

## ESSENTIAL REFERENCE PAPER 'C'

### **13        Housing (*To be renumbered Chapter 14*)**

#### **13.1       Introduction**

13.1.1       A key objective of the District Plan seeks to ensure that new housing is accessible to, and meets the needs and aspirations of, the District's communities. The Council also recognises that everyone should be given the opportunity to access a decent home, which they can afford and is in a community where they want to live. The Plan can contribute to achieving these objectives by planning for a sufficient quantity, quality and type of housing in the right locations, taking account of need and demand and seeking to improve choice.

13.1.2       This chapter sets out the Council's approach to addressing the need for different types of housing within the District up to 2033. It includes policies relating to the type, mix and density of new housing, affordable housing, and Gypsies, Travellers and Travelling Showpeople housing requirements.

#### **13.2       Type and Mix of Housing**

13.2.1       The National Planning Policy Framework (NPPF) states in paragraph 47 that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 50 states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to say that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations.

13.2.2       Developers are encouraged to discuss with the Council the appropriate mix of house size, type and tenure within any new housing development at an early stage in the pre-application process. Requirements will be informed by the following, along with any additional up-to-date evidence:

- The West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015);
- The Older People's Housing Requirements Technical Study (2013);
- The latest East Herts Housing Strategy;
- Local demographic context and trends;
- Local housing need and demand;
- Site issues and design considerations.

13.2.3 The SHMA (2015) sets out the mix of market and affordable housing need in the District by dwelling type and size over the period 2011-2033.

**Table 13.1 Market and Affordable Housing Mix 2011-2033**

<b>Market Housing</b>		<b>Number</b>	<b>%</b>
Flat	1 bedroom	710	6%
	2+ bedrooms	810	7%
House	2 bedrooms	1510	12%
	3 bedrooms	5640	46%
	4 bedrooms	2740	23%
	5+ bedrooms	770	6%
<b>Total Market Housing</b>		<b>12,200</b>	
<b>Affordable Housing</b>			
Flat	1 bedroom	820	19%
	2+ bedrooms	470	11%
House	2 bedrooms	1210	29%
	3 bedrooms	1410	34%
	4+ bedrooms	310	7%
<b>Total Affordable Housing</b>		<b>4,200</b>	

The West Essex and East Hertfordshire Strategic Housing Market Assessment (2015) can be viewed and downloaded from the Council's Website at: [www.eastherts.gov.uk/shma](http://www.eastherts.gov.uk/shma)

The London Commuter Belt (East) Sub-Region: Older People's Housing Requirements Study (October 2013) can be viewed and downloaded from the Council's Website at: [www.eastherts.gov.uk/olderpeoplestudy](http://www.eastherts.gov.uk/olderpeoplestudy)

The Council's latest Housing Strategy can be viewed and downloaded

- 13.2.4 Another key issue for East Herts is its ageing population. ONS population forecasts show that there will be 87.5% more older people (65+) by 2037. The largest increase within the 65+ group are those aged over 85, a 189.6% increase, which potentially means a significant increase in the need for support services and housing with support. It is therefore important that the District Plan takes a positive approach to planning ahead for the housing issues that will arise from the ageing population.

### **Policy HOU1 Type and Mix of Housing**

- I. On new housing developments of 5 or more gross additional dwellings, an appropriate mix of housing tenures, types and sizes will be expected in order to create mixed and balanced communities appropriate to local character and taking account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence.
- II. Affordable Housing should be provided in accordance with Policy HOU3 (Affordable Housing).
- III. Where appropriate, provision of specialist housing will be encouraged for older people and vulnerable groups in accordance with Policy HOU6 (Specialist Housing for Older and Vulnerable People).
- IV. Provision of accessible and adaptable dwellings to meet the changing needs of occupants over their lifetime should be provided in accordance with Policy HOU7 (Accessible and Adaptable Homes).
- V. Self-Build Housing in accordance with Policy HOU8 (Self-Build Housing)
- VI. Where appropriate, provision of specialist accommodation will be expected for Gypsies and Travellers and Travelling Showpeople and Non-Nomadic Gypsies and Travellers and Travelling Showpeople, in accordance with Policies HOU9 (Gypsies and Travellers and Travelling Showpeople) and HOU10 (New Park Home Sites for Non-Nomadic Gypsies and Travellers and

### **13.3 Housing Density**

- 13.3.1 Housing density is a measure of the amount of land used for development and is usually expressed as dwellings per hectare (dph). Higher densities allow land to be used more efficiently (i.e. less land is required for development) and are considered to be more sustainable. However, since higher density development is usually associated with flats and taller buildings, the impact of increasing densities on character must be considered.
- 13.3.2 The NPPF allows local planning authorities to set their own approach to housing density. The density of housing varies across the District, and between different sites. Factors affecting density include on-site constraints, the type of development proposed and the level of transport accessibility. Higher densities may be appropriate in and around town centre locations where services are supported, public transport is likely to be better and urban form is dense. Lower densities may be appropriate in established suburban areas, in villages, in areas with an open character or on the edge of settlements.
- 13.3.3 The Council will expect all housing schemes to propose densities which are sensitive to the character of the local area, and take account of on-site constraints and the availability of sustainable transport options.. At the same time, applicants should also have regard to making efficient use of land, as this can help to reduce the amount of building on greenfield sites. Major schemes should include a range of housing density areas, to ensure varied character and appearance.
- 13.3.4 The density standards used in Policy HOU2 refer to average net density. This is a normal way of expressing residential density and includes those areas which will be developed for housing and directly associated uses such as access roads within the site, private garden space, car parking, incidental open space and landscaping, and children's play areas.

## **Policy HOU2 Housing Density**

- I. Housing development should make efficient use of land. Proposals are required to demonstrate how the density of new development has been informed by the character of the local area and contributes to:
  - (a) The design objectives set out in Policy DES3 (Design of Development);
  - (b) Improving the mix of house types in accordance with Policy HOU1 (Type and Mix of Housing); and
  - (c) Providing adequate levels of public open space in accordance with Policy CFLR1 (Open Space, Sport and Recreation); and
  - (d) Retaining existing site features, including mature trees, shrubs, hedgerows and amenity areas, and make provision for new green infrastructure in accordance with Policy NE4 (Green Infrastructure).
- II. Subject to the above, densities will vary according to the relative accessibility and character of locations. Higher net densities will be favourably considered on central sites in or near town centres and where the character of the surroundings allows.
- III. Medium net densities will normally be appropriate for sites that are in more peripheral locations within and on the edge of these settlements.
- IV. In villages and for some other locations lower net densities may be more appropriate to respond to local character and context.

## **13.4 Affordability and the Housing Market**

- 13.4.1 The location of East Herts on the periphery of London means that the affordability of housing is a key issue across the District.

13.4.2 Affordable housing is housing provided at a cost below current market rates to eligible households, whose needs are not adequately served by the commercial housing market. For planning purposes, affordable housing has a specific definition as set by the NPPF and is currently defined as social rented, affordable rented and intermediate housing. However, the Housing and Planning Act 2016 inserts a new affordable housing definition into the Town and Country Planning Act 1990, which will, once enacted through secondary legislation, amend the definition of affordable housing to include starter homes.

13.4.3 There is a significant need for additional affordable housing within East Herts as set out in the latest Strategic Housing Market Assessment (SHMA) 2015. The table below sets out the current unmet need for affordable housing in the District, together with the projected future affordable need for the 22-year period 2011-2033:

**Table 13.2 Affordable Housing Need**

	Affordable Housing Need (Households)
<b>Unmet need for affordable housing in 2011</b>	
Total unmet need for affordable housing	1,632
Supply of housing vacated	471
Current affordable housing need	1,161
Future need for affordable housing 2011-2033	2,967
Total need for affordable housing 2011-2033	4,128
<b>% of overall housing need</b>	<b>31%</b>

13.4.4 In order to deliver the identified need, Policy HOU3 requires the following:

(a) up to 35% affordable housing on sites proposing 11 to 14 gross additional dwellings;

(b) up to 40% affordable housing on sites proposing 15 or more gross additional dwellings, or 0.5 hectares or more in size.

13.4.5 Planning Practice Guidance states that affordable housing contributions should not be sought from sites proposing

development of 10 units or less and where the dwellings would have a combined gross internal floor space of 1,000 square metres or less. Therefore, the affordable housing requirement has not been set at 31% in recognition of the fact that not all developments will contribute to the provision of affordable housing.

13.4.6 The percentage of affordable housing provision that the Council will expect to secure from development schemes has been informed by development viability assessments. The aim is to maximise affordable housing provision and the viability assessments demonstrate that the targets of 35% and 40% as required in Policy HOU3, are viable for most developments in most locations across the District, and can be realistically achieved without constraining the overall delivery of housing.

The Delivery Study can be viewed and downloaded at:  
[www.eastherts.gov.uk/deliverystudy](http://www.eastherts.gov.uk/deliverystudy)

13.4.7 Table 13.3 sets out the housing mix requirements in terms of property type (house or flat), size and affordable housing tenure.

**Table 13.3 Affordable Housing Mix**

<b>Affordable Rent</b>		
Flat	1 bedroom	720
	2+ bedrooms	400
House	2 bedrooms	1,020
	3 bedrooms	1,130
	4+ bedrooms	270
Subtotal		3,500
% of affordable housing		84%
<b>Intermediate Affordable Housing</b>		
Flat	1 bedroom	100
	2+ bedrooms	70
House	2 bedrooms	190
	3 bedrooms	280
	4+ bedrooms	40

Subtotal		700
% of affordable housing		16%

- 13.4.8 The Council secures the majority of affordable housing that is built in the District by requiring developers to provide affordable dwellings as part of open market housing developments (through Section 106 Agreements). Affordable housing is also delivered by Registered Providers (i.e. housing associations) on sites owned and/or developed by them, and on 'exception sites' as set out in Policy HOU4 below.
- 13.4.9 Effective affordable housing provision is not just about quantity; of equal importance is ensuring the right type of provision. The SHMA 2015 identifies the greatest need for affordable housing is from those requiring housing from the affordable rent tenure. However, the Housing and Planning Act 2016 has introduced the requirement for local authorities to promote the supply of starter homes. The Act sets out a definition of starter homes and signals the Government's intention to require a set proportion of starter homes to be delivered on qualifying sites, the level of which will be confirmed by secondary legislation.
- 13.4.10 The Government's 'Starter Homes Technical Regulations' consultation indicates the intention for starter homes to apply to sites proposing 10 dwellings or more (or over 0.5ha in size) and for a minimum level of provision of 20% to apply. The consultation also suggests that in cases where an adopted affordable housing policy seeks a requirement for affordable housing in excess of 20%, only in circumstances where the 20% starter homes requirement is firstly met can any remaining proportion of other affordable housing tenures be sought.
- 13.4.11 Policy HOU3, therefore, has to have regard to the provision of starter homes. As such, the policy sets out that affordable housing provision will be expected to incorporate a mix of tenures taking account of the Council's most up to date evidence on housing need. The tenure mix will be negotiated by the Council on a site by site basis, having regard to the affordable housing products defined within the National Planning Policy Framework. However, due to the continuing



demonstrable need for affordable rented housing, as evidenced in the SHMA, the Council will seek to maximise provision of this tenure to ensure that the needs of those in most need of affordable housing are met.

- 13.4.12 The requirement for affordable housing extends to all types of residential development, including specialist accommodation, such as sheltered or 'extra care' housing for older people. Where such schemes provide accommodation that is self-contained and fall within the Use Class C3 (Dwelling Houses), affordable housing will be expected in accordance with Policy HOU3. Proposals which fall within the Use Class C2 (Residential Institutions), such as residential care and nursing homes, and do not provide self-contained accommodation or support independent living, will not be expected to contribute to the provision of affordable housing.
- 13.4.13 The Council recognises that in some cases there may be abnormal development costs which need to be considered. Applicants seeking to justify a lower proportion of affordable housing will be required to demonstrate why it is not economically viable to provide such housing in accordance with Policy HOU3.
- 13.4.14 Where the affordable housing policy would result in the requirement relating to part of a dwelling, the calculation will be rounded upwards for 0.5+ and downwards for less than 0.5. Where development involves the demolition of existing properties the amount of affordable housing will be calculated on the gross number of new dwellings to be provided.
- 13.4.15 In general affordable housing should be provided on the application site. Off-site provision or financial contributions in lieu will only be accepted in exceptional circumstances where agreed with the District Council. Applicants proposing off-site provision or financial contributions in lieu will be expected to provide justification as part of a planning application.
- 13.4.16 Wherever possible, the affordable houses should be integrated within the scheme through 'pepper-potting' rather

than concentrated in a particular area unless site specific considerations dictate otherwise. This does not necessarily mean that every second or third property should be affordable; rather the affordable housing should be distributed across the entire site in clusters appropriate to the size and scale of the development, as this ensures the best prospect of securing mixed, inclusive communities. The design and appearance of affordable housing should be indistinguishable from market units.

- 13.4.17 Further guidance on the Council's approach to affordable housing and the implementation of this policy will be provided in an updated 'Affordable Housing' Supplementary Planning Document.

The Affordable Housing and Lifetime Homes' (2008, or as amended) Supplementary Planning Document can be viewed and downloaded at: [www.eastherts.gov.uk/affordablehousing](http://www.eastherts.gov.uk/affordablehousing)

### **Policy HOU3 Affordable Housing**

- I. Affordable housing provision will be expected on all development sites that propose development that falls within Class C3 (Dwelling Houses) as follows:
  - (a) up to 35% on sites proposing 10 or fewer gross additional dwellings, and where the dwellings would have a combined gross floor space greater than 1,000 square metres;
  - (b) up to 35% on sites proposing 11 to 14 gross additional dwellings;
  - (c) up to 40% on sites proposing 15 or more gross additional dwellings.
- II. Affordable Housing provision will be expected to incorporate a mix of tenures taking account of the Council's most up to date evidence on housing need. The Council will negotiate the tenure mix to be provided on a site, having regard to the affordable housing products defined within the National Planning Policy Framework, through the planning application process.

- III. Lower provision may be permitted if it is demonstrated that the 35% and 40%, as appropriate referred to in I (a), (b) and (c) above, cannot be achieved due to viability reasons or where it would prejudice the need to secure other infrastructure priorities. Applicants seeking to justify a lower percentage level of affordable housing to that referred to in I (a), (b) and (c) above, will be required to provide a financial viability assessment as part of the planning application. Where agreement is not reached, external independent consultants, agreed by both the Council and applicant, will be appointed by the developer, to undertake further independent viability assessment. The applicant will be required to meet the costs of this independent assessment.
- IV. Affordable Housing should normally be provided on site, apart from in exceptional circumstances when agreed with the Council. Applicants will be required to provide justification as part of the planning application setting out the need for off-site provision or financial contributions in lieu to be made.
- V. The affordable housing units should be integrated into the open market housing development using appropriate design methods, i.e. tenure blind, and 'pepper-potted' across the site in clusters appropriate to the size and scale of the development.
- VI. To secure the benefits of affordable housing for first and subsequent occupiers affordable rented and intermediate housing will be retained as affordable by means of an appropriate legal agreement or condition with the Council, or the subsidy will be recycled for alternative affordable housing provision.

## **13.5 Special Residential Uses**

- 13.5.1 Applications for planning permission are sometimes received by the Council for a number of special residential uses, such as caravans, mobile homes, houseboats, and other residential institutions. All of these uses will be considered as though they were for a normal residential building and the policies relating to residential development will apply.

## **13.6 Rural Exception Sites**

- 13.6.1 An exception site is one that would not usually secure planning permission for housing, for example agricultural land next to, but not within, a local settlement area.
- 13.6.2 It is important that rural exception affordable housing schemes are needs led, the starting point being that a need for affordable housing exists in the parish, rather than the availability of a particular site. Proposed developments must be based on sound evidence of affordable housing need and must fulfil the criteria as stated in the policy below.
- 13.6.3 The ability of the proposed scheme to meet identified local affordable housing needs must be clearly demonstrated to the satisfaction of the Council. This will be assessed using the Council's Housing Register and other available up-to-date housing needs assessments. It should also be demonstrated that the proposal is financially viable and deliverable.
- 13.6.4 While the whole of a rural exception scheme is normally expected to deliver 100% affordable housing, a small number of market homes may be permitted at the Council's discretion, where a viability assessment demonstrates that a cross subsidy is necessary to make the scheme viable. Any market housing provided will be expected to meet identified local housing needs.
- 13.6.5 Given that housing permitted through this policy is an exception to normal countryside policies, it is important that it remains 'affordable' in perpetuity. Only tenures which can be guaranteed to remain affordable in the long term will be permitted in such schemes.
- 13.6.6 Rural exception sites are not required to provide starter homes and the Council will not accept starter homes as part of the affordable housing provision on site. Consideration will however be given to the inclusion of starter homes as part of the market housing share allowed by the policy where necessary to ensure the viability of the scheme.

- 13.6.7 Localism will have an increasingly important influence on the shape of smaller rural settlements and the balance of rural housing stock. Parish Councils will be encouraged to identify sites in Neighbourhood Plans suitable for community-led affordable housing, including rural exception affordable housing sites which meet the criteria set out in the policy below.

#### **Policy HOU4 Rural Exception Affordable Housing Sites**

- I. Proposals for rural exception affordable housing schemes, on sites that would not normally be acceptable for general housing development, may be permitted, subject to the following criteria:
  - (a) The exception site is adjacent to an existing built-up area boundary, or is well related to existing residential development and amenities located in, or adjacent to, a clearly identifiable village or settlement;
  - (b) The proposed development will contribute towards meeting an identified need for affordable housing within the parish; and
  - (c) The proposed development would be appropriate to the settlement and area in which it is proposed to be located in terms of scale, form and character.
- II. The Council will base its assessment of identified housing need on the Housing Register and other available up-to-date housing needs assessments.
- III. A small number of market homes may be permitted, at the Council's discretion, where a viability assessment demonstrates that a cross subsidy is necessary to make the scheme viable. Any market housing provided will be expected to meet identified local needs.
- IV. Where permission is granted this will be subject to planning obligations and will include safeguards that the scheme provides for the identified local affordable housing need and will continue to do so in perpetuity.

## **13.7 Dwellings for Rural Workers**

- 13.7.1 The accommodation needs of rural workers employed full-time in agriculture, forestry and other rural business can usually be met in existing properties either on the site or in nearby settlements. Occasionally it is essential for a worker to be in close proximity to the business and there is no suitable accommodation available nearby, for example, where animal or agricultural processes require essential care at short notice. These special circumstances may justify the construction of new dwellings in the countryside to meet these needs providing the financial and functional criteria in Policy HOU5 below are satisfied. Genuine essential need, rather than business convenience, must be justified.
- 13.7.2 Applications will be assessed taking account of the history of the enterprise, in order to establish whether existing dwellings within the site/holding or nearby could fulfil the need, or whether any dwellings or buildings suitable for conversion have been sold on the open housing market. Such a sale is likely to constitute lack of evidence of essential need.
- 13.7.3 New permanent dwellings can only be justified if the enterprise to which they relate is economically viable. For this reason, details of the financial situation of the business will be required.
- 13.7.4 Where planning permission is granted for a new dwelling on this basis, suitable occupancy conditions will be imposed. Proposals to remove an occupancy condition will only be considered on the basis of whether the need remains for the accommodation for other rural workers. This will involve marketing the property for a period of at least 12 months at a realistic price to reflect the occupancy condition. As part of this approach applicants will also need to demonstrate that the building cannot contribute to meeting local affordable housing needs in the area.

### **Policy HOU5 Dwellings for Rural Workers**

- I. The Council will only permit permanent dwellings for agriculture, forestry and other rural businesses where:

(a) It can be demonstrated that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be available at most times);

(b) It can be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable;

(c) There is no other accommodation within the site/holding or in the locality which is currently suitable and available, or could be made available.

II. The proposed dwelling must be sensitively designed and in keeping with its rural surroundings.

III. Where a new dwelling is permitted, the occupancy will be restricted by condition to ensure that it is occupied by a person or persons currently employed, or last employed, in agriculture, forestry or other rural business, or a widow or widower of such a person, and to any residents dependants.

IV. Applications for the removal of an occupancy condition related to rural workers will only be permitted in exceptional circumstances where it can be demonstrated that:

(a) There is no longer a need for the accommodation for agricultural, forestry or other rural workers on the holding/business and in the local area;

(b) The dwelling has been marketed for a reasonable period (at least 12 months) and at a price which reflects the existence of the occupancy condition;

(c) The dwelling cannot make a contribution towards meeting local affordable housing needs in the area.

## **13.8 Housing for Older and Vulnerable People**

13.8.1 National policy requires local authorities to meet the specific accommodation needs of older and vulnerable people. It is important that the Council, working with partners such as the

County Council, Registered Providers, health care agencies, and developers, seeks to plan for increasing housing choices in terms of specialist accommodation for older and vulnerable people. Offering attractive alternative housing choices for older people and vulnerable groups will assist in freeing-up family sized homes that are currently under-occupied.

- 13.8.2 There is, therefore, a need to provide suitable accommodation for various groups of people, including the elderly, people with disabilities and vulnerable people. This covers a range of housing types, from accessible and adaptable general needs housing to the full range of retirement and specialised housing for those with support or care needs.
- 13.8.3 The Government's reform of Health and Adult Social Care is underpinned by a principle of sustaining people at home as long as possible. Therefore, accommodation for the elderly is moving towards more flexible forms of living and support, which seek to maintain people's independence. There are several options where residents can enjoy their own self-contained home within a site offering extra facilities.
- 13.8.4 The Council will require that all development schemes provide accessible and adaptable homes to meet the changing needs of occupants over their lifetime, and will encourage the provision of specialist types of retirement housing (within the C3 Use Class), such as sheltered housing and flexi-care housing, as part of the development of larger sites. Consideration should also be given to the provision of bungalows which have been identified as a preferred housing type by many older people in the District.
- 13.8.5 People who are unable to live independently require specialist residential or nursing care accommodation. This type of accommodation usually falls within the C2 Use Class. It is important to note that the objectively assessed housing need (OAN) for the District does not include the projected increase of the institutional population. The SHMA (2015) identifies the projected growth in population aged 75 or over living in communal establishments in the District, as 529 persons, between 2011-2033.



- 13.8.6 Therefore, in addition to the overall housing target, this Plan supports a gross increase of at least 530 bed-spaces of C2 provision, primarily to help meet the accommodation needs of older people who need to live in an environment which provides residential or nursing care. However, other people including young people, people with physical disabilities or sensory needs, people with learning difficulties and other vulnerable people may also require specialist accommodation.
- 13.8.7 Specialist types of retirement housing and specialist residential and nursing care accommodation should normally be located within settlements where there is easy access to a range of services e.g. shops, healthcare facilities, social facilities, and sustainable transport options.
- 13.8.8 As people's housing needs change over their lifetimes, it is important to promote the construction of flexible, adaptable and accessible homes that can respond to the changing needs of individuals and families at different stages of life at minimal cost. Therefore, it makes practical, social and economic sense to incorporate accessible and adaptable design features from the outset, at the start of a building's life, to help people remain independent in their own homes and enjoy a good quality of life.
- 13.8.9 In 2015, the Government introduced new 'optional' Building Regulations standards relating to accessible and adaptable dwellings and wheelchair user or wheelchair adaptable dwellings (Requirement M4(2) (accessible and adaptable dwellings) and M4(3) (wheelchair user dwellings)). These optional requirements can only be secured through planning policy, and Planning Practice Guidance states that local authorities should identify the proportion of dwellings in new developments that should comply with the requirement in their Local Plan.
- 13.8.10 The SHMA (2015) identifies that evidence supports the need for all new dwellings to meet Category 2 requirements (accessible and adaptable dwellings), and the need for 10% of market housing and 15% of affordable housing to meet Category 3 requirements (wheelchair user dwellings),

provided that the overall viability of a development scheme is not compromised.

- 13.8.11 Part M of the Building Regulations sets a distinction between wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) and wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) dwellings. Planning Practice Guidance states that a policy requiring wheelchair accessible dwellings should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Therefore, the Council will negotiate a proportion of wheelchair adaptable (market and affordable housing) and/or wheelchair accessible (affordable housing only) dwellings on sites proposing 11 or more additional dwellings, as appropriate.

#### **Policy HOU6 Specialist Housing for Older and Vulnerable People**

- I. The Council will encourage the provision of specialist housing, across all tenures, for older and vulnerable people. Proposals for new housing for older and vulnerable people will be expected to:
  - (a) Provide a range of accommodation size, tenure and type with the opportunity to attain additional or specialist care as needed within the one development-;
  - (b) Be in a suitable location where access to a choice of sustainable travel options is available;
  - (c) Be within walking distance, on a safe and level route or within easy reach by passenger transport, to town centre shops and services;
  - (d) Be well integrated with existing communities through the sharing of space and public access to services where appropriate;
  - (e) Consider the integration of healthcare facilities within the development.
- II. In addition to the overall housing target, a gross increase of at least 530 bed-spaces to help meet the accommodation needs of

those who need specialist (Use Class C2) residential or nursing care will be supported in the District's towns.

### **Policy HOU7 Accessible and Adaptable Homes**

- I. In order to ensure delivery of new homes that are readily accessible and adaptable to meet the changing needs of occupants, and to support independent living, the Council will require that:
  - (a) all new residential development should meet the Building Regulations Requirement M4(2): Category 2 – Accessible and Adaptable Dwellings; and
  - (b) on sites proposing 11 or more gross additional dwellings, a proportion of dwellings will be expected to meet the Building Regulations Requirement M4(3): Category 3 – Wheelchair User Dwellings, where appropriate. .
- II. Only where circumstances exist where it can be demonstrated by the applicant that it is not practically achievable or financially viable to deliver this policy, will new development be exempt from the requirement.

## **13.9 Self-Build and Custom Build Housing**

13.9.1 Self-Build or Custom Build housing is housing built or commissioned by individuals (or groups of individuals) to be occupied by themselves as their sole or main residence. For the purposes of planning policy, self-build and custom build dwellings share the same definition and the terms are used interchangeably. Self-build is where a person is directly involved in organising and constructing their home, whereas custom build is where a person commissions a specialist developer to help to deliver their own home. Both routes require significant input from the home owner in the design process of the dwelling.

13.9.2 The Self-Build and Custom Housebuilding Act 2015 places a duty on local authorities to keep and have regard to a

register of people who are interested in self-build or custom build projects in their area. In addition, local authorities are required to grant sufficient suitable development permissions on serviced plots of land to meet the demand, as evidenced by the number of people on the register, for self-build and custom build plots in their area.

- 13.9.3 The Council considers that self-build and custom build housing can play an important part in contributing to the supply of housing, increasing the mix of housing types and tenures, and have the potential to increase the delivery of innovative and highly sustainable developments in a cost effective manner.
- 13.9.4 Therefore, to support prospective self-builders, developers of sites proposing 200 or more dwellings, will be expected to supply a proportion of serviced dwelling plots for sale to self-builders.
- 13.9.5 The Localism Act 2011 provides communities with the opportunity to encourage self-build and custom build housing by creating planning policies or allocating new development sites in their area. The Council will support locally proposed self-build projects identified within a Neighbourhood Plan wherever possible.

#### **Policy HOU8 Self-Build Housing**

- I. To support prospective self-builders, on sites of more than 200 dwellings, developers will be expected to supply 5% of dwelling plots for sale to self-builders, having regard to the need identified on the Council's Self-Build and Custom Build Register.
- II. The Council will support locally proposed self-build projects identified within a Neighbourhood Plan wherever possible.
- III. Planning permissions should include conditions requiring self-build developments to be completed within 3 years of a self-builder purchasing a plot.
- IV. Where plots have been made available and marketed

appropriately for at least 12 months and have not sold out, the plot(s) may either remain on the open market as self-build or be built out by the developer.

## **13.10 Gypsies and Travellers and Travelling Showpeople**

- 13.10.1 In addition to meeting the needs of the settled population, national policy requires that local planning authorities make provision for Gypsies and Travellers and Travelling Showpeople within their local plans, by setting respective pitch and plot targets to meet likely permanent and transit site accommodation needs in their area.

The national approach to planning for the needs of Gypsies and Travellers and Travelling Showpeople is set out in 'Planning policy for traveller sites' DCLG, August 2015. This can be viewed and downloaded from the Government's publications website at: [www.gov.uk/government/publications/planning-policy-for-traveller-sites](http://www.gov.uk/government/publications/planning-policy-for-traveller-sites)

A definition of Gypsies and Travellers and Travelling Showpeople for planning policy purposes is contained in Annex 1 of this document.

- 13.10.2 Criteria based policies are also required to both guide land supply allocations and provide a basis for determining planning applications.
- 13.10.3 There are currently three authorised private Gypsy and Traveller sites in East Herts:
- Nine Acres, High Cross: 8 permitted pitches;
  - Field Farm, Levens Green: 6 permitted pitches; and
  - The Stables, Bayfordbury: 8 permitted pitches.
- 13.10.4 There is currently one authorised private Travelling Showpeople's site (yard) in East Herts:
- Rye House.
- 13.10.5 The Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update, May 2016, identified that 5 permanent pitches for Gypsies and

Travellers and 9 plots for Travelling Showpeople should be provided in the district for the period up to 2033.

- 13.10.6 For Gypsies and Travellers, 2 pitches will be required up to 2022, with a further 3 pitches between 2022-2027. These pitch requirements arise from two sites at:
- The Stables, Bayford (3 pitches), which will be met via expansion of that site; and
  - Unauthorised pitches at Esbies, Sawbridgeworth (2 pitches), which will be met within a new site for 15 pitches to be established within Birchall Garden Suburb, which will also contribute to meeting the needs of Welwyn Hatfield Borough.
- 13.10.7 As the identification of accommodation needs for Gypsies and Travellers is less certain beyond year 10 of the Plan, and an up-to-date understanding of the needs of Gypsy and Traveller communities will need to be maintained throughout the plan period, it is considered appropriate that provision should not be specifically allocated post-2027 without a demonstration of precise need at this time. However, in anticipation of future accommodation needs occurring, 2 further pitches should be reserved within the new site at Birchall Garden Suburb, and an additional new Gypsy and Traveller site should also be identified within the Gilston Area site allocation for future need towards the end of the plan period and/or beyond. Land should be safeguarded as part of the overall development of these sites for such purposes.
- 13.10.8 For Travelling Showpeople, 7 plots will be required up to 2022; one plot is required between 2022 and 2027; and a further plot between 2027 and 2033 (totalling 9 plots across the plan period). All of these plot requirements arise from the Rye House site, which is fully occupied with no room for expansion. A new yard should be identified within Gresley Park to provide 5 plots towards meeting the needs of the first five years; and 4 plots should also be allocated within the development to the North and East of Ware to meet the residual need across the plan period. In order to ensure that any, as yet unidentified, Travelling Showpeople's needs can be accommodated the allocated site to the North and East of Ware should also include sufficient safeguarded land for future expansion within a site area large enough to

accommodate a total of 8 plots overall, as need dictates. Additionally, the Gilston Area should also include sufficient safeguarded land for future longer term provision within a site area large enough to accommodate a total of 8 plots overall.

**Policy HOU9 Gypsies and Travellers and Travelling Showpeople**

- I. To meet identified need, pitches for Gypsies and Travellers and plots for Travelling Showpeople will be provided within the District at the following locations:

<b>Gypsy and Travellers:</b>	
The Stables, Bayford	3 additional pitches (2 to be provided in the period up to 2022; and 1 between 2022 and 2027) within the allocated site area.
Birchall Garden Suburb, East of Welwyn Garden City	4 pitches (2 to be provided between 2022 and 2027; and 2 to allow for longer-term accommodation needs) for East Herts within an area sufficient to accommodate a total of 15 pitches (11 for Welwyn Hatfield) to meet the accommodation needs of both East Herts and Welwyn Hatfield and/or for future expansion, as evidence of need dictates.
The Gilston Area	To allow for longer-term accommodation needs, an area of suitable land should be safeguarded that would allow for future provision of a total of 15 pitches, to be delivered towards the end of the Plan period and/or beyond, as evidence of need dictates.
<b>Travelling Showpeople:</b>	
Gresley Park, East of Stevenage	5 plots (each of sufficient size to allow for the provision of

	accommodation and equipment plus storage/maintenance).
North and East of Ware	4 plots (each of sufficient size to allow for the provision of accommodation and equipment plus storage/maintenance) within the first phase of development to be provided within a larger area that should be safeguarded to allow for future expansion to a total of 8 plots, as evidence of need dictates.
The Gilston Area	To allow for longer-term accommodation needs, an area of suitable land should be safeguarded that would allow for future provision of a total of 8 plots (each of sufficient size to allow for the provision of accommodation and equipment plus storage/maintenance), to be delivered towards the end of the Plan period and/or beyond, as evidence of need dictates.

II. In order to identify exact locations within the areas allocated to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople listed above, and to assess suitability where planning applications are submitted for non-allocated sites, the following criteria should be satisfied:

(a) the site is in a sustainable location in terms of accessibility to existing local services;

(b) the site is suitable in terms of vehicular access to the highway, parking, turning, road safety and servicing arrangements and has access to essential services such as water supply, sewerage, drainage, and waste disposal;

(c) proposals make adequate provision for on-site facilities for storage, play, residential amenity and sufficient on-site utility services for the number of pitches or plots proposed;



(d) the proposal is well related to the size and location of the site and respects the scale of the nearest settled community;

(e) the site can be integrated into the local area to allow for successful co-existence between the site and the settled community;

(f) proposals provide for satisfactory residential amenity both within the site and with neighbouring occupiers and thereby do not detrimentally affect the amenity of local residents by reason of on-site business activities, noise, disturbance, or loss of privacy;

(g) proposals ensure that the occupation and use of the site would not cause undue harm to the visual amenity and character of the area and should be capable of being assimilated into the surrounding landscape without significant adverse effect;

(h) the site is not affected by environmental hazards that may affect the residents' health or welfare or be located in an area of high risk of flooding, including functional floodplains;

(i) within nationally recognised designations, proposals would not compromise the objectives of the designation.

III. Proposals for sites accommodating Travelling Showpeople should additionally allow for a mixed use yard with areas for residential provision and the storage and maintenance of equipment. All other proposals for mixed residential and business activities will be assessed on a site specific basis, taking the above criteria into account.

IV. New traveller sites (whether temporary or permanent) in the Green Belt are inappropriate development and will not be approved except in very special circumstances.

V. Any development granted under this policy will be subject to a condition limiting occupation to Gypsies and Travellers or Travelling Showpeople, as appropriate.

VI. Existing authorised sites for Gypsies and Travellers and Travelling Showpeople will be safeguarded from development which would preclude their continued occupation by these groups, unless

acceptable replacement accommodation can be provided or the site is no longer required to meet an identified need.

### **13.11 New Park Home Sites for Non-Nomadic Gypsies and Travellers and Travelling Showpeople**

13.11.1 The NPPF makes it clear that local planning authorities should consider the Government's 'Planning policy for traveller sites' (PPTS), in conjunction with the NPPF, when preparing plans or making decisions on travellers sites in their area. PPTS identifies a definition distinction that Gypsies and Travellers who no longer lead a nomadic lifestyle are treated as non-travelling Gypsies and Travellers for the purposes of the planning system and their needs must therefore be met by the requirements of the NPPF. However, the Human Rights Act 1998 and the Equalities Act 2010 protect their cultural choice to live in mobile accommodation and therefore there is a need to plan for park homes within the Plan.

13.11.2 The Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update, May 2016, identified ten Gypsy and Traveller households and 16 Travelling Showpeople households who do not meet the PPTS definition. While the accommodation needs of these households has yet to be fully determined, provision will be met through the application of HOU1 and through the consideration of any other applications submitted, in accordance with the following policy.

#### **Policy HOU10 New Park Home Sites for Non-Nomadic Gypsies and Travellers and Travelling Showpeople**

- I. Any applications for planning permission for Gypsy and Traveller and Travelling Showpeople park homes must be in accordance with the NPPF and PPTS and the following criteria should be satisfied:
  - (a) the site is in a sustainable location in terms of accessibility to existing local services;

(b) the site is suitable in terms of vehicular access to the highway, parking, turning, road safety and servicing arrangements and has access to essential services such as water supply, sewerage, drainage, and waste disposal;

(c) proposals make adequate provision for on-site facilities for storage, play, residential amenity and sufficient on-site utility services for the number of park homes proposed;

(d) the proposal is well related to the size and location of the site and respects the scale of the nearest settled community;

(e) the site can be integrated into the local area to allow for successful co-existence between the site and the settled community;

(f) proposals provide for satisfactory residential amenity both within the site and with neighbouring occupiers and thereby do not detrimentally affect the amenity of local residents by reason of on-site business activities, noise, disturbance, or loss of privacy;

(g) proposals ensure that the occupation and use of the site would not cause undue harm to the visual amenity and character of the area and should be capable of being assimilated into the surrounding landscape without significant adverse effect;

(h) the site is not affected by environmental hazards that may affect the residents' health or welfare or be located in an area of high risk of flooding, including functional floodplains;

(i) within nationally recognised designations, proposals would not compromise the objectives of the designation.

II. New traveller sites (whether temporary or permanent) in the Green Belt are inappropriate development and will not be approved except in very special circumstances.

### **13.12 Replacement Buildings in the Green Belt and the Rural Area Beyond the Green Belt**

13.12.1 The replacement of buildings on a one-to one basis can be a means of securing more functional buildings to meet present and future needs. The Council is committed to maintaining

the character and appearance of the District. Proposals for a replacement building should be in the same use and not be materially larger than the one it replaces.

13.12.2 The Council may control the further extension of replacement buildings by the removal of permitted development rights.

13.12.3 The replacement of a building in the Green Belt or the Rural Area Beyond the Green Belt will be permitted provided the new building is in the same use and is not materially larger than the one it replaces in accordance with Policy GBR1 (Green Belt) and Policy GBR2 (Rural Area Beyond the Green Belt).

### **13.13 Extensions and Alterations to Dwellings and Residential Outbuildings**

13.13.1 A large number of the planning applications received by the Council relate to extensions to dwellings. In an area as large and diverse as East Hertfordshire, it is not possible to provide precise standards relevant to every case, but the policies below set out the principles and criteria by which proposals will be judged.

13.13.2 The Council will expect all proposals for extensions and alterations to dwellings and residential outbuildings to be of a high standard of design that is appropriate to the character and appearance of the dwelling and the surrounding area. All householder development proposals should be sensitively designed to ensure that they would not have an unacceptable impact upon the amenities of the occupiers of the existing dwelling and any neighbouring dwellings. In particular the Council will assess proposals having regard to any loss of light, privacy and outlook and overbearing impacts that the development could have upon existing and future occupiers of the host dwelling and adjoining dwellings. In addition to the policies below, applications for extensions will also be considered against Policy DES3 (Design of Development) where appropriate.

13.13.3 Within the Green Belt and Rural Area Beyond the Green Belt, the Council is concerned about the specific effect

extensions and outbuildings may have on the character and appearance of an existing dwelling, the site and surrounding area. Whilst extensions to dwellings or the erection of outbuildings are not in principle inappropriate development, they should not result in disproportionate additions over and above the size of the original dwelling; the Council is also concerned with the cumulative impact of development in the countryside.

### **Policy HOU11 Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages**

Proposals for:

- extensions and alterations to dwellings;
- residential outbuildings or extensions to existing outbuildings; and
- works within residential curtilages,

will be considered in accordance with Policies GBR1 (Green Belt) and GBR2 (Rural Area Beyond the Green Belt), and against the following criteria:

(a) be of a size, scale, mass, form, siting, design and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area, and extensions should generally appear as a subservient addition to the dwelling;

(b) side extensions at first floor level or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property (as a general rule a space of 1 metre will be the minimum acceptable), to safeguard the character and appearance of the street scene and prevent a visually damaging 'terracing' effect;

(c) flat roofed extensions, except those on the ground floor, will be refused as visually undesirable other than in those exceptional circumstances where the character of the original dwelling allows a flat-roofed design to be appropriately incorporated, or it represents a sustainable or innovative design approach;

(d) roof dormers may be acceptable if appropriate to the design and character of the dwelling and its surroundings. Dormers

should generally be of limited extent and modest proportions, so as not to dominate the existing roof form.

### **13.14 Change of Use of Land to Residential Garden and Enclosure of Amenity Land**

13.14.1 The Council seeks to ensure that changes of use of land to residential garden do not result in harmful incursions into the countryside that would have an adverse effect on the character and appearance of rural landscapes. The residential use of rural land can have adverse effects on the character of the countryside from, for example, the erection of fences, garden sheds and other domestic paraphernalia. Where necessary, conditions may be attached to planning permissions for residential garden extensions which remove the occupier's permitted development rights.

13.14.2 In urban areas, the extension of private gardens involving the enclosure of amenity land/open space/landscaped areas around housing development might have a detrimental effect on the appearance of an area. Consideration will need to be given to whether proposals to enclose such land would be harmful to the character, appearance, design and layout of the development.

#### **Policy HOU12 Change of Use of Land to Residential Garden and Enclosure of Amenity Land**

I. The change of use of land to residential garden may be permitted if the proposal:

(a) is not likely to result in an adverse effect on the character and appearance of the surrounding area and landscape;

(b) is well related to other residential land and does not involve a harmful incursion into the countryside;

(c) includes the provision of appropriate landscaping and boundary treatment.

II. The Council will seek to ensure the retention of amenity land/open

space/landscaped areas around housing developments and planning permission for the enclosure of such land into gardens will not usually be given.

### **13.15 Residential Annexes**

- 13.15.1 A significant number of planning applications are received seeking permission to extend properties or for outbuildings to be used as a self-contained annexe to accommodate elderly relatives, older children or staff. Annexes for elderly relatives particularly, can help to meet social needs whilst reducing pressure on other types of accommodation. However, they can have implications for car parking provision, amenity space, and impact on neighbouring properties, occupiers and the locality.
- 13.15.2 The Council considers that annexes should be designed as an integral part of the existing dwelling or as a separate outbuilding, which is close to and related to the main dwelling. Applications will need to justify the level of accommodation proposed and demonstrate how it is compatible with the requirements of the annexe.
- 13.15.3 Where necessary, a condition may be attached to the planning permission to require that the annexe is occupied for purposes ancillary to the residential use of the host dwelling. Within the Green Belt and Rural Area Beyond the Green Belt, permission would be unlikely to be granted for later sub-division to two separate residential units, unless the proposal meets the planning criteria which would be applied to new proposals for a separate dwelling. In an urban setting there would be no in-principle objection to a new dwelling, subject to design and amenity issues.

#### **Policy HOU13 Residential Annexes**

- I. Residential annexes will be permitted where:
- (a) the accommodation forms an extension to the main dwelling and is capable of being used as an integral part of the dwelling or forms a separate outbuilding which is close to and well related to

and have a clear functional link to the main dwelling;

(b) the scale of the annexe does not dominate the existing dwelling and is the minimum level of accommodation required to support the needs of the occupant;

(c) sufficient space to park vehicles for both parts of the dwelling, in accordance with adopted standards, is available and appropriately located in design terms within the curtilage;

(d) the development accords with Policy HOU11 (Extensions and Alterations to Dwellings, Residential Outbuildings and Works within Residential Curtilages).