

# UPPER EDEN NEIGHBOURHOOD DEVELOPMENT PLAN

**2012  
2025**







The Upper Eden Neighbourhood Plan Area -comprising the parishes of: Kirkby Stephen, Brough, Crosby Garrett, Nateby, Ravenstonedale, Soulby, Warcop, Brough Sowerby, Hartley, Helbeck, Kaber, Mallerstang, Musgrave, Stainmore, Waitby, Wharton, Winton

## DOCUMENT INFORMATION

**TITLE** Upper Eden Neighbourhood Development Plan

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## 1. Non-Technical Summary

- 1.1. The Policies of the Upper Eden Neighbourhood Development Plan are amongst the most important for local planning application decision making. Within the overall planning strategy set by Eden District in its Core Strategy Document, these policies take precedence over other existing planning policies.
- 1.2. These policies are aimed at making sure that the opportunities that exist for local people to build to solve their own housing problems are positively supported through the planning process. At the same time the overall strategy for planning in Eden remains in place and the landscape and character of villages is protected. The policies are focussed on
- helping provide affordable housing in rural areas for those who can through converting existing buildings or building on low impact sites
  - helping farmers and rural businesses provide housing for their families' and business needs
  - helping older people find suitable housing in settlements or where they can reasonably build within their gardens
- 1.3. The policies also give much greater weight to the views of parishes in the decision making of the Council. For the first time, they allow parishes to have an influence over the speed at which development takes place in their area. They give Parishes the power to prevent out of scale developments that risk spoiling the character of their villages while allowing smaller, more appropriate developments that are needed for local people.
- 1.4. For the Local Service Centres (LSCs) of Ravenstonedale, Brough, Crosby Garrett, Warcop, Nateby and Soulby, a policy that allows single dwellings to continue to be built if they lose their LSC status. This will allow local people to meet their own housing needs despite losing local services and facilities which would otherwise only allow the building of affordable housing.
- 1.5. A further policy is aimed at helping to deliver better internet speed by asking developers to consider at the outset how the internet will be provided for each development.

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## 2. When will this happen?

- 2.1. To be adopted as planning policy, a Neighbourhood Plan must be voted through at a local referendum. For the Upper Eden Area this is scheduled for the 7 March 2013. A majority vote means that the plan is adopted as planning policy by Eden District Council as soon as possible.

## 3. The proposed National Park Extension

- 3.1. If the Yorkshire Dales National Park is extended to include part of the Upper Eden Area this will not have an effect on the primacy, or importance of these policies. In the first instance, the Planning Strategy set in the Eden Core Strategy will remain in place until the National Park Authority prepares a new strategy for its new extension. Under the Town and Country Planning Act that new strategy must take into account the policies of the Upper Eden Neighbourhood Development Plan. This will ensure that the Neighbourhood Plan policies remain in force.



# Upper Eden Neighbourhood Development Plan Draft Proposal 2012 - 2025

## 4. Introduction

- 4.1. This document has been prepared by the Upper Eden Community Plan Group, an association of 17 parishes in the Upper Eden Area. These parishes consist of: Kirkby Stephen Town Council, Winton Parish Meeting, Hartley Parish Meeting, Kaber Parish Council, Waitby Parish Meeting, Nateby Parish Meeting, Wharton Parish Meeting, Soulby Parish Council, Mallerstang Parish Meeting, Brough Parish Council, Brough Sowerby Parish Meeting, Musgrave Parish Council, Stainmore Parish Council, Warcop Parish Council, Ravenstonedale and Newbiggin Parish Council, Crosby Garret Parish Meeting, Helbeck Parish Meeting.
- 4.2. The Localism Act 2011 provides that planning policy developed by communities shall, if passed by an independent examination and passed by a local referendum, be adopted by the Local Planning Authority. It is intended to become part of the Statutory Planning Policy Framework and will have the same legal status as the Eden Core Strategy or other Development Plan Documents and take precedence in decision making over non- strategic policy prepared by the District. The Upper Eden Neighbourhood Development Plan should be read as a whole and in conjunction with those other policies within the Eden Development Plan.

## 5. Consultation

- 5.1. An Issues and Consultation Neighbourhood Development Plan was first prepared in July 2011 and has been subject to extended consultation with statutory agencies, local people, and local parishes. As a result of those consultations and discussions with the Eden District Council, a Draft Proposal NDP was prepared and published in May 2012. This Draft Proposal was subject to a 6 week consultation period as outlined in the UENDP Consultation Statement.
- 5.2. The policies in this document have also been subject to a screening for compliance with EU regulations concerning Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). This process has involved consultations with Natural England, English Heritage and the Environment Agency. An initial screening assessment report was prepared to cover both the SEA and the HRA requirements, and a further report was prepared following advice from Natural England to consider a Source - Pathway - Receptor assessment for each of the European Habitats within the Upper Eden Area. The screening assessment reports are submitted as part of the Basic Conditions Statement. See also paragraph 8.5.
- 5.3. **6. The current process**

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- 6.1. The Upper Eden Area has been formally designated a Neighbourhood Area through the Application made under the Neighbourhood Planning Regulations 2012 (Part 2 s6) dated 16th May 2012 and approved by Eden District Council on 15th August 2012.
  - 6.2. The Neighbourhood Plan Proposal was submitted to Eden District Council for publication on its website as required under s16 together with, the Consultation Statement, a map of the area, a Statement explaining how the Proposed NDP meets the Basic Conditions (the Basic Conditions Statement), and details of how, where and when any representations can be made. The Council then provided copies of all the documents together with any representations received to an Independent Examiner who was appointed to report on how the Plan meets the statutory requirements.
  - 6.3. The Examiner reported and recommended that the Plan proceeded to referendum with two minor amendments to UECP1 and UECP3. The detail of those amendments can be seen in the Examination Report published on the Council's website. The policies within this document include those amendments. The Council considered the Examiner's report and, with the recommended amendments, decided that the Plan met the statutory requirements and should proceed to referendum.



## 7. The referendum

7.1. To be adopted as planning policy this plan must be subject to a vote at a local referendum, following the prescribed procedure set out in the Neighbourhood Planning Referendum Regulations 2012. This is scheduled for 7 March 2013. The referendum asks the following question: ‘Do you want Eden District Council to use the neighbourhood plan for Upper Eden to help it decide planning applications in the neighbourhood area? ‘

Subject to a majority vote, the plan then becomes adopted planning policy and is used when considering planning applications.

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## 8. The policies of the Upper Eden Neighbourhood Development Plan

### Introduction

- 8.1. The Upper Eden Neighbourhood Area is the most sparse part of the most sparse district in the Country. It comprises 20% of the area of Eden District but only 10% of its population. The issues that affect it are concerned with those matters that Matthew Taylor termed 'The Sustainability Trap'<sup>1</sup>. The narrow view of sustainability which underpins the typical settlement hierarchy model and which effectively writes off certain settlements as 'inherently unsustainable' is particularly acute in the Upper Eden Area.
- 8.2. This has translated into restrictive regional and local planning policy; now promulgated only by local policy (although influenced by the recently abandoned Regional Spatial Strategy). Although Government policy and local policy provides a more pragmatic stance, 'decision making is often determined solely by reference to limiting car based travel'.
- 8.3. Nevertheless, Eden's Core Strategy is an inherently flexible document which provides a series of policy hooks to allow more detailed policy to be prepared to guide decision making in a wide range of instances. As a consequence, it is possible for this Neighbourhood Development Plan to provide detailed policy requirements for decision making which will address the Sustainability Trap issues while remaining in 'general conformity' with the Council's overall strategy. This strategy expects the 'relative size of most settlements will not change significantly' while ensuring the continued viability and vitality of rural communities<sup>2</sup>.
- 8.4. The policies presented here provide the detail for how this overall strategy will be implemented in Upper Eden. They provide a particular local focus to the problems of housing delivery. The policies for rural affordable housing, older peoples housing and housing on farms are all predicated on the requirement that the housing resulting from these policies is for local people only. The use of a condition (see section 16) to secure local occupancy for these developments is to be used. A slight amendment to the Council's definition of what 'local' means is also provided to ensure that this condition remains true for the communities of the Upper Eden Area.

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<sup>1</sup> Living Working Countryside, The Taylor Review, DCLG 2008

<sup>2</sup> Eden Core Strategy para 4.4

- 8.5. This Neighbourhood Development Plan will follow the strategic policies of the Core Strategy by being in force until 2025. The policies in the NDP are to be considered as a whole together with the strategic policies of the Eden Development Plan. In particular development justified by the NDP policies should accord with policy CS1.11 which ensures that no adverse effects occur to ecological habitats designated in accordance with the European Habitat Directive. A list of these sites is available from Natural England. Although the Screening Assessment Reports concluded that the NDP is unlikely to give rise to any significant effect on the European Sites, following the precautionary approach and for the avoidance of doubt; and notwithstanding that such developments would be extremely rare in any case, development will only be taken forward where it can be demonstrated that it will not have an adverse effect on European sites.
- 8.6. As with all development proposals, due regard must be taken of national and international designations for biodiversity, landscape, and cultural heritage assets and protection and enhancements for them should follow, whether or not specific reference is made to them in a Neighbourhood Development Plan. Statutory Agencies such as English Heritage also provide useful best practice documents to help developers prepare their proposals which should be consulted when appropriate.



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## 9. UENDP1 - Affordable Rural Exceptions Housing for Local People

### Reasoned Justification

9.1. There is a general need for affordable housing in the Upper Eden Area which is evidenced by the parish based affordable housing need surveys carried out in 2009/10. These suggested that for the five years after 2009, 25 households in Kirkby Stephen, 23 households in the Local Service Centres of Ravenstonedale, Brough, Nateby, Soulby, Crosby Garrett and Warcop, and 8 in the other 10 parishes would be in need of affordable housing. Further evidence of house prices as a multiple of earnings suggests that many emerging households are (and will be) unable to buy or rent housing, particularly if they wish to stay local to their parish, family or community links. Many parishes have no housing which is available as affordable housing at all. This policy relaxes the existing constraints on providing rural exceptions site affordable housing, from a situation where a suitable site is judged in terms of its proximity to three other dwellings (Eden Housing SPD para 4.1.1) to a situation where the suitability of the site is judged in terms of its impact on the landscape and visual amenity. This will provide many more allowable, but appropriate, sites within the Upper Eden Area where the opportunity and the need for affordable housing will coincide. The provision of housing which is secured as affordable in rural areas can benefit, not only the initial occupier(s), who may have work, family links, caring responsibilities or simply the best opportunity to provide a suitable house for themselves, but it will also benefit the local community by ensuring that the dwelling is available after initial occupation to those in housing need in the future from the parish. Such housing may provide additional benefits in terms of sustaining local communities, providing opportunities for renewable energy production, reinstating abandoned dwellings, or retaining architecturally important buildings.

### Intention

9.2. The intention of this policy is to allow local people to access housing which is affordable to them in rural areas. This policy is intended to help those local people who have access to land or buildings in rural areas and who cannot afford to buy or rent on the open market but who have the means, skills or ability to convert an existing building or build a new house for themselves. It will be most applicable where the housing need and a housing opportunity coincide. There is no intention to impose a maximum size of any property built under this policy. It is considered that the occupancy restrictions, individual finances and circumstances will ensure sensible limits are self imposed by the applicant.

## UENDP1 - Rural Exceptions Housing for Local People

Rural exceptions sites for single plot affordable housing will be permitted to meet a local need where this need is evidenced and where the development does not have an unacceptable impact on the visual and landscape amenity of the area. This may be acceptable in the case of either new build dwellings or conversion of traditional buildings. In each case ancillary works such as access, outbuildings, curtilage boundaries also should not have an unacceptable impact on the visual and landscape amenity of the area. These developments will need to consider how the balance of benefits such as any social, economic, environmental or community benefits for the intended occupier or wider local community justifies the proposal. This policy operates in all rural areas and no size restriction applies

Affordable housing for local people will be secured as such for its longevity through a Section 106 Agreement.



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## 10. UENDP2 - Housing on Farms

### Reasoned Justification

10.1. Providing flexibility for farmers (or rural businesses) is an important objective if farms in the Upper Eden Area are to remain viable and family owned and run. Many of the more successful farms in the area already have two unrestricted dwellings associated with the enterprise. This allows the farmer to use the second dwelling for family members, to help manage generational transition, create extra income through holiday letting, or simply to allow local people to rent a dwelling. However, current planning policy is silent on allowing such flexible use of dwellings on farms. It tends to expect that farmers want either to provide holiday letting accommodation, or housing for an agricultural worker, or to provide a form of affordable housing. All of these possible planning consents are tightly controlled without any in-built flexibility. To provide new housing of farms which has this flexibility will give the farmer better control of the business, allow easier investment decisions, and allow family members to remain on hand for changing circumstances within the sector or within the family. Where new housing is required, for any of these purposes, a justification for it should be made in relation to at least one the purposes, or a combination of purposes. In terms of local housing need, evidence from a housing need survey will be required; in terms of managing generational transition, the family circumstances should show that either one household is retiring or one household is emerging and engaged in farming or caring for another family member; in terms of holiday letting, a viability assessment showing that the income from the new dwelling will help ensure the viability of the farm (or rural) business. The plight of tenant farmers is particularly acute when it comes to finding housing for family members. Their ability to invest in housing is often curtailed by land ownership or tenancy issues.

### Intention

10.2. This policy is intended to help existing farms or established businesses in rural locations remain viable, family run, or provide rented accommodation for local people. The safeguard to prevent abuse of this policy is to ensure that these dwellings are to remain an indivisible part of that farm or rural business. However, in the unlikely event that the sale of one of these dwellings becomes required, then its occupancy must revert to an affordable dwelling in perpetuity, secured through a s106 agreement. This policy is also intended to help tenant farmers who can acquire a parcel of land or building for conversion to develop a dwelling to help them manage the generational transitions that occur. In the case of rural businesses these should be established for at least three years and be comparable to farms in their turnover, staffing or land holdings.

## UENDP2 - Housing on Farms

Established farm enterprises or rural businesses may have additional dwellings that can be used by family members, holiday letting or renting to local people. Applications for any additional housing must be accompanied by justification for at least one of the forms of housing that the policy intends to permit. In addition it will be subject to a Section 106 Legal Agreement which specifically permits the use of the property to housing for family members, holiday letting, farm worker, and for rent to local people. The Section 106 Agreement will prevent the sale of the property except as part of the farm enterprise or rural business or alternatively, as an affordable dwelling.

In the case of tenant farmers who need to manage a generational transition and build a property which they will own, the new dwelling need not be tied to the main farm holding. It will be secured by a s106 agreement to be used only for agricultural workers, holiday letting, or local occupancy or affordable housing.

Consideration of the siting and design of such new houses will be important to allow both the flexibility that the policy intends and also ensuring that there will be no unacceptable impact upon the visual or landscape amenity of the area. The reuse of an existing traditional building within the landscape or a suitable plot within or near to the existing farmyard, may prove to be a suitable site.



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## 11. UENDP3 - Housing for Older People

### Reasoned Justification

- 11.1. Steps need to be taken to facilitate the delivery of housing for certain older people. The Upper Eden area has a high proportion of older people and owner occupiers. As an appealing area between two National Parks it has attracted immigration of households often through down-sizing from more expensive areas in the south of England. When those households need more specialist housing there is at times a lack of choice and there is the possibility of older people occupying unsuitable properties. Currently there is 1% of the total stock in specialist housing for local people and this is set to rise to 2% in planned new provision.

### Intention

- 11.2. The policy seeks to balance the need for more general affordable housing which is the priority for the Upper Eden area with housing for older people in housing need. In Kirkby Stephen and Brough where often larger new housing developments occur there is scope to provide both more general affordable housing and units for older people. The Eden Council policy (CS10) is to deliver 30% of affordable housing on sites of 4 or more dwellings. In those circumstances on larger sites in particular it should be possible within the viability provisions of NPPF173 to meet both needs if appropriate on sites in Kirkby Stephen and Brough. There will need to be negotiations with developers as part of the planning process.
- 11.3. Elsewhere in other local service centre, villages and exception sites the delivery of affordable housing will be the priority but that can be tempered by an older person's household in need.
- 11.4. To qualify for consideration older persons housing should be restricted in price to no more than the mean local housing price and be available only to those local households that are unsuitably housed and whose household income is no more than the mean local household income. These restrictions will be covered by a section 106 agreement.

## **UENDP3 - Housing for Older People**

Within Kirkby Stephen and Brough housing developments of four units or more should address the local need for older persons' housing. This can occur through the provision of bungalows or other suitable housing types restricted to occupancy for those local households where one person is over the state retirement age. Where the viability of the proposal permits and in accordance with NPPF 173, the Council may seek affordable housing in addition to housing for older people.

Elsewhere in local service centres, other villages and single plot proposals for a household the delivery of general affordable housing will remain the priority. In specific cases where at least one person is over the state retirement age (or requires specialist housing by virtue of personal incapacity or impairment) will be assessed and supported where the following are met:

- a) meeting the needs of an identified older local person in housing need
- b) releasing an unsuitable dwelling into the market or, for transfer to a family member;
- c) does not have an unacceptable impact on the visual or landscape amenity of the area.

The new dwelling will be subject to a s106 Legal Agreement ensuring that it remains available for local households where one member is over the state retirement age or as an affordable dwelling for local people in perpetuity.

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## 12. UENDP4 - Housing Densities

### Reasoned Justification

12.1. The slow and piecemeal development of villages is one of the characteristics of rural Cumbria. It provides a variety of dwelling types and opportunities for the local community to provide housing for the next generation. However, current policy and recent cases have shown that the minimum housing density figure of 30 dwellings per hectare (dph) has caused some unintended consequences: such as tension between the local parish which is happy for the site to be developed at a low density, and the local authority which is requiring a higher level of development than the landowner or the parish are comfortable. Policy CS8 of the Core Strategy allows that the minimum density figure need not be complied with where the character of the area takes precedence. This NDP policy clarifies that the character of the Upper Eden Area takes precedence over the 30 dph minimum density figure, unless the site is over 1 ha of developable land and is therefore considered capable of generating its own character (if necessary) within the site.

### Intention

12.2. This policy is intended to allow smaller (under 1 ha of developable land) which are often windfall sites in villages to come forward for development without requiring that the either, the whole of the site be developed, or that more dwellings than are needed for the village at that time are developed. A typical example might be that the owner of a field of 0.4 ha within, or adjacent to a local service centre, wishes to build house for herself and one for her daughter. In such cases the number of houses should not be a consideration, only the plot size, which should reflect that of the surrounding area. This policy will operate in concert with UENDP 6 to ensure that only developments that are of the appropriate scale and character for the settlement or parish are permitted.

### UENDP4 - Housing Densities

For housing development within the Upper Eden Area the maintenance of local character has a higher significance than achieving a minimum housing density figure. The appropriate density for a housing site should in every case within the Upper Eden area result in a development that is in character with the local surrounding area. A starting point for new development on sites over 1 hectare (of developable land) should, however, seek to comply with the density target in policy CS8 of the Core Strategy, unless compelling reasons are given which demonstrate otherwise.

## 13. UENDP5 - Fibre to the Premises

### Reasoned Justification

- 13.1. The provision of good telecommunications is increasingly important in the modern world. It is even more important in isolated rural areas. There has been a market failure to provide good connectivity in rural areas resulting in a number of government backed initiatives to remedy this situation. The ability of these initiatives to deliver good connectivity to all existing and new developments is, as yet, unknown. The world of telecommunications and connectivity is a changing environment with new technological advances occurring all the time. However, it is considered that the provision of fibre optic connections is the most robust and future-proof method of delivery connectivity, and this should be the aim for all developments. Other technologies may provide interim solutions.

### Intention

- 13.2. This policy is intended to ensure that all developers consider the connectivity requirement of their proposals at an early stage. It will inform adjustments or investment decisions to ensure that the desired connectivity can be achieved in such as way as to contribute to a wider network for Cumbria.
- 13.3. This policy is also intended to ensure that where major projects (such as roads, utilities etc.) are undertaken that can contribute to the provision of ducting for communication purposes, these opportunities are taken and offered to local groups first.



## UECP5 - Fibre to the Premises

New development should demonstrate how it will contribute to and be compatible with local fibre or internet connectivity. This could be through a 'Connectivity Statement' provided with relevant planning applications. Such statements could consider such aspects as; the intended land use and the anticipated connectivity requirements of the development, known nearby data networks and their anticipated speed (fixed copper, 3G, 4G, fibre, satellite, microwave, etc), realistic assessments of connection potential or contribution to any such networks.

This policy aims to see new development connect to the internet with a minimum symmetrical speed of 25Mbps and with realistic future proof upgrades available. Where no internet provider is available, as a minimum and subject to NPPF 173, suitable ducting that can accept fibre should be provided either to:

- the public highway; or
- a community led local access network; or
- another location that can be justified through the connectivity statement.

Where possible and desirable, additional ducting should be provided that also contributes to a local access network for the wider community. Costs associated with additional works can be considered alongside affordable housing, or any other contributions in a viability assessment, submitted to the Council.

Major infrastructure development must provide ducting that is available for community owned local access or strategic fibre deployment. Such developers are encouraged to have early discussions with local broadband groups.

## 14. UENDP6 - Monitoring and Development Rates

### Reasoned Justification

- 14.1. Historically, housing development in the Upper Eden Area is characterised by small scale incremental growth with the exception of more recent larger schemes in Kirkby Stephen and Brough. This is the pattern of development that should continue whilst being in line with the strategic policies of the Core Strategy. These policies focus development in the Key Service centres, allowing more modest development in the local service centres and further low levels of development to meet an identified need in other areas (rural settlements and open countryside). All parishes within the Upper Eden Area have a resident population which are, over time, and from time to time, subject to a level of local housing need that should be addressed through planning policy. No parish should be precluded from development to meet this need because of its location, population, facilities or existing pattern of development. In order to address this, without infringing the general policies of restraint in rural areas, this policy that allows a small percentage of existing dwellings within each parish to be permitted per year is proposed. This will allow a level of development to be permitted which is proportionate to the parish. While there is some flexibility in the rates expected to be delivered in any one year, in order to ensure that this process does not undermine the strategic policy framework for Eden District, the rates should not result in a level of development for the plan period significantly different to the total figures set in Table UENDP6. However, Kirkby Stephen which is a designated Key Service Centre and a strategic location for housing is expected to accommodate approximately 7% of the District's total housing provision or about 24 new dwellings per year<sup>3</sup>. This overall figure is excluded from this NDP policy, however it is intended that the pro rata annual rate is expressed as a level that the Parish can advise the District about. Such an allocation accords with the Eden Spatial Strategy of retaining the 'relative size of most settlements' (para 4.4) and focussing development within the Key Service Centres.
- 14.2. Local Service Centres - Ravenstonedale, Nateby, Brough and Church Brough, Soulby, Warcop and Crosby Garrett - will be permitted modest amounts of market led development proportionate to their relative size and needs.
- 14.3. Elsewhere, where over 600 households reside, low levels of development will retain the viability of these communities.
- 14.4. The figures in UENDP6 for Kirkby Stephen take into account shortfalls in provision to date and so present a development rate designed to secure the strategic level of development set out in the Core Strategy over the Plan Period.

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<sup>3</sup> See Eden Core Strategy 7% or 17 pa over 22 years - 33 extant consents = 24pa

## 14.5. UENDP 6 Table - Parish Data and Development Rates

Parish	Sum of all properties	Development rate as % of existing dwellings	Average potential dwellings per annum	Potential dwellings over 14 years	Total for KSC, LSC and elsewhere
Kirkby Stephen	1019	2.36%	24	336	336
Brough	348	1	3.48	45	
Crosby Garrett	67	1	0.67	9	
Nateby	54	1	0.54	7	
Ravenstonedale	292	1	2.92	38	
Soulby	89	1	0.89	12	
Warcop	249	1	2.49	32	143
Brough Sowerby	67	1	0.67	9	
Hartley	72	1	0.72	9	
Helbeck	8	1	0.08	1	
Kaber	52	0.25	0.13	2	
Mallerstang	65	1	0.65	8	
Musgrave	73	1	0.73	9	
Stainmore	137	1	1.37	18	
Waitby	27	1	0.27	4	
Wharton	19	1	0.19	2	
Winton	108	0.25	0.27	4	66
<b>Totals</b>	<b>2746</b>		<b>40.07</b>	<b>545</b>	

## Intention

14.6. The development rates indicated above are to be monitored against the permissions granted under any of the policies in this neighbourhood plan. For example, new housing on farms or housing for the elderly would be counted against the development rates set out here for each parish. The purpose of the policy is to prevent any parish from being excluded from development to ensure that legitimate housing needs can be met within the parish, and to give a context for the wider set of policies within this neighbourhood plan. It is also intended to set a general annualised upper limit on development within each parish in order to prevent overdevelopment or an undermining of the strategic policies that seek to ensure that the relative size of settlements does not change over the period of the plan. A further purpose of the policy is to ensure that larger developments (whether allocated or not), that could change the character of a settlement, are able to be resisted, should the parish choose to do so, and conversely; to encourage smaller developments to come forward that are more likely to help retain the character of the settlement or parish. Within Local Service Centres, a

small but steady development rate comprising a number of small development sites is considered preferable to a single larger development that would require potential alien features such as estate roads, street lighting, homogenised design styles and materials<sup>4</sup>. The level of development set in this policy is not a target that must be met in each parish, but, represents a starting point for a sustainable rate of change for local communities. This development rate will apply to settlements within parishes and any rural areas within the parish too.

## **UENDP6 Monitoring and Development Rates**

There is a general presumption that all windfall and any allocated housing developed within the Upper Eden Area should not exceed a general annual development rate for each Parish as set out in Table UENDP6 of the existing number of dwellings averaged out over the 13 year period of the plan.

However, in light of the potential pent-up demand there may be higher development rates within the first few years of these policies coming into force where the general presumption may reasonably not be complied with where such pent-up demand is reasonably met by allowing such development. Conversely, where allocated sites within settlements (if any) come forward at the beginning of the plan period, this may mean that a lower development rate is appropriate. The evidence from Housing Needs surveys or other indicators of need would be taken into account. Parish Councils or Meetings will be best placed to offer advice to the District Council on suitable annual rates of development within each Parish from time to time. It is considered that the view of the relevant Parish as to the acceptability of any development proposal in relation to whether the development rate for that parish has been breached or is likely to be breached, may be exceeded or may not be exceeded will carry significant weight in any decision that the Council may take.

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<sup>4</sup> For example small estates in Sandford or Gaisgill

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## 15. UENDP7 - LSC De-designation Policy

### Reasoned Justification

- 15.1. The Core Strategy<sup>5</sup> allows that the designation of Local Service Centres is reviewed approximately once every two years allowing settlements to be added or removed if they gain or lose certain services or facilities, such as a bus service or a post office, a school or a pub. While the designation of settlements in this way is part of the strategy within Eden for defining settlements in terms of the spatial hierarchy; the consequences of doing so risks exacerbating the Sustainability Trap for settlements that fall out of this designation. It is widely recognised that the presence, or not, of some service does little to affect the actual sustainability of a community. The use of these services as a measure of sustainability is flawed because, amongst other things, no assessment of the quality or frequency of the service is undertaken.
- 15.2. To prevent the 'cliff edge' effect of at one time allowing modest housing development to suddenly only affordable housing when a settlement is dedesignated a Local Service Centre the following policy will apply in these circumstances. This policy will help ensure that overall development levels in Upper Eden are maintained and that the strategic aim of maintaining the relative size of settlements is achieved.

### Intention

- 15.3. This policy is intended to help manage the transition in planning status that communities may find occurring to their villages through the withdrawal or closure of some service. The effect of a relatively sudden de-designation as a Local Service Centre could undermine the housing and development plans of local people who are relying on certain developments coming forward for their housing needs. This policy is intended to prevent unnecessary housing applications coming forward in LSCs where the closure of a service is considered imminent in order to secure a consent before de-designation occurs, and to prevent undue pressure being placed on local service providers to maintain a service that is no longer viable or in their best interests.

### UENDP 7 - LSC De-designation Policy

Where a settlement is de-designated as a Local Service Centre, single dwelling developments within or adjacent to and well related to the former Local Service Centre restricted to local occupancy will be permitted where the impact on landscape and character of the village will not be unacceptable. The requirement to contribute to the affordable housing fund as set out in the Housing SPD will apply to such developments.

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<sup>5</sup>Eden Core Strategy paragraph 4.9

## 16. Standard Conditions

### Local Occupancy Condition

- 16.1. Housing permitted under policies UENDP 1 - 3 are required to be restricted for local occupancy only. The following condition can be used to secure this.
- 16.1.1. properties restricted for local occupation only shall only be occupied by a person or household who:
- currently lives in the relevant locality and has done so for a continuous period of at least three years; and/or
  - works in the relevant locality and has done so for a continuous period of at least three years; and/or
  - has moved away but has strong established and continuous links with the relevant locality by reason of birth or long term immediate family connections; and/or
  - has an essential need through age or disability to live close to those who have lived in the relevant locality for at least three years; and/or
  - has, for whatever reason, the written support of the relevant Parish Meeting or Parish Council.
- 16.1.2. For market led housing a local connection to the area will also apply to a person or household who has secured work in the relevant locality.
- 16.1.3. The definition of 'locality' refers to the Parish and surrounding parishes in the first instance, and if, after a reasonable period of active marketing an occupier cannot be found, the definition would cascade out to include the Upper Eden Area and eventually to the District. Following a further reasonable period of marketing still no occupier has been found the property may be occupied on the open market.

## Older persons housing condition

- 16.2. In addition to the local occupation restriction, dwellings permitted under UENDP 3 are to be restricted to occupation by older people or for people with particular personal incapacity or impairment. The following conditions can be used to secure this:
- 16.2.1. The properties restricted for older people's occupation only shall be occupied by a person or household comprising at least one person who, has reached the State Retirement Age which applies at the date of their first occupation of the property. This condition is deemed to be met if the State Retirement Age subsequently exceeds the occupier's age.
  - 16.2.2. The properties restricted for occupation by people with a particular personal incapacity or impairment shall be occupied only by a person, or household comprising at least one person, who requires specialist accommodation as a consequence of that incapacity or impairment.





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