

# Public Document Pack

## Local Plan Working Party

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Held at Virtual  
on Thursday 7 July 2022

### Present

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Councillors Paul Andrews, Docwra, Frank, Mason, Potter, Thackray and Windress

### In Attendance

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Rachael Balmer, Matthew Lishman and Jill Thompson

### Minutes

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#### 50 **Apologies**

Apologies were made by Cllr Cleary and Lizzie Phippard.

#### 51 **Minutes of Meeting of 13 June 2022**

Cllr Potter approved the minutes, seconded by Cllr Goodrick

#### Matters arising from Minutes

Cllr Potter had two questions:

*Regarding brownfield sites, is it correct that the Council has very little leverage to make developers use brownfield sites?*

Officer: We support redevelopment of brownfield sites but there are other policy considerations that we have to give equal consideration to, for instance, flood risk and site deliverability.

*Do we know when the amendments to the National Planning Policy Framework are forthcoming?*

Cllr Potter accepted that this was uncertain.

#### 52 **Report: Local Plan Review - Occupancy Conditions**

The report was for discussion and regarding the treatment of the Local Needs Occupancy condition (LNOC) as part of the review and the consideration of the application of a Primary Residence condition (PRC). Members were advised that they may want to give a steer on their (non-) application.

### Debated points

Members and Officers discussed the reasons behind the condition being introduced in the Local Plan Strategy. That whilst it delivered specific opportunities to meet a local housing need its primary objective was to restrict incremental housing delivery and to focus housing through larger allocated sites to deliver key infrastructure, affordable homes. Policy SP1: development will be restricted within the other villages and open countryside. Policy SP2 identifies the circumstances where the LNOC will be applied. SP21 is where the condition is actually set out.

There was a debate about whether or not the policy was successful. Officers explained that it was successful as a restrictive policy tool, and was to stem externally driven demand for small scale incremental growth. Some Members were unhappy with the policy being viewed as successful. But officers and members agreed that the LNOC did not address local housing needs in a broad sense, and would only meet the needs of a relatively small number of people.

- There was a general widespread acceptance that things have changed since LNOC was introduced. National policy is focused with housing delivery, and to ensure that it is not artificially restricted.
- LNOC was described as a contradiction because it suggests both giving local people the opportunity to buy locally, but it also blocks houses from being developed. With such low levels of permissions granted, and even lower delivery on the ground.
- LNOC was criticized as it does not provide any affordable housing.
- LNOC was described as too restrictive with regards to developments in villages.
- LNOC leads to significant property devaluation.
- Concern that properties of high value are more likely to have the condition lifted- which is unfair.
- Should not discriminate against speculative builders, as it is the small builders who are most affected by this policy. Members asked if small builders had been consulted and what was their reaction. No small builders had responded to the consultation, though Officers are aware of the dissatisfaction with the policy expressed by local developers in the course of determining planning applications.
- One Member pointed out that there is an important distinction between people with second homes, holiday lets and those who rent-out their second homes.
- Members discussed the value of second homes and holiday lets to local tourism. Matters of council tax collection for commercial properties were raised.
- The PRC was briefly discussed, benefits of it being that it means people live in villages and contribute to the local economy, regardless of where they're come

from. Another Member pointed out that PRC doesn't deliver affordable housing.

- There was an initial discussion about the replacement of the LNOC with the PRC.

### Questions from Members

- It was posed that by applying the LNOC we were viewing the District as being similar to the National Park, given their use of the condition. Officers advised that this was not the case, and that the LNOC was used under specific circumstances.
- It was posed that if we are considering allocations in villages not presently among the settlement hierarchy, would they still be subject to LNOC? Officers advised that if the current approach to LNOC is retained Infill sites in market towns/service villages and any allocations within 'other villages' would not be subject to the condition. Infill development in other villages and wider open countryside would be.
- *Can LNOC and PRC be applied together?* Officers advised it would be difficult to apply them simultaneously and would be a degree of control that is unprecedented. That said, LNOC is generally seen to apply to homes being lived in as a principal residence.
- *What is the policy justification for not applying the condition to certain schemes?* Officers advised that it is in primary legislation and embodied into SP12: we have a statutory duty to the conservation and enhancement of heritage assets. There are additional viability considerations in these cases due to additional costs of the change of use. We treat it as a departure for these reasons.
- *What is the policy justification for cases where the condition is no longer relevant or reasonable to apply?* Officers advised that sub-section G of Policy SP21 sets out the case-by-case basis to establish the fact the condition is no longer relevant or reasonable to apply, this is applied where properties are built, and if it is has been fairly tested on the market but there are no forthcoming buyers.

We have had appeal decisions upheld by an Inspector where properties have not been built and the appellant has sought to lift the condition due to viability issues. However, this is seen as speculative development with no intended occupier and the Inspector has agreed that there is no reason for the condition to be lifted as there is no local need for the dwelling.

- Members asked about how successful the PRC Policy has been in the National Park. Officers advised that the plan dates from 2020 but was only adopted earlier this year, so it's only had six months of implementation time.
- Members asked about the different use classes. Officers advised that it is difficult to impose restrictions on the use of a dwelling unless we have granted planning permission with conditions applied at that point. Planning permission can be obtained for a property to be used strictly as a holiday let, and it cannot be used as a dwelling. But there is no holiday let use class, so properties don't need planning permission to be used as temporary holiday lets, second homes or other non-usual residences. Only if the nature of the use substantially changes does a judgement need to be made regarding whether or not there has been a material change from it being essentially used as a dwelling.

#### General indications

Three members sought the outright LNOG removal.

Three members were keen to explore the LNOG working in a more targeted way, and not to apply to allocated sites, and to explore whether it could work in tandem with the PRC.

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#### **Any other business**

**Meeting adjourned 20:20. Primary Residence Condition to be discussed in more detail at next meeting.**

**Date of the next meeting:** Provisionally 28 July 2022