

# Chapter 8

## Housing



## Introduction

**8.1** Our vision for housing is to deliver high quality, well-designed and energy efficient new homes to meet local needs, as well as boost the provision of affordable and specialist homes, to ensure that there is suitable housing for everyone. Our vision also aims to deliver new homes in the most sustainable locations, providing the right homes in the right places to support people's daily needs as well as delivering attractive and locally distinctive places. This chapter sets out our preferred strategy for achieving this.

**8.2** The provision of homes to meet local needs is a national issue that is embedded in national planning policy. The provision of homes is also a local issue that we must address. Wealden, like many other places across the country, requires new, quality homes to be delivered to ensure that future generations are housed in genuinely affordable and suitable homes in their area. We therefore need to plan and prepare for this including ensuring that homes are designed to a high standard and are capable of being flexibly used by different groups and communities with specific needs, including older people, those with disabilities and families with children.

**8.3** We also need to provide policies to deliver other types of homes. This includes those people requiring affordable housing, older persons accommodation, travellers, or those wishing to commission or build their own homes. In short, we need to provide new, well-designed homes in suitable and sustainable locations of the right size, type and tenure.

**8.4** In addition, the rural areas are subject to increasing pressure to change. This relates to both development pressures from nearby urban settlements both within and outside the district, as well as changes to agriculture through the diversification of existing rural enterprises for alternative uses. The plan's vision is for new development to be attractive as well as respect our most valued rural landscapes, local distinctiveness, character, and our ecological assets, whilst continuing to balance the delivery of new homes in rural areas (particularly affordable homes). This chapter sets out our preferred strategy for achieving this also.

### What you have previously told us?

**8.5** As part of our Direction of Travel Consultation you told us that we should ensure that the right mix of homes is delivered within the district to support younger generations (first time buyers), families wishing to remain in rural villages and those older people who now wish to downsize. You also told us that we should be looking to support alternative methods of providing new homes, including self-build and custom build homes, as well as community led housing.

**8.6** There was also a general consensus that new homes could be built to a higher standard in terms of design, climate change mitigation, accessible/adaptable home standards, parking road widths and through the provision of private amenity space. There was also support for faster broadband connections to new homes given the changes to the ways of working through the Covid-19 pandemic. It was also noted that although there was genuine support for all of these higher standards, it was noted by some respondents, mainly developers, that this should be subject to financial viability testing in line with national planning policy.

**8.7** There was also support for maximising housing opportunities on brownfield sites, particularly within existing towns and villages. However, several respondents did suggest that there needed to be flexibility in any housing density policy, in order to reflect the local area's characteristics, particularly given that local densities do inevitably vary from settlement to settlement within Wealden.

**8.8** In terms of affordable housing, it was clear that the vast majority of respondents were concerned with the delivery of affordable housing in the district and whether young, single, or older persons could genuinely afford such accommodation, particularly in the north of the district. It was noted that Community Led Housing schemes were supported and were seen as a significant provider of affordable housing, particularly in rural areas. It was also suggested that there should be flexibility incorporated into any policy on affordable housing based on financial viability, especially for smaller housing sites. There was very limited feedback on potential planning policies for Gypsies and Travellers, although there was support for the approach proposed. We have addressed all of these issues in our draft policies that are set out within this chapter.

**8.9** In terms of housing in rural areas, it was noted that there is a statutory duty to enhance and conserve the High Weald AONB. There was a relatively mixed response on the conversion of agricultural buildings for dwellings, with some respondents suggesting that new homes of this nature should be supported in the countryside, whilst others stating that there should be sufficient measures in place to refuse planning permission for inappropriate conversions.

**8.10** There was general support for more affordable accommodation for rural workers/students and apprentices (particularly in the north of the district) in order to allow them to work and live within the same local vicinity. There was also broad support for rural exception sites and having clear planning policy to support such opportunities to meet identified local needs, including allowing some market homes to help facilitate provision. It was also suggested that Community Land Trust (CLT) housing schemes could be a significant provider of affordable housing, particularly in rural areas.

**The following sections set out the Council's draft housing delivery policies.**

### **Housing Type and Mix**

**8.11** Wealden District is required to appropriately plan for and meet the housing needs of current and future residents as part of its Local Plan. The NPPF confirms that in addition to establishing an overall local housing needs figure for the district, the Council should within this context, provide for the size, type and tenure of housing needed for different groups in the community and that this should be assessed and reflected in planning policies (this includes those who require affordable housing). Further information on this can be found within the Housing Needs' Background Paper.

**8.12** The Census for 2021 shows that there was a low level of 1-bedroom properties within Wealden that were owner-occupied (only 3.3%), with the vast majority of owner-occupied dwellings being over 3-bedrooms<sup>129</sup>. The opposite is true of social rented dwellings within the district, with 4+ bedroom properties in that tenure making up only 3.3% of the overall stock, with the remaining stock (1-, 2- and 3-bedroom properties) divided relatively evenly between 29.1% and 36.5% of the overall stock (2-bedrooms being the largest stock type proportionality). This is shown in the table below.

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129 36.3% of owner-occupied dwellings in Wealden as of the 2021 Census were 3-bedroom properties, whilst 36.8% of owner-occupied dwellings in Wealden were 4+bedroom properties.

**Table 10 Number of Bedrooms by Tenure in Wealden District for Dwelling Stock (Census 2021)**

|                | 1-bedroom | 2-bedrooms | 3-bedrooms | 4+bedrooms |
|----------------|-----------|------------|------------|------------|
| Owner-Occupied | 3.3%      | 23.6%      | 36.3%      | 36.8%      |
| Social Rented  | 31.1%     | 36.5%      | 29.1%      | 3.3%       |
| Private Rented | 17.8%     | 39.9%      | 30.6%      | 11.7%      |

**8.13** The Census 2021 has released information on the number of bedrooms and tenure of dwellings in Wealden District separately that can be found below.

**Table 11 Number of Bedrooms in Wealden District for Current Dwelling Stock (Census 2021)**

|                              | 1-bedroom | 2-bedrooms | 3-bedrooms | 4+bedrooms |
|------------------------------|-----------|------------|------------|------------|
| Percentage of Dwelling Stock | 7.6%      | 26.9%      | 34.9%      | 30.6%      |

**Table 12 Dwelling Stock by Tenure in Wealden District (Census 2021)**

|                              | Owner-Occupied | Shared Ownership | Social Rented | Private Rented |
|------------------------------|----------------|------------------|---------------|----------------|
| Percentage of Dwelling Stock | 77%            | 1.2%             | 8.4%          | 13.5%          |

**8.14** This latest Census 2021 information continues to show that the vast majority of dwellings in Wealden District are owner-occupied (with the majority of these dwellings being owned outright) with over 30% of the dwelling stock being 4-bedrooms or over.

**8.15** The Council's Local Housing Needs Assessment (LHNA) (August 2021) considered a range of factors which will influence demand for different types, tenures and sizes of homes. The assessment has recommended that a greater number of smaller sized dwellings are needed for market homes (predominately 2- or 3-bedroom homes) to meet the accommodation needs of newly forming family households in the district, as well as older households looking to downsize. It is noted that the LHNA, when assessing housing mix, was based upon the Census in 2011. The Council will seek to update our evidence in the LHNA on housing mix, including statistics from the 2021 census, to inform the Regulation 19 stage of the Local Plan.

**8.16** To support the Council's ambition of largely delivering 2- and 3-bedroom dwellings for new market homes in the district, Policy HO1 confirms that the smaller units (1-3 bedroom homes) provided are not capable of further subdivision due to their size and/or layout to create additional bedrooms. This is to ensure that 1-, 2- and 3-bedroom dwellings specifically are not constructed at a size that could become unaffordable for residents within the district, again, subject to the established character of the surrounding area.

**8.17** The LHNA also considered the housing mix for affordable homes (for rented and affordable ownership accommodation). The study considered a range of factors including the role that the affordable sector can play in delivering larger family homes, whilst releasing a supply of smaller properties for other households. The assessment also considered the limited

flexibility in the provision of 1-bedroom affordable properties, particularly where there is a change in household circumstance that may mean that a 1-bedroom property is no longer suitable, which results in a higher turnover and management issues. However, it is known that there are several issues for Registered Providers in delivering 1-bedroom affordable homes including design, sustainability, and management issues and this will be considered further in the update to the LHNA to inform the Regulation 19 version of the Local Plan.

**8.18** Policy HO1 sets out the Council's preferred housing type and mix for both market homes and affordable homes (rented and ownership) in Wealden. The Council's LHNA determined that the size of both market housing and affordable housing needed in the district differ; therefore, separate housing mixes have been provided for each tenure.

## Policy HO1: Housing Type & Mix

- 1 New housing developments, including affordable housing, will be expected to provide for a mix of dwelling size, type, price and tenures that meets the identified housing needs of the local area.
- 2 For all new development schemes for housing of at least 10 (net) or more dwellings, the Council expects the proposed housing scheme to maximise its potential contribution towards meeting the identified housing mix for market homes as set out below:

|        | 1-bedroom | 2-bedrooms | 3-bedrooms | 4+ bedrooms |
|--------|-----------|------------|------------|-------------|
| Market | 5%        | 30%        | 40%        | 25%         |

- 3 Affordable housing on large mixed tenure sites of at least 50 (net) dwellings (market and affordable units), including strategic allocations (unless otherwise stated in the Local Plan) should seek to contribute towards the following mix of bedroom sizes:

|                                | 1-bedroom | 2-bedrooms | 3-bedrooms | 4+ bedrooms |
|--------------------------------|-----------|------------|------------|-------------|
| Affordable housing (rented)    | 40%       | 30%        | 25%        | 5%          |
| Affordable housing (ownership) | 20%       | 40%        | 30%        | 10%         |

- 4 On sites smaller than 50 dwellings (net), the preference will continue to be for smaller affordable dwellings (rented or home ownership) of 3 bedrooms or less, unless otherwise specified by the Local Housing Authority through the planning application process, following a review of its housing register.
- 5 For both market and affordable homes, the housing mix of new developments should have regard to the Council's latest evidence base. However, other factors may be considered for the housing mix of specific schemes where such other factors are relevant. Therefore, the housing mix of new residential development (including mixed use schemes), where not covered by other strategic allocation policies within this local plan, will be considered against the following criteria as relevant to the scheme:

- a) the established character and density of the area the proposal development is situated in (as evidenced in the Council's Urban Capacity and Density Study);
  - b) the viability of the scheme;
  - c) site specific constraints of the site associated with either brownfield land or conversions particularly; and
  - d) locally and robustly prepared evidence on housing mix, such as a 'Made' or referendum-stage Neighbourhood Plan or a local (parish) housing needs assessment.
- 6 If the proposed residential development fails to take opportunities to deliver a residential development that reflects the housing mix specified above, subject to the criteria above, then the residential scheme will not be supported.
  - 7 For market homes, the Council will seek to ensure that the size of bedrooms for smaller homes (1-3 bedrooms) are not capable of further subdivision. Exceptions will only apply when a scheme or unit is designed to meet the needs of people with disabilities, or where this relates to the conversion of a designated heritage asset.

### Supporting Text

**8.19** Policy HO1 sets out the requirements for housing mix for both market homes and affordable homes in Wealden and this should be read and implemented in conjunction with Policy HO2 (Density) and Policy HO8 (Affordable Homes) for new residential schemes (including mixed use schemes). In circumstances where viability is an issue, then robust evidence demonstrating an alternative housing mix will be required. Policy HO1 therefore provides flexibility in the Council's preferred housing mix, but the above circumstances must demonstrably be proven to apply for individual schemes. The onus will be with the applicant to demonstrate this.

**8.20** The Council will consider the removal of permitted development rights to extend new 1, 2 and 3 bedroom homes to ensure that this smaller dwelling stock remains so in perpetuity.

### Question 41

#### Consultation Questions

- a Do you agree with draft Policy HO1 Housing Mix and Type?
- b Is the housing mix required for both market and affordable homes in Wealden correct in our context? If not, is there evidence to support an alternative housing mix within the district? Please explain your answer.
- c Should we change anything? If so, what should we change and why?
- d Have we missed anything? If so, what have we missed and how should it be included?

## Density

**8.21** Another crucial dimension of delivering new homes within the district is to ensure that new housing sites are provided at the right densities, whilst ensuring that local planning policies continue to promote the effective use of land. The NPPF confirms that planning policies should support development that makes the efficient use of land and this should account for the identified need for different types of housing and other forms of development; local market conditions and viability; the availability and capacity of infrastructure and services – both existing and proposed; the desirability of maintaining an area’s prevailing character and setting; and the importance of securing well-designed, attractive and healthy places.

**8.22** The Council has commissioned an Urban Capacity and Density Study that has examined many of our major towns and villages that are subject to growth and has assessed different parts of these towns/villages for their prevailing character and density. This study has identified that outside of market town centres, the densities of existing settlements tend to be lower than other major towns outside of the district, with the majority of settlements achieving an average density of between 20-30 dwellings per hectare (dph). However, there are significant variations within towns and villages in Wealden, with certain smaller geographies around town centres achieving densities of up to 50-55 dph and other areas at the edge of villages/towns only achieving 10-20 dph.

**8.23** The lack of cohesiveness across the district or even within settlements themselves alongside the district’s rural nature, provides a justification for our policy approach to not be prescriptive by assigning a specific density to the district as a whole or to specific settlements within the district. Instead, we seek to support all housing developments to make the most effective use of land in line with national planning policy and seek to optimise the use of land and potential of individual sites.

**8.24** Policy HO2 also considers the potential use of specific densities for strategic allocations within this Local Plan. These densities will consider the site characteristics, constraints and mix of uses on site, as well as the prevailing character within the vicinity of the area. However, for some strategic schemes, particularly for those sites that provide a different function or scale to the surrounding village/town, the Council is also considering whether such sites should create its own character, rather than to reflect an existing local character. This will be considered on a case-by-case basis and will be identified specifically for the next phase of the viability study that will be undertaken prior to submission of the Local Plan under Regulation 19.

### Policy HO2: Density

- 1 New housing developments must make the most effective use of land and seek to optimise the use of land and the potential of a site. The density of a development should be informed by the following:
  - a) the capacity of the site and the need to use land effectively;
  - b) the need to achieve high quality design that respects local character, including consideration of the Council’s latest Urban Capacity and Density Study;
  - c) local circumstances and site constraints, including the required housing mix, the need to protect or enhance the local environment (including woodland), topography,

heritage assets, as well as any important landscape, habitats and/or townscape features; and

d) the site's (or for strategic schemes, the relevant parts of the site) current and future level of accessibility to local services and facilities by walking, cycling and public transport.

- 2 Sites that have been allocated within this Local Plan may have a specific density requirement. Where applicable, strategic sites should seek to create their own character rather than trying to reflect or densify the existing local character.

## Supporting Text

**8.25** In terms of accessibility and the application of criteria d of Policy HO2, each site will be considered on a case-by-case basis, but densities will, of course, be expected to be higher where the level of accessibility is higher. It should be noted that only the current level of accessibility to local services (i.e. shops, GPs, schools etc.) should be considered, unless a future piece of infrastructure is under construction, or is confirmed by the infrastructure provider to be certain (for example, improvements to a bus route, a new footpath etc).

**8.26** Policy CC1 (Net Zero Development Standards) of this Local Plan should be read alongside this policy on density as new developments should also utilise the landform, layout, building orientation, massing and landscaping to minimise energy consumption and maximise energy efficiency measures.

## Question 42

### Consultation Questions

- a Do you agree with draft Policy HO2 Density?
- b Is the Council's preferred approach of considering housing density on a case-by-case basis subject to the criteria listed the correct approach? Please explain your answer.
- c Should this policy instead set out minimum density standards across the district? If so, what should this be? Please explain your answer.
- d Should we change anything? If so, what should we change and why?
- e Have we missed anything? If so, what have we missed and how should it be included?

## Brownfield Land

**8.27** The NPPF confirms that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. This is defined in the NPPF 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. Where possible and suitable, the Council will encourage the redevelopment and intensification of suitable brownfield land for housing development.

**8.28** The Council produces a Brownfield Land Register<sup>130</sup> each year and this provides a list of all brownfield sites that are considered suitable for housing development (with or without planning permission) at that time. The NPPF confirms that local planning authorities should take a proactive role in identifying and helping bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield land registers or held in public ownership, using the full range of powers available.

**8.29** There is typically a limited legacy of redundant brownfield land within the district, but support for the use of brownfield land within our most sustainable settlements will ensure the promotion of growth and change within our built-up areas, contribute to sustainable development and subsequently reduce the need to build on greenfield land over the plan period.

## Policy HO3: Brownfield Land

Housing developments must make the most effective use of land and seek to optimise the use of land. The development of brownfield land for housing will be supported within development boundaries of settlements defined within the 'settlement hierarchy' as sustainable, providing that the site is readily accessible by means of public footpath and in reasonable distance to that settlement.

### Supporting Text

**8.30** The Council will continue to safeguard employment land (Use Class B2, B8 and E(g)) due to the significant need for employment land in the district as described in the Employment and Economic Study for Eastbourne and Wealden (May 2022). This will mean that existing brownfield sites in employment use, including sites that were last in such a (lawful) use, must demonstrate that the site is genuinely redundant and there is no reasonable prospect of a continued use, as well as being supported by evidence of 18 months marketing campaign in line with Policy EC8: The Retention of Sites in Economic or Tourism Uses and Commercial Community Facilities.

### Question 43

## Consultation Questions

- a Do you agree with draft Policy HO3 Brownfield Land?

130 [Brownfield Land Register – December 2023](#)

- b Should this policy consider supporting the redevelopment of 'brownfield sites' for housing in less sustainable locations (i.e. beyond development boundaries)? Please explain your answer.
- c Have we missed anything that we should include in this policy, if so, what have we missed?
- d Should we make changes to this policy? If so, what changes should we make?

### Small and Medium Sized Housing Sites

**8.31** The NPPF confirms that small and medium sized house builders can make an important contribution to meeting the housing requirement overall, as they often build out at speed. Smaller sites offer a number of benefits, including providing a greater diversity of sources, locations, type and mix of housing supply, including self-build and custom build homes, community led housing schemes and specialist accommodation. The delivery of small sites plays an important role in meeting overall housing need and national planning policy expects the local planning authority to identify, through the development plan and brownfield land registers, land to accommodate at least 10% of its housing requirement on sites no larger than one hectare, unless there are strong reasons that this cannot be achieved. This issue is considered in further detail within the Council's Housing Supply Background Paper.

**8.32** The Council aims through this Local Plan to meet as much of its housing need on smaller sites (under one hectare) as possible and Policy HO4 below provides the policy approach for supporting small and medium sized housing sites.

### Policy HO4: Small and Medium Sized Housing Sites

There are clear benefits of providing well-designed new homes on small and medium sized sites, up to 1 hectare of land, providing it meets the other relevant requirements of this Local Plan. Small and medium sized sites (under one hectare) that provide the following housing mix and types will be supported, subject to other policies in this plan, where they provide:

- a) a mix of smaller homes of 1-, 2- and 3-bedrooms;
- b) self-build and custom build homes;
- c) affordable housing; and
- d) specialist accommodation.

### Supporting Text

**8.33** There is no strict definition as to what constitutes a small to medium sized housing site, although paragraph 70 of the NPPF confirms that local planning authorities should identify, through the development plan and brownfield land registers, land to accommodate at least 10% of its housing requirement on sites no larger than one hectare. The Council will use this size (i.e. under one hectare) as to what constitutes a small or medium scale site, as this generally

reflects a scale of development that would be brought forward by small and medium size housebuilders. Other policies in the plan will apply but specifically Policy SS1 Spatial Strategy for Wealden in respect to development boundaries, Policy HO3 Brownfield Land and Policy HO7 Rural Exception Sites to meet Local Housing Need.

## Question 44

### Consultation Questions

- a Do you agree with draft Policy HO4 Small and Medium Sized Housing Sites?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

### Self-Build and Custom-Build Homes

**8.34** Self-build and custom build housing helps to diversify the housing market and increase consumer choice. It is a specific community housing need that often goes beyond the considerations of type and tenure set out within the LHNA. There are a number of different forms of self-build and custom housebuilding, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals buy serviced plots or shells to commission their own homes, making key decisions along the way.

**8.35** The Self-Build and Custom Housebuilding Act 2015 (as amended) requires Council's to keep a self-build and custom housebuilding register. The register is for people or organisations who are interested in a self-build or custom build project and the register is used to understand the demand for this type of housing and the locations as to where this type of housing is required. The register is also used to inform local plan policies to ensure that sufficient serviced plots or land to meet the demand for self-build or custom housebuilding is provided in the area for the plan period.

**8.36** The LHNA concluded that as a first step, the Council should consider seeking to adopt a general 'encourage' policy for all new housing sites, but also to consider the delivery of self-build and custom-build plots on strategic sites. The Council's preferred approach is therefore to support all self-build and custom-build housing schemes, where compliant with other policies within this Local Plan, and to define for larger sites, the level of self-build and custom-build plots needed.

**8.37** The LHNA identified on average, 26 individual entries onto Wealden's Self-Build and Custom-Build Register from the 31 October 2016 up to 30 October 2020, which gives an indication of the scale of future need. This represents a small need for this specific housing type representing approximately 2% of overall housing need within the district. Therefore, the Council's preferred approach is to allow the location of the plots to be dealt with through the housing market by way of 'windfall' planning applications predominately, although it is also

recognised that larger strategic sites are capable and will be required to deliver some self-build or custom-build plots.

**8.38** The Council will also support small-scale self-build and custom housebuilding projects particularly for affordable homes through the development of Neighbourhood Development Plans, Community Land Trusts (CLTs) or through other sources.

## Policy HO5: Self-Build and Custom Housebuilding

- 1 The Council will support self-build and custom housebuilding schemes where this complies with all other relevant policy requirements in this Local Plan.
- 2 On sites of 20 dwellings (gross) or more, the provision of fully serviced plots for self-build and custom housebuilding should be made on site. At least 5% of the total dwellings should be made available for self-build and custom build plots, where this will not result in the over provision of this type of housing when considering the Council's supply / demand evidence. The onus will continue to be with the applicant to demonstrate that the self-build and custom-build plots are not required within the district based on the evidence on need for self-build and custom build plots within the plan period.
- 3 In terms of housing mix and size, the Council will support applicants for self-build and custom housebuilding in delivering new affordable (home ownership) and market homes in line with Policy HO1: Housing Type and Mix of this Local Plan. The Council will also strongly support self-build and custom housebuilding schemes that provide affordable homes and variation within the housing market, particularly when delivering smaller homes of 1-, 2- and 3- bedrooms including sites under the threshold of 10 units. The Council will expect self-build and custom build housing schemes to make the efficient use of land in line with Policy HO2: Density.
- 4 A design code will need to be agreed with the District Council. It will need to be followed for each plot and individual plot passports will also be required.
- 5 Where serviced plot(s) for self-build and custom-build housing have been sought as part of a strategic allocation within the Local Plan, or on sites of 20 dwellings (gross) or more, those plots must be prominently marketed for sale to self or custom builders for at least 12 months (or another period of time if mutually agreed between the two parties), at a reasonable price (this may be independently assessed through the Council) and if not sold, the plot(s) can return to the developer to be constructed as open market housing or in line with the terms set in a specific legal agreement.

### Supporting Text

**8.39** The Council acknowledges that there may be circumstances in which self-build and custom housebuilding plots remain unsold on specific sites. It is considered that a 12-month marketing period is a sufficient period to understand whether there is a market for the self-build and custom build homes in the locality. The Council, as part of this process, will also notify those registered on the self-build and custom build register, who have a particular interest in the parish where the site is located within to ensure that those registered have the opportunity to express an interest in plots as they become available.

**8.40** The mechanism for securing self-build and custom build plots is the planning obligation that will outline the number of self-build and custom-build plots required, and the stages needed to revert self-build and custom build plots back to market housing. It should be noted that both the marketing exercise and the 'reasonable' price that the plots will be sold for, may be independently assessed through the Council and the costs for the Council's independent assessment should be paid for by the applicant.

## Question 45

### Consultation Questions

- a Do you agree with draft Policy HO5 Self-Build and Custom Housebuilding?
- b Should the policy set the threshold to require self-build and custom build plots above or below 20 dwellings (gross)? What should the threshold be? Please explain your answer.
- c Should the marketing period for the sale of self-build and custom build housing plots be at least 12 months or should this be a longer period (i.e. 18 months)? Please explain your answer.
- d Should we change anything? If so, what should we change and why?
- e Have we missed anything? If so, what have we missed and how should it be included?

### The Subdivision of Existing Dwellings and Houses in Multiple Occupancy (HMOs) Houses in Multiple Occupation (HMO)

**8.41** In practice, the Housing Act (2004) confirms that a building, or part of a building is an HMO if it meets one of the following criteria:

- Any building in which two or more households share basic amenities (or the lack of an amenity) such as a bathroom, toilet, or cooking facilities; or
- Any flat in which two or more households share basic amenities; or
- Any converted building which comprises of one or more units of accommodation that are not self-contained; or
- Any converted building which comprises of self-contained flats and the standard of conversion does not meet the 1991 Building Regulation Standards and more than one third of the flats are occupied on short tenancies.

**8.42** As the affordability of housing continues to worsen within Wealden District, HMOs are becoming an ever increasingly popular form of accommodation for those who are unable to afford their own home. These forms of housing are particularly popular for younger, single and low-income individuals.

**8.43** The Council's LHNA has identified that there is a growing number of one person households in the district who are seeking smaller forms of accommodation. The LHNA has also identified that the district's existing housing stock is unbalanced, with many large 4+

bedroom dwellings that will not meet the district's changing housing need across the plan period for smaller homes. The Council will therefore support proposals for HMOs, thereby helping to diversify the existing housing stock and meet the changing housing needs of the district.

### Subdivision of Existing Dwellings

**8.44** There is a substantial legacy of larger residential properties within Wealden District, especially in rural locations that are too large for a single-family occupation, and these often have intrinsic heritage interest (designated or non-designated) and tend to be well integrated within the landscape and thereby their retention is normally encouraged. The NPPF confirms that planning policies should avoid the development of isolated homes in the countryside unless the development would involve the subdivision of an existing residential building (amongst other exceptions).

**8.45** However, there is still national planning policy support for this specific type of development (i.e. the conversion/subdivision of the existing residential dwelling into smaller dwellings) within the countryside.

**8.46** The following policy sets out the criteria which will be considered when determining planning applications for new HMOs and the subdivision of existing dwelling houses.

## Policy HO6: Houses in Multiple Occupancy (HMOs) and Subdivision of Existing Dwellings

### Houses in Multiple Occupancy (HMO)

- 1 Proposals for the development of, and change of use of an existing property to a House in Multiple Occupation (HMOs) that requires planning permission will normally be permitted, provided that the development:
  - a) includes satisfactory storage areas for refuse and recycling, cycle storage, a suitable vehicular access and adequate car parking spaces on site;
  - b) is in keeping with the character of the locality, having regard to the appearance and general design of the original building and surrounding area; and
  - c) demonstrates that the residential amenity of existing residents and future occupiers has been considered in relation to privacy, noise, light, outlook and usable outdoor amenity space and would not result in harmful visual amenity impact on existing residents and/or the surrounding area due to the construction of physical structures associated with the proposal.

### Subdivision of Existing Dwellings

- 2 Outside of development boundaries, as defined on the Policies Map, the conversion and subdivision of larger residential property into smaller dwelling units, would be supported provided it meets all of the criteria above, and provided that the development:
  - d) does not involve the creation of a large number of dwellings, with associated increases in activity, that would detrimentally harm the rural character of the area; and

e) does not require a significant extension or alteration to the existing residential property, in order to maintain the visual integrity and character of the building.

### Supporting Text

**8.47** All proposals for the subdivision of an existing dwelling to create additional dwellings should demonstrate that the internal layout of the additional individual dwellings continues to meet the space standards as set out in Policy HO13 (Internal Residential Space Standards for New Dwellings).

**8.48** Given the concerns relating to the standard of accommodation of some HMOs, proposals for the internal and external design of the dwelling will be required to ensure the standard of living of current and future occupiers has been carefully considered. This will help to ensure that more vulnerable members of the district's population benefit from a good standard of accommodation. Proposals for the development of and change of use of an existing property to an HMO should meet the Wealden District Council adopted HMO standards<sup>131</sup>, or any adopted standards thereafter.

### Question 46

#### Consultation Questions

- a Do you agree with draft Policy HO6 Houses in Multiple Occupancy (HMO) and Subdivision of Existing Dwellings?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

### Rural Exception Sites

**8.49** A rural exception site is defined in the NPPF as a small site used for affordable housing in perpetuity where sites would not normally be used for housing. The NPPF supports a flexible approach for housing in rural areas to ensure that we can be responsive to local circumstances and to support housing developments that reflect local needs.

**8.50** Whilst housing in rural areas is not normally permitted, given that such areas are located outside development boundaries and are areas of development restraint, the Council recognises that some residents in our rural areas may require affordable housing to remain in their locality. Therefore, and in accordance with the NPPF, a rural exception policy is considered necessary within the local plan to deliver affordable housing in our rural areas, where it is suitable to do so, to address local housing need and to help sustain rural communities. Such housing must be of a type that addresses local need and must remain affordable in perpetuity. To achieve

131 [Wealden District Council Prescribed Standards for Houses in Multiple Occupation, 2018](#)

this, occupiers should be prevented from being able to own dwellings outright on rural exception sites and this will be secured through a legal agreement.

**8.51** Rural exception sites are normally brought forward by a Registered Provider or can be brought forward by a CLT. It will be important in the first instance for any provider to liaise with the town or parish council to ensure that a scheme is supported. A key factor in applying for planning permission for a rural exception site will be the provision of a robust local needs survey for the Parish.

**8.52** The methodology of the Local Housing Needs Survey for the Parish will need to be agreed with the District Council's housing department. The housing needs survey of a 'made' neighbourhood development plan for that Parish area may be appropriate to use if it is up-to-date and reflects the current position of the Council's Housing Needs Assessment and its methodological approach. At a minimum, surveys should establish the quantum and tenure characteristics of local need (both for affordable and market housing), site location options and constraints, available parish facilities and occupancy requirements of the affordable housing.

### **Delivery of Sites to Meet Local Needs**

**8.53** The expectation is that the delivery of rural exception sites will not require any cross subsidy from the market. However, with government funding being reduced to Registered Providers in recent years, alongside the NPPF that suggests a flexible approach to ensure delivery, there may be circumstances where cross subsidy may be required to bring rural exception sites forward. In order to control sporadic housing development in the countryside and to ensure that the main aim of the policy is delivered, the Council will ensure that only the minimum amount of open market housing is provided and that there is an overriding planning benefit from its delivery.

## **Policy HO7: Rural Exception Sites to Meet Local Housing Need**

- 1 Proposals will be supported for housing that meets local needs within or adjoining rural settlements (i.e. settlements that are defined as types 4, 5 and 6 in the settlement hierarchy) providing all of the below criteria is met.
  - a) The need for affordable housing is clearly evidenced in an up-to-date and robust local housing needs survey that demonstrates that there is an imperative need for affordable housing;
  - b) The size, type, tenure, mix and price of the affordable dwellings reflects the required local housing need. The development is well designed and would relate well to the existing physical form of the settlement;
  - c) The development needs to be reasonably well located in relation to an existing settlement and provide appropriate footpaths to ensure that safe access for all can be achieved to local services and public transport;
  - d) The development would not result in any adverse impacts on the character of the area, heritage, landscape or the amenity of adjoining properties for the lifetime of the development;



e) Where market housing is deemed to be required to deliver affordable housing, then the market housing should be comparable in design to the affordable housing proposed on site in terms of its scale and the number of bedrooms.

- 2 In all cases, planning permission will be subject to a legal agreement to ensure that the affordable housing accommodation remains available to meet local housing needs in perpetuity.
- 3 Proposals which promote market housing will not be supported unless it is verified by an independent financial appraisal that market housing is required to deliver the affordable element of the scheme. Where a viability case is justified, the Council will accept the minimum enabling amount of market housing only to ensure that affordable homes is the primary use. This will be subject to an independent assessment by the Council's appointed consultant, of which, the costs will be paid for by the applicant. Market housing will be required to demonstrate that it meets the parishes local market housing need.

### Supporting Text

**8.54** The Council will utilise legal agreements to ensure that rural exception sites remain affordable in perpetuity. The legal agreement will also ensure that residents with a local connection to the area are granted the highest priority in terms of occupying the available dwellings. A local connection is currently defined by meeting one of the following definitions set out within the latest adopted Council's Housing Allocations Policy<sup>132</sup>. It should be noted that the criteria may be subject to change in the future, in which case the latest adopted Housing Allocations Policy will apply.

**8.55** In assessing the scale and extent of any proposed local housing needs, account should also be taken of affordable housing already planned for in the parish and adjacent parishes, which will include existing sites with planning permission and sites allocated for housing within this Local Plan. The onus will be with the applicant to prove that the affordable housing is genuinely required in that Parish and cannot be met locally by other sites in that Parish or adjacent Parishes.

**8.56** The Council will also support other forms of affordable housing schemes on Rural Exceptions Sites, including specialist housing for older and vulnerable people providing it also meets the criteria set out in Policy HO11 Specialist Housing for Older and Vulnerable People, as well as other policies of this Local Plan.

### Question 47

#### Consultation Questions

- a Do you agree with draft Policy HO7 Rural Exceptions Sites to meet Local Housing Need?

132 [Housing Allocations Policy](#)

- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

## Affordable Housing and Housing for Specific Groups

### Affordable Housing

**8.57** The NPPF outlines at paragraph 64 that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect to be on-site. This is a key priority for the Council with the 'Housing Strategy 2020-2025' confirming that the key priorities for the Council are increasing housing supply and improving housing quality, including increasing the supply and quality of affordable homes. The 'Housing Needs' Background Paper considers affordable housing need in detail and outlines in greater detail the type and scale of this need. This is summarised below.

#### Types of Affordable Homes

**8.58** Policy HO8 sets out the tenure mix which, proposals involving affordable housing provision are expected to provide on-site. Affordable housing can be split into two main tenures. This includes affordable housing to rent, which can be either 'social rent' or 'affordable rent' that is a priority of the Council. The other main tenure is affordable home ownership products (i.e. First Homes and Shared Ownership amongst other types of products), which are collectively known as 'intermediate housing'. These products provide routes to home ownership for those who cannot afford home ownership through the open market. Some of the main affordable housing tenures are defined within the glossary to this Local Plan.

#### Affordable Housing Need

**8.59** The median price of a residential property within Wealden District (£390,000) is significantly higher than the national average (£290,000)<sup>133</sup>, whilst wages in Wealden are relatively low in comparison. Affordability has therefore significantly deteriorated in Wealden and as of 2022, the median house price in Wealden was 13.25 times median earnings, which is higher than across the southeast region (10.75) and across England (8.28). As such, many residents of Wealden, particularly the younger demographic, are struggling to find suitable accommodation within the district to buy or rent. The LHNA suggests that overall, around half of newly forming households in Wealden are unable to afford market housing to buy (or to rent privately). Many of our residents, mainly younger people, are therefore leaving the district for other parts of the southeast (and further afield) to find work and lower cost homes to purchase and/or rent, taking with them many of the skills required to support local employment and resulting in a less diverse district.

**8.60** In line with the above statistics, the Council's LHNA identified that the district has a significant affordable housing need of 854 dwellings per annum (dpa). This is formed of 519 dpa required for social/affordable rented housing tenure and 335 dpa required to be affordable home ownership tenure (i.e. First Homes, Shared Ownership, discounted market sale etc.). This equates to a significant affordable housing need (against the local housing need calculated under the 'standard method' of 1,200 dpa) of around 71%. Therefore, there is a significant need

133 Prices are correct to the year ending March 2023.

for affordable housing in the district, with our affordable housing need being greater than what we will realistically be able to deliver.

### Affordable Housing and Viability

**8.61** The initial Wealden Local Plan Viability Assessment has tested a number of viability scenarios with differing thresholds and tenure splits (including the provision of First Homes) in order to determine the most appropriate and desirable levels of affordable housing within the district from a viability perspective. The study at this stage confirms that those appraisals do not point towards any particular level of affordable housing that most schemes can viably deliver. The study has therefore recommended that the existing 35% affordable housing target should be retained, with some flexibility in exceptional circumstances to be applied taking into account site-specific circumstances. This may include any abnormal costs that the applicant could not expect to be accounted for in the initial purchase of the land. The Council will seek to update our evidence on viability to inform the Regulation 19 stage of the Local Plan. This viability evidence at the Regulation 19 stage will consider whether there is evidence to support increasing affordable housing delivery as a priority of this Local Plan.

**8.62** For both older persons accommodation and for affordable housing contributions on permanent residential caravan parks, it is noted in the viability assessment that those schemes can also yield affordable housing contributions. The study has recommended that the same target be used for all types of residential development in Use Classes C2 and C3 (with contributions for residential caravan parks being in the form of commuted sums).

**8.63** In terms of viability, the Council expects that applicants will have factored in the Council's housing policies (especially on housing mix and space standards), the Council's other policy requirements set out elsewhere in this local plan, including those that relate to the site context specifically, CIL and any planning obligations that are necessary for the development to come forward, when determining the price paid (or to be paid) for land for residential development. As part of any viability assessment, the onus will be on the applicant to demonstrate that the correct land value was paid for the land, given the adopted and emerging local planning policies known at that time.

**8.64** Whilst the Council will of course consider proposals for the provision of affordable housing at a higher rate than Policy HO8, the Council will need to be satisfied that the agreed approach (particularly if affordable housing on a site is over 50%) contributes to the objective of creating mixed and balanced communities. In addition, the Council will need to ensure that new housing proposals continue to support the provision of much needed infrastructure within the district, via CIL and/or Section 106 planning obligations.

### Affordable Housing in the High Weald National Landscape

**8.65** Paragraph 65 of the NPPF confirms that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas<sup>134</sup> (where policies may set out a lower threshold of 5 units or fewer). The High Weald National Landscape forms a large part of the district and therefore, the Council, in order to deliver affordable housing in rural areas will pursue affordable housing for development of 6 dwellings or more, where a site is located in the High Weald National Landscape. It was concluded in the Wealden Local Plan Viability Assessment that there is no significant difference in the viability of schemes providing 9 or fewer units than those of 10 units or more. The provision of affordable housing within the High Weald National Landscape is crucial and makes a valuable

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134 This includes the High Weald National Landscape

contribution to the High Weald National Landscape in terms of retaining younger people and those in rural work, which tends to be lower paid.

### **Community Land Trusts (CLTs), Co-Housing and Almhouses**

**8.66** The Council is supportive of CLTs, Co-Housing and Almhouses schemes that provide much needed affordable housing within the district. CLTs provide an opportunity to develop affordable housing through local communities and ensure that such homes are permanently and genuinely affordable. Wealden has also had a significant history with Almhouses, which is charitable housing, and the Council will support such types of development within the district providing it meets other criteria and policies within the local plan.

### **Tenure**

**8.67** The affordable housing tenure mix to be provided on relevant sites has been based on evidence within the Council's LHNA and has been tested through the Wealden Local Plan Viability Assessment. This ensures that the tenure mix of affordable housing provided meets as much of the affordable housing needs identified in the local evidence base as possible. In general, it is considered within the evidence base that affordable rented homes (either social rented or affordable rented) should form the overwhelming majority of new affordable homes (75%) in the district (as this will meet the accommodation needs of those with the most acute affordability issues), but that a smaller proportion of affordable homes (25%) will be affordable homes ownership products (i.e. First Homes and/or shared ownership).

### **First Homes**

**8.68** The LHNA confirms that a discount of 30% is generally reasonable for First Homes to ensure that the actual housing cost is genuinely affordable for first time buyers in the district. The study also considers, given the cost of housing in the area, that the Council should consider a maximum price of First Homes to be £200,000 after the discount is applied in order to help keep First Homes affordable in the local context. This would be lower than maximum price of First Homes allowed nationally after applying the discount, which stands at £250,000.

**8.69** The LHNA also confirms that given the likely income requirements to afford a First Home (and incomes required to buy market housing) a threshold household income of around £50,000 would be appropriate, which would be lower than the maximum national income household threshold that can be applied of £80,000.

**8.70** It is noted that the LHNA published in July 2021 and that the costs for new homes have changed since the time of publication. The First Homes product was also in its relative infancy at that time. On this basis we will update our evidence on First Homes, to inform the Regulation 19 stage of the Local Plan, to consider whether a higher rate of discount (i.e., 40% or 50%) is warranted for the First Homes product. This update will also consider whether the maximum price of First Homes locally after the discount should continue to be £200,000 and whether threshold income of around £50,000 remains appropriate.

### **Design**

**8.71** The Council is seeking to create mixed and balanced communities across the district, with current and future residents provided with high quality dwellings that meet their accommodation needs. Policy HO8 requires affordable housing to be provided to the same high quality design standards expected of market housing. The policy requires affordable housing to be carefully located within the design of any scheme, such as in small clusters, to ensure the creation of mixed and balanced communities.

## Vacant Building Credit

**8.72** Paragraph 65 of the NPPF confirms that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount<sup>135</sup>. This policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. The PPG notes that local planning authorities should have regard to the intention of national policy and in doing so, consider:

- Whether the building has been made vacant for the sole purposes of re-development; and
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

**8.73** These factors will be considered on a case-by-case basis by the Council, as will matters of 'abandonment'.

## Policy HO8: Affordable Housing

### Affordable housing requirement

- 1 To meet the district's need for affordable housing, all residential development proposals of 10 or more units (net), or proposals for 6 or more units (net) within the High Weald Area of Outstanding Natural Beauty, or sites of 0.5 hectares or more, will be required to provide on-site affordable housing. Affordable housing will be expected to be provided at a level of 35% of the total number of dwellings. The application of this policy relates to use class C3, including permanent residential caravan sites and C2 self-contained units. Financial contributions will be sought in lieu of on-site affordable housing on permanent residential caravan sites only.
- 2 In some instances, sites allocated in this Local Plan, may specify a different affordable housing target having regard to the findings of the associated viability assessment and site-specific considerations.
- 3 Where a proposal comes forward with an affordable housing contribution higher than that required under the criterion above, the Council will consider this on a case-by-case basis and will only seek to support schemes that deliver mixed and balanced communities, as well as provide sufficient infrastructure contributions and/or on-site infrastructure necessary to make the development acceptable in planning terms.
- 4 If a development site is sub-divided to create two or more separate development schemes, one or more of which falls below the relevant affordable housing threshold, the Council will require an appropriate level of affordable housing to reflect the provision that would have been achieved on site as a whole, had it come forward as a single scheme.

### Tenure

<sup>135</sup> Footnote 30 of the NPPF confirms this to be equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been 'abandoned'.

- 5 Affordable housing provision should incorporate a mix of tenures. The Council will expect a tenure mix of 40% affordable rented, 35% social rented and 25% through other affordable routes to home ownership, including First Homes, shared ownership and other types of intermediate accommodation. In the case where First Homes are provided, at least a discount of 30% will be expected to ensure that the actual housing cost is genuinely affordable for first time buyers within Wealden.

#### Exceptional circumstances

- 6 There may be exceptional circumstances where the provision of on-site affordable housing is not viable or desirable. The Council considers that the following issues may represent exceptional circumstances, where the applicant is unable to comply with this policy:
- a) The developer has provided written evidence that no Council Approved Registered Provider will take the units, and this has been demonstrated to the satisfaction of the Council that this is the case; or
  - b) It is demonstrated that there is no realistic prospect of providing affordable housing by another means, such as the District Council; or
  - c) It can be demonstrated that the provision of the policy-compliant level of affordable housing would make the development unviable.
- 7 Where it can be proven that the affordable housing requirement cannot be achieved, due to economic viability, there will be flexibility in meeting stated targets. It will be the responsibility of the applicant to demonstrate that the requirements of the policy cannot be met, and that the closest alternative provision that can be achieved is provided taking into account viability and need in agreement with the Local Planning Authority. The alternative provision should initially consider a change in tenure mix before considering reducing the overall totality of provision on site. If provision is not shown to be viable, then serviced plots for affordable housing could be provided, should this be acceptable to the Council. If this is not viable or considered appropriate by the Council, a commuted sum in lieu of on-site delivery will be required. This will be subject to independent assessment by the Council's appointed consultant, of which, the costs will be paid for by the applicant.

#### Affordable Housing Design

- 8 The design of all new affordable dwellings shall be such that the quality and appearance of the homes (including the site layout) are indistinguishable from market housing. Any new housing scheme should make use of good quality materials and be designed in such a way as to reduce ongoing management, maintenance and repair costs. Such proposals should be designed to ensure that service charges to any affordable housing are kept relatively low. Affordable housing should be provided in small clusters throughout the development scheme to ensure the creation of mixed and balanced communities.

#### Community Land Trusts, Co-Housing and Almhouses

- 9 The Council supports CLTs, Co-Housing and Almhouse schemes that provide affordable housing subject to other policies within this Local Plan.

## Supporting Text

**8.74** Where First Homes are to be provided as part of affordable housing provision on site, the applicant must enter into a planning obligation under a Section 106 agreement that:

- a) secures the delivery of the First Homes; and
- b) ensures that a legal restriction is registered onto a First Home's title on its first sale, and this continues in perpetuity.

**8.75** In most cases, these planning obligations should be entered into in the usual way prior to the grant of planning permission. The government has published template planning obligations for this purpose<sup>136</sup>.

**8.76** Section 106 planning obligations will also be utilised to ensure that affordable rented and social rented dwellings are managed and maintained as such in perpetuity. In addition, only affordable housing proposals which can demonstrate that a Council approved 'Registered Provider' will be taking over the management of affordable/social rented tenures upon their completion will be supported by the Council. This is to ensure that the standard of living of those in affordable housing is protected, as these occupants are often more vulnerable to poorer standards of accommodation than those who live in market housing. The Council strongly advises that applicants contact the Council, prior to the submission of their planning application, to ensure their chosen Registered Provider is acceptable.

**8.77** All forms of affordable rented housing will be provided on the basis of the applicant(s) meeting the Housing Register criteria at that time. This will be secured by a Section 106 agreement.

**8.78** For the purposes of planning applications received, planning policy and planning legal agreements, the Council will use the affordable housing terms within the NPPF (December 2023) as set out in Annex 2: Glossary. If national planning policy is updated, the Council will consider this new definition and will endeavour to use those terms where appropriate and follow any transitional arrangements.

**8.79** In terms of the design of affordable housing, the Council supports 'small clusters' of affordable housing throughout the development scheme. The scale of those clusters will be dependent on the overall scale of the residential scheme, but clusters should not abut each other and be dispersed appropriately across the whole development. This will include blocks of flats. Where a development site is to be built out in separate phases/parcels, developers must take account of the location of affordable homes within neighbouring parcels of land to ensure clusters do not adjoin each other. Clusters should contain a mix of affordable tenures, to include both rented and intermediate tenures. All affordable housing should meet, as a minimum, the Building Regulation Standard Part M4(2) in line with Policy HO12: Residential Accessibility Standards. Where affordable housing is designed for households with a disability, the homes should meet the higher Building Regulation Standard Part M4(3b).

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136 [First Homes: Model Section 106 Agreement](#)

## Question 48

### Consultation Questions

- a Do you agree with draft HO8 Affordable Housing?
- b Is the proportion of affordable housing to be provided (at 35%) appropriate in the district? If not, should a higher proportion (i.e. 40% or 45%) be sought? Please explain your answer.
- c Is the Council's preferred tenure mix for affordable housing, including First Homes, correct, and if not, is there evidence to suggest an alternative tenure mix for affordable housing? Please explain your answer.
- d Where First Homes are provided, is the minimum 30% discount appropriate and if not, should this be at 40% or 50%? Please explain your answer.
- e Where First Homes are provided, is a maximum price of £200,000 after discount an appropriate maximum sales value (noting that the maximum sales value nationally that can be applied is £250,000)? Please explain your answer.
- f Where First Homes are provided, is an income cap (for individual households) of around £50,000 appropriate and if not, where should this be set (noting that the maximum national income cap is £80,000)? Please explain your answer.
- g In terms of the design of affordable housing and support for 'smaller clusters' of affordable housing within a housing scheme, should the scale of these clusters be defined by a number and in line with the scale of the wider scheme (i.e. small, medium and large schemes)? Please explain your answer.
- h Should we change anything? If so, what should we change and why?
- i Have we missed anything? If so, what have we missed and how should it be included?

### Gypsy, Traveller and Travelling Showpeople – Site Criteria

**8.80** Gypsy, Travellers and Travelling Showpeople are distinct groups of people who have their own ways of life, traditions and cultures. Although the population of Gypsy, Travellers and Travelling Showpeople may be underestimated, it is reported that there are around 300,000 travellers in the UK and from the Census figures published in 2021 (latest data available), shows that 394 residents of Wealden District identified as a 'Gypsy or Irish Traveller' with a further 104 residents identifying as 'Roma'<sup>137</sup>. Gypsy, Travellers and Travelling Showpeople are considered to be one of the most disadvantaged groups in our society and are protected under the Equality Act 2010 that legally protects people from discrimination in the workplace and wider society.

**8.81** The Planning Policy for Travellers Sites (PPTS) document (December, 2023) confirms that local planning authorities should set pitch and plot targets for Gypsy, Traveller and Travelling Showpeople to address their permanent accommodation needs, which is considered under

<sup>137</sup> The term 'Roma' was not used in the 2011 Census.



Policy SS3: Gypsy, Traveller and Travelling Showpeople – Accommodation Need of this Local Plan. National planning policy then confirms that criteria should be set to guide allocations where there is an identified need and that a criteria-based policy should be included in a Local Plan to provide a basis for decisions in case ‘windfall’ applications come forward.

**8.82** The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) recommended that the Council incorporate a criteria-based policy into the Local Plan for planning applications that may materialise over the plan period from households residing on unauthorised developments or encampments, due to in-migration, and those residing in bricks and mortar accommodation. In considering the evidence gathered through the GTAA, it was considered that the likely key factors in determining new provision locally are:

- the affordability of land suitable for the development of new sites and the cost of development;
- the need to ensure that new provisions are within reasonable travelling distance of social, welfare and cultural services;
- the need to carefully consider the proximity of new provisions to existing provisions (i.e. conflict and social tensions potentially arising if new provisions are located too close to existing provisions); and
- the sustainability of new provisions (i.e. ensuring that they do not detrimentally impact on the local environment and do not place undue pressure on local infrastructure).

**8.83** The criteria within Policy HO9 has been formulated in accordance with the guidance contained within the PPTS and local recommendations from the GTAA as listed above. It should be noted that the criteria contained within the PPTS for the development will continue to be used concurrently with this policy. Policy HO9 covers all those Gypsies and Travellers who meet the ‘PPTS’ definition and those who are ethnically considered to be Gypsies and Travellers in line with the recommendations in the Council’s GTAA. For the latter, the individual circumstances of the applicant(s) will need to be considered with respect to the PPTS and the Equalities Act (2010).

## Policy HO9: Traveller and Travelling Showpeople - Site Criteria

The following criteria will be taken into account when determining planning applications for new or extended permanent and temporary sites for Gypsies, Travellers and Travelling Showpeople:

- a) That the site or extension satisfies a clearly defined need, as evidenced by the GTAA for Wealden District, and/or the best available evidence of the applicant to demonstrate both their ethnicity and ‘cultural need’ for the accommodation, with respect to the PPTS and the Equalities Act (2010);
- b) That the site is well related to an existing sustainable settlement (as defined within the settlement hierarchy) with local services and facilities, particularly shops, public transport provision, primary health care and schools;
- c) That the proposal has a safe vehicular and pedestrian access to the surrounding principal highway network;

- d) That the site will be large enough to enable vehicle movements within the site, including parking and circulation to take place, having regard to the number of pitches/plots provided on site. Each pitch/plot should at least be able to accommodate 1 mobile home, 1 touring caravan and 2 car parking spaces;
- e) That the site avoids locations, which are adjacent to uses that are incompatible with residential uses, such as a refuse tip and sewage treatment works or where the land is unstable or contaminated;
- f) That new sites or the enlargement of existing sites, are of a scale appropriate to their surroundings and would not individually or cumulatively dominate the nearest settled community, cause significant visual harm by way of its siting, or undue impact upon local infrastructure or services in the area;
- g) In cases where proposals are in or adjacent to the High Weald AONB, or where the proposal is within the setting of the South Downs National Park, the scale and the extent of development should be limited, sensitively located and designed to avoid or mitigate adverse impacts on these designated landscapes;
- h) That the site has existing or can be provided with power, drinking water, sewage treatment and waste disposal facilities. In the case of foul drainage and drinking water, the site needs to be serviced by mains pipes and sewers;
- i) That the site avoids locations where there is a risk of flooding of all types, given the vulnerability of residential caravans. Where a site is identified as being at risk from surface water flooding, a site-specific flood risk assessment must be undertaken in line with Policy CC7: Managing Flood Risk;
- j) Any proposal for a new or extended site will need to demonstrate sufficient space for the storage and maintenance of equipment/or the exercising of animals commensurate with any business needs of the site;
- k) The proposal must be well-screened by existing or new native vegetation that contains the site visually. The screening should be maintained permanently, and any planning application should be accompanied by a landscape management plan to ensure it remains in perpetuity. The use of high fences or walls to supplement the existing screening of the site will not be supported; and
- l) That the proposal is well designed and laid out, ensuring that suitable amenity space is provided in terms of open space and soft landscaping, whilst limiting the use of hard standing and permanent structures. Where proposals for amenity blocks are provided, these must be of appropriate scale to the pitch/plot and well-designed.

### Supporting Text

**8.84** With respect to criteria a) of this policy, the Council would either expect the applicant to meet 'PPTS' definition of a Gypsy, Traveller and Travelling Showperson, or demonstrate that they are 'ethnic' Gypsies, Travellers or Travelling Showpeople that still have a cultural need for this type of accommodation. The onus is with the applicant to demonstrate this.

**8.85** In terms of criteria b) of this policy, the PPTS confirms that local planning authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements. In such cases, where development of this nature does inevitably

come forward through the planning application process, the Council will consider the use of temporary planning permissions in certain circumstances. This will be considered where there is a lack of available alternative accommodation for the applicant, in view of the personal circumstances of the applicant, in line with the applicant's human rights and in view of the harm visually of the site, particularly when located within or adjacent to the setting of a designated landscape.

**8.86** In terms of criteria d) of this policy, the PPTS does not provide any guidance on the appropriate minimum size for a gypsy and traveller site or what should be included on individual pitches. However, the government did publish a 'Designing Gypsy and Traveller Sites: Good Practice Guide'<sup>138</sup> (2008) that was withdrawn in 2015, but this did provide guidance on what permanent Gypsy and Traveller sites should provide and is still the latest guidance on this matter. This stated that a permanent pitch should include:

- Space for a mobile home;
- Space for a touring caravan;
- An amenity block;
- Two parking spaces;
- At least 6 metres between mobile homes; and
- A 3-metre buffer around the boundary.

**8.87** It will be expected that the applicant for a new or extended gypsy and traveller sites will consider the spacing of pitches and ensure that all new pitches include space for the necessary accommodation and parking.

**8.88** It should be noted that any Gypsy and Traveller pitch or Travelling Showpeople plot that is located within the 400m - 7km zone of influence around the Ashdown Forest SPA will require an assessment under the Habitats Regulations to be undertaken and appropriate mitigation provided as required under Policy NE5: Ashdown Forest SPA of this Local Plan.

**8.89** Where a new planning permission is granted for a new temporary or permanent site, planning conditions<sup>139</sup> will set out the maximum number of caravans on site, as well as the legal basis for the occupants living on site. The use of personal planning conditions will be limited and only in cases where the personal circumstance of the applicant means that they need to live on the site on a temporary/permanent basis.

## Question 49

### Consultations Questions

- a Do you agree with the draft Policy HO9 Gypsy, Traveller and Travelling Showpeople – Site Criteria?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

138 [DCLG – Designing Gypsy and Traveller Sites: Good Practice Guides - 2008](#)

139 Or a legal agreement if a planning condition cannot be used.

## Gypsy, Traveller and Travelling Showpeople – Safeguarding Sites

**8.90** The district has historically struggled to provide suitable sites to meet the needs of the Gypsy, Traveller and Travelling Showpeople community, either through the provision of allocations in Local Plans, or via the planning application process. Therefore, it is crucial that existing lawful Gypsy and Traveller sites with permanent planning permission are safeguarded and are not redeveloped for alternative uses. The Council's GTAA confirms that Wealden should consider safeguarding Gypsy, Traveller and Travelling Showpeople sites and yards with permanent planning permission for their current use, unless it can be demonstrated that they are no longer needed to meet identified need.

**8.91** Where a proposal is seeking to redevelop an existing Gypsy and Traveller site into an alternative use, the Council will only support such proposals in accordance with the circumstances set out in Policy HO10 below. This will ensure the safeguarding of suitable sites with permanent planning permission, but will also allow for the Gypsy, Traveller and Travelling Showpeople community to vacate sites that are no longer suitable for such a use, providing a site of equal or better quality, with equal or better access to services, is provided.

### Policy HO10: Gypsy, Traveller and Travelling Showpeople - Safeguarding Sites

- 1 The existing provision of Gypsy, Traveller and Travelling Showpeople sites within the district will be safeguarded. Planning applications for the loss of such sites will need to be robustly justified. In order to demonstrate compliance, appropriate, detailed and robust evidence will be required to satisfy the criteria below. The Council may require the independent assessment of such evidence at the cost of the applicant.
- 2 Proposals that would result in the loss of an authorised and permanent site for residential use for Gypsies, Travellers or Travelling Showpeople will not be permitted unless it can be clearly demonstrated that:
  - a) The site is no longer suitable for such a use and suitable alternative provision is made for the use on a site of equal or better quality, with equal or better access to services; or
  - b) That there is no need for Gypsy, Traveller and Travelling Showpeople pitches/plots within the district.
- 3 Where existing Gypsy, Traveller and Travelling Showpeople sites have a personal planning condition attached to the site occupier (and/or their relatives) who subsequently leave, every effort should be made to remove or modify the planning condition to allow for the site to be used as a Gypsy, Traveller and Travelling Showpeople site in perpetuity.
- 4 Planning conditions or legal obligations may be necessary to ensure that any replacement sites are provided before the existing Gypsy, Traveller or Travelling Showpeople site is lost.

## Supporting Text

**8.92** Under Policy HO10, where an existing authorised and permanent site is no longer suitable for such a use, the applicant will need to demonstrate that suitable alternative provision is made for the use on a site of equal or better quality, with equal or better access to services. To establish this circumstance, the applicant will need to provide detailed and robust evidence in the criteria set out above, including comparisons to the existing site. The Council may require the independent assessment of such evidence at the cost of the developer. In terms of timings, the Council would expect any replacement site to be available for use (i.e. with planning permission and ready for occupation) before the existing site is lost to the alternative use (to be secured through a planning obligation or planning condition).

### Question 50

#### Consultation Questions

- a Do you agree with draft Policy HO10 Gypsy, Traveller and Travelling Showpeople – Safeguarding Sites?
- b Should we change anything? If so, what have we missed and how should it be included?
- c Have we missed anything? If so, what have we missed and how should it be included?

## Specialist Housing for Older People and Vulnerable Groups

**8.93** Specialist housing provides homes for some of our most vulnerable people. The vast majority is for older residents, however, supported housing also serves people from other vulnerable groups, such as those with disabilities, those at risk of homelessness, young people who may have a support need or those fleeing domestic abuse amongst others. Supported housing can be defined as ‘any housing scheme where housing is provided alongside care, support or supervision to help people live as independently as possible in the community’. Types of supported housing can include hostels, refuges, supported living complexes, extra care schemes and sheltered housing.

**8.94** The East Sussex County Council (ESCC) Plan (2022/23)<sup>140</sup> outlines the four main priorities for the County Council to achieve by 2025 and two of its key priorities relate in part to housing vulnerable and older people. This includes:

- keeping vulnerable people safe; and
- and helping people to help themselves.

**8.95** With regards to the latter priority, it notes that whilst we must keep vulnerable people safe, people prefer and need to be independent. If we can encourage families and communities

140 [East Sussex County Council Plan 2022/23](#)

to work together to build better local communities, meet local need, and support individuals to stay independent, this can break dependency, while reducing demand for services and therefore costs. This Local Plan can assist in this aim by providing supportive policies for both new and extended specialist/older person's accommodation that meets local need, as well as allowing homeowners (and requiring developers) to adapt or provide adaptable homes for Wealden's residents.

**8.96** Wealden District Council's Housing Strategy 2020-25<sup>141</sup> confirms that the Council will need to increase the supply of specialist/adaptable/supported housing and confirms that the Council will work closely with ESCC to explore the need for and develop any specialist accommodation and to review the current supply of supported accommodation across East Sussex. Wealden District Council has also published an Older Persons Housing and Support Strategy<sup>142</sup> that contains six key priorities. These are set out below:

- 1 To provide older people with advice on the housing options and support available locally so they are able to make informed decisions.
- 2 To make the best use of existing housing stock.
- 3 To ensure the Council offers a range of affordable, suitable, good quality housing options for older people to rent and lease.
- 4 To allow older people to live independently in their homes for as long as they choose or it is safe to do so.
- 5 To provide and/or signpost (refer) older council tenants/leaseholders to appropriate support services.
- 6 To promote involvement in the community, well-being and healthy living.

**8.97** The needs of older people are diverse. Some older people still have jobs and others are affected by disability or long-term illness and may require specialist accommodation or additional care. The Council's LHNA provides the evidence base for older persons housing and confirms that Wealden is projected to see a notable increase in the older person population, with the total number of people aged 65 and over projected to increase by 56% from 2019 to 2039. As a result of an ageing population, it is anticipated that we will see a large increase in the number of people with age related disabilities or health problems. The key findings of the LHNA are that between 2019 and 2039, there will be a 75% increase in the number of people aged 65+ with dementia and a 66% increase in those aged 65+ with mobility problems within Wealden.

**8.98** The LHNA confirms that there is a need for the following types of older persons accommodation within the district between 2019 and 2039:

- A need for around 2,200 housing units with support (sheltered/retirement housing) including 65% in the market sector;
- A need for around 1,100 additional housing units with care (e.g. extra care), with around a third in the affordable sector; and
- A need for 993 additional care bedspaces.

**8.99** The 'Housing Needs' Background Paper considers specialist housing need in more detail and outlines the type and scale of this need.

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141 [Wealden District Council Housing Strategy 2020-25, June 2020](#)

142 [Wealden District Council's HRA Older Persons Housing and Support Strategy](#)

**8.100** The Council is supportive of both retirement villages and bungalows, either within a development boundary or as specified in strategic allocations. With respect to bungalows, the LHNA did seek to determine the need and attraction for this type of accommodation in the district and highlighted that bungalows are often a first choice for older people seeking suitable accommodation in later life and there is generally a high demand for such accommodation when it becomes available, albeit it is difficult to quantify this need.

**8.101** Policy HO11 requires specialist housing schemes to be located in sustainable locations and within existing development boundaries or as part of specified strategic housing allocations. This will ensure that residents can access public transport, shops and other community services and facilities. It will also integrate residents into the local community and support the local economy. This ensures that such accommodation is easily accessible for staff and visitors and is an appropriate policy approach to meet the needs for older person's accommodation in a sustainable way.

## Policy HO11: Specialist Housing for Older and Vulnerable People

### New Specialist Housing for Older and Vulnerable People

- 1 The Council will support development proposals that deliver specialist housing for older people and vulnerable groups in the following circumstances:
  - a) When the proposal is within a development boundary or is specified in strategic allocations contained within this Local Plan. In particular, support will be given to development proposals for older and vulnerable person's accommodation that meets Wealden's local needs as evidenced within the Council's latest Local Housing Needs Assessment. This will include support for schemes that incorporate housing with support (sheltered/retirement housing), housing units with care (i.e. extra care), specialist accommodation for those with disabilities and conventional care bedspaces where there is an identified need.
  - b) Whereby proposals include bungalows as part of a housing scheme, particularly where these provide smaller accommodation (1-, 2- and 3- bedrooms) and are provided as part of affordable accommodation for rent and shared ownership/equity.
- 2 Retirement villages will be supported, where these are provided on strategic housing allocations or other suitable housing sites (that accords with other relevant policies of this Local Plan), if the proposal meets the needs of older and vulnerable people specifically (including extra care or supported accommodation).
- 3 The Council will particularly encourage schemes that meet identified local needs for those on lower incomes and provide affordable accommodation for rent and shared ownership/equity. Where there is a local need within the Parish or in a combination of Parishes that are adjacent to each other, the Council would support, subject to other policies in this plan, specialist housing coming forward on a rural exceptions site under Policy HO7 (Rural Exception Sites).

### Amenity Space and Parking Provision

- 4 Housing for older and vulnerable people should incorporate amenity and garden space appropriate to the nature of the scheme (i.e. gardens will be appropriate to private dwellings, whilst communal amenity space will be appropriate to flatted C2 schemes for example).
- 5 On-site parking will be required, for residents, staff and visitors, and should not harm the character of the area and should be delivered in line with the Council's Parking Standards. The design of scheme should include refuse storage, cycle storage and EV charging points in line with other relevant policies of this Local Plan.

#### Loss of Older Persons' Accommodation and Specialist Housing

- 6 The loss of existing older persons' accommodation and specialist housing will not be supported unless it is demonstrated to the Council's satisfaction that:
  - a) There is no longer an identified need for that type of accommodation within the district; or
  - b) Suitable alternative provision is, or will be, provided locally so that there is no net loss; or
  - c) The accommodation no longer meets minimum standards required to provide acceptable care and it is not practicable or viable to improve the specialist accommodation to those minimum standards or adapt to another form of alternative specialist accommodation.
- 7 In order to demonstrate compliance, appropriate, detailed and robust evidence will be required to satisfy the criteria above. The Council may require the independent assessment of such evidence at the cost of the applicant.

### Supporting Text

**8.102** Policy HO11 confirms that the loss of existing older persons' accommodation and specialist housing will not be supported unless it meets one of the criteria listed within this policy.

**8.103** With respect to criteria ii), the Council would expect the suitable alternative provision to be similar in nature to the accommodation proposed to be lost and to provide, as a minimum, the total number of self-contained dwellings or bedspaces that the previous accommodation had (i.e., no net loss of accommodation). In terms of location, the new accommodation would be expected to be delivered within the settlement where the loss has occurred, or a neighbouring settlement as deemed acceptable. The onus will be with the applicant to demonstrate that there is no or only limited harm in this respect.

**8.104** With respect to criteria iii), the Council confirms that the onus would be on the applicant to demonstrate that the existing accommodation no longer meets the minimum standards required to provide acceptable care and it is not practicable or viable to improve the specialist accommodation to those minimum standards. This information should be provided as part of the planning application process. The necessity for this must be supported by appropriate viability evidence that is proportionate and justified and paid for in full by the applicant, including the costs associated with the Council's appointed consultants who will independently assess the evidence presented.



## Question 51

### Consultation Questions

- a Do you agree with draft Policy HO11 Specialist Housing for Older and Vulnerable People?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

### Residential Accessibility Standards

**8.105** The NPPF is clear that local planning authorities should seek to plan to create safe, accessible environments and promote inclusion and community cohesion. The NPPF also confirms that the housing needs of older people and those with disabilities are one of the specific groups whose size, type and tenure of housing should be assessed and reflected in planning policies.

**8.106** The LHNA anticipates that between the years of 2019-2039, that there will be a 66% increase of residents within Wealden living with mobility problems. It was also concluded that there is a need for around 1,800 dwellings to be for wheelchair users (meeting the technical standard M4(3)). The Council is determined that dwellings are provided within the district that are adaptable for older people and can also accommodate those persons who require a wheelchair.

**8.107** Building Regulations Approved Document 'Access to and use of buildings' M came into force from October 2015, with amendments in 2016. The regulations set out that residential dwellings can be defined into the following categories:

- Category 1 M4(1) – Visitable dwellings;
- Category 2 M4(2) – Accessible and adaptable dwellings; and
- Category 3 M4(3) – Wheelchair user dwellings.

**8.108** The regulations also confirm that all new dwellings nationally must be constructed in accordance with the requirements of Category 1 M4(1). Furthermore, the regulations confirm that local planning authorities can require dwellings to be constructed to a higher standard (Categories 2 and 3) via local planning policy requirements, as long as this is based on local needs and viability assessments. Category 2 dwellings deliver a higher level of accessibility and adaptability and includes a range of features to make the most common adaptations easier. Category 3 relates to wheelchair accessible and wheelchair adaptable housing and has the highest level of requirements in relation to features to help meet the needs of people with disabilities.

**8.109** The recommendations from the LHNA confirms that the Council should consider requiring all dwellings (in all tenures) to meet the M4(2) standards and at least 10% of affordable homes meeting M4(3) compliant dwellings. This was tested through the Wealden Local Plan

Viability Assessment, and it was concluded that the results of those appraisals indicate that the impact of the requirement is modest.

**8.110** Policy HO12 requires that all dwellings are to be constructed in compliance with Category M4(2) requirements, unless it is built in line with M4(3)(A) wheelchair adaptable dwellings or M4(3)(b) wheelchair accessible dwellings of the Building Regulations 2015, or subsequent government standard. Furthermore, Policy HO12 requires that on proposals of 20 or more dwellings, that 10% of new affordable dwellings are constructed in compliance with M4(3) requirements. The construction of dwellings in accordance with these standards will ensure that the accommodation needs of people with disabilities is met as part of the Local Plan, giving all residents of Wealden the opportunity to live and thrive independently.

## Policy HO12: Residential Accessibility Standards

- 1 All new development will be required to meet the accessibility standards set out in part M4(2) of the Building Regulations, unless it is built in line with M4(3) (a) wheelchair adaptable dwellings or M4(3) (b) wheelchair accessible dwellings of the Building Regulations 2015, or subsequent government standard.
- 2 In addition, on developments of 20 (gross) or more dwellings, the Council will require a minimum of 10% of new affordable dwellings to be built to meet requirement M4(3) standards of the Building Regulations 2015, or subsequent government standard.
- 3 Only in circumstances where it can be robustly demonstrated by the applicant that it is not practicable or financially viable to deliver the provisions above or where the requirements are clearly incompatible with conserving and enhancing historic character, will new development be exempt from this policy requirement.

### Supporting Text

**8.111** The PPG highlights that planning policies within the Local Plan should take account of site-specific factors such as vulnerability to flooding and site topography, which may make a specific site less suitable for being built to meet requirements M4(2) and M4(3) of the Building Regulations, including where step free access cannot be achieved or is not viable. The onus will be with the applicant to highlight the specific reasons as to why it cannot meet any accessibility standard and this will be, by its nature, site specific.

**8.112** Planning permission granted for schemes of 1 to 19 (gross) dwellings will be subject to a planning condition that requires dwellings to be constructed to the accessibility standards set out in part M4(2) of the Building Regulations. Where planning permission is granted for schemes of 20 (gross) dwellings or more, they will be subject to a planning condition that 10% of the development will be built in compliance with part M4(3)(b) of the Building Regulations, with the remaining development to be built in compliance with part M4(2) of the Building Regulations. Planning applications for all new residential development must include supporting information which includes clear plans and a statement on 'accessibility standards' setting out how the requirements of this policy have been met.

## Question 52

### Consultation Questions

- a Do you agree with the draft Policy HO12 Residential Accessibility Standards?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

### Internal Residential Space Standards for New Dwellings

**8.113** It is vital that new homes meet the needs of their occupiers, and future occupiers, in terms of the internal space available in new dwellings. The nationally described space standards were introduced by Government in October 2015 and were further updated in May 2016<sup>143</sup>, replacing the existing space standards in use by local authorities. The PPG sets out the approach for the setting of technical internal space standards for new dwellings. These provide ‘optional’ standards for the gross internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions.

**8.114** The PPG confirms that to establish a need for internal space standards within the district, local planning authorities should consider:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed; and
- Viability – the impact of adopting the space standards should be considered as part of the plan’s viability assessment, including the impacts on affordability where a space standard is to be adopted.

**8.115** In terms of need, the LHNA highlights that many households within Wealden are being excluded from the owner-occupied sector. In order to reduce the cost of new market housing within Wealden, there is a risk that the delivery of new homes in the district will be smaller than the ‘nationally described space standards’ and that an intervention is required to ensure that new homes deliver the appropriate amount of internal floor space and are well designed through a new policy. Historically, the Council has not formally monitored the floorspace of new homes delivered within the district, but such information will be collated. The Council will seek to undertake further work on this evidence base between the Regulation 18 Local Plan consultation and submission of the Local Plan under Regulation 19 to show whether there is compliance with these standards across the district.

**8.116** In terms of viability, the Council’s Wealden Local Plan Viability Assessment indicates that the introduction of the nationally described internal space standards will not have a material impact on the deliverability of housing schemes within the district.

143 [Technical Housing Standards – Nationally described space standards](#)

## Policy HO13: Internal Residential Space Standards or New Dwellings

All new residential development, including dwellings created through the subdivision of existing dwellings or conversion, shall comply with Nationally Described Space Standards, or any subsequent government space standard.

### Supporting Text

**8.117** The current national space standards for new homes are set out in the table below.

**Table 13 Minimum gross internal floor areas and storage (m<sup>2</sup>)**

| Number of Bedrooms(b) | Number of bed spaces (persons) | 1 storey dwelling | 2 storey dwelling | 3 storey dwelling | Built-in storage |
|-----------------------|--------------------------------|-------------------|-------------------|-------------------|------------------|
| 1b                    | 1p                             | 39 (37) *         |                   |                   | 1.0              |
|                       | 2p                             | 50                | 58                |                   | 1.5              |
| 2b                    | 3p                             | 61                | 70                |                   | 2.0              |
|                       | 4p                             | 70                | 79                |                   |                  |
| 3b                    | 4p                             | 74                | 84                | 90                | 2.5              |
|                       | 5p                             | 86                | 93                | 99                |                  |
|                       | 6p                             | 95                | 102               | 108               |                  |
| 4b                    | 5p                             | 90                | 97                | 103               | 3.0              |
|                       | 6p                             | 99                | 106               | 112               |                  |
|                       | 7p                             | 108               | 115               | 121               |                  |
|                       | 8p                             | 117               | 124               | 130               |                  |
| 5b                    | 6p                             | 103               | 110               | 116               | 3.5              |
|                       | 7p                             | 112               | 119               | 125               |                  |
|                       | 8p                             | 121               | 128               | 134               |                  |
| 6b                    | 7p                             | 116               | 123               | 129               | 4.0              |
|                       | 8p                             | 125               | 132               | 138               |                  |

*\*Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>, as shown bracketed.*

**8.118** The Council does accept that in some circumstances, new residential dwellings may not be able to be constructed in accordance with Policy HO13. However, this must only be in exceptional circumstances, where there is clear evidence provided by the applicant through the planning application process to demonstrate that these requirements cannot be met due

to a special feature(s) (i.e. the proposal relates to the conversion of a listed building) that prevents the achievement of those requirements.

**8.119** In cases where affordable housing is provided, the Local Housing Authority may specify for higher space standards (i.e. higher occupancies) to be delivered for some affordable homes to support specific households on the Council's Housing Register and to allow for a household's changing needs, which would in turn reduce the turnover of affordable housing properties. Where this is financially viable and specified by the Local Housing Authority for households on the Council's Housing Register as part of the planning application process, the developer should aim to deliver this for those new affordable homes.

**8.120** The Council will ensure that new residential dwellings are constructed in accordance with Policy HO13, via the means of a planning condition attached to the planning permission. This will allow the Council to ensure compliance with this policy.

### Question 53

#### Consultation Questions

- a Do you agree with the draft Policy HO13 Internal Residential Space Standards for New Dwellings?
- b Is there alternative evidence to suggest that the Council should not be adopting the minimum national gross internal floorspace standards? Please explain your answer.
- c Should we change anything? If so, what should we change and why?
- d Have we missed anything? If so, what have we missed and how should it be included?

#### Rural Housing Policies

##### Rural Workers Accommodation

**8.121** The NPPF is clear that the development of isolated homes in the countryside (i.e. outside development boundaries) should be avoided unless specific circumstances apply such as if there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

**8.122** In most circumstances, it will not be necessary for a rural worker to live at or in the immediate vicinity of their work, especially as CCTV or automated animal feeding machines can often assist in reducing the need to be on site. On this basis, attracting staff to a rural business, staff retention, convenience, security is not a sufficient justification to provide rural workers accommodation on-site. Instead, and to avoid a proliferation of isolated dwellings in the countryside, robust justification for rural workers accommodation will need to be demonstrated to show that one full-time/primary worker are essential to be available to meet the established needs of the rural business at most times, day and night, such as to provide

for the proper supervision of agricultural processes and/or livestock (including equestrian operations).

**8.123** Policy HO14 of this Local Plan therefore provides criteria to allow for a new rural worker's dwelling outside of development boundaries, as well as cases where temporary planning permissions for such rural workers accommodation are permitted.

## Policy HO14 Rural Workers Accommodation

- 1 Proposals will be supported for a new temporary or permanent rural worker dwelling subject to the criteria below being met. Applicants will need to demonstrate the following:
  - a) That there is a clearly established operational or functional business need for an additional worker to live permanently at the site;
  - b) The need relates to a full-time worker or relates to their primary employment as a rural worker and does not relate to a part time requirement;
  - c) That no suitable accommodation exists in the vicinity of the land based rural enterprise (sale/rent) or could be made available for the rural worker using existing buildings or the conversion of existing buildings on the site;
  - d) That the agricultural, forestry or other land based rural enterprise has been established for either:
    - i. a minimum three-year period (being profitable for at least one of them) and is likely to remain financially viable for the foreseeable future; or
    - ii. where the business has not been operating for three years, it can demonstrate that it will be financially sound.
  - e) The proposal does not provide a replacement dwelling that has been disposed of for market housing in recent years including the conversion of agricultural buildings to residential;
  - f) The dwelling is appropriately located to satisfy the operational and functional needs of the agricultural, forestry or other land based rural enterprise, is located near to existing buildings/dwellings and is no larger than that required to provide for the accommodation needs of the rural worker and their immediate family, including any residential curtilage; and
  - g) The proposal would not result in any adverse impacts on the character of the area, heritage, landscape or the amenity of adjoining properties for the lifetime of the development.
- 2 Evidence submitted on financial viability will be subject to an independent assessment by the Council's appointed consultant, of which, the costs for the independent assessment will be paid for by the applicant.
- 3 Permitted development rights will be removed for rural workers dwellings to ensure that the dwelling remains of a size commensurate to the needs of the business.

### Temporary Rural Workers Dwellings

- 4 If a rural workers dwelling is essential to support either a new or existing rural enterprise or activity, it should for the first three years be provided by a caravan/mobile home or other temporary accommodation. Temporary accommodation will not be granted planning permission in locations that would not be suitable for a rural worker's dwelling.

#### Rural Workers Occupancy Condition

- 5 A rural workers dwelling will be restricted to remain available for meeting the accommodation needs of a rural / primary worker for as long as the need exists / permission is provided for, or the widow or widower of such a person or any resident dependents are living within the property. This is to ensure that the dwelling remains commensurate to the needs of the agriculture, forestry or land based rural enterprise.
- 6 The removal of an occupancy condition will only be permitted where it can be demonstrated to the satisfaction of the Council that:
  - a) There is unlikely to be any need for such rural worker dwellings at the site or within the local area as demonstrated by an up-to-date assessment of the demand for rural worker dwellings;
  - b) It can be demonstrated that the agriculture, forestry or land based rural business is no longer financially viable; and
  - c) Robust and comprehensive evidence has been provided to demonstrate that the property has been subject to continuous marketing for an 18-month period at either a rental or sale price that reflects the occupancy condition in place.
- 7 Evidence submitted to the Council on the removal of an occupancy condition will be subject to an independent assessment by the Council's appointed consultant, of which, the costs for the independent assessment will be paid for by the applicant.
- 8 Where the removal of a rural occupancy condition does take place, planning conditions and/or Section 106 Planning Obligation will usually be imposed to require the dwelling to remain as affordable housing, with a new occupancy condition restricting the dwelling as affordable housing in perpetuity. The only exception to this will be where:
  - a) The applicant has provided written evidence that no Council Approved Registered Provider will take the unit, and this has been demonstrated to the satisfaction of the Council that this is the case; and
  - b) It is demonstrated that there is no other realistic prospect of another appropriate organisation taking on the unit, such as the District Council.

### Supporting Text

**8.124** In relation to criteria c of Policy HO14, in cases where the local planning authority believe that a dwelling has been sold on the agricultural holding within the past 5 years, or a rural diversification scheme involving the conversion of a rural building has taken place, the Council will investigate the history of the holding to establish the recent pattern of use of the land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such behaviour may constitute evidence as to the 'lack' of need for a rural worker's dwelling.

**8.125** In determining the scale and size of the dwelling, the local planning authority will also consider the long-term availability for farm workers to use the rural worker's dwelling, to ensure that the scale of the dwelling would not be restricted by the future value of the property. An individual dwelling would be expected to be only marginally larger than the minimum internal residential space standards set out for new dwellings at Policy HO13 (Internal Residential Space Standards for New Dwellings) of this Local Plan. Any increase in the size of the dwelling beyond the minimum standards set out in Policy HO13 must be clearly justified on a business basis, in respect of supporting the operational / functional needs of the rural enterprise.

### Occupancy condition

**8.126** Dwellings essential for the needs of a rural enterprise should be kept available for those purposes where constructed. Policy HO14 confirms that where planning permission for a rural worker's dwelling is granted, then the local planning authority will apply a planning condition<sup>144</sup> to an approved permission to ensure the dwelling is only inhabited by a rural worker and their family. The occupancy condition will enable a dwelling to be available for other rural enterprises even if the original rural enterprise no longer seeks to retain it.

**8.127** In cases where an applicant seeks to remove an occupancy condition, the proposals for removing that occupancy condition will be resisted by the Council to ensure the dwelling remains available as rural workers accommodation, helping to prevent further development in the countryside, albeit there are some circumstances where this will be accepted.

**8.128** However, where an agricultural occupancy condition is removed, planning conditions and/or planning obligation will usually be imposed to require the dwelling to remain as affordable housing, and this would be expected to remain so in perpetuity. The only exception to this is if registered providers and/or the District Council are not willing to take on the dwelling as an affordable unit. This would be supported by written evidence setting out the names and contact details of registered providers approached; the property particulars provided to those parties including the proposed asking price; the date(s) of the correspondence and any responses received.

## Question 54

### Consultation Questions

- a Do you agree with draft Policy HO14 Rural Workers Accommodation?
- b Do you agree that where a rural occupancy condition is removed, that a new planning condition/planning obligation should be in place to require the dwelling to remain as affordable housing in perpetuity? Please explain your answer.
- c Should we change anything? If so, what should we change and why?
- d Have we missed anything? If so, what have we missed and how should it be included?

<sup>144</sup> Where there are extenuating circumstances and a planning condition cannot be used, this may be tied through a planning obligation.



## Conversion of Rural Buildings to a Residential Uses

**8.129** The district is formed of large areas of beautiful countryside that contains some underutilised agricultural buildings that are no longer required for that purpose and could be converted to a residential use. Planning permission is not always required for the conversion of existing agricultural buildings to residential uses owing to permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Where the conversion of an agricultural building to a residential use does require planning permission, Policy HO15 and other relevant policies of this Local Plan shall apply.

### General Approach

**8.130** The Council's aspiration is for all conversions of rural buildings to result in economic, recreational or tourism development, as these are considered most beneficial to the district and are likely the most appropriate uses in rural settings. The approach to the conversion of a rural buildings to economic, recreational or tourism development is described Policy EC4: Rural Economy. However, it is accepted that in some circumstances, the conversion of an existing rural building to these uses may be unachievable and a residential conversion may be more appropriate.

**8.131** In such cases, the onus will be with the applicant to provide evidence that the conversion of an agricultural building to employment, recreational or tourism uses is not suitable or is unviable. Only after it has been demonstrated that all reasonable attempts have been made to secure an alternative use associated with rural businesses or land management uses without success, will the conversion to residential use be considered.

**8.132** The NPPF confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Therefore, rural buildings in isolated locations and/or those that require significant improvements to their access arrangements (i.e. where the building is some distance from the main highway network) are unlikely to be supported, as they will be contrary to national planning policy on those sustainability matters.

**8.133** Therefore, all rural buildings that are the subject of a residential conversion should be in a sustainable location in relation to existing services and facilities and should ideally be located close by to a sustainable settlement<sup>145</sup>, and be in close proximity to sustainable modes of transport. It is only in those circumstances that the conversion of rural building to residential uses will in principle be supported.

## Policy HO15: Conversion of Rural Buildings to a Residential Use

- 1 The conversion of existing rural buildings in the countryside for residential uses (outside the development boundaries as defined on the Policies Map) will be supported where:

<sup>145</sup> As defined within the settlement hierarchy.

- a) The building is structurally sound and of a permanent and substantial construction capable of conversion without significant new build, extension or alteration. The Council will normally require this to be demonstrated through the submission of a structural survey as part of the planning application process;
- b) It is demonstrated that every reasonable attempt has been made to secure a business, recreational or tourism use of the building in the first instance and the application is supported by a statement of the efforts which have been made to achieve this. This should include details of active marketing at an appropriate value/rent and the details of any interest received (with no reasonable offers being refused) for a minimum of 18 months;
- c) The conversion of a rural building to a residential use shall not compromise the existing or future operation or management of the land for its principal rural use, or result in the need for further rural buildings as a result of the proposal;
- d) The proposal makes an efficient and viable use of a redundant or disused building, including the optimal viable use of a heritage asset where applicable;
- e) There is an enhancement to the immediate setting;
- f) The residential use and associated activities do not detract from the area including landscape character and visual amenity of the immediate surroundings;
- g) The proposed conversion and alterations respect the character and appearance of the rural building, the immediate and surrounding landscape character and the significance and setting of heritage assets; and
- h) The residential curtilage of the dwelling shall be limited, only allowing for adequate space for parking/turning and outdoor amenity space only where appropriate.
- i) The building shall be worthy of retention for its historic character or its architectural value and makes a positive contribution to landscape character and/or the farmstead. The conversion of Atcost barns will not be supported;
- j) The rural building is situated either in a sustainable location, or includes safe options to sustainable transport modes to existing services and facilities of a nearby sustainable settlement;
- k) The rural building has not been 'recently constructed'<sup>146</sup> with little or no use for this purpose, prior to the proposed conversion of the building to an alternative use being submitted to the local planning authority;
- l) It is demonstrated that the living conditions of future occupiers will not be harmed by proximity in relation to existing neighbouring uses, including farm activity, noise, and odours;
- m) The residential use and associated activities do not detract from the area including landscape character and visual amenity of the immediate surroundings;
- n) Any ancillary structures and garaging will be required to demonstrate that the additional space cannot be met from existing buildings in the immediate surrounds suitable of conversion. The design, scale and massing of the dwelling, including ancillary structures and landscaping, must show clear regard to the rural location,

<sup>146</sup> The term 'recently constructed' in this context will generally apply to rural buildings constructed within five years of a planning application for their re-use or conversion to an alternative use.

local traditional vernacular materials and the traditional layout of any historic farmstead to which it is located. The design must have regard to and reflect the hierarchy of buildings within the farmstead (where applicable) and not introduce inappropriate hard and soft landscaping and subdivision of a farmstead area, or inappropriate incursion into agricultural land, in the pursuit of providing any associated residential curtilage.

- 2 Planning permission for this type of development may be subject to planning conditions requiring landscape buffering. Where appropriate, planning conditions will be imposed to remove permitted development rights for alterations and/or extensions to the building and the erection of other ancillary buildings, fencing within the curtilage.

### Supporting Text

**8.134** In relation to criteria a, the Council may require the review of the survey programme of works for the conversion by an independent consultant, and in those cases, the applicant would be expected to cover the costs of this. It is also anticipated that the building should be capable of conversion without significant reconstruction, modification or extension. In such cases where extensions are required, this will be strictly controlled, and the minimum required to allow for the proposed use.

**8.135** With respect to criteria b, the Council expects the applicant to demonstrate that every reasonable attempt has been made to secure a business, recreational or tourism use of the building in the first instance, before then considering a conversion to a residential use. This should include a written statement with evidence of an active and effective marketing campaign that will be expected to cover a period, normally of 18 months, with written confirmation from a specialist commercial agent(s) that clearly indicates a lack of demand for an alternative commercial use. This marketing process would also need to demonstrate that the rural building has remained unlet or for sale for the 18-month period, despite genuine and sustained attempts to let or sell on reasonable terms. The Council will consider the production of a Supplementary Planning Document (SPD) for rural issues, including the conversion of rural buildings that will consider a number of the criteria above.

**8.136** In considering applications for the conversion of rural buildings, the Council will consider whether a landscape management plan is required by planning condition in perpetuity and where appropriate apply planning conditions to remove permitted development rights for the alteration or extension of the resultant dwelling, or the erection of other ancillary buildings or boundary treatments within the curtilage of the dwelling. This will be determined on a case-by-case basis, dependant on the scale of the resultant dwelling, the sensitivity of its setting and its location within the farmstead.

### Question 55

## Consultation Questions

- a Do you agree with draft Policy HO15 Conversion of Rural Buildings to a Residential Use?
- b Do you agree that the conversion of agricultural buildings should first consider business and tourism uses first before residential development? Please explain your answer.
- c Should we change anything? If so, what should we change and why?
- d Have we missed anything? If so, what have we missed and how should it be included?

## Park Homes and Residential Caravan Sites

**8.137** Park homes and permanent residential caravan sites are becoming an increasingly popular form of dwelling for those seeking low-cost accommodation or for those who are drawn to the idea of a close-knit community with many facilities provided on-site. This form of development is not uncommon within the district and has appeal to local residents. This form of housing therefore has a role to play in providing low-cost accommodation for small households.

**8.138** The Council's preferred policy approach is to support proposals for the development of new residential caravan sites within development boundaries, or the small-scale extension of existing park home and permanent residential caravan sites in sustainable locations, if they can show that they demonstrably contribute to the diversification of the district's housing stock.

### Policy HO16: Park Homes and Residential Caravan Sites

Proposals for new park homes/permanent residential caravan sites within development boundaries, or small-scale extensions to existing park homes/ permanent residential caravan sites that lie outside of the development boundaries will be supported where they contribute to the district's housing need provided that:

- a) the scale, design and layout of the proposed development relates well to the surrounding area and does not appear dominant in the landscape or to its nearest settlement;
- b) the site is not located within Flood Zones 2 or 3, within an area with poor drainage or within an area of poor ground stability;
- c) the proposal includes on-site facilities for day-to-day uses and recreational provision of an appropriate scale;
- d) the proposal includes safe vehicular and pedestrian access, satisfactory storage areas for refuse and recycling, and sufficient car parking spaces (including circulation);
- e) the location of the site will not have a detrimental impact on the surrounding highway network;
- f) the site has good accessibility by sustainable modes of transport to a sustainable settlement; and

g) the proposal will not result in an unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, sunlight, noise, odour and disturbance.

### Supporting Text

**8.139** Policy HO16 provides a number of criteria for new park homes and residential caravan sites in development boundaries, or extensions to existing park/permanent residential caravan sites that each proposal should meet.

**8.140** Given the popularity of such park homes and residential caravan sites, including with older people, some of whom suffer with mobility issues, proposals for new sites should also include on-site facilities for day-to-day uses and recreational provision appropriate to the scale of development, particularly in rural locations. Many existing park homes and residential caravan sites lie outside of existing settlement boundaries. Therefore, criteria within this policy confirms that the extension of these sites will only be permitted if they can demonstrate good connectivity to a nearby sustainable settlement with access via public transport. The onus will be applicant to demonstrate that the existing park home and residential caravan site has good connectivity to nearby sustainable settlement, with access to non-motorised transport.

### Question 56

#### Consultation Questions

- a Do you agree with draft Policy HO16 Park Homes and Residential Caravan Sites?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

### Replacement Dwellings in the Countryside

**8.141** The NPPF is clear that new houses should be provided in sustainable locations and in areas that will enhance or maintain the vitality of rural communities. However, there is also a need to consider the specific requirements of those who already live in the countryside who may wish to replace their current dwelling to better suit their needs. Whilst the construction of a new building in the countryside is not generally permitted, where a property is in disrepair or is not appropriate for current needs by way of size or design, replacement dwellings can assist to maintain the existing housing stock and can reduce the need for new residential development on greenfield sites by providing a dwelling on a site that is considered as previously developed land.

**8.142** Policy HO17 outlines the criteria in relation to proposals for the replacement of dwellings outside of development boundaries in Wealden District.

## Policy HO17: Replacement Dwellings in the Countryside

- 1 The replacement of an existing dwelling in the countryside will be permitted subject to all of the below criteria being met:
  - a) The existing individual dwelling benefits from a lawful residential use and this use has not been 'abandoned';
  - b) The existing dwelling cannot meet the needs of occupiers by way of extensions or alterations to the existing dwelling;
  - c) The replacement dwelling is of a comparable size and scale to the original dwelling and is located within the footprint of, or as close as practical to the existing dwelling within the residential curtilage, unless an alternative position would result in clear landscape, heritage, access or local amenity benefits;
  - d) The form, external appearance, height and massing of the replacement dwelling and any associated development and works, shall be no more visually obtrusive in the landscape than the original dwelling;
  - e) The proposed replacement dwelling is designed to ensure it does not result in adverse harm to the overall character and appearance of the area taking into account the surrounding landscape, heritage assets, built form and existing street scene;
  - f) The proposed replacement dwelling can be suitably accessed and can provide sufficient parking and adequate private amenity space within the curtilage of the dwelling; and
  - g) The proposal would not materially harm any neighbouring uses including the living conditions of nearby residents, particularly in relation to a loss of privacy or daylight.
- 2 Where replacement dwellings are permitted, planning conditions may apply to:
  - a) Remove permitted development rights where the replacement dwelling has increased its overall floorspace from the existing dwelling and where further increases may result in an unacceptable development as per the criteria above; and / or
  - b) Require the removal of the existing dwelling where an alternative location is proposed to prevent the development of isolated homes in the countryside.

### Supporting Text

**8.143** In principle, a proposal for the replacement of an existing dwelling in the countryside will only be supported where the existing dwelling is of a permanent and of substantial construction<sup>147</sup> and only on a 'one for one' basis. The term 'abandonment' in planning is not defined either within the NPPF or in statute and will be judged on a case-by case basis. Whether the use can be resumed can be the determining factor in terms of whether the use has been 'abandoned', rather than the building being empty.

**8.144** In relation to criteria e, where a proposal for the replacement of a dwelling sits within the High Weald National Landscape, or within its setting, then it should be noted that Policy NE7: The High Weald National Landscape of this Local Plan will concurrently apply and that

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147 This policy does not apply to derelict buildings where the residential use is considered to be 'abandoned'.

such development would only be permitted where it conserves and enhances natural beauty, having regard to the character of the landscape.

**8.145** Upon the attainment of planning permission, in some circumstances, the Council will consider attaching a planning condition(s) to that approved planning permission to remove permitted development rights where it is considered that extension/alterations to the dwelling, or the provision of other ancillary buildings will harm the setting of the building or the rural landscape it is situated within. In determining the scale of the replacement dwelling, the Council will consider whether the resultant replacement dwelling is of a comparable size and scale to the original dwelling. In such cases, the Council will consider historical records on extensions to the original dwelling that have been constructed and whether a further increase in floorspace is appropriate, given the criteria listed within this policy.

### Question 57

#### Consultation Questions

- a Do you agree with draft Policy HO17 Replacement Dwellings in the Countryside?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

#### Extensions and Alterations to Existing Dwellings, Outbuildings and Annexes

**8.146** The Council is aware that homeowners may desire to extend or make alterations to their existing dwelling or to construct an outbuilding and/or annex in order to meet their housing needs. The ability to extend and make alterations to existing dwellings or construct an outbuilding or annex can greatly improve the existing housing stock available within the district, particularly for older people who may require more space for a disability, or annex accommodation at a family home. Furthermore, our latest economic evidence shows that there has been a substantial change in working place practices towards greater home working and there will be a greater need for this type of development in the district.

**8.147** Planning permission is not always required for extensions and alterations to dwellings due to permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, where an extension, alteration, annex or outbuilding does require planning permission, this policy and other relevant policies within the Local Plan shall apply.

## Policy HO18: Extensions and Alterations to Existing Dwellings, Outbuildings and Annexes

- 1 Proposals for extensions and alterations to existing residential dwellings and for proposals for outbuildings and annexes within their curtilages will be permitted where:
  - a) it is designed to respect the scale, form, proportions, materials, height and massing of the existing dwelling;
  - b) it is designed to be in keeping with the appearance and general design of the original dwelling;
  - c) the design of the extension, alteration, outbuilding or annex leaves sufficient external private space for the occupiers of the dwelling, including a sufficient level of parking;
  - d) in the case of extensions and alterations, they are physically and visually subservient to the dwelling, including its roof form, taking into account its original form and the cumulative impacts of existing extensions on the property;
  - e) in the case of subsequent extensions and alterations to converted rural buildings, this should not detract from the original form and character of the building;
  - f) in the case of outbuildings, they respect and respond positively to the character, appearance and setting of the main dwelling within its plot and the surrounding area, through their siting, scale and massing, design and materials; and
  - g) in the case of an annexe, the proposal should normally be physically attached to the dwelling and not lend itself to future subdivision to form a new dwelling. In cases where a detached annex is required, this annexe accommodation should be sited in close proximity to and have a clear functional relationship with the existing dwelling, with the applicant first considering existing buildings in the curtilage of the dwelling that are capable of conversion.
- 2 Where an annexe is permitted, the Council will consider whether a planning condition or Section 106 Planning Obligation<sup>148</sup> should be applied or signed to ensure that the proposed annexe is tied with the existing host dwelling.
- 3 In cases where an extension, outbuilding and/or annex is permitted, particularly in rural locations, the Council will consider attaching a planning condition(s) to that approved planning permission to remove permitted development rights where it is considered that subsequent extension to the dwelling will adversely impact the character of the area, or the amenities of neighbouring occupiers.

### Supporting Text

**8.148** The Council's preference is for annexes to be directly attached to the original dwelling. However, in circumstances where this is unachievable, the annex must be carefully situated in close proximity to and can demonstrate a clear functional relationship with the original dwelling. For planning applications relating to annexes, the Council may also consider that a

<sup>148</sup> It should be noted that Wealden District Council will apply planning conditions in most cases, but there may be cases, particularly in remote/isolated locations where a Section 106 Planning Obligation is required.



planning condition should be applied, or a planning obligation be entered into in cases where the dwellings is particularly remote/isolated. This will tie the proposed annex to the existing host dwelling, ensuring that it does not become a separate residential unit that could possibly be sold without planning permission in the future.

## Question 58

### Consultation Questions

- a Do you agree with draft Policy HO18 Extensions and Alterations to Existing Dwellings, Outbuildings and Annexes?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

### Extensions to Residential Gardens

**8.149** The Council acknowledges that in rural locations, many homeowners may wish to extend their residential garden curtilage into the surrounding countryside to accommodate outbuildings, for use as a garden or for use as car parking, amongst other uses. Furthermore, due to the district's agricultural heritage, redundant agricultural land surrounds many countryside settlements providing an opportunity for gardens to be extended. Whilst such extensions to residential gardens can be appropriate, it is considered that introduction of domestic paraphernalia, parking etc. into the countryside can be detrimental to the intrinsic value and character of rural areas. This encroachment into agricultural land must be restricted and appropriately managed to best protect the idyllic landscape of Wealden's countryside, particularly within the setting of the SDNP and within/adjacent to the High Weald National Landscape.

**8.150** Proposals for the extension of residential gardens in the countryside should be modest and not detrimentally harm the local character of the surrounding area or landscape. They should be a logical extension, taking into consideration the form of the locality and existing landscape features, such as hedgerows, watercourses or woodlands or otherwise constitute a 'rounding off' of an existing residential garden.

### Policy HO19: Extensions to Residential Gardens

- 1 Extensions to the gardens of existing dwellings in the countryside will only be supported where the proposal:
  - a) is modest in area and the change of use and potential domestic paraphernalia will not harm the rural character of the area;

- b) is a logical extension of the residential garden, in that it matches the existing pattern of surrounding residential development, or the presence of landscape features such as a hedgerow, watercourse or woodland;
  - c) does not have a detrimental impact on the visual amenity or privacy of neighbouring dwellings; and
  - d) does not have a detrimental impact on the rural character of the countryside.
- 2 Where a proposal is located within the High Weald AONB or affects the setting of the SDNP, the proposal will also need to demonstrate that it is justifiable within the context of this national level of landscape protection, particularly in terms of visual amenity.
  - 3 Where an extension to a residential garden is permitted, the removal of permitted development rights for the erection of outbuildings and provision of hard surfaces may be applied.

### Supporting Text

**8.151** Upon the attainment of planning permission, in some circumstances it may be required for permitted development rights for the erection of outbuildings and provision of hard surfaces to be removed. This will ensure that inappropriate development does not come forward within extended garden curtilages that may otherwise further detrimentally impact the surrounding area. This will be achieved by virtue of a planning condition attached to the approved planning permission, in accordance with Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and will be determined on a case-by-case basis.

### Question 59

#### Consultation Questions

- a Do you agree with draft Policy HO19 Extensions to Residential Gardens?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?