



## Community & Regeneration Scrutiny Committee

### Briefing Paper

Report of: Sally Horne, Principal Strategic  
Housing Officer  
Date: 4<sup>th</sup> November 2010  
Open

## Wyre Forest District Council Local Connection Policy

### 1. Summary

1.1 This report gives Members the opportunity to comment upon the draft Wyre Forest District Council Local Connection Policy. The Local Connection Policy is used when developing rural affordable housing schemes, with the aim of ensuring that residents from within that parish receive priority for re-housing into that scheme.

### 2. Background

2.1 Planning Policy Statement 3 states that where a need for affordable housing in rural areas exists, *“the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities”*. PPS3 states that Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including a Rural Exceptions Site Policy. On Rural Exception Sites, the Local Planning Authority should ensure that affordable housing is in perpetuity and addresses the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

2.2 Furthermore this stance has been emphasised by the Shared Ownership and Leasehold Enfranchisement Changes in September 2009, which as part of the Housing and Regeneration Act 2008, the Housing (Shared Ownership Leases) (Exclusion from the Leasehold Reform Act 1967) (England) Regulations 2009 and the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009, restricts the share that people can buy in rural affordable housing. This is in order to ensure shared ownership remains affordable in perpetuity for people within the rural area.

2.3 Policy CP04 reads as follows: Rural Affordable Housing ‘A proactive approach to the provision of affordable housing within the District’s rural areas will be encouraged through working in

## **Agenda Item No. 6**

conjunction with Parish Councils to identify appropriate sites for the sole provision of affordable housing through the site allocations process, within or immediately adjacent to the District's villages, rural settlements and other rural hamlets where a local need exists. In exceptional circumstances, small scale affordable housing schemes will be permitted as exception schemes on unallocated sites, to meet identified need. Applicants will be required to demonstrate clear evidence through a Parish Housing Needs Survey'.

- 2.4 Wyre Forest District has a total of 8 rural parish councils. These are Broome, Chaddesley Corbett, Churchill and Blakedown, Kidderminster Foreign, Rock, Rushock, Stone, Upper Arley, Woverley and Cookley. 6 of these parishes have completed parish needs surveys and these are now being followed up by Housing Services, who are working with the parish councils to bring forward sites for affordable housing to meet housing needs within those parishes.

### **3. Key Issues**

- 3.1. One of the key concerns that Parish Councils have expressed to Housing Services during its work to identify affordable housing sites, is the need to ensure that any affordable housing development is secured for households with a connection to that parish. Therefore, the Wyre Forest District Council Local Connection Policy has been drafted in consultation with a number of Parish Councils who are in the advanced stages of bringing forward sites for affordable housing.
- 3.2 The Local Connection Policy aims to specify whom affordable housing can be let/ sold to in a rural parish. The policy therefore defines the terms local connection and affordability, it states how this complies with the existing Home Choice Plus Allocations Policy and how developers and/or housing associations will be legally obligated to ensure they meet the local connection policy via a s106 agreement.
- 3.3 In implementing the Local Connection Policy, housing officers who will be making allocations are expected to establish that applicants to a rural housing scheme have both a local connection and an affordable housing requirement. Once satisfied, applicants will be prioritised in accordance with the housing need banding and the effective date they have been awarded under the Home Choice Plus scheme. In the event that two people have the same banding and effective date, the property will be allocated to the person whose need most closely matches the property type on offer. In the event that a property cannot be allocated within a period of 3 weeks of advertising, the

## **Agenda Item No. 6**

housing officer can then consider households from other neighbouring rural parishes, within the district.

- 3.4 Whilst there is a risk that over the lifetime of a rural affordable housing development, the properties may have to be let to people outside of the local parish, all endeavours have been made to ensure that any rural affordable housing schemes being brought forward for planning (namely the Sebright Road planning application reference 10/0550/FULL) will only meet the need of the local parish. This has been done by undertaking a detailed analysis of the local parish needs survey and waiting list and agreeing the number, type and tenure of the affordable housing units with the Parish Council and prospective Housing Association. In addition to this, the Local Connection policy has been written, giving consideration to neighbouring district councils local connection policies (Bromsgrove District Council and Malvern Hill District Councils), where they have been successfully operated for a number of years.

### **4. Options**

- 4.1 If Members are satisfied with the attached Local Connection Policy the Committee is asked to recommend it to Cabinet for approval.
- 4.2 Alternatively, the Scrutiny Committee is asked to recommend the Local Connection Policy to be approved by Cabinet subject to any amendments that need to be made to the Policy.

### **5. Consultation**

- 5.1 Consultation has been undertaken with:
- The District Councils preferred Housing Association partners (namely Darren Isbell, Bromford Housing Group; Yvonne Leishman, Community Housing Group; Paul Hanley, Jephson Housing Association; Kat La Tzsar, West Mercia Housing Group and Gino Siani, Waterloo Housing Group)
  - Chaddesley Corbett Parish Council
  - Wolverley and Cookley Parish Council
  - Churchill and Blakedown Parish Council
  - Nigel Potter, Worcestershire Rural Housing Enabler
  - John Baggott, Development Control Manager
  - Ken Harrison, Regeneration and Economic Prosperity Manager
  - Heather Stone, Policy and Monitoring Officer
  - Jane Alexander, Principal Solicitor
  - Lucy Bennett, Local Strategic Partnerships Manager

**6. Related Decisions**

6.1 There are no related decisions.

**7. Relevant Council Policies/Strategies**

7.1 Wyre Forest District Local Development Framework Core Strategy Development Plan Document (scheduled to be adopted 9<sup>th</sup> December 2010).

7.2 Wyre Forest District Council Adopted Local Plan (January 2004).

**8. Implications**

8.1 Resources: There are no resource implications.

8.2 Equalities: The Local Connection will proactively seek to house people from the local parish. However, it does not discriminate on the basis of categories stated in the Equalities Act 2010.

8.3 Partnership working: The Local Connection Policy will need to be implemented in partnership with any Housing Associations or Developers that bring forward sites in rural areas for affordable housing development.

8.4 Human Rights: There are no implications.

8.5 E-Government: There are no implications.

8.6 Best Value: There are no implications.

**9. Wards affected**

9.1 The Local Connection Policy will affect the following rural parishes in the event that new affordable housing is developed on a rural exception site:

- Broome
- Chaddesley Corbett
- Churchill and Blakedown
- Kidderminster Foreign
- Rock
- Rushock
- Stone
- Upper Arley
- Wolverley and Cookley

**10. Appendices**

10.1 Appendix 1 Wyre Forest District Council Local Connection Policy

**11. Background Papers**

11.1 Planning Policy Statement 3: Housing, Communities and Local Government, June 2010

11.2 Wyre Forest District Local Development Framework Core Strategy Development Plan Document (scheduled to be adopted 9<sup>th</sup> December 2010)

11.3 Wyre Forest District Council Adopted Local Plan, January 2004

11.4 The Equality Act 2010

11.5 Home Choice Plus Allocations Policy

**Officer Contact Details:**

Name: Sally Horne

Title: Principle Strategic Housing Officer

Tel. 01562 732561

Email address: [sally.horne@wyreforestdc.gov.uk](mailto:sally.horne@wyreforestdc.gov.uk)

## Appendix One

### Wyre Forest District Council Local Connection Policy

#### Local Connection

Generally it is considered that local connection would comprise of one of the following:

1. Existing residents in unsuitable housing living within the local area.
2. People currently living within but requiring separate accommodation in the local area, for example, those living with parents or in tied accommodation.
3. People who work locally but are unable to afford housing locally.
4. People who currently live elsewhere, or are homeless, but have firm links to the local area, for example, elderly people returning to an area to be close to relatives for support.

For the purpose of this Policy, 'local area' would normally be considered to comprise the parish or adjoining rural parishes within the Wyre Forest area.

#### What does the Home Choice Plus Allocations Policy say?

The Home Choice Plus Allocations Policy provides the legislative background to 'local connection' and explains that local connection is defined in Part VII of the Housing Act 1996 as:

- Those who are normally resident in the area. Local Government Association guidelines define this as having resided in the area for six of the last twelve months, or three of the last five years, where residence has been out of choice.
- Those who are employed in the area – the Local Government Association guidelines define this as employment other than of a casual nature.
- Those who have family connections – the Local Government Association guidelines define this as immediate family members who have lived in the area for five years.

#### Affordability Criteria

Applicants who qualify under the Local Connection Eligibility Criteria will then undergo an affordability assessment to establish that they are not in a position to afford an open market dwelling in the area. (This process will also establish an applicant's ability to afford shared ownership and fixed equity options).

Completed forms will be assessed in accordance with:-

- Current data on house prices and rents in the Parish

## **Agenda Item No. 6**

- Financial requirements of average mortgage lenders and their lending policies
- The availability of appropriate properties to meet identified needs e.g. accommodation to meet disabilities or health issues and tenure required.

### Applicants who fit the relevant local connection and fit the affordability criteria

Where applicants have both a relevant local connection and fit the affordability criteria, their housing will be prioritised in accordance with the housing need banding awarded and the effective date of this banding under the Home Choice Plus allocations policy, with the exception of:-

- Any housing need banding that was awarded for needs which will not be met by an offer of a dwelling in the Parish e.g. medical or welfare needs which would not be improved by living in the Parish;

Applicants will be nominated for dwellings in priority of need as identified by the banding award to applicants under Home Choice Plus Scheme and where applicants have been awarded the same banding, the effective date (time spent on the waiting list) of the banding will determine the priority of applications. In the unlikely event of cases having the same banding and same effective date applications will be further prioritised in accordance with household size to property type/size, however to promote sustainable communities, a degree of under occupation may be allowed subject to agreement with the District Council.

In the event that no households can be identified from the above criteria within 3 weeks, allocations will be made to the most suitable applicants, having regard to their reasons for seeking a home in the Parish.

### What do Section 106 Agreements say?

Taking into account all of the above, on qualifying rural sites, Section 106 Agreements are put into place to secure that priority is given to persons with a local connection to the Parish. Below is an example of the wording within a Section 106 that would help secure this:

“Qualifying Resident” shall mean a person who is on the Home Choice Plus register and administered by the Council and who is approved in writing by the Council and:

1. who is ordinarily resident in the Parish of (to be stated), or
2. whose family are ordinarily resident in the Parish of (to be stated)
3. Who is employed by the Parish of (to be stated), or
4. Whose family are employed in the Parish of (to be stated).

**Agenda Item No. 6**

If no person qualifies pursuant to (1) – (4) above a person who is on the Home Choice Plus register administered by the Council and who is approved in writing by the Council and:

5. Who is ordinarily resident in any of the Parishes of (to be stated)
6. Whose families are ordinarily resident in any of the Parishes of (to be stated), or
7. Who is employed in any of Parishes of (to be stated), or
8. Whose family are employed in any of the Parishes of (to be stated).

If no person qualifies pursuant to (5) – (8) above, a person who is on the said Home Choice Plus register administered by the Council and who is approved in writing by the Council as being in need of Affordable Housing.