

# **Affordable Housing Rural Exception Schemes**

## **Supplementary Planning Guidance**

**DOVER**

DISTRICT COUNCIL



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## Part One

### Preface

#### PURPOSE

**1.1 The purpose of this guidance is to provide background information and guidance on Dover District Council's policy on affordable housing in locations beyond village confines (rural exception schemes). The guidance is intended to supplement the Dover District Local Plan (the Plan) and in particular to assist in implementing Policy HS10. The guidance is aimed primarily at proposers/applicants of rural exception schemes and Parish Councils.**

#### OBJECTIVES

**1.2 The guidance has the following objectives:**

- ♦ provide guidance to applicants as to how the Council will assess their scheme;
- ♦ ensure that applicants provide suitable information to justify their scheme;
- ♦ establish who should occupy the scheme;
- ♦ ensure the scheme is designed and located to best meet the identified needs;
- ♦ Ensure the scheme's location and level of servicing will have a minimal environmental impact; and
- ♦ provide details on the appropriate management of the scheme.

#### COMMUNICATION

**1.3** Proposers/applicants of rural exception schemes and Parish Councils are encouraged to discuss meeting the requirements of Policy HS10 and the guidance with the District Council's Planning and Housing sections at the earliest possible stage. Additionally, the District Council encourages on-going communication throughout the planning process.



*Example of Affordable Housing in Staple.*

## Part Two

### INTRODUCTION

**2.1** Dover District Council (the Council) considers it important that suitable affordable housing is provided in the District, especially for people with the greatest need. “Affordable Housing” is defined in the Dover District Local Plan as:

***“housing provided and managed in a way which serves to reduce the purchase price or rental levels of dwellings below normal market rates to enable initial and subsequent occupation by those in housing need. This will be achieved through the involvement of a registered social landlord and/or the imposition of conditions or legal agreements restricting the occupancy of dwellings to those in need. Affordable housing also includes low-cost market housing which has a role to play in providing for local housing needs”.***

**2.2** The majority of new permanent affordable housing will be provided through general market development in the urban areas of Dover and Deal and inside some village confines. The Council will achieve and maintain such development through the implementation of Policy HS9 of the Plan.

**2.3** Affordable housing can be provided in rural areas through the provision of rural worker’s dwellings. The Council will consider such development primarily through Policy HS13 of the Plan and Annex 1 of PPG7. Applications for rural worker’s dwellings are not addressed in this guidance as they are a separate issue to rural exception schemes.

**2.4** An additional way in which affordable housing may be provided is through the use of rural exception schemes (schemes) as provided for in Policy HS10 (reproduced in Appendix 1). These schemes are specifically addressed by this document.

**2.5** Schemes will only be permitted as an exception to the Plan’s policies of housing restraint outside village confines when fully justified by proven local needs and the satisfaction of certain criteria. Accordingly, it is unlikely that the Council will support and approve a scheme unless the applicant:

- ♦ appropriately justifies the scheme (including demonstrating affordable housing needs, appropriate design and siting etc.); and
- ♦ agrees to control occupancy of the scheme, through a legal agreement, to ensure it is for local people requiring affordable housing and not subsequently released to the “open market”.

**2.6** The imposition of a legal agreement is necessary as it ensures that both the exceptional nature of the development remains intact and that it continues to serve a local need.

**2.7** The national and strategic policy context for affordable housing beyond village confines is summarised in Appendix 2.



*Affordable Housing Scheme in Preston*



## PREFERRED PROCESS

**2.8** If a Parish Council, other organisation or a person consider that a need for affordable housing exists within their/a village, it is recommended that they adopt the following process:

- ♦ establish the need for affordable housing by undertaking a comprehensive appraisal (the appraisal is usually, but not always, undertaken by the Parish Council);
- ♦ broadly outline what type of scheme would meet the identified needs; and
- ♦ consider suitable sites (within and beyond village confines).

Only after the above steps have been undertaken should an application be submitted.

**2.9** At all stages, a Parish Council and proposer of a scheme/applicant are strongly advised to discuss matters with the Council's Planning and Housing sections.

## ASSESSMENT OF SCHEMES

**2.10** Upon submission of a formal application, the Council will check that it accords with Policy HS10, all other relevant Development Plan policies, as well as adhering to Part 3 of the guidance.

**2.11** To meet the requirements of Policy HS10, the Council requires the applicant to provide sufficient justification and information in order for the Council to grant approval for affordable housing beyond village confines. Outlined in Part 3 are details the applicant should submit with the application.



*“At all stages, a Parish Council and proposer of a scheme/applicant are strongly advised to discuss matters with the Council's Planning and Housing Sections”*



*“...The Council requires the applicant to provide sufficient justification and information in order for the Council to grant approval...”*

## Part Three

### INFORMATION REQUIRED WITH THE APPLICATION

**3.1** The Council expects the application to contain sufficient and suitable information to justify the proposed housing scheme and its on-going management. The information provided with the application should meet the requirements of Policy HS10 of the Plan.

**3.2** In accordance with Policy HS10, the applicant should demonstrate how the proposed scheme addresses the following matters:

- establishing a local need;
- its location and servicing;
- available village facilities;
- occupancy requirements; and
- scheme details.

**3.3** Each of the above matters acts as a heading for the following paragraphs which describe in more detail the information required from the applicant. The details considered should form the basis of a report which the Council expects the applicant to submit with their application.

### Establishing a Local Need *Comprehensive Appraisal of the Parish*

**3.4** In order to address criteria (i) and (ii) of Policy HS10, the Council will require the applicant to submit a comprehensive appraisal that demonstrates a need exists for local affordable housing within the parish or, where appropriate, in adjacent parishes whereby a joint appraisal will be required.

**3.5** If available, the applicant may utilise the results of any appraisals already undertaken by the Parish Councils. If the appraisal has not been carried out or the information is out-of-date, the applicant will need to undertake a new appraisal of the community's affordable housing needs.

**3.6** An appraisal should specifically address the matter of affordable housing, rather than being a general parish appraisal.

**3.7** The Council expects that an appraisal should:

- ♦ be comprehensive by surveying or attempting to survey all households in the parish;
- ♦ be factually based, including as precise as possible details on existing housing stock and types, income, rental amounts, demographics and special needs. Reliance on anecdotal evidence will not suffice;
- ♦ contain up-to-date information (census information should be complemented by more recent information);
- ♦ detail the steps taken to gather the views



- Cont:* and opinions of relevant stakeholders such as the parish council and potential occupiers etc.
- ♦ outline whether or not the affordable housing could be provided inside the village confines (including, where appropriate, utilising existing housing stock or brownfield sites);
  - ♦ address other matters outlined in the guidance;
  - ♦ show that the intended occupants are unable to gain access, at an affordable cost, to existing local accommodation suited to their needs (in accordance with the Plan’s definition of “affordable housing”). In determining what is an “affordable” cost, the onus is placed on intended occupants (at a household level) to demonstrate that they cannot afford to rent or buy locally at current rent/house prices within the limit of their available disposal income; and
  - Demonstrate that the intended occupants fall within one or more of the categories in Appendix 3 – section 5(A) – Local Needs Criteria.

### **Location and Servicing**

**3.8** In order to comply with criterion (iv) of Policy HS10, it must be demonstrated that the proposed scheme is well-related in scale and siting to a village and its services and does not significantly impact on the countryside, historic environment, natural environment or highway safety. In particular, each of the following should be addressed:

- ♦ why the affordable housing needs could not be met within the village confines;
- ♦ how the site was selected and why it is considered an appropriate location for affordable housing in the context of other sites near the village;
- ♦ the scheme’s proposed impact on the village and surrounding area in terms of impact on the:
  - landscape;
  - historic environment;
  - natural environment; and
  - highway system

### **Village Facilities**

**3.9** In order to satisfy criterion (v) of Policy HS10, the Council will require the applicant to demonstrate that the proposed scheme is located at a village (as defined in the Plan) which has a good range of facilities including a primary school and a shop. In particular, the Council expects that the applicant will report on the following:

- ♦ whether or not a primary school is available in the village and whether the proposed occupants would require this service;
- ♦ the range of shopping facilities in the village;
- ♦ other village services (including medical facilities, recreation facilities, religious establishments etc.); and
- ♦ the provision of public transport services and how readily they can be accessed by proposed occupants.

### Occupancy Requirements

**3.10** Criterion (vi) of Policy HS10 requires the applicant to enter into a legal agreement with the Council to ensure that initial and subsequent occupation of houses in the scheme will be always be by local people in need of affordable housing.

**3.11** Should the Council wish to grant approval, it will only do so if the applicant is first prepared to enter into an agreement in accordance with Part (vi) of Policy HS10. The Agreement will be in the form of the model legal agreement reproduced at Appendix 3.

### Scheme Details

**3.12** In order to address criterion (iii) of Policy HS10, the Council will require the applicant to suitably demonstrate that the proposed scheme's details are consistent with the housing needs of the intended occupants. In particular, the applicant should address the scheme's design, finance and management/control. These matters are outlined below.

### Design

**3.13** The applicant should describe the number, size (in terms of accommodation) and type of the proposed unit/s e.g. sheltered scheme, starter units or single persons dwellings. In evaluating design matters, the Council will assess the appropriateness of the type and mix of the units and the scale of the development to ensure the proposal is in keeping with its surroundings.

### Finance

**3.14** The applicant should outline whether the scheme will be rented or part-purchase, the extent of equity held by the client and income band of the target group. The applicant should demonstrate to the Council that the proposed housing is:

- ♦ affordable and meets the identified local need; and
- ♦ compatible with the potential clients' means and choice of tenure arrangement. e.g. by relating the purchase price/rental cost elements of a scheme to particular household income bands

### Management and Control

**3.15** The applicant should describe the proposed management structure for the scheme by considering the following:

- ♦ whether the occupants will have responsibility for the management of the scheme through part ownership, outside management or alternative management mechanisms;
- ♦ whether the arrangements on the initial disposal of dwellings are clearly explained; and
- ♦ whether the administration and decision taking process for nomination re-let or re-sale are suitable (as this will assist the Council in considering to what extent the scheme will both initially and subsequently benefit the local community).



## Part Four

### Monitoring and Review

**4.1** The Council seeks to ensure that people who have the greatest need always occupy schemes. Thus, the scheme should remain in conformity with the:

- ♦ Plan's definition of affordable housing i.e. housing is always accessible to people who can not afford to rent or buy housing locally on the open market;
- ♦ planning approval's conditions; and
- ♦ legal agreement.

**4.2** The Council will undertake on-going monitoring, in consultation with registered social landlords, to determine the scheme's conformity with paragraph 3.11, the scheme's effectiveness in providing affordable housing to the local community and that the schemes are appropriately designed to meet the identified needs.

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## Part Five - Appendices

### Appendix 1

#### Policy HS10 of the Dover District Local Plan

"Permission for schemes for affordable housing in the rural area beyond village confines will be permitted provided:-

- (i) local needs exist and are documented in a comprehensive appraisal of the parish prepared by the applicant and/or Parish Council, and where appropriate, of adjacent parishes;
- (ii) these local needs cannot otherwise be met;
- (iii) the development is of a suitable size and type and will be available at an appropriate cost to meet the identified local need – schemes which include cross subsidies between higher priced and affordable housing, or a discounted initial purchase price, will not be permitted;
- (iv) the site is well related in scale and siting to a village and its services;
- (v) the development is located at a village which has a good range of facilities which must include a primary school, a shop and good access to public transport; and
- (vi) initial and subsequent occupation is controlled through legal agreements to ensure that the accommodation remains available to meet the purposes for which it was permitted."



## Appendix 2

### Policy Context for Affordable Housing in Rural Areas (Rural Exception Scheme)

**The guidance is considered consistent with the national and strategic context for affordable housing in rural areas (rural exception schemes). Summarised below are details of the policy context relevant to the guidance.**

#### Planning Policy Guidance No. 3 (PPG3) - Housing

- ♦ Sets out the Government's policy on how the planning system can contribute to the overall supply of affordable housing.
- ♦ A community's need for affordable housing is a material planning consideration, which may be taken into account in deciding planning decisions.
- ♦ Annex B to PPG3 sets out the "rural exceptions policy". Rural exception sites can provide a small but important additional source of affordable housing within or adjoining villages. Significantly, such housing would not otherwise be identified for open-market housing. Rural exception sites are only supported where such development meets proven local needs and is environmentally acceptable.

#### Circular 6/98 – Planning and Affordable Housing

- ♦ Supplements PPG3 by amplifying the Government's preferred approach to planning and affordable housing.
- ♦ Local authorities should ensure that there are adequate occupancy controls to reserve the housing for local needs in perpetuity.

#### Kent Structure Plan - Policy H5

"The provision of affordable housing at rural settlements to meet local needs which is in accordance with Policy RS2 will be acceptable, as an exception to normal policy constraints. The provision of housing under this policy will not normally be associated with the provision of other dwellings to meet general market demand."



*Example of Affordable Housing in the village of Wingham.*



## Appendix 3

### Extract of Model Legal Agreement

**(Section relating to occupancy - based on a scheme to be managed by a Housing Association relating to a combined rent and shared equity development)**

1. Except where tenants exercise their statutory right to acquire property under the purchase grant scheme provided for under the Housing Act 1996 or pursuant to any Voluntary Purchase Grant Scheme the Association shall not permit the occupation of any of the Units of Accommodation otherwise than strictly in accordance with the procedures set out in the following paragraphs.

2. Subject to paragraphs 3 4 and 5 below the Units of Accommodation shall at all times be managed and allocated in accordance with the objectives of the Association and its rules and objects and such published housing waiting list and allocation system as may be adopted by the Association from time to time or in the event that the Association shall cease to be registered by and in accordance with the similar objects and published documents of any other registered social landlord.

3. In the case of those Units of Accommodation which the Association are to make available for rent the Association shall not allocate or rent any of those Units of Accommodation otherwise than in accordance with the Assured Tenancy Agreement set out in the X Schedule hereto (or such subsequent Assured Tenancy Agreement or other form of tenancy agreement as the Association may adopt for its general properties) and otherwise than to applicants who have been selected in accordance with the provisions set out in paragraph 5 below.

4. In the case of those Units of Accommodation which the Association are to dispose of under the shared equity scheme:

(a) those Units of Accommodation shall only be disposed of in accordance with the shared equity scheme and the form of Lease which is set out in X hereto (or in a substantially

like form) and the Association shall not without the prior written approval of the Council release or waive any of the obligations or agreements on the purchaser's part to be observed and performed.

(b) the Association shall not dispose of those Units of Accommodation otherwise than to applicants who have been selected in accordance with the provisions set out in paragraph 5 below.

(c) the provisions of paragraphs 4(a) and (b) above shall apply to any further disposal of those Units of Accommodation following a repurchase by the Association in accordance with the provisions of the shared equity scheme.

5. For the purposes of paragraphs 3 and 4 above applicants for Units of Accommodation shall always be selected by the Association in accordance with the following "Local Need Criteria" and "Proviso".



*A selection of Affordable Housing in Preston*

### Local Needs Criteria:

In selecting applicants the Association shall always first give consideration to every applicant (or in the case of a joint application which involves members of the same household at least one of those applicants) who fulfils both of the following conditions:

Condition I The applicant is unable to purchase or rent a dwelling in the Parish which is suitable to his needs at an affordable cost. In determining what is an “affordable cost” the onus shall be placed on the applicant to prove that he cannot reasonably afford to buy or rent a property in the Parish which is suitable to his needs at current market house prices or rent levels and regard shall be had to the applicant’s disposable income and his ability to obtain a mortgage be placed on the applicant to prove that he cannot reasonably afford to buy or rent a property in the Parish which is suitable to his needs at current market house prices or rent levels and regard shall be had to the applicant’s disposable income and his ability to obtain a mortgage.

Condition II The applicant falls within one or more of the following categories:

(a) those who currently reside in the Parish in

accommodation which (i) comprises their only or principal dwelling (ii) is unsuitable to their circumstances for physical medical or social reasons and (iii) is incapable of being improved or adapted to the necessary standard with the assistance of a grant made under Part XV of the Housing Act 1985 (or any statutory modification or re-enactment thereof).

- (b) those who are dependants of households which have resided in the Parish for either (i) a continuous period of three years or (ii) an aggregate of five years out of the previous period of ten years.
- (c) those who have been members of households which (i) currently reside in the Parish and (ii) have resided in the Parish for a period of not less than ten years.
- (d) (i) those employed full-time in the Parish on other than a short term basis (ii) those who will be taking up such employment in the Parish or (iii) those who provide an important service which requires them to live locally.

### Proviso:

Provided always and it is hereby agreed and declared by and between the parties that:

(a) If upon a Unit of Accommodation becoming available for occupation at any time the Association is unable to allocate it within a period of six weeks either for sale under the shared equity scheme or for letting (as the case may be) and in either case for occupation by an applicant who satisfies the above-mentioned conditions the Association shall for a period of not less than 21 days advertise in prominent places within the Adjoining Parishes for applications for the Unit of Accommodation from other applicants within the Adjoining Parishes.

b) In considering applications from persons living within the Adjoining Parishes the Unit

of Accommodation shall be allocated to applicants who in the opinion of the Association (after consultation with the Director of Health and Housing) most nearly satisfy the above-mentioned conditions.

- (c) In the event that such advertising as is mentioned above does not result in the Unit of Accommodation being allocated to a suitable applicant the Unit of Accommodation shall be allocated to a person nominated by the Council from the Council’s list of Priority Need cases within their administrative area PROVIDED that if in the case of a Unit of Accommodation to be sold under the shared equity scheme no person is nominated within 21 days then the owner of that unit shall be entitled to sell to any person.



*Proviso Continued:*

- (d) Nothing in paragraphs (a) - (c) above shall be construed as authorising the letting of Unit of Accommodation which should be allocated for sale under the shared equity scheme.
- (e) If in the case of a Unit of Accommodation which is required to be sold under the shared equity scheme circumstances arise by virtue of which the owner of that Unit of Accommodation for the time being becomes entitled to sell his interest in the same to any person or persons of his selection then nothing in this Schedule shall preclude him (or a mortgagee in possession) from exercising such entitlement strictly in accordance with the shared equity scheme BUT PROVIDED ALWAYS that such sale is subject to the terms of this Agreement.
- (f) The Association shall not permit or suffer the occupation of any part of the Development other than strictly in accordance with the provisions of this Schedule.
- (g) The Association shall upon the written request of the Council allow the Council to inspect and copy such deeds documents and agreements (and any copies duplicates or counterparts thereof) as shall be necessary to enable the Council to determine whether or not the provisions of this Schedule are being complied with.

## Appendix 4

### Organisations Consulted on this guidance

- ◆ Action with Communities in Rural England
- ◆ Canterbury City Council
- ◆ Council for the Protection of Rural England (Kent Branch)
- ◆ Countryside Agency
- ◆ Country Landowners Association
- ◆ Dover Access and Mobility
- ◆ East Kent Chamber of Commerce & Industry
- ◆ Government Office for the South East
- ◆ House Builders Federation
- ◆ Kent Association for Disabled
- ◆ Kent County Council - County Planning Officer
- ◆ Kent Federation of Amenity Societies
- ◆ Kent Rural Community Council
- ◆ Kent Wildlife Trust
- ◆ National Farmers Union
- ◆ Ministry of Agriculture, Fisheries and Food (Farming and Rural Conservation Agency)
- ◆ Rural Housing Trust
- ◆ Samuel Lewis Housing Trust
- ◆ Sanctuary Housing
- ◆ Shepway District Council
- ◆ South Kent Council for Voluntary Services
- ◆ Thanet District Council
- ◆ The Housing Corporation
- ◆ Parish Councils
- ◆ Town Councils

## Part 6

### Contact Names, Numbers and Addresses

Should you require additional information about this guidance, please do not hesitate to contact the **Dover District Council's Forward Planning Section** at:

**Dover District Council**  
**Planning and Technical Services Department**  
**White Cliffs Business Park**  
**DOVER**  
**Kent CT16 3PG**  
**Tel: 01304 872477**  
**Fax: 01304 872416**  
**E-Mail: [forwardplanning@dover.gov.uk](mailto:forwardplanning@dover.gov.uk)**

You can seek help from **The Rural Housing Trust** or **The Kent Rural Community Council**. Both organisations work with rural communities to find solutions to village housing needs.

The Rural Housing Trust can be contacted at:

**The Rural Housing Trust (Head Office)**  
**Prince Consort House**  
**27/29 Albert Embankment**  
**LONDON SE1 7TJ**  
**Tel: 0171 793 8114**  
**Fax: 0171 793 8148**  
**E-mail: [RHT\\_London@Compuserve.Com](mailto:RHT_London@Compuserve.Com)**

Alternatively, you may wish to contact their **Area Office** at:

**The Rural Housing Trust**  
**Unit 1**  
**Brocus House**  
**Parkgate Road**  
**NEWDIGATE**  
**Surrey RH5 5AH**  
**Tel: 01306 631787**  
**Fax: 01306 631825**

The Kent Rural Community Council can be contacted at:

**Kent Rural Community Council**  
**15 Manor Road**  
**FOLKESTONE**  
**Kent CT20 2AH**  
**Tel: 01303 850816**  
**Fax: 01303 850244**



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