Environmental Assessment is required to be undertaken for the Policy DMH1 Practice Note.

8 List of Appendices

- 1) Policy DMH1 Practice Note
- 2) Member representations
- 3) Officer response to member representations