

FORM 1

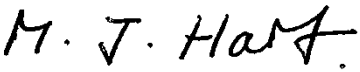
NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

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 1st 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, Cllr Marcus Hart, as Strong Leader, delegate the decision for the Housing Supplementary Planning Document to go out to consultation for a six week period, as detailed in the Forward Plan to the Cabinet Member detailed below:

Cabinet Member for Economic Regeneration, Planning and the Green Agenda

Dated: 13.10.2023

Signed:  ...

Leader of the Council

FORM 2

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 1st 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
Housing Supplementary Planning Document (SPD)	To AGREE a 6-week public consultation on the draft Housing SPD.	It is a requirement of Part Five of the Town and Country Planning (Local Planning) (England) Regulations 2012 to publicly consult on an SPD prior to its adoption.	13/10/2023

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

Dated: 13.10.2023

Signed: 

Councillor: Dan Morehead
Cabinet Member

WYRE FOREST DISTRICT COUNCIL

STRONG LEADER REPORT

Wyre Forest District Council Housing Supplementary Planning Document

OPEN	
CABINET MEMBER:	Cllr Dan Morehead, Cabinet Member for Economic Regeneration, Planning and Localism
RESPONSIBLE OFFICER:	Kate Bailey, Head of Strategic Growth
CONTACT OFFICER:	Sally Horne, Senior Planning Policy Officer
APPENDICES:	Appendix 1: WFDC Housing Supplementary Planning Document Appendix 2: WFDC Housing Supplementary Planning Document Scoping Paper

1. PURPOSE OF REPORT

To present the draft Wyre Forest District Council (WFDC) Housing Supplementary Planning Document (SPD).

2. RECOMMENDATION

2.1 The Cabinet is invited to AGREE a 6-week public consultation on the draft Housing SPD.

3. BACKGROUND

3.1 The Housing SPD is required to support the implementation of policies in the WFDC adopted Local Plan 2016-2036, specifically policies SP.9 Housing Density and Mix, SP.10 Affordable Housing Provision, SP.11 Addressing Rural Housing Needs, SP.12 Self Build and Custom Housing, SP.13 Housing for Older People and Others with special housing needs, DM.1 Financial Viability, DM.2 Residential Infill Development and DM.22 Safeguarding the Greenbelt.

3.2 The process for writing and adopting an SPD is set out in the WFDC Statement of Community Involvement (February 2013), which was published following the issue of the Town and Country Planning (Local Planning) (England) Regulations 2012. The process includes publishing and consulting on a scoping paper, holding consultation events where necessary, reporting on any consultation responses received and how they have been incorporated into the SPD.

3.3 The draft Housing SPD, attached to this report, has been prepared in partnership with Development Management and Housing colleagues at WFDC. Officers also undertook a public consultation on the scoping document for the Housing SPD in October 2022. The document set out the proposed contents of the

SPD and the process for consultation and adoption. There were no comments received.

4. KEY ISSUES

4.1 The SPD aims to:

- Provide guidance and clarity around the key housing policies in the WFDC Local Plan
- Inform communities and provide guidance to help with the preparation of Neighbourhood Plans
- Inform pre-application advice of any potential housing related issues
- Be a material consideration to be taken into consideration in determining application, where relevant
- Provide information and guidance that can be used to support an efficient application process.

4.2 The SPD provides detail on how policies SP.9 to SP.13 are to be interpreted when submitting a planning application. This includes detail on the settlement hierarchy for development, the definition of local housing need and what evidence applicants will need to submit, with their application.

5. FINANCIAL IMPLICATIONS

5.1 The costs of adopting the SPD are minimal and mostly relate to staff time. These will be met by existing budgets.

6. LEGAL AND POLICY IMPLICATIONS

6.1 The National Planning Policy Framework and the National Planning Policy Guidance states that Local Planning Authorities have a duty to produce policies and make decisions that provide a sufficient supply of homes.

6.2 Part five of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the process for the adoption of Supplementary Planning Documents. This includes the duty to publicly consult on an SPD prior to its adoption.

6.3 SPDs may be prepared by a Local Planning Authority to build upon and provide more detailed advice or guidance on adopted Local Plan policies and they must therefore be consistent with those policies. They do not form part of the development plan and cannot introduce new policies nor add unnecessarily to the financial burdens of development, but SPDs (once adopted) are material considerations to be taken into account in determining planning applications. Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires, before a local planning authority adopts a SPD, that it prepare a statement setting out the persons consulted when preparing the SPD, a summary of the main issues raised by those persons and how those issues have been addressed in the SPD. Regulation 14 of the 2012 Regulations provides that as

soon as reasonably practicable after the local planning authority adopt a SPD they must make available the SPD and an adoption statement and send a copy of the adoption statement to any person who has asked to be notified of the adoption of the SPD.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An equality impact assessment has been undertaken and it has been found that there are no negative impacts because of the Housing SPD.

8. RISK MANAGEMENT

- 8.1 The Housing SPD will provide guidance to applicants prior to an application and will help to reduce demand on officer time.

9. CONCLUSION

- 9.1 The draft Housing Supplementary Planning Document has been prepared to provide further detail to policies contained within the adopted Local Plan. It is anticipated that the document will assist applicants when submitting a planning application for residential.
- 9.2 WFDC is required by part five of the Town and Country Planning (Local Planning) (England) Regulations 2012 to consult on an SPD for a period of 6 weeks prior to finalising and adopting the document. This will be undertaken during November and December and the final version of the SPD presented to Cabinet in February 2024 for adoption.

10. CONSULTEES

- 10.1 CLT
10.2 Planning Manager, WFDC

11. BACKGROUND PAPERS

- 11.1 Wyre Forest District Council Statement of Community Involvement

Housing Supplementary Planning Document Consultation Draft



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Introduction

- The Wyre Forest District Council (WFDC) Local Plan (adopted April 2022) promotes the delivery of new housing to meet local housing need in the district, through policies relating to affordable housing, self and custom build, exception sites and specialist housing need.
- The purpose of this Housing Supplementary Planning Document (SPD) is to add further detail to the policies in the local plan, giving greater clarity to developers and communities about the expectations for housing delivery in Wyre Forest.
- This SPD cannot and does not introduce any new policy requirements, rather it provides additional guidance to help applicants understand how it is possible for proposed developments to satisfy existing plan policies.

Key Local Plan Policies

SP.1 Spatial Development Strategy

Sp.2 Locating New Development

SP.9 Housing Density and Mix

SP.10 Affordable Housing Provision -

SP.11 Addressing Rural Housing Needs

SP.12 Self Build and Custom Housing

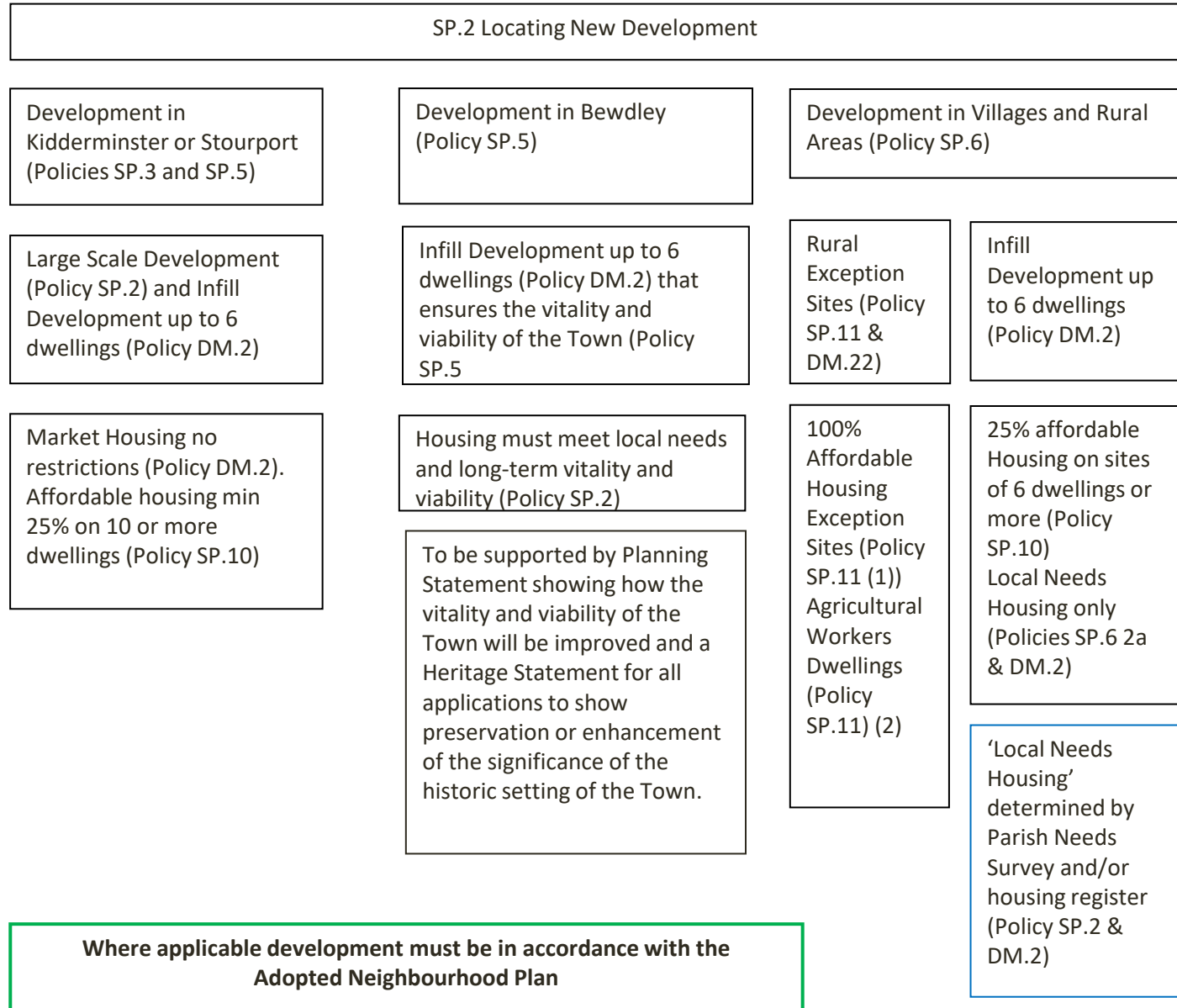
SP.13 Housing for Older People and Others with special housing needs

DM.1 Financial Viability

DM.2 Residential Infill Development

DM.22 Safeguarding the Greenbelt

Key Local Plan Policies



Affordable Housing

SP.9
SP.10
DM.1



Affordable Housing

SP.9
SP.10
DM.1

What constitutes affordable housing for the purposes of this SPD

The NPPF defines affordable housing as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). There are four broad types of affordable housing:

Affordable housing for rent

Starter homes

Discounted market sales housing

Other affordable routes to home ownership such as First Homes

Mix and distribution of affordable housing in developments

As per policy SP.10 of the Local Plan, WFDC will seek a 25% affordable housing contribution on major development sites with the tenure split primarily being social rent (65%) and affordable housing for sale (35%). Affordable rent will only be considered when it is clearly justified and generally only 10% of units will be accepted as affordable rent.

Small clusters of affordable housing will be permitted, if this is:

- Supported and evidenced as a housing management requirement by the Registered Provider partner purchasing the units
- The housing scheme would benefit from being clustered for example a co-housing scheme/ supported housing

However, the design of the scheme must be tenure blind in so far as possible.

There is an expectation that all allocated s106 sites deliver 100% social rented. If this is considered unviable, then the developer will be expected to follow the procedure as set out in policy DM.1 Financial Viability of the Local Plan.

Affordable rent will be permitted on sites where:

- It has been proven that the provision of 100% social rent renders the scheme unviable (following the process as set out in DM.1).
- The provision of additional units over and above what is required in the s106.
- If there is a grant condition which restricts the tenure type.

Affordable Housing

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Working with Registered Providers

Where affordable housing is being provided as part of a development, Developers are expected to work with Wyre Forest District Council's list of preferred partner registered providers at the earliest opportunity to secure the transfer of the dwellings. An updated list of registered providers working in the district can be obtained by contacting the Housing Enabling team.

If a developer wishes to use a provider outside of this list, approval will need to be sought from WFDC. This is so that the District Council can work with the provider to ensure ongoing good housing management once the dwellings have been transferred.

Phasing

The phasing and timing of the delivery of affordable homes should be set out in the S106 agreement and linked to the completion, occupation or transfer of dwellings. With outline permission, it is appreciated that the full details on units etc. may not be known. The Council will, in these cases, seek to secure the percentage of affordable housing, number of dwellings and tenure mix via a S106 agreement with detailed reserved matters negotiations to determine the final affordable housing mix and type.

Local Letting Plans

Wyre Forest District Council reserves the right to apply additional criteria, for example specific local connection criteria, offers of family sized accommodation to smaller households or those people employed within the parish, while still meeting the statutory obligations for reasonable preference (please see definitions in Appendix One) when using Local Letting Plans (LLPs). The Local Authority may, in the interests of promoting balanced and sustainable communities, agree with participating Registered Providers an LLP for specific areas, estates, or blocks. This is to ensure that lettings plans are tailored to the needs of an area and protect the interests of existing residents and the wider community and may include criteria to either include or exclude certain categories of occupier. The plan will apply to both initial and subsequent lettings following its introduction.

Affordable Housing

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Rented Housing

Any rented homes owned or managed as affordable housing should meet the conditions of affordable housing for rent, set out in the NPPF:

- the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable)
- the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider)
- it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

Intermediate housing

This term refers to housing provided for sale that offers a route to ownership for those who could not achieve home ownership through the open market. It includes for example shared ownership and other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement.

Build to Rent

Where applicants wish to propose an alternative intermediate housing product, they should submit evidence demonstrating why a particular product is more appropriate. The Council will consider this on the basis that it will be genuinely affordable for local residents and consider how the proposed product meets identified needs now and in the future.

The Council will require the following matters to be secured in planning obligations:

- Management by a bona fide housing provider or management agent from the public or private sector
- Restrictions to ensure that the properties meet the needs of eligible households and remain affordable in the future
- Rents, inclusive of service charges must not exceed 80% of market rents or the Local Housing Allowance, whichever is the lowest, for the relevant property type
- The right to make nominations in respect for future occupants
- Homes are let in the form of assured tenancy with the tenancy terms submitted for the Council for approval

Affordable Housing

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First Homes

First Homes, introduced by the Government in June 2021, requires 25% of affordable housing developer contributions to be provided as first homes. However, under the transitional arrangements, any local authority who submitted their plan before June 2021, does not have to include this tenure in their developer contribution requirements until their next local plan review.

Wyre Forest District Council's plan was examined in January 2021 and therefore meets the transitional criteria.

Furthermore, a report into the affordability of First Homes, conducted by Arc4 on behalf of WFDC, found that

- Based on a 3.5x household income multiple, First Homes are not affordable based on overall market prices and even less affordable when newbuild prices are considered to earners and households on lower quartile, median or average earnings/incomes.
- If First Homes are delivered, a maximum discount of 50% would need to be applied across Wyre Forest to ensure that First Homes are as affordable as possible – but even then income ratios would exceed the recommended 3.5x. It would also be recommended that First Home prices are based on overall property prices and not newbuild prices.

- If First Homes are delivered as part of a development, this is likely to affect the viability of delivering other types of affordable homes on site.

First Homes must be sold to people meeting eligibility criteria which includes first-time buyers and household incomes should not exceed £80,000. Analysis has demonstrated that open market newbuild prices could be afforded by households with an income of less than £80,000. Therefore, First Homes could provide a subsidized affordable product to households who could already afford to buy on the open market.

Therefore, until the local plan is reviewed, First Homes will not be considered as part of an affordable housing contribution

Affordable Housing

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Offsite Provision/Contributions

Off-site provision will only be considered in exceptional circumstances. Both the developer and the local authority must agree that this is the most appropriate course of action and developers must demonstrate why the provision of affordable housing on-site is not achievable.

Examples of circumstances where it may not be possible to provide affordable housing on-site include sites where it would be difficult to achieve a mixed-use scheme and sites with particular site and layout constraints. Both the developer and the local authority must agree where the provision will be located. The alternative site must then meet the requirement for affordable housing generated from both sites as per the example below:

Sites A and B can each accommodate 30 dwellings.

It has been agreed that all the affordable housing contribution will be located on site B. Therefore, the requirement is:

Site A: 30 dwellings (25%) = 8 dwellings
Site B: 30 dwellings (25%) = 8 dwellings

Total affordable housing units required = 16 dwellings to be provided on site B.

In very exceptional circumstances, where it is demonstrated that the provision of affordable housing on the site of, or in the vicinity of, new development, is not viable, the District Council will accept a financial contribution towards the delivery of affordable housing within the district.

Robust justification will be required to support a financial contribution in lieu of on-site affordable housing provision. Potential circumstances where developer contributions may be appropriate include:

- Management: for example, in the case of high-density apartment schemes designed to meet the needs of specific groups of people, where communal facilities are provided and paid for through a service charge. It is unlikely that such developments would be able to provide separate facilities for affordable housing based on a lower service charge. The service and management charges associated with such developments would make units unaffordable.
- Level of on-site Affordable Housing provision: Specific planning objectives or site viability issues may result in a situation where the level of affordable housing to be provided is so low that a registered provider may not want to take on such a small number of units. In this situation, the District Council recognises that a financial contribution may be the most beneficial outcome.
- Mix of Affordable Housing in the vicinity: If there is a high concentration of affordable housing within the vicinity of the application site, the District Council may consider that a financial contribution is more appropriate.

The principle for determining the financial contribution to be made is that it should be broadly equivalent in value to on-site affordable housing provision. Therefore, the approximate cost of on-site provision to the developer will be established and the developer will pay this value to the District Council. The basis for calculating the financial contributions is therefore as follows:

Commuted Payment = Open Market Housing Value less Affordable Housing Value

Affordable Housing

SP.9
SP.10
DM.1

Viability

The affordable housing requirement set out in the Local Plan has been examined by an Independent Inspector and found to be sound. Planning applications that comply with the policy requirements, in terms of affordable housing, are therefore considered to be viable.

Where proposals do not meet this requirement, a Viability Assessment should be submitted to the Council but only where assumptions depart from the Local Plan Viability Assessment, as per Policy DM.1, Financial Viability. It should be noted that an applicant will need to seek agreement in writing from WFDC prior to conducting an assessment and that this will be reviewed by the Council's independent appointed valuation office. The developer will incur the full costs of the review.

Applicants should also note that an independent assessment could take a number of weeks depending on the complexity and/or the information supplied. It is in the applicants' interest to provide full and complete information for the assessment process.

Where viability assessments show that the developer will be unable to meet all policy requirements on site, prioritisation of infrastructure requirements have been agreed so that the provision of affordable housing is not always reduced first from developers' obligations. Guidance on this can be found in the [Planning Obligations SPD](#).

Vacant Building Credit

The District Council supports the reuse and redevelopment of brownfield sites and the reuse of vacant buildings for housing. Acknowledging that redevelopment of vacant buildings incur additional costs compared to greenfield site development of the same size and typology, the District aims to implement the Vacant Building Credit methodology established in the NPPF and PPG. The Policy outlines the requirement to define a vacant building, as opposed to a building made vacant for the sole purpose of development and to an abandoned building, two situations where the Vacant Building Credit does not apply according to the NPPF and PPG.

To qualify for Vacant Building Credit a site must be a brownfield development and contain an existing building at the time the application is made, and it is proposed to:

- Demolish the building for redevelopment; or
- Bring the building back into use

Vacant Building Credit will apply where the building is wholly vacant and to be redeveloped completely and may result in a proportionate reduction in the Affordable housing contribution. Vacant building Credit does not apply where the building:

- Has been abandoned in planning terms; or
- Has been vacated for the sole purpose of redevelopment; or
- Is covered by an extant or recently expired planning permission

The proportion of the vacant building floor space as part of the total new floor space should be used to calculate the proportion of the affordable housing required by the policy.

Local Housing Need

SP.11
DM.2



Local Housing Need

SP.11
DM.2

When Local Housing Need will Apply

Evidence of how an application meets local housing need will be required for any windfall sites in the District's designated rural settlements.

How Local Needs are Established

WFDC will establish Local Housing Need in the following ways:

- Housing Needs Surveys
- WFDC Housing Register
- WFDC Self and Custom Build Register
- Current Housing Market data for the district – based on details of properties for sale at the time of determining a planning application

Bespoke Housing Need

In very exceptional circumstances, the bespoke housing need of an applicant will be considered when determining an application. An example would be where the applicant has a disability/illness that requires a property built to meet their requirements. The applicant would have to demonstrate:

- Why the applicant needs to remain in the current location and have not managed to fulfil their housing need by purchasing a property on the open market in the parish.
- Why their existing property cannot be modified to meet their need.
- That the design meets the applicant's requirements, for example, that it is designed to comply with M4(3) of the Building Regulations 2010.

Housing in Bewdley

SP.2
DM.2



Housing in Bewdley SP.2 DM.2

Housing in Bewdley

Policy SP.2 states that any housing in Bewdley will be to meet local needs and to ensure long term vitality and viability.

Therefore, any applications for housing will be considered against the following criteria:

- The most up-to-date housing needs information for the Town
- Whether there is evidence of a bespoke need being met
- Whether the development is being developed on previously developed land or reutilising an empty building
- How the development will contribute to the vitality and viability of the economy
- Against the DM.2 Residential Infill Development Policy

For any major applications (developments over 10 dwellings), an applicant will be expected to undertake an up-to-date housing needs analysis as part of their application. The method for this analysis will need to be agreed with the planning team prior to it being undertaken and submitted as part of the application.

Housing in the Rural Areas

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SP.11

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Windfall Sites in Rural Areas

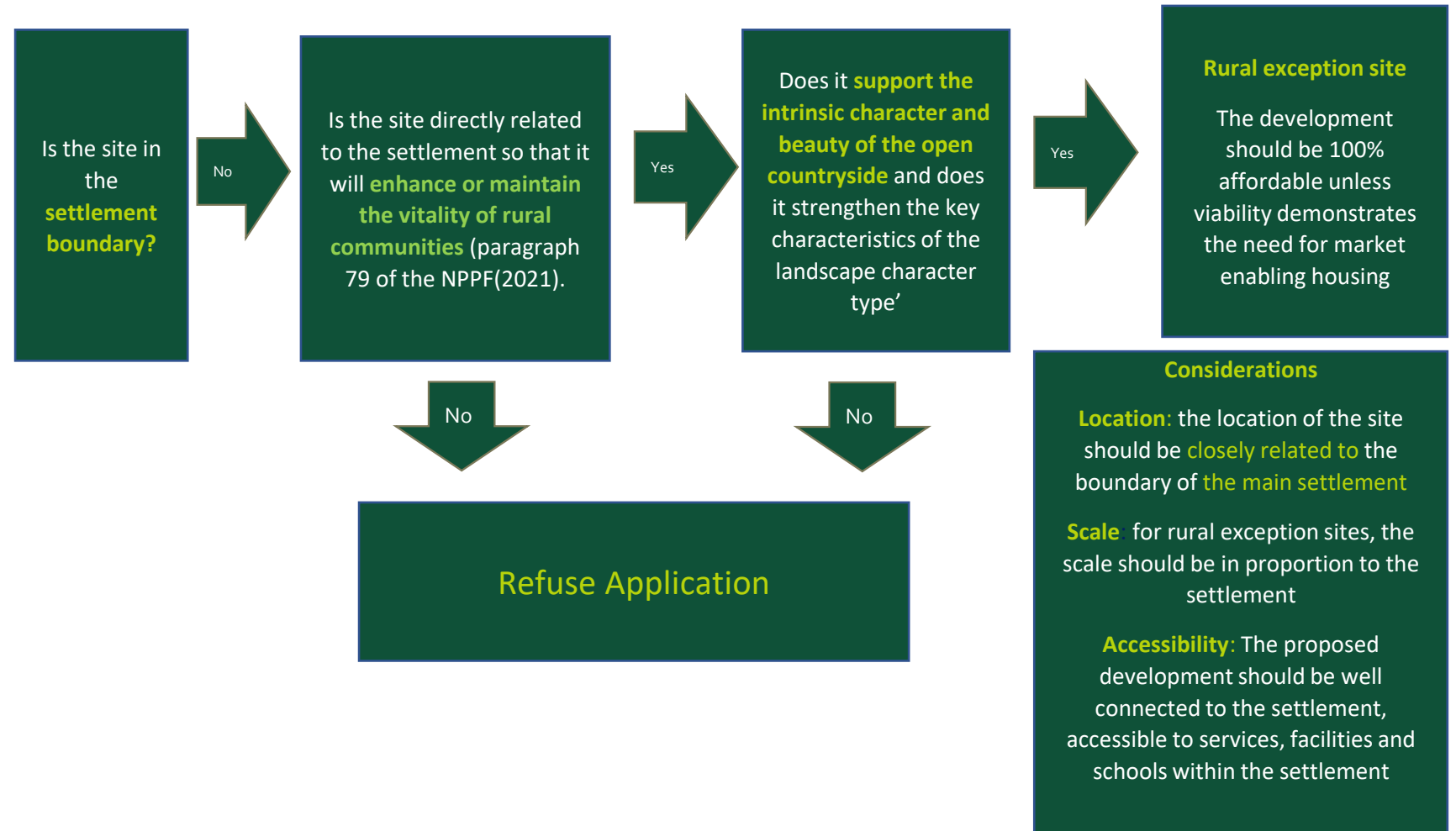
Policy SP.1 Spatial Development Strategy and SP.2 Locating New Development provide details of the settlement hierarchy in the district.

The focus of new development in the district over the plan period is on the urban areas and allocated sites, with limited allocations in the rural areas, to meet local need.

It is recognised that windfall development may come forward, outside of the allocated sites, during the plan period but these should follow the other policies within the plan. The flow chart below demonstrates the decision process for planning officers when considering applications in rural areas.

Housing in the Rural Areas

SP.1
SP.2
SP.11
DM.2



Housing in the Rural Areas

SP.1

SP.2

SP.11

DM.2

Rural Exception Sites

Housing provision on rural exception sites must seek to address the needs of the community by accommodating households who are existing residents or who have an existing family or employment connection to the area in line with the local connections criteria. Proposals for development will need to demonstrate that arrangements are put in place to ensure that the housing will remain permanently available to meet the continuing needs of local people.

Development of exception sites must be identified in partnership with the District or Parish Council and must be supported by a Parish Housing Needs Survey which should normally be undertaken by the District Council in partnership with the Parish Council. However, where this is not possible, applicants may undertake their own survey but only where the methodology and questionnaire are agreed with the District Council in advance of the survey commencing. The Housing Needs Survey must consider the need for all types of residential development within the parish. Alternatively, data from the housing register can be used to demonstrate need for affordable housing.

In circumstances where it is not viable to deliver 100% affordable housing on rural exceptions sites, it may be possible to cross subsidise a scheme with an element of market housing (typically no more than 20%). Under these circumstances, developers will be required to provide additional supporting evidence in the form of an open book development appraisal for the proposed site. The provision of low cost home ownership products to meet identified local needs will also be an acceptable form of housing on rural exception sites in addition to other tenure types that meet local housing needs.

The development of rural exception sites should not result in a significant adverse impact on the character of the settlement, the amenities of residents, the rural landscape, or nature conservation interests, and should not result in the loss of open space with public amenity or recreational importance. Schemes must be located within, or adjoining, an existing settlement with at least one of the basic services. Rural exception sites will not normally be allowed in or adjoining settlements without one of the basic services. Where proposals are put forward in such settlements, very strong justification will be required as to why affordable housing is appropriate in this location. Proposals in the open countryside will not be acceptable.

Infill Development

Infill development is defined as residential development of up to 6 dwellings in an otherwise built-up frontage. The council encourages infill development within the settlement boundary providing it contributes to the existing character in terms of design, density and layout.

Within villages, sites need to meet a local need, not be inappropriate development in the Green Belt and not be over developed (see policy SP.9 on density).

Housing in the Rural Areas

SP.1

SP.2

SP.11

DM.2

Live Work Units

WFDC receive a higher number of applications for live work units in rural areas in comparison to the urban areas of the district.

Live work units differ from homeworking in that home working uses a small proportion of a residential unit for generally office work whilst live work units are a business being run from the same place that the worker resides. The size of the work area should be justified to ensure that a larger than necessary business area is not constructed just to enable a larger dwelling to be built.

Policy DM. 11 says that the emphasis of the unit is on the work element, which should be reflected in the split, which is at least 60% workspace and 40% residential. The policy also states that the work elements is restricted to uses considered appropriate to the location, in rural areas. For example, Class B, Class E (offices other than professional and financial services offices) and research and development, light industrial uses and appropriate employment uses where there is no inappropriate impact on the surrounding properties.

To ensure that the unit is used as intended the permission will have a condition as part of the approval, which will be monitored to ensure ongoing compliance.

Agricultural Worker's Housing

There can be a need for livestock management, agricultural/agricultural contractors or forestry workers to live on site. Rural workers dwellings will only be permitted where they are considered to be essential and the assessment of this will depend on the needs of the particular enterprise. Evidence that could be provided, include:

- A contract of employment for the rural worker which proves the requirement for tied accommodation near the place of work
- A business plan stating the need for a rural worker dwelling and how it will benefit the business
- A clear and justifiable explanation why there is a requirement for a rural worker dwelling.

Where permission is granted for an additional dwelling, then the applicant will be expected to agree to retain the existing accommodation for use within the unit.

Where an agricultural workers dwelling is no longer needed, convincing evidence should be provided with any application for the removal of an occupancy condition, as set out in Policy SP.11.

Therefore, the applicant must demonstrate how the property has been marketed for a period of 12 months, including:

- a copy of the marketing details including where it has been marketed, by whom and for how long
- ensuring it has been marketed appropriately in national agricultural publications
- a copy of the advert
- a record of enquiries and offers made (if applicable)

Housing in the Rural Areas

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SP.2

SP.11

DM.2

Previously Developed Land in the Green Belt

As per the NPPF definition previously developed land is defined as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Therefore, where Previously Developed Land blends into the landscape again, it will be treated as per the WFDC local plan policies on Green Belt and rural housing.

Conversion of a Rural Building into a dwelling

Any rural barn converted under Class Q of the General Permitted Development Order (GPDO) with the need for additional extensions, substantial alterations (or complete reconstruction) or the addition of new buildings within the curtilage will not be allowed under policy DM.29 of the Local Plan.

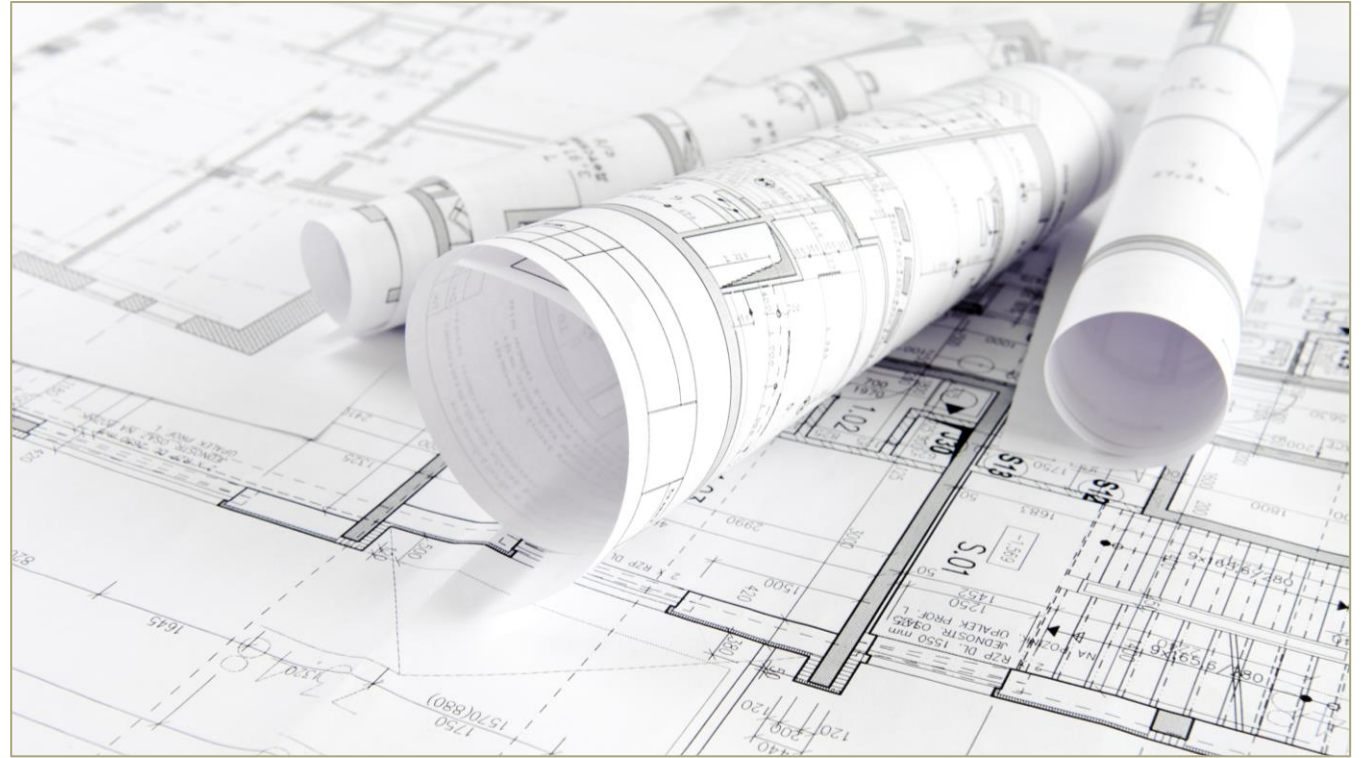
The degree of harm on the character and appearance of the countryside is an important consideration when assessing the effects of residential curtilage or establishing the likely demand for further buildings on the site.

The Council is unlikely to give permission for proposals for residential conversion where this requires extensive alteration or rebuilding (substantial or extensive being works to the building that go beyond what is necessary to facilitate a residential conversion under the requirements of Class Q), or if the creation of a residential curtilage would have a harmful effect on the character of the countryside. To this end, no extensions to dwellings created (whether through Policy DM.29 and earlier rural building policies or via implementation of permitted development rights) will be permitted, and neither will the introduction of new buildings into the curtilage of these dwellings.

Where there has been previous successful development under the current or previous policies, or by virtue of permitted development, no further development will be permitted within the curtilage and not beyond this point.

Self and Custom Build Housing

SP.12



Self and Custom Build Housing

SP.12

Definition of Self and Custom Build Housing

The National Planning Policy Framework defines self-build and custom-build housing as ‘Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act’:

“(A1) In this Act “self-build and custom housebuilding” means the building or completion by—

(a) individuals,

(b) associations of individuals,

or (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

In summary, there is little difference between the two forms of development, with custom build being where a person commissions a developer to help to deliver their own home, whilst self-build is where a person is more directly involved in organising and constructing their home. In either case, it is expected that the dwelling will be the principal residence for the owner for at least the following three years.

A new dwelling will not be classed as a self-build or custom-built home:

- If a developer built a dwelling and sold it on the open market.
- If the future occupier of the dwelling chose a design for the dwelling from a collection of stock designs offered by a developer.
- If there is no evidence that the future occupier had a primary input into the design of the building, even if the building appears to be a ‘one-off’ bespoke design. Or
- If the applicant has submitted a reserved matters application with house design and layout etc. for approval before marketing the plots to self-builders.

Self and Custom Build Housing

SP.12

The Wyre Forest Self and Custom Build Register

Local planning authorities have a duty under Section 2 and 2A of the Self-build and Custom Housebuilding Act 2015 to have regard to the Self and Custom build register and to ensure that there are sufficient planning permissions granted to meet the identified demand, within a 3-year base period (for example, 2016 to 2019/20). As per the legislation, WFDC holds a register of people seeking self and/ or custom build plots in the district. The register is divided into two parts, part 1 is where all can register an interest and part 2 is for those with a local connection to the district. Whilst regard will be given to meeting the need of all those on the register, priority is given to those applicants with a local connection.

Delivery of individual or community led self and custom build

In principle the Council will support self and custom build housing proposals where this is meeting a demand identified by the Council's register. However, the proposal will be required to be in compliance with the wider policies and principles of the Local Plan.

Where a community gets together to provide a self-build scheme consisting of self-build plots, such a scheme would be treated in a similar way to self-build as each plot is brought forward for planning permission and development.

Affordable Self and Custom Build

It is possible that custom and self-build housing schemes can deliver affordable housing. For example:

- Serviced building plots are made available below market value and are subject to a legal agreement that restricts the resale value of the completed property to below market value
- Homes are built as shared ownership properties – for example where a registered provider or Council constructs the homes to the waterproof 'shell' stage and then enables private homebuilders to enter into a special form of shared ownership lease to complete the property. Once the work is satisfactorily completed this earns the homebuilder an equity share in the property, which means they need a smaller mortgage or a lower deposit

- A developer or landowner could work in partnership with a recognised Registered Provider or alternative affordable housing provider; or

- Where a self-builder commits (via an agreed legal document) that the resale of the dwelling shall be restricted to an eligible household for at least a 20% discount on market prices

However, there is no obligation on the Council to accept custom and self-build housing to be counted as part of the developer's obligation to provide affordable housing. Where it does so, the Council would have to be satisfied that such provision genuinely was affordable housing (in accordance with national definitions) and such plots will be secured through a under Section 106 of the Town and Country Planning act (1990) (as amended) and in some cases, dependent on the scale or nature of development, via conditions.

Self and Custom Build Housing

SP.12

Provision of Self and Custom Build on major development sites

Developers of sites with 50 or more units should consider Wyre Forest District Council's Self and Custom housebuilding register. This means that the developer should provide serviced plots or custom build units, as agreed with the Council and evidenced by the need on the register. Typically, 2% of the development will be required for self or custom build. In the event that a developer cannot provide self or custom build plots, it is the responsibility of the developer to provide clear and robust justification as to why this provision of housing cannot be delivered on the site.

National Planning Practice Guidance (Self-build and custom housebuilding paragraph 26) provides a definition of a serviced plot of land as a plot of land that either has access to a public highway and has connections for electricity, water and wastewater, or in the opinion of the relevant authority, can be provided with access to these, within the duration of a development permission granted in relation to that land.

Connections for electricity, water and wastewater means that the services must either be provided to the boundary of the plot so that during construction, connections can be made, or adequate alternative arrangements are possible.

It is recommended that plots should be grouped together within a site rather than widely dispersed, however, for those with more than 10 self-build and custom plots, then these should be dispersed in groups across the site and preferably within different phases of development. The arrangement of plots and plot sizes should not be distinguishable to other residential plots being proposed in the development and should respect the local character.

It is good practice for developers to provide a mix of serviced plot sizes to meet the range of demand and affordability, subject to site-specific negotiations and the nature of the proposed development. There is scope for a mix of plot sizes, as long as this relates to the demand identified on the Council's register (Part 1 and Part 2). This is to ensure that CSB plots secured cater to the variety of aspiring self-builders, including first time buyers, middle-income earners, downsizers and other specialist groups. Supplying a mix of plot sizes also plays an important part in enabling the delivery of housing to specialist groups.

If an outline application or a phased approach is to be taken, then either the indicative Masterplan or subsequent Phasing Plan should show the parcels of land identified as providing the self-build and custom housing plots.

Self and Custom Build Housing

SP.12

Phasing of Plots on major development sites

On major development sites of 50 plus dwellings, the Council will expect the early delivery of parcels of self and custom build plots. The Council will work with developers seeking to make a case for the later phasing, if they have demonstrable commercial reasons why early phasing would be a challenge.

Some of the circumstances whereby the Council would not normally expect early phasing of CSB could include, for example, where there is a critical infrastructure requirement necessary to unlock development. There may be merit, given the potential complexity of phasing and the staff resource needed, to promote with developers the need to ensure early engagement with the Self Build and Planning case officers in respect of phasing. It is important that developers consider the timing of the servicing and provision of the plots early on as this is an important aspect of their delivery. On larger sites, this will be dealt with via a legal agreement such as a section 106 agreement. On smaller scale projects, this may be more simply dealt with via planning conditions.

S106 requirements

The Council will seek to secure self-build and custom build housing by way of a section 106 obligation

A template section 106 agreement will:

State the amount of self-build and custom build housing,

- Outline the type and mix of self-build and custom build housing (as defined by the Self and Custom Housebuilding Act 2015 (as amended)),
- Provide details of the marketing strategy, including details on who the properties will be marketed to, how they will be publicised.
- State the process for the reversion to market housing that could be built out by the Developer after a period of 12 months from initial marketing.
- Provide, without additional cost to the Plot Owner, vehicular access and foul and surface water sewers and water, gas, electricity and telecommunications service systems for the Self-build and/or Custom housing Unit linking in each case to the estate roads and service systems to be constructed and laid as part of the remainder of the Development and connected to highways and sewers that serve the area

Self and Custom Build Housing

SP.12

Design Codes

A Design Code and/or plot passports will need to be provided either as part of the planning application or will be requested and secured by planning condition that will establish a clear set of design rules and parameters that future development will comply with.

- Design Code which will be secured by a planning condition and should include:
- Site wide vision (for strategic scale sites)
- Site and context overview
- Self-build and custom build character and delivery approach
- Design code (general design guidance)
- Plot passport (plot specific design parameters)

Plot Passports

Plot passports are a simple way of helping private homebuilders to understand what they can build on their plot. Plot passports are simple summaries of the design parameters for each plot capturing relevant information from the Design Code, planning permission and Delivery Statement. They are short documents specific to each plot and form part of the marketing materials available for each plot. They act as a key reference point for prospective purchasers and form part of the marketing material available for each custom build plot to help private homebuilders to understand what they can build on a plot. They add value and certainty by acting as a key reference point for the purchaser, capturing relevant information from the planning permission, design constraints and procedural requirements in a concise and accessible format.

Marketing of Plots

Developers will need to prove adequate marketing. Proof of “adequate marketing” will include the following:

- Contact with people listed on the Register will be given priority to the self-build and custom housing provision within the site, prior to these plots being marketed in the open market
- The dates and periods of when marketing promotions were live and details of how they were promoted and to which audiences.
- Copies of marketing materials
- Details of any social media promotions including local promotion
- Whether the serviced plots have been promoted on any national websites that promote self and custom build opportunities.

Housing for Older People and Others with Special Housing Requirement

SP.13



Housing for Older People and Others with Special Housing Requirement

SP.13

Type of Housing Required

The Council has a requirement under policy SP.13 of the WFDC Local Plan, that all major housing development proposals (developments of over 10 dwellings) provide evidence to show they have fully considered the provision of the following tenure and type of units within the overall housing mix of the site:

- Bungalows
- Sheltered Housing
- Extra Care Units
- Other types of supported housing

This evidence could include the following:

- Pre app discussions with the development management at WFDC
- Reference to relevant housing needs data, neighbourhood plans and other strategies/policies (such as Worcestershire County Council social care policies) in planning statements.

If a developer is not providing the required dwellings, then the applicant will be expected to provide evidence as to why they cannot provide the required dwellings, such as details of site constraints or viability issues.

Where specialist housing is being provided the applicant should demonstrate:

- how it meets the M4(2) and M4(3) requirement
- How the internal layout and amenity spaces will help meet the requirement of people with a special housing requirement.
- If dormer bungalows are being provided, the dwelling is expected to have a ground floor bedroom.

Accommodation for Family Members and Carers

SP.13 allows for the provision of annex accommodation on a dwelling in order to provide accommodation for family members and carers.

The policy states the annex should be physically linked. This means that it can be either an extension to the original dwelling or where this is not possible, it can be developed within the curtilage of the dwelling. However, it is expected that the dwelling:

- Only incorporates a maximum of two bedrooms
- Shares vehicular and pedestrian access
- Must be within 5 metres of the main dwelling

A condition will also be placed on the annexe which will state that the annexe cannot be divided from the original dwelling and sold or let separately.

Appendix A: Glossary of Terms



Appendix A:

Glossary of Terms

Affordable Housing: The District Council has adopted the definition of Affordable Housing as set out in the National Planning Policy Framework (NPPF)

Authority Monitoring Report (AMR): an annually produced document which sets out the progress made in achieving the timetable set out in the Local Development Plan (project plan) and effectiveness of the development plan policies in the Local Plan

Community Infrastructure Levy (CIL): allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres. In order to collect CIL, local planning authorities must prepare, consult on and adopt a charging schedule setting out how much CIL developers need to pay for each type of development and a Regulation 123 list setting out what CIL monies will be spent on. Once collected, CIL receipts must be spent on the projects on the authority's Regulation 123 List.

Community Land Trusts (CLT): CLT's are another form of not-for-profit community-led housing, in which organisations, set up by volunteers, develop and manage homes and other community assets.

Designated Rural Areas: 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.

Developer Contributions: are often required for major developments to ensure sufficient provision is made for infrastructure and services such as roads, schools healthcare and other facilities. Contributions are usually secured through planning conditions or legal agreements. Developer contributions are often referred to as Section 106 (S106) Agreements or planning obligations.

Local Housing Allowance: The maximum amount of Housing Benefit you can get depends on the number of bedrooms you need – not the number of bedrooms you have, this is called Local Housing Allowance (LHA).

Appendix A: Glossary of Terms

Local Needs Housing: including affordable housing and market housing which addresses the needs of different groups in the community such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes, as established through Parish Housing Needs Surveys, the Self and Custom Build Register, Neighbourhood Plans and the Housing Register.

National Planning Policy Framework (NPPF): the document which sets out the Government’s planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, that reflect the needs and priorities of their communities. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in determining planning applications.

Registered Providers (RPs): formerly known as Registered Social Landlords or Housing Associations.

Rural Exception Sites: small sites for the provision of affordable housing in perpetuity or to meet another specific identified local housing need (as evidenced through the Parish Housing Needs Survey, Neighbourhood Plan or the District Council’s Adopted Local Connections Policy), at locations which would not normally be suitable for housing. Rural exceptions sites seek to address the needs of the existing local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.

Self and Custom House Building Act 2015: A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act’:

“(A1) In this Act “self-build and custom housebuilding” means the building or completion by—

(a) individuals,

(b) associations of individuals,

or (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

Appendix A: Glossary of Terms

Self and Custom Build: The National Planning Policy Framework defines Self-build and custom-build housing as 'Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing.

Supplementary Planning Document (SPD): provide additional information to guide and support the Development Plan.

Sustainable Communities: sustainable communities are places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, and are sensitive to their environment, and contribute to quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.

Sustainability Appraisal (SA): the purpose of SA is to ensure that the Development Plan and associated Supplementary Planning Documents (SPDs) conform to the Government principles of Sustainable Development which are: Living within environmental limits Ensuring a strong, healthy and just society Achieving a sustainable economy Promoting good governance Using sound science responsibly.

The Town and Country Planning (Local Planning) (England) Regulations 2012: These regulations provide the legal framework for the preparation of planning policy documents including the Local Plan and Supplementary Planning Documents (SPDs).

Appendix B

Suggested wording for S106 on Outline Permission



Appendix B:

Suggested wording for S106 on Outline Permission

- A. The Section 106 Agreement will contain some or all of these terms, subject to site-by-site negotiations:
- define the amount of affordable housing or, in the case of full permission, specify specific units and detail the breakdown between different tenures
 - require the affordable housing to comprise a mixture of dwelling types in accordance with the latest housing needs survey and housing register data, to be integrated with and indistinguishable from market housing
 - set a timescale for the affordable housing to be provided, usually that it shall be available for occupation by the time a percentage of the market housing is available
 - include a mechanism for selecting an RP, unless another approach has been agreed; limit the rent and outgoings which can be charged to occupants and the price at which an initial share can be sold under a shared ownership arrangement
 - include a mechanism for limiting and selecting the occupants of the affordable housing, which will require supplementary agreements to be entered into as follows:
 - the RP or other provider will be required to enter into a nomination agreement; where the provider is not an RP, the S106 Agreement will include provisions governing letting and management arrangements.
 - provide for the housing to remain affordable in perpetuity, subject to:
 - any statutory right to acquire, buy or 'staircase';
 - a mortgagee in possession clause, where the affordable housing is transferred to an RP.

Appendix B: Suggested wording for S106 on Outline Permission

B. The applicant will be required to pay the Council's reasonable legal costs in connection with the Agreement. The Council's costs in connection with any related Agreement (e.g. a nomination agreement) shall be paid by the applicant, RP or other provider, depending upon which of those parties is involved in negotiating the terms of that Agreement.

C. Where the Council has refused an application which, if allowed, would have been subject to a requirement for affordable housing, it will endeavour to negotiate a Section 106 Agreement on a 'without prejudice' basis, to take effect in the event that an appeal is allowed.

D. In the case of an outline application, the Section 106 Agreement will require the applicant to agree with the Head of Strategic Growth (in practice, delegated to the Strategic Housing Services Manager), prior to the commencement of development, the physical locations, type, layout and tenure of the affordable dwellings. Wyre Forest District Council 32 Affordable Housing Supplementary Planning Document (July 2014) Suggested wording for S106 Agreement on Outline Permission B

E. The agreement will require the applicant to notify the Director of Strategic Growth of the anticipated date(s) when the affordable housing will be available for occupation, a specified period(s) in advance.

F. Section 106 Agreements will include mechanisms to record when key stages are reached in the development and requirements are triggered.

In addition to the terms set out above, the District Council reserves the right to include any additional terms considered appropriate to the specific site.

Scoping document for the Wyre Forest Housing SPD

Introduction

The Wyre Forest District's Housing Supplementary Planning Document (SPD) provides more detailed advice on the housing related policies contained in the Wyre Forest Local Plan. It has been prepared in partnership with colleagues in the Strategic Housing and Planning teams.

The SPD will focus on matters of housing and how they should be positively addressed through the development planning process in the district. It is aimed at local authority planning officers, applicants, developers, relevant organisations, and the wider community.

We are inviting your comments on this Scoping Report to help us identify the key issues that need to be addressed through the housing SPD for Wyre Forest District.

Policy Context

National and Local Policy

The National Planning Policy Framework (NPPF)

(<https://www.gov.uk/government/publications/national-planning-policy-framework--2>) sets out how Government Planning Policy should be applied. The NPPF requires each council to have robust and comprehensive policies across a broad range of areas to support the delivery of high-quality sustainable and inclusive development. Section 5 of the NPPF, sets out the Government's planning policies, including a specific requirement to deliver a sufficient supply of homes. The NPPF is supported by National Planning Practice Guidance (NPPG) which further outlines the importance of housing supply and delivery.

Wyre Forest District adopted their Local Plan in April 2022. The Local Plan is essential in order to successfully plan for development and to enable the Council to make good decisions on planning applications. The proposed SPD will provide detailed guidance on policies in chapter 7 from the Wyre Forest Local Plan, Policy SP.9 Housing Density and Mix, SP.10 Affordable Housing Provision, SP.11 Addressing Rural Housing Needs, SP.12 Self Build and Custom Housing and SP.13 Housing for Older People and others with special housing requirements. There are also general policies applicable across the whole Local Plan which the SPD can help support due to its overarching nature. The SPD will also support any made Neighbourhood Plans in the District.

What is an SPD?

SPDs build upon and provide more detailed guidance about policies in the Local Plan. Legally, they do not form part of the Local Plan itself and they are not subject to independent examination but they can be accorded significant weight as a material planning consideration in the determination of planning applications, providing a tool in the interpretation and application of policy.

Sustainability Appraisal and Strategic Environmental Assessment

National planning policy indicates that a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) are not required for an SPD unless it is considered that there are likely to be significant environmental effects or exceptional circumstances.

This SPD builds upon policies in the adopted Local Plan for Wyre Forest, all of which have been subject to SA and SEA and detailed scrutiny at the Examination. If you believe an SEA is required, please set out what the exceptional circumstances are requiring one to be undertaken as part of your response.

Table One: Topics to be covered by the Housing SPD

The table below sets out what is proposed for each section and how it will be addressed.

Topic	Details
Housing Density and Mix	This chapter will set out the expectations regarding tenure mix, density and phasing of housing developments.
Affordable Housing Provision	This chapter will cover the definition of affordable housing, the requirement for affordable housing delivery on major development sites, the expectation for rented, intermediate, build to rent and first home affordable housing products. The chapter will also cover affordable housing in designated rural areas, vacant building credit, offsite contributions and viability.
Rural Housing	This section of the SPD will provide detail on, rural exception sites, restrictions/conditions imposed on rural exception schemes, dwellings with restrictions in rural areas (live work units and agricultural workers housing), infill development, conversion of rural buildings into housing and windfall sites.
Self Build and Custom Housing	It is proposed that this chapter will cover the definition of self and custom build, the WFDC self and custom build housing register, delivery of individual or community led custom build, provision of self and custom build plots on major development sites and affordable self and custom build.
Housing for older people and others with special housing requirements	This section will provide details behind Policy SP.13 in the local plan including the provision of bungalows, sheltered housing, extra care units and other types of supported housing.

Table 2 Timetable for production

Process	Date
Scoping Report Consultation	13/03/2023 – 24/04/2023
Preparation of The SPD and Evidence	April – May 2023
Cabinet	October 2023
Consultation (6 Weeks Statutory)	06/11/23-18/12/23
Preparation of Final SPD	January 2024
Adoption	February 2024