

## NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Graham Ballinger, as Strong Leader, delegate the decision to apply to the Secretary of State to designate the rural parishes of Wyre Forest as rural under s157 of the Housing Act to the Cabinet Member detailed below:

Cabinet Member- Councillor Nicky Martin, Cabinet Member for Housing, Health, Wellbeing and Democratic Services

Dated: 26-2-20

Signed:  .....

Leader of the Council

## NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Designated Rural Areas	To apply to the Secretary of State to designate the rural parishes of Wyre Forest as rural under s157 of the Housing Act 1985.	This decision ensures that the Council is able to adopt its preferred policy position regarding the delivery of new affordable housing on small developments in its rural areas.	asap

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

Dated:

Signed:

26 February 2020

Councillor:

N. Mearns

Cabinet Member

# WYRE FOREST DISTRICT COUNCIL

## Strong Leader Report

### Designated Rural Areas in Wyre Forest

OPEN	
DIRECTOR:	Mike Parker
CONTACT OFFICER:	Kate Bailey/Kathryn Robb
APPENDICES:	none

#### 1. PURPOSE OF REPORT

This report is seeking approval to apply to the Secretary of State to designate the rural parishes of Wyre Forest as 'rural' under section 157 of the Housing Act 1985. This will enable the Council to require delivery of new affordable in rural areas on housing development of less than 10 units as part of the planning process.

#### 2. RECOMMENDATION

The Cabinet Member for Housing, Health and Wellbeing is asked to decide that:

- 2.1 Under section 157 of the Housing Act 1985, an application is made to the Secretary of State to designate as rural each of the rural parishes in the District.
- 2.2 For the parish of Bewdley, rural designation will be sought with the exclusion of the Town of Bewdley.
- 2.3 For the parish of Wolverley & Cookley, rural designation will be sought for the parish with the exclusion of the red line boundary of the proposed development at Lea Castle Village.

#### 3. BACKGROUND

- 3.1 The revised National Planning Policy Framework (NPPF) states that: *'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).'* Designated rural areas are defined as National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985.
- 3.2 Section 157 of the Housing Act 1985 enables local authority and housing association landlords in certain rural areas to impose restrictions on the disposal of homes acquired under the Right to Buy scheme. Landlords can either:
  - Require that their written consent is obtained before a relevant disposal (a transfer or lease of more than 21 years with certain exceptions as set out in the 1985 Act) is made. In this instance consent must be given if the proposed purchaser can establish a local connection through residence and/or employment; or

- Require people who have bought their home under the Right to Buy from a housing association and wish to dispose of it within 10 years of their original purchase to first offer it back to their former landlord for purchase at full market value.

3.3 It is important to note that designation of rural areas under s157 does not exempt properties from the Right to Buy. It does not impact on the ability of any eligible tenant to take up the Right to Buy; neither does it place any obligation on a social landlord to impose the conditions enabled by the rural designation - it is solely at their discretion. However if rural designation is not in place, there is no restriction available.

3.4 The restrictions available under s157 designation are similar in purpose to those already applied to the disposal of shared ownership properties in protected areas designated under the Schedule 4 of the Leasehold Reform Act 1967. It should be noted that for the purposes of the Leasehold Reform Act, Wyre Forest rural parish areas were granted protected status in 2009. Wyre Forest rural parish areas were also granted protected status under section 17 of the Housing Act 1996 in relation to the Right to Acquire. SI 2009 No 2098 The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 and SI 1997 No620 The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the West Midlands) Order 1997 are available as a Background Paper.

### **Eligibility Criteria**

3.5 The Government is aware of concerns about the availability of affordable housing in rural areas and applications for designation as a rural area can be made to the Secretary of State and assessed by MHCLG parish by parish. The areas maybe a whole district or part of a district. The current criteria are:

- Population density must normally be two persons or less per hectare and
- Parishes with more than 3,000 inhabitants are ineligible.

3.6 These parishes meet both criteria:

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

3.7 The parishes of Bewdley and Wolverley & Cookley (which includes the major new development at Lea Castle Village) have a mixed population density profile and have areas that meet the eligibility criteria and areas that do not. It is proposed that designation is sought for Bewdley Parish with the exclusion of Bewdley Town and similarly for Wolverley and Cookley, designation will be sought for the Parish with the exclusion of the development at Lea Castle Village.

3.8 Both Kidderminster and Stourport would be categorised as urban and therefore ineligible for designation as rural.

#### **4. KEY ISSUES**

- 4.1 Development opportunities in rural areas tend to be on smaller, lower density sites. To support the Councils preferred policy position regarding the delivery of affordable housing in rural areas, formal designation under s157 of the Housing Act 1985 is now required. The absence of formal rural designation from the Secretary of State could have a significant impact on the Councils ability to ensure new affordable housing is delivered in rural villages and settlements.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications of submitting this application to the Secretary of State.

#### **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 As highlighted in Section 3, to maintain the current Local Plan policy position regarding the delivery of proportion of affordable housing on housing sites of 6 units or above in the rural parishes and ensure it aligns with the NPPF, then rural designation must be sought from the Secretary of State.

#### **7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 As highlighted at Section 3.3. designation as a rural area does not exclude tenants or exempt properties from the Right to Buy and therefore no EIA implications related to this decision.

#### **8. RISK MANAGEMENT**

- 8.1 The identified risks associated with this recommendation relate to not achieving rural designation and the impact on the Councils ability to seek affordable housing on smaller developments in its rural parishes.

#### **9. CONCLUSION**

- 9.1 To provide the Council with the opportunity to protect the existing affordable housing stock and secure delivery of affordable housing in its rural areas, an application for rural designation should be made to the Secretary of State.

#### **10. CONSULTEES**

- 10.1 There is no consultation proposed in relation to this decision.

#### **11. BACKGROUND PAPER**

- 11.1 [SI 2009 No 2098 The Housing \(Right to Enfranchise\) \(Designated Protected Areas\) \(England\) Order 2009](#)  
[SI 1997 No 620 The Housing \(Right to Acquire or Enfranchise\) \(Designated Rural Areas in the West Midlands\) Order 1997](#)