



Planning Policy  
East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

Date: 9 May 2019

Our Ref: AG M5/0107-19

By email only:  
[planningpolicy@eastdevon.gov.uk](mailto:planningpolicy@eastdevon.gov.uk)

Dear Sir/Madam

**RE: EAST DEVON DRAFT AFFORDABLE HOUSING SPD**

We represent the **South West HA Planning Consortium** which includes all the leading Housing Associations (HAs) across the South West. Our clients' principal concern is to optimise the provision of affordable housing through the preparation of consistent policies that help deliver the wider economic and social outcomes needed across the South West region.

**Definitions**

Paragraph 2.1 should be removed as it is simply a reproduction of the text used in national policy to define the various affordable housing tenures. Annex 2 of the NPPF contains the affordable housing definitions, therefore there is no need for the SPD to replicate national policy. To ensure the document's longevity and consistency, the SPD should only refer to the national definition.

**How 'affordable' is housing in East Devon?**

The inclusion of text on the affordability challenge in East Devon is supported; the provision of new affordable housing across the district by Registered Providers plays a critical role in combating the difficulties in accessing housing for local people. As the affordability gap is higher than the regional and England averages it is clear that the Council will need to work in partnership with local Housing Associations to genuinely enable affordable housing to be delivered. This SPD will play an important role in facilitating this.

**What are the key sources of evidence?**

The SHMA is now quite dated, and out of step with the current definitions of affordable housing. While the NPPF has introduced a new standard method of assessing the overarching housing needs for each local planning authority, it has not removed the need to assess the needs for specific tenures and house types; the Council should seek as part of its general Local Plan review cycle to update this key assessment of housing need to ensure that any update to the strategic policies is based on up to date evidence. Members of the Planning Consortium would welcome direct input into this evidence, to ensure that this takes into account the local experience of needs and in delivering affordable housing across the district.

The funding of housing need surveys for three parish councils each year through Devon Community Homes is supported, as this can provide an excellent source of evidence of housing need. The Council should make these publicly available to support the Government's objective of improving transparency and more consistent data collection. For Planning Consortium members this would also be helpful; as delivering affordable housing in rural areas is already significantly financially constrained, data sharing is important in reducing costs in evidencing local needs at application.

### **What mix of affordable housing tenures should be provided?**

The text at paragraph 4.5 suggests that the Council will seek to restrict delivery of affordable housing to those tenures for which there is already a proven need in the SHMA, however as noted this document is very dated and in particular pre-dates the revisions to the NPPF. This should not prevent the Council from accepting evidence of need for the wider range of tenures set out in the NPPF, as this would limit the opportunities to meet housing need across East Devon. The text should be amended, removing reference to the Council's priorities for non-rented affordable housing.

### **What size and type of affordable housing is being sought in East Devon?**

As with our comments above, until such time as the SHMA is updated the Council should not be seeking to restrict the types and sizes of affordable housing that should be delivered across the district. Developers should instead be encouraged to deliver homes that will meet local needs, with reference to the SHMA and any more up to date evidence.

### **How should affordable housing be 'pepper-potted' or dispersed throughout a development?**

The indication at paragraph 5.7 that affordable homes within a cluster should be a mix of tenures can create significant design issues within a site and should not be included within the SPD. Internal and external design requirements for different tenures can be required to accommodate different housing needs and affordability, and cannot always be accommodated easily alongside one another.

For example the delivery of a terrace may be required to respond to part of a site's layout or context, while semi-detached properties can more appropriately be delivered elsewhere within a site. Mirroring tenures within a cluster can provide significant design benefits, economies of scale at construction stage, and ease of later management and maintenance. We ask that the text "*The affordable housing within each cluster should include a mix of tenures.*" be removed to prevent unnecessarily onerous design requirements being imposed on affordable housing developments.

### **Are there any design standards that affordable housing should meet?**

Paragraph 5.11 should be removed as it introduces an element of uncertainty for developers when seeking to understand the Council's policy position on requiring the national internal space standards on new residential development. As the Council has no adopted policy on this, it may use other design criteria for build quality, but internal space standards may only be set in policy and cannot be introduced or required through this SPD.

### **What evidence on housing needs is required to justify a rural exception site?**

It may not always be possible to produce a rural housing needs survey in partnership with a parish council or neighbourhood plan steering group, such as in areas where any residential development is vigorously objected to. The wording of this guidance is not helpful to members of the Planning Consortium which may be seeking to deliver a much-needed affordable housing exception scheme but cannot gain consensus with the local parish council or NP group. We ask that paragraph 6.3 be amended, as below, to allow for flexibility and prevent robust housing need surveys being rejected because of a lack of formal community support:

A "robust housing needs survey" should have either been produced by rural housing enablers at Devon Communities Together, or followed their methodology and, if possible, undertaken in partnership with the parish council and/or neighbourhood plan steering group. The survey will gather factual information on the scale and nature of housing need at a local level. This will give an indication on the number, type and tenure of affordable homes that are needed by those that have a local connection to the parish or parish grouping.

As with our earlier comments, the publication of housing need surveys already produced across East Devon should be encouraged and enabled by the Council to assist Housing Associations in delivering the much-needed affordable homes that the district's rural communities need.

### Where can rural exception sites be built?

The NPPF states at paragraph 78 that housing should be located where it will enhance or maintain the vitality of rural communities, promoting sustainable development in rural areas. Development in one village may support services in a village nearby, and it is this advice that indicates that paragraph 6.13 and its accompanying list should be amended. Provision of affordable housing in one rural village will not only support local people in accessing housing that is appropriate to their needs, but also is acknowledged in numerous appeal decisions as helping to support neighbouring village services. The Council should recognise this by indicating support for delivery in areas where a cluster of villages provide a number of important local services. Paragraph 6.14 should either be deleted, being reliant on superseded and dated guidance, or amended to allow for access by walking, cycling, other sustainable modes of transport, or car.

### How is the delivery of affordable housing legally secured?

It is unreasonable to expect submission of a completed unilateral undertaking with the submission of a planning application, given that a development may be subject to additional planning obligation requests, and the detail of a planning permission cannot be confirmed until the point of determination or receipt of an officer's report. The expectation that draft heads of terms will be submitted is more reasonable, and should replace the text at paragraph 7.5.

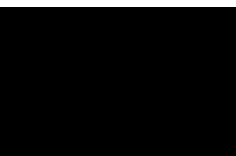
### Affordable homes *in perpetuity*

Paragraph 7.18 notes that 'where possible', affordable housing will be subject to an *in perpetuity* restriction through Section 106 agreements. Referring to Appendix 3 which shows an example of a standard S106 Agreement, paragraph 2.4 states that "*affordable housing units shall only be used for the purpose of providing affordable housing and shall be so used in perpetuity*".

The act of securing affordable housing *in perpetuity* is exclusively applied to rural exception sites, as noted within Annex 2 of the NPPF. National policy refrains from securing all affordable housing in perpetuity as it can cause a number of issues for affordable housing providers and purchasers when attempting to secure mortgages for properties restricted in this manner. The Council are more likely to create barriers to affordable home ownership and may negatively impact sought after affordable housing delivery throughout East Devon by implementing such a policy. To ensure that the SPD is capable of being implemented properly and fairly, all references to retaining affordable housing in perpetuity should be removed unless explicitly relating to rural exception sites.

We would like to be notified of any changes to the SPD and when this is adopted, by email only to [consultation@tetlow-king.co.uk](mailto:consultation@tetlow-king.co.uk). Please ensure that the **South West HA Planning Consortium** is retained on the planning policy database, with **Tetlow King Planning** listed as their agents.

Yours faithfully



**ANNIE GINGELL BSc**  
**PLANNER**

For and On Behalf Of  
TETLOW KING PLANNING



**Cc:** Aster Group  
LiveWest  
Westward Housing Group  
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