

# Public Document Pack

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A meeting of **Public Facing Housing, Communities, Culture and Sports Panel** will be held in Committee Rooms, East Pallant House on **Thursday 18 April 2024 at 9.30 am**

MEMBERS: Mrs T Bangert, Mr D Betts (Chairman), Ms J Brown-Fuller, Mx R Chant, Mr G Evans, Mrs E Hamilton, Ms O Hickson, Mrs D Johnson, Mrs S Sharp and Mr C Todhunter

## AGENDA

### 1 **Chairman's Announcements**

The Chairman will announce any late items for consideration.

Any apologies for absence will be noted at this point.

### 2 **Approval of Minutes** (Pages 1 - 6)

The Panel is requested to approve the minutes of the meeting held on 2 November 2023 (the meeting on 29 February 2024 was cancelled).

### 3 **Declarations of Interest**

Members are asked to make any declarations of disclosable pecuniary, personal and/or prejudicial interests which they might have in respect of matters on the agenda for this meeting.

### 4 **Housing Strategy Review** (Pages 7 - 8)

The Panel is requested to review and note the Task and Finish Group – Terms of Reference and the Council's Housing Strategy.

### 5 **The Draft Housing, Communities, Culture & Sport Panel Work Programme 2024-2025** (Page 9)

The Panel is requested to review and note the Draft Housing, Communities, Culture & Sport Panel Work Programme 2024-2025.

**6 The outcome of the BEAM Pilot**

The Panel is requested to note the update provided in relation to the outcome of the BEAM Pilot.

**7 Custom and Self Build Options (Pages 11 - 32)**

The Panel is requested to:

1. Note the Custom and Self-Build health check and the subsequent workstream activity undertaken over the past year.
2. Recommend to Cabinet the revision of the eligibility criteria for entrance onto Part 1 of the Custom and Self Build Register.
3. Recommend further publicising of the CSB Register including through the hosting of an open event for those with an interest.

**8 Policy for granting and seekers waivers for the Designated Protected Areas (DEA) to Homes England (Pages 33 - 44)**

The Panel is requested to:

1. Discuss and provide feedback in relation to the introduction of a policy for determining applications to Homes England seeking a waiver in Designated Protected Areas (DPA).
2. Recommend to Cabinet that delegated authority be granted to the Divisional Manager for Housing, Revenues and Benefits to make minor changes to the policy and as set out in section 5 of the policy.

**9 Local Authority Housing Fund (LAHF) update**

The Panel is requested to note the update provided in relation to the Local Authority Housing Fund (LAHF).

**10 Late Items**

The Panel will consider any late items as announced by the Chairman under agenda item 1.

**11 Date of Next Meeting**

The next meeting will take place on 17 July 2024.

## NOTES

1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.

2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at Chichester District Council - Minutes, agendas and reports unless they contain exempt information.

3) Subject to Covid-19 Risk Assessments members of the public are advised of the following;

- Where a member of the public has registered a question they will be invited to attend the meeting and will be issued a seat in the public gallery.
- You are advised not to attend any face to face meeting if you have symptoms of Covid.

4) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's Constitution]

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Minutes of the meeting of the **Housing, Communities, Culture and Sport Panel** held in Committee Room 1, East Pallant House on Thursday 2 November 2023 at 9.30 am

**Members Present:** Mr D Betts (Chairman), Ms J Brown-Fuller, Mrs E Hamilton, Ms O Hickson, Mrs D Johnson and Mr C Todhunter

**Members not present:** Mrs T Bangert, Mr G Evans and Mrs S Sharp

**In attendance by invitation:**

**Officers present all items:** Mr A Alempour (Democratic Services Officer), Mr M Bristow (Housing Delivery Officer), Ms P Bushby (Divisional Manager for Communities and Customer Services), Mr L Foord (Divisional Manager for Communications, Licensing & Events), Mrs J Hotchkiss (Director of Growth and Place), Mrs S Peyman (Divisional Manager for Culture), Mrs L Rudziak (Director of Housing and Communities), Ms K Standing (Divisional Manager, Revenues, Benefits and Housing) and Ms L Williams (Housing Enabling Officer)

## 34 **Chairman's Announcements**

Apologies for absence were received from Cllr Tracie Bangert & Cllr Sarah Sharp.

## 35 **Approval of Minutes**

### **RESOLVED:**

1. That the minutes of the meeting held on the 13 July 2023 be agreed and approved as a correct record.

## 36 **Declarations of Interest**

Cllr Jessica Brown-Fuller declared her interest as a trustee of Chichester Festival Theatre.

## **Chichester Festival Theatre Annual Report & Funding Agreement**

Cllr Brown-Fuller introduced Mrs Katherine Bourne from Chichester Festival Theatre.

Mrs Bourne introduced the report and provided an overview of the information collected, explaining how the organisation has been performing over the course of the last year.

Mrs Bourne detailed the theatre's ongoing programmes and provided updates on the various projects, such as The Charity Programme, The Chichester Warms Project, and The Youth Acting Programme. Mrs Bourne advised that the theatre actively works alongside schools and the local community, with 70 volunteers that work in the theatre every week. In addition to this, staff are working on digitizing the theatre's archives to improve services.

Mrs Bourne explained that the theatre also offers relaxed and dementia friendly performances, stating that it's important that the theatre continues to support vulnerable communities. Furthermore, the theatre will continue to identify areas of support, alongside the Council, to enhance the local economy.

Members agreed the importance of the work that the theatre conducts, and the widespread benefit provided to the local community.

Cllr Hickson enquired as to how the theatre reaches out to refugees, and whether contact has been made with the residents at Chichester Park Hotel.

Mrs Bourne advised that the theatre will reach out to the residents via Sanctuary and is currently in the process of making contact.

Cllr Johnson welcomed the effort the organisation makes to ensure opportunities are offered diversely and enquired as to how the theatre connects with people who are tutored at home.

Cllr Johnson also highlighted ticket prices and asked whether there can be section of the theatre allocated for people on lower incomes, as this would offer a great opportunity to those who can't usually afford a ticket.

Mrs Bourne advised that the theatre offers tickets for £5 for ages 16-30, there are also offers on most performances for £10. Mrs Bourne highlighted that these low prices are incredibly important and that they will continue to support this.

With regards to connecting to different backgrounds, such as those who have been home tutored, Mrs Bourne advised that there are home school cohorts and programmes in place to ensure that individuals from different communities can develop their skills.

Members acknowledged the incredible work that the theatre has provided and the positive impact on the local community.

## **RESOLVED:**

1. That the Panel note the report contents and recommends to Cabinet that the funding agreement is extended for a further year until 31 March 2025 to allow for the results from the social and economic impact assessment to be fully considered.

### **38 Pallant House Gallery Annual Report & Funding Agreement**

Mr Simon Martin from Pallant House Gallery introduced the item and gave Members a review of how the gallery has expanded. With the first full year of uninterrupted service since covid, the gallery saw significant increases in guest attendance.

Mr Martin highlighted the increase in attendance from jobseekers, carers and children, as a result of the free entry offered by the gallery.

With regards to the different events hosted by the gallery, Mr Martin advised that the summer exhibition in 2022 received a great deal of international press coverage. Mr Martin advised that there were 42,000 visits for their exhibition, which is their most visited exhibition ever.

Mr Martin also highlighted The Community Programme, stating that during 2023, the gallery has had 200 regular participants, which equates to approximately 1,600 participants across all the sessions hosted. The organisation has also recently hit the 20-year mark. One of the celebrations included projects that worked alongside the Culture Spark programme, Chichester College and local charities.

Mr Martin explained how much of their staff have been recruited from the local area, including local schools, colleges and from different programmes within these organisations, such as the programme Counter and Create. This features different workshops which are based around different themes of art. The gallery has received positive feedback from these workshops. Additionally, 244 volunteers are from the local area, demonstrating the strong presence in the local community.

Members acknowledged the high quality of service the gallery provides.

Cllr Hickson asked Mr Martin how the gallery deals with individuals who may have difficulty accessing the curriculum provided.

Mr Martin advised that the gallery focuses on promoting the curriculum through a wide variety of avenues, such as working alongside parents, setting up activities with local schools to create programmes that promote engagement with art. Additionally, these programmes are open to the local community, regardless of what school the children attend.

Furthermore, many projects have been uploaded online, so that schools can have access to this learning material for their own classes. This way, they can offer in person training, as well as digital content that can be delivered in a classroom.

**RESOLVED:**

1. That the Panel note the report contents and recommend to Cabinet and Council that the funding agreement for Pallant House Gallery is extended for a further year until 31 March 2025 to allow for the results from the social and economic impact assessment to be fully considered.

**39 Sport & Leisure Management**

Mr Stuart Mills introduced the report and provided Members with information on the various projects in operation, such as The Wellbeing at Work Programme, The Healthy Ageing Programme and The Healthy Children & Young People Programme.

Cllr Brown-Fuller asked whether the organisation works with local partners to offer services and activities that aren't offered in house.

Mr Mills stated that they regularly engage with the community to see what activities have high demand, they can then work with local organisations to create these programmes and events. More programmes will be introduced across Southbourne soon.

Cllr Hickson was concerned with the drop in membership at Bourne Leisure Centre and emphasised the importance of marketing in communicating the service these businesses provide. Cllr Hickson suggested that in future, there could be greater communications between the Council and the organisation to improve this.

Mr Mills advised that there are membership offers in place during peak times but agreed that there is room for improvement.

**RESOLVED:**

1. That the Panel receive the Annual Report from Everyone Active (Sport and Leisure Management Ltd) Appendix 1 and note the performance for 2022-23.

**40 Government Anti-social Behaviour Consultation results and ASB action plan**

Mrs Bushby introduced the report and advised Members on how the ASB policy has developed over time. Mrs Bushby asked Members to review the current ASB policy and to provide their feedback, which can be used for the revised policy.

Cllr Hamilton asked whether vandalism is included in the report, as this is a prevalent issue in the northern areas of Chichester.

Mrs Bushby advised that there are currently low levels of anti-social behaviour and this has reduced significantly over recent years. Vandalism is commonly placed amongst neighbour disputes. In these situations, the Council's approach is to mediate between all the parties involved. Graffiti is also a common issue across the district, but efforts are being made to address this.



**RESOLVED:**

1. That the Panel note the report and the Government's Anti-social behaviour Action Plan and make any comments on the refreshed Anti-social Behaviour (ASB) Policy.

**41 Allocation and Expenditure of Commuted Sums for Affordable Housing**

Mrs Williams & Mr Bristow introduced the report and advised Members on the proposals detailed within the report.

The Officers advised the Panel that the Policy will enable Officers to assess applications for funding fairly and consistently, whilst ensuring monies are directed to address the district's housing needs.

Cllr Hickson asked whether Members could review a timetable or spending schedule, as this would provide certainty on spending during the 3-year period. Further information on the size and requirements of the properties would also be beneficial.

Mrs Williams advised that there is a schedule in place that outlines where funds have been allocated and where expenditure lies. In addition, there's also housing data, which is updated monthly. Mrs Williams advised she will refer this information to Cllr Hickson.

**RESOLVED:**

1. That the Panel comment and provide feedback on the proposals detailed within this report in relation to the introduction of a Commuted Sums Spending Policy (Affordable Housing).

**42 Policy on S37/157 Housing Covenants**

Mrs Williams introduced the report and provided an overview of the Policy. The Officers advised that the objective is to ensure that rural homes that are sold under the Right to Buy are retained as affordable homes for local people.

Cllr Hickson asked whether it would be possible to prevent an individual letting their property out via Airbnb.

Mrs Williams advised that there are some properties that have restrictions on them, however it's not possible to determine what the status is of each property and what restrictions each property has.

Mr Bristow added that information listed on the property deed can provide further context for each property.

The Members discussed the Policy and agreed to support its introduction. The Members & Officers agreed to revise the recommendation accordingly.

**RESOLVED:**

1. That the Panel vote to note the contents of the report and to support the introduction of a policy for determining applications relating to properties subject to a restriction under Sections 37 and 157 of The Housing Act 1985, or any other restriction of this nature.

**43 HCSP Draft Work Plan 2023/24**

Mrs Hotchkiss & Mrs Rudziak introduced the Housing & Communities Work Programme 2023-2024 and updated Members on the current outlook.

The Members reviewed the items listed for upcoming Panel meetings.

**RESOLVED:**

1. That the Panel is requested to note the workplan.

**44 Late Items**

There were no late items.

**45 Date of Next Meeting**

The date of the next meeting is 29 February 2024.

The meeting ended at 11.50 am

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CHAIRMAN

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Date:

## **Task and Finish Group - Terms of Reference**

### **The review of the Council's Housing Strategy**

#### **Membership:**

Councillor Betts (Chair)  
Councillor Bangert  
Councillor Briscoe  
Councillor Brisbane  
Councillor D Johnson  
Councillor Hixon

**Lead Officer:** Kerry Standing

**Officer Support:** Teresa O'Toole, Mark Bristow, Louise Williams, Graham Thrussell, and any others if required.

#### **Purpose of the Group**

The purpose of the group is to review the Council's existing Housing Strategy and set out a proposed Housing Strategy from 2025 for 5-10 years.

The Task and Finish Group will work together to deliver a proposed Housing Strategy from 2025 and will consider all housing, budgetary, legal and operational impacts in doing so.

#### **In doing this the Group will:**

##### **1. Review the Council's current Housing Strategy that came into effect from 2020.**

This will include:

- Reviewing how affordable housing is currently delivered.
- Data to support what the current housing need is through the Council's Housing Register
- A review of current waiting times for properties
- What are the possible solutions and is there anything we should be doing that we are not doing?
- How we ensure that the proposed Housing Strategy takes account of housing need over the next 5-10 years and is focussed on the future needs of residents.

##### **2. Consider how best to engage with our stakeholders, officers and residents to inform the outcomes of the proposed Housing Strategy.**

This will include:

- Engagement activities to ensure thorough input and feedback is obtained to support the direction of the proposed Housing Strategy to take effect from 2025.

## Outcomes

- A draft Housing Strategy to be developed in accordance with the timetable below.

## Task and Finish Group review period / timetable

Action required	Responsible	Delivery date
Initial meeting with the Task and Finish Group Chair	Kerry Standing	February 2024
Initial Task and Finish Group meeting	Kerry Standing	May 2024
Housing Strategy project work to be undertaken between June – October 2024	Kerry Standing	June – October 2024
Draft report for the Housing and Communities Panel	Kerry Standing	November 2024
Draft report to Cabinet	Kerry Standing	February 2025
New Housing Strategy from 2025 goes live	Kerry Standing	April 2025

**Kerry Standing**  
**Divisional Manager**  
**Housing, Revenues and Benefits**

**HOUSING & COMMUNITIES WORK PROGRAMME 2024-2025**

<b>Issue</b>	<b>Housing &amp; Communities Panel's role</b>	<b>Lead Officer</b>
<b>18<sup>th</sup> April 2024</b>		
Housing Strategy review TOR	Review	Kerry Standing
BEAM – verbal update	Review	Kerry Standing
Custom & Self Build action plan	Review	Louise Williams
Waivers for designated protect areas	Review & recommend to Cabinet	Louise Williams
Local Authority Housing Fund update	Review	Kerry Standing
<b>17<sup>th</sup> July 2024</b>		
Council Tax reduction scheme review	Review	Marlene Rogers
<b>14<sup>th</sup> Nov 2024</b>		
Supporting You – outcome review	Review	Marlene Rogers
Cultural grants – annual reports	Review	Sarah Peyman
<b>6<sup>th</sup> Feb 2025</b>		
New Housing Strategy	Review & recommend to Cabinet	Kerry Standing
Customer Services	Review	Deborah Williams
New Protect Duty	Review	Pam Bushby Laurence Foord

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**Chichester District Council**

**THE HOUSING & COMMUNITIES PANEL**

**Update on Custom & Self-Build at Chichester and revisions to the Register**

**1. Contacts**

**Report Author:**

Mark Bristow – Principal Affordable Housing Delivery Officer  
Telephone: 01243 34553 E-mail: [mbristow@chichester.gov.uk](mailto:mbristow@chichester.gov.uk)

**Cabinet Member:**

David Betts – Cabinet Member for Housing and Revenue and Benefits

**2. Recommendation:**

- a) That Members note the Custom and Self-Build health check and the subsequent workstream activity undertaken over the past year.
- b) That Members recommend to Cabinet the revision of the eligibility criteria for entrance onto Part 1 of the Custom and Self Build Register.
- c) That Members recommend further publicising of the CSB Register including through the hosting of an open event for those with an interest.

**3. Background**

Overview

- 3.1 As required by the [Self-build and Custom Housebuilding Act 2015](#), the Council has held a Self-build and Custom Housebuilding Register since April 2016. This is a register of individuals or groups of individuals who are seeking to acquire serviced plots of land in the district to build their own homes.
- 3.2 The Act (as amended by the Housing and Planning Act 2016) places two further duties on the Council:
  - A duty to have regard to the register when carrying out its planning, housing, land disposal and regeneration functions.
  - A duty to grant, within three years, 'suitable development permission' to enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area.

An external review in the form of a Health-Check of the Custom and Self-Build Register and wider workstream was undertaken by the Right to Build Task Force in

January 2023. The feedback from this review made several recommendations and resulted in an Action Plan a copy of which is available at Appendix 1.

The Action Plan identifies a number of areas in which the Council could improve the Custom and self-Build workstream and the actions taken over the past year as per the recommendations of that Action Plan are set out below:

- **Resourcing** – whilst we don't have a designated officer, we have identified a Custom Self Build Officer Champion that has absorbed the workstream into their day-to-day role and acts as the Lead Officer for CSB.
  - **Political Backing** – Cllr Betts has agreed to be the current Custom Self-Build Member Champion and a training session for members in relation to CSB took place on Monday 13<sup>th</sup> November 23.
  - **Website & Communications Strategy** – at the time of the Healthcheck, the Council hadn't publicised the register other than how to join on the Council's website. As a result of the Healthcheck we subsequently included an article in the Initiatives magazine in Summer and this was followed by a wider campaign across multiple channels and a second article in September 2023. The website pages are updated as required and reviewed on a quarterly basis.
  - **Corporate Plan/Housing Strategy** – At the time of writing this Report neither the Corporate Plan or Housing Strategy refer specifically to Custom and Self-build Housing. The current Housing strategy is due to be refreshed for 2025 and this provides an opportunity for Custom and Self-build options to be captured so far as is appropriate to do so.
  - **Monitoring** – The Healthcheck indicated that monitoring data should be published. Subsequent to the Healthcheck the Levelling Up and Regeneration Act 2023 now stipulates that numerical data should be published and the Council has now done so on the Custom and Self-build webpage available here: [Custom and self-build housing - Chichester District Council](#). Furthermore, the Council continues to review it's monitoring of Custom and Self-build housing across Housing and Planning Divisions.
  - **Supplementary Planning Document and Neighbourhood Plans** – The Council at this stage does not envisage a separate Supplementary Planning Document specifically for Custom and Self-build, however, this option remains on the table should it become evident that there is a consistent and severe under delivery of Custom and Self-build housing. In relation to Neighbourhood Plans, the Housing delivery Team have written to Parish Councils to offer our services in terms of a range of data and assistance that can be provided to help such groups shape their plans, this includes Custom and Self-build housing policies.
  - **Member and Officer Training** - Regular training for officers has been undertaken since January 2023 and separate training has been undertaken for Members (See Appendix 2).
  - **Development Management Process and legal controls / s106** – This is an area that continues to evolve and a joint meeting between Housing and Planning Divisions is currently in the works to discuss the best way forward in terms of appropriate wording for Conditions and/or a s106 template. Consideration needs to be given to which mechanism is the most appropriate for the scale of the proposed scheme.
- 3.3 Turning now to eligibility to join the Register, eligibility criteria for entrance to Part 1 of the custom and Self-Build Register was introduced in 2018 and required people



to have a local connection to Chichester. At this time a financial test was also introduced.

- 3.4 In relation to Recommendation C) the Council has a statutory duty to publicise the Register and one way to do this would be to provide an open event on Custom and Self-build –to enable those with an interest to find out more about securing a Custom Self-build home.

#### 4. Outcomes to be Achieved

- 4.1. In relation to Recommendation A) the outcome is to raise awareness of the work that has been undertaken over the past year in relation to Custom and Self-build housing.
- 4.2. In relation to Recommendation B) the outcome is to simplify the process for registration for applicants bringing it in to line with the requirements to join the general Housing Register and to reduce unnecessary barriers for which officers are not qualified to reach a judgment.
- 4.3. In relation to Recommendation C) To encourage those wishing to undertake Custom and Self-build to join the register and to learn more about how it may be a viable option for them and meeting the needs of this section of the community.

#### 5. Proposals

- 5.1. To reduce the length of time an applicant needs to have lived in the Chichester Plan Area from 5 years to 2 years.
- 5.2. To remove the need to provide financial evidence to join the register.
- 5.3. Eligibility criteria for entrance to Part 1 of the custom and Self-build Register was introduced in 2018 and required people to have a local connection to Chichester. The criteria is set as follows in the first column, with proposed changes being recommended in the second column:

Existing Part 1 Joining Requirements	Proposed Part 1 Joining Requirements
<ul style="list-style-type: none"> <li>have lived in the Chichester District Local Plan area (i.e., not in the South Downs national Park) for at least 5 years immediately prior to the date you apply to join the register; or,</li> </ul>	<ul style="list-style-type: none"> <li>have lived in the Chichester District Local Plan area (i.e., not in the South Downs national Park) for at least <b>2 out of 5</b> years immediately prior to the date you apply to join the register; or,</li> </ul>
<ul style="list-style-type: none"> <li>have been employed in the district for more than 16 hours per week for the last two years; or,</li> </ul>	No change
<ul style="list-style-type: none"> <li>have close family who have lived in the district as their main</li> </ul>	No change

place of residence for the last five years and need the support of the close family or the close family needs the support of the applicant; or,	
<ul style="list-style-type: none"> <li>• have been in the service of the regular armed forces or have left the service of the armed forces for a period of five years or less.</li> </ul>	No change

The above is in addition to the Requirements to join the wider CSB Register which is set out nationally in legislation as follows:

- aged 18 or over;
- a British citizen, a national of an EEA state other than the UK or a national of Switzerland; and,
- seeking (either alone or with others) a serviced plot of land in the plan area to build a house to occupy as your sole or main residence.

3.4 In addition, applicants are asked to provide evidence of their financial ability to undertake the build. Officers strongly advise that this requirement should be removed in its entirety as officers are not best placed to determine the affordability of a person's circumstances to undertake such a build. In addition, there are several other factors that may affect affordability such as whether the land is already in their ownership, interest rates, mortgage availability, build costs etc all of which will be unique to each case.

3.5 Those without a local connection are eligible to join Part 2 of the register.

## 6. Alternatives Considered

- 6.1 Do nothing and maintain the status quo. This is considered not to be the preferred option as it fails to recognise the particular needs of those looking to build their own home and puts in place barriers to those wishing to join the register.
- 6.2 The Council could choose to apply no restrictions, however, this would potentially lead to exceptional demand being placed on the district making it extremely challenging to fulfil our statutory duty in relation to meeting supply.
- 6.3 The council could choose to apply more restrictions, however, to do so would not reflect the Action Plan and Independent Healthcheck undertaken, nor would it reflect Best Practice.

## 7. Resource and Legal Implications

7.1. There are no direct or legal implications of following the recommendations. In terms of resource an undefined amount of resource would be required to hosting an event, however, officers consider this likely to be minimal and capable of being met out of existing budgets.

## 8. Consultation

8.1. No formal public consultation has taken place with a view to bringing the Custom Self-Build Register Part 1 joining criteria into line with the Council's Housing Allocation Scheme.

## 9. Community Impact and Corporate Risks

9.1. There are considered to be no Corporate Risks associated with the Recommendations of this Report. In terms of Community Impact, it is considered to be a positive impact for those wishing to build their own home within the Chichester Plan area.

## 10. Other Implications

<b>Are there any implications for the following?</b> If you tick "Yes," list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
<b>Crime and Disorder</b>		X
<b>Climate Change and Biodiversity</b>		X
<b>Human Rights and Equality Impact</b>		X
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b>		X
<b>Health and Wellbeing</b>		X
<b>Other</b> (please specify)		

## 11. Appendix

Appendix 1 – Right to Build Taskforce Custom and Self-build HealthCheck  
Appendix 2 – Custom and Self-Build Training Register

## 12. Background Papers

None

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16<sup>th</sup> February 2023

### **Chichester District Council – Custom and Self-Build Action Plan**

The Custom and Self-Build Health Check and Action Plan process provides a mechanism to determine how ‘healthy’ an LPA’s policies, procedures, protocols, and engagement are in respect of CSB and how the authority is delivering on their duty in respect of the Right to Build legislation. The Health Check Questionnaire Responses are considered against a series of ‘benchmark’ requirements. These are to ensure:

- **That each LPA has a RTB Register that is visible, well promoted and regularly monitored and actioned.**
- **That fee charges, if employed by LPAs to join registers are appropriate and proportionate. Connection tests, if applied are reasonable and necessary in accordance with national policy and guidance.**  
**That effective and meaningful planning policy is used in emerging or adopted local plans to positively promote and support CSB in all its guides.**
- **That regular annual monitoring takes place in relation to the supply and demand of CSB in the LPAs area.**
- **That CSB applications are correctly recorded and that appropriate legal obligations are used to ensure permissions come forward as intended for CSB.**

**In order to increase diversity in the housing sector all of the above points play an important role to delivery CSB and to make this a mainstream housing offering.**

Within this context, the responses submitted by Chichester District Council via the Health Check Questionnaire, together with a review of information available from the Council’s website, have been assessed to inform the suggested action plan below. The action plan utilises a traffic light priority system in order to assist with implementation.

## Chichester District Council CSB Action Plan

Status	Description
RED	High priority - needs immediate attention.
AMBER	The task is a concern and a priority.
GREEN	The task is on track to complete on time.
COMPLETE	Indicates the task has been finished and ready for next phase.

<b>Name of local authority</b>	Chichester District Council		
<b>Name of lead contact:</b>	Mark Bristow, Housing Delivery Officer, Housing Delivery, Chichester District Council		
	<b>Health Check Outcome</b>	<b>Priority (RAG)</b>	<b>Action Plan Intervention</b>
<b>Resourcing for CSB</b>	<p>Chichester Council does not have any specified identified resource for custom and self-build and notes significant skills gaps in housing delivery, planning policy and development management. The Housing Delivery Team is keen to push forward the agenda, in particular, affordable provision via CLTs on LA land. Greater training and experience would be very helpful.</p>		<p>The Task Force have found that having the benefit of a dedicated CSB officer who is responsible for driving CSB and investing in working with CSB enablers and community self-build groups significantly helps increase diversity in housing in the local authority area and ensures a proactive approach to CSB as a defined type of housing.</p> <p>It is recognised that local authorities are experiencing significant budgetary and resourcing challenges at present and therefore the most expedient approach is likely to be upskilling/training existing staff. The Task Force regularly facilitates training opportunities which are often provided to local authorities free of charge. These include a series of masterclasses covering monitoring, design coding, delivery, working with enablers and appeals. There is also an existing forum for officers with responsibility for CSB. This has proved to be an excellent learning opportunity for officers and a forum where concerns, issues and challenges can be discussed, and experiences shared. Therefore, it is suggested that the Council designates one or more officers who can take the lead on CSB engagement and act as the first contact for the LPA. Lack of specific responsibility for CSB within a planning/housing department is a very limiting factor in engaging with people who wish to build their own homes as well as custom build enablers and community groups.</p>

			<p>The Council may also wish to consider suitable funding sources for example any residual new burdens funding to provide officer resource for CSB. Over time, as the Council adopts suitable development plan policy that secures provision of CSB on large sites, the Council could explore the use of Planning Performance Agreements to facilitate delivery of CSB.</p>
<b>Political Backing</b>	<p>No member champion has been identified, although the Housing Portfolio is keen on seeing CSB coming forward. There appears to be broad support for CSB as a result of an individual promoting this form of housing.</p>		<p>As a starting point, it is suggested that the Council seeks to hold an initial session to engage Members in CSB and ‘win hearts and minds’. The Housing Portfolio holder, who is keen to see CSB coming forward in Chichester, can play an important role as a ‘Member Champion’ to lead engagement and understanding of CSB amongst the Council’s membership.</p> <p>The Task Force offers introductory workshops, and it is understood that this is in the process of being arranged for the Council. The Task Force believe that this is an essential first step in achieving clarity and support for officers across; development management, policy and housing enabler teams. In our experience, these work best when attended by a broad range of officers across the Council’s housing and planning functions and crucially, elected members. Establishing strong political support and leadership is essential to proactive CSB promotion by a local authority.</p> <p>It is also important that Planning Committee Members also have specific knowledge in CSB. The Council may wish to consider arranging bespoke training for Planning Committee Members to ensure they are fully cognisant of the Right to Build legislation and are able to take the Councils duties into account in exercising their decision making powers. This would be a paid for provision with the Task Force being able to visit the LA and deliver a bespoke face to face training session to suit the needs of the LPA.</p>
<b>Register</b>	<p>The Council does not currently charge a fee for entry onto the Register. There is a local</p>		<p>It is welcomed that the Council does not currently charge a fee for entry onto the Register. In the Task Force’s experience, register fees simply act as a deterrent for applications and</p>



	<p>connection restriction as land is at a premium within the area. A financial solvency test has also been implemented although the Council is considered this is removed.</p>	<p>being able to demonstrate healthy demand for CSB is crucial for the promotion of any CSB interventions particularly proactive local plan policies. Given the current stage of plan making, the Task Force would advise against the introduction of a fee as data from the Register will be important in seeking to justify the Council's intended policy approach to delivering CSB at Examination.</p> <p>In respect of the local connection restrictions, Planning Practice Guidance makes clear that tests need to be proportionate, reasonable and reviewed periodically to ensure that it responds to issues in the local area, for example, areas with exceptional demand or limited land availability. It is recognised that a significant proportion of Chichester falls within the South Downs National Park (and therefore not the local planning authority for this area) as well as the Chichester Harbour Area of Outstanding Natural Beauty and internationally designated habitat sites. It is suggested that the local connection test is monitored and reviewed over time, particularly as progress is made on the new Local Plan. If there is an opportunity to remove the connection test over time this would be a positive step for inclusivity and help to encourage Custom Self Build to all interested parties.</p> <p>In terms of the financial solvency test, Planning Practice Guidance is clear that this may be applied where relevant authorities wish to assess whether the applicant can afford to purchase the land, although authorities should be aware that self-build and custom build can provide a route to affordable home ownership for those on low incomes and so will need to take this into consideration if introducing a financial solvency test. The Council is considering whether to remove this test and this would be supported by the Task Force. The financial solvency test introduces an additional resource requirement for local authority officers whereby time will be spent processing applications and, in our view, this is largely unnecessary. The Register can ask a series of questions around</p>
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			<p>the applicant's ability to afford a CSB as well as questions to assess affordable housing need without a formal eligibility test. If the financial solvency test is to be retained, it should be designed to enable the maximum number of individuals to pass and <u>not</u> act as a deterrent to registration.</p> <p>Finally, it is noted that the Council holds an electronic register which hopefully assists with reducing the administrative burden of maintaining the register. The Council may wish to consider publication of high level analytics from the Register, on an annual basis. This is likely to assist enablers looking at areas within England's regions to seek to develop CSB sites. The LPA should seek to encourage the facilitation of enablers through sharing of data in a responsible manner which do not create conflicts</p>
<p><b>Website Presence</b></p>	<p>The Council's website has not been updated for some time. The Council's CSB webpage helpfully provides a guidance note that covers the Register which addresses the additional eligibility requirements.</p>		<p>The Council should ensure regular updates to the website in regards to CSB. Fundamentally, there should be clear links between the Council's housing and planning webpages as it may not be immediately clear to customers when searching for information on custom and self-build where they need to be looking. CSB webpages should be engaging and ideally provide a range of information sources to aid consumers including details of the Council's local plan policies (once adopted), register requirements and ideally, details of any plots currently available. As an example, please see <a href="#">Teignbridge District Council's website</a> which contains a broad range of information to assist prospective custom and self-builders including an interactive map of consented sites across the District.</p>
<p><b>Communications Strategy for CSB</b></p>	<p>No dedicated officer, member or local community engagement in respect of CSB has taken place.</p>		<p>It is important to engage with local communities, as well as developers and enablers regarding CSB, both to convey demand and information relating to the Council's future plans to support CSB and explore opportunities to upscale CSB delivery.</p> <p>Positively promoting CSB and actively seeking to engage and work with local SME builders and CSB enablers is important to ensure CSB is delivered to satisfy the needs of those on the</p>

			<p>Council's Register. Local community engagement is also a powerful opportunity to establish evidence of demand and identify where communities want to see CSB.</p> <p>In the first instance, the Council could also consider arranging town and parish council briefings for custom and self-build. These can be invaluable in informing and inspiring local communities to take action to promote CSB in their local area whether through a community housing initiative or neighbourhood plan.</p> <p>In time, as larger, strategic scale development proposals are identified consider the use of engaging marketing events to inform the local population of the opportunities that this form of housing can provide and make them aware of potential opportunities that may be coming forward in their area. This could provide multiple benefits including:</p> <ul style="list-style-type: none"> <li>• Developing a greater understanding of the demand for CSB at the local level.</li> <li>• Raising awareness amongst the local community.</li> <li>• Stimulating interest in upcoming developments which will aid the marketing process.</li> </ul> <p>Finally, as the Council's Custom and Self-Build approach becomes more established, the Council could also consider arranging specific forums for SME builders and CSB enablers that operate in the area (similar to agent/developer forums). This would provide an opportunity to provide updates as to the latest permissions, pipelines of sites, policy and design requirements as well as developing positive working relationships.</p>
<p><b>Corporate Plan / Housing Strategies</b></p>	<p>The Council's Corporate Plan is silent on CSB as is the Housing Strategy.</p>		<p>The Task Force has found that reference to CSB within relevant corporate / housing strategies greatly helps ensure that all key parties are aligned and are working towards cross-departmental, mutually agreed goals and aspirations to advance the delivery of CSB in their area. It also ensures that</p>

			<p>CSB is taken into account as part of relevant decisions taken by the Council, in accordance with the Right to Build duties. Strategies should establish specific, measurable and realistic targets which can be monitored as part of the Council's corporate KPI monitoring process. Fundamentally, this further enshrines the need to diversify the housing market (and the benefits this brings) into the culture of the organisation.</p>
<b>Monitoring of CSB</b>	<p>The Council monitors CSB permissions and completions as part of overall housing monitoring. Specific monitoring is done by the Council's CIL team.</p> <p>It is unclear whether the Council is currently meeting its statutory duties in respect of CSB. The Council also does not actively publish CSB land supply information although CSB is included within a list of permissions as part of 5yhls data which is published annually.</p> <p>No monitoring of CSB delivery is included within the Council's wider corporate performance activities.</p>		<p>The Task Force would strongly suggest that the Council should seek to publish data in respect of CSB register demand as well as permissions and completions. Publishing monitoring data not only helps the sector to understand the market and demand in your areas but crucially helps the local and regional market to respond and seek to deliver for those who are wishing to build their own homes.</p> <p>To assist local authorities, the Task Force has produced a standardised template for monitoring CSB land supply. This is available as a Guidance Note on the Task Force Website: PG13 – Annual Monitoring Reporting</p> <p>Whilst the duty is explicit in meeting the demand for CSB by reference the number of entries on the Council's Register, the reality is that many authorities are not currently meeting the demand for CSB. Where this is the case, it is important to demonstrate that proactive, positive action is being taken within the local authority.</p> <p>Please also see the Task Force's Planning Guidance Note: PG 10 Counting relevant permissioned plots.</p>
<b>Local Plan &amp; CSB Policy</b>	<p>The Council does not currently have an adopted local plan policy that supports CSB. The Council's emerging plan is proposed to include a number of references including housing mix, percentage policy on larger sites, CSB references within a rural exception</p>		<p>The emerging Chichester Local Plan Review 2035 (Preferred Approach – December 2018) includes references to custom and self-build housing within Policy DM2 'Housing Mix'. Although it is noted from the Council's health check responses that the intention is that policies will go further than this. The Council's approach to establishing a broad package of policies to support custom and self-build is welcomed. It is important to establish clear, unambiguous policy requirements in respect</p>

	<p>policy. The subsequent allocations DPD will also be an opportunity for dedicated allocations.</p> <p>In terms of evidence, the Council has its CSB Register, a list of CIL exemptions and the Housing and Economic Development Needs Assessment.</p> <p>The Council's emerging Plan is not yet at Examination.</p>	<p>of CSB. The Task Force advocates for CSB support to be enshrined in various aspects of planning policy including:</p> <ul style="list-style-type: none"> <li>• Strategic policy (CSB as part of housing mix as well as broader support for CSB having regard to spatial strategy/settlement hierarchies)</li> <li>• Site specific (Allocations, percentage policy requirements, small sites requirements)</li> <li>• Development management (windfall sites, exception sites, design standards etc.).</li> </ul> <p>The Task Force is able to offer technical support with drafting policies, evidence and/or acting as a critical friend for local plan policy approaches as part of a paid for service.</p> <p>With regards to the Register, this is a useful starting point although it is important to recognise that the registers provide a snapshot of demand at a point in time. They are ultimately dependent on register awareness and how the LPA has marketed the Register and therefore are unlikely to be a reliable proxy for longer term plan-making.</p> <p>Therefore, it is important to support register data with other sources of demand. It is important to ensure that any plan-wide needs assessment does not simply repeat the register data. The recent <a href="#">Housing and Economic Development Needs Assessment undertaken by Icen Projects Limited</a> takes into account broader demand evidence such as use of secondary data sources as recommended by PPG. It also recognised the Register's limitations as an expression of demand. The approach is welcomed and will help justify the inclusion of CSB policies within the local plan.</p> <p>Should the Council wish to go even further, the Council could consider a separate Demand Assessment Model which considers longer term strategic demand for CSB. This has been developed by <a href="#">Three Dragons</a>, in collaboration with the Task</p>
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			<p>force to assist local authorities with long term planning and identifying underlying demand for CSB. Their approach uses current local and national data in respect of demographics and affordability and provides information about demand across a local authority or housing market area, taking account of the type, size and tenure of serviced plots.</p> <p>In addition to demand evidence, the Council could also helpfully develop the evidence base in respect of land supply. This could be facilitated through a call for sites process that specifically invites land submissions for custom and self-build.</p>
<b>SPD for CSB</b>	The Council does not have an adopted or emerging SPD for CSB.		<p>The Council does not have an adopted or emerging Supplementary Planning Document for Custom and Self-Build. Clearly, an SPD, by nature must be supplementary to development plan policy and therefore there will need to be a suitable policy 'hook' in place to support an SPD. The courts have made clear that it is not appropriate to use SPDs to supersede development plan policy or make an alteration to plan policy to address new evidence. Consequently, as the new Local Plan is adopted, the Council may wish to consider whether an SPD could helpfully expand upon policy or provide further detail to CSB policy requirements to demonstrate how they can be taken forward. A draft SPD could helpfully cover the following:</p> <ul style="list-style-type: none"> <li>• Definitions of CSB and the differences between them</li> <li>• Delivering % policy requirements</li> <li>• Guidance for planning applications</li> <li>• Phasing and delivery</li> <li>• Achieving quality design</li> <li>• Use of design codes and plot passports</li> <li>• Servicing and utilities</li> <li>• Marketing plots</li> <li>• Delivery of affordable CSB</li> <li>• Other matters including CIL</li> </ul>
<b>Neighbourhood Plans</b>	The Council does not currently engage with parish and town		Chichester District Council has a significant number of neighbourhood plans. Neighbourhood plans are powerful tools

	<p>councils, neighbourhood groups, forums to promote the benefits of CSB, although once the new Local Plan is adopted then more active engagement may take place.</p>		<p>that give local communities direct power to develop a shared vision for their neighbourhood so they can deliver the development they need and want. Neighbourhood plan groups therefore have powerful planning tools at their disposal to support custom and self-build delivery.</p> <p>The Council could play a supportive role in engaging with neighbourhood plan groups to facilitate opportunities for custom and self-build. The Council could actively support groups in taking forward a range of opportunities that could help facilitate CSB opportunities in advance of the new local plan being adopted. These could include:</p> <ul style="list-style-type: none"> <li>• Encouraging CSB in the area or asking new housing developments to include serviced building plots in a scheme</li> <li>• Identifying specific sites and areas where CSB would be supported.</li> <li>• Promoting affordable CSB opportunities on rural exception sites – either as single homes or as part of a larger site.</li> <li>• Encouraging and identifying suitable sites where group or community led projects can be built.</li> </ul> <p>Neighbourhood plan support could naturally follow on from a process of engagement with local communities (as covered above) to encourage and inspire aspirations to deliver more CSB opportunities across Chichester.</p>
<p><b>CSB – Member and Officer Training</b></p>	<p>No internal or external training for officers / elected members on CSB has taken place in the last 6 months.</p>		<p>As set out in the 'Political Backing' section, in the first instance an introductory workshop with members and officers would assist with instilling support and enthusiasm for CSB at all levels within the Council. The Council may also wish to consider arranging a site visit for officers and members to see some of the UK's successful CSB first hand. One such example is Graven Hill in Bicester, which is the largest and most ambitious CSB project in England. The Task Force have arranged two guided</p>

		<p>tours to Graven Hill, with significant discounts for local authorities. Further details can be found at:  <b>7 March 11:30-2pm</b>  <b>10 May 11:30-2pm</b></p> <p>There are also a number of opportunities for more specific, bespoke training based around key issues facing the sector. The Task Force offers a strong masterclass programme whereby sessions are free for local authorities to attend. Recent sessions include percentage policy sites, planning appeals, delivery models and counting plots. There are also a number of additional sessions in the pipeline including a session covering: -</p> <p><b>Part 1</b> Affordable Custom &amp; Self Build Housing - (Big A and Little a) What it is and potential approaches to make it happen. <b>15<sup>th</sup> February 2023 @12.30pm -2pm</b></p> <p><b>Part 2</b> Affordable Custom &amp; Self Build Housing - Who could assist in making it happen? (Community led housing, Registered providers, Local authorities, etc.) <b>12<sup>th</sup> April 2023 @12.30pm – 2pm</b></p> <p>Self &amp; Custom Build Planning Policies The Good, Bad &amp; The Ineffective on the 23rd of February @ 11.30am-1.1pm</p>
<p><b>Development Management Process and legal controls / s106</b></p>	<p>The Council does not have a template section 106 agreement for CSB. Use of legal controls is an evolving issue within the Council. At present there does not appear to be a well-established framework in this regard although once the new Local Plan is adopted the Council will likely look at legal stipulations in relation to issues such as phasing, marketing</p>	<p>It is important to ensure that permissions for custom and self-build home are secured and delivered as such. Planning obligations (via s106 agreement or unilateral undertaking) and planning conditions will help provide certainty over the delivery of custom and self-build. It is therefore important that these cover all of the essential components to ensure CSB provision is delivered in a timely manner.</p> <p>Over time, the Task Force has developed a good understanding of the components needed within a legal agreement to secure high quality delivery of CSB. These include:</p>



	<p>periods, restrictions on occupation etc.</p>		<ul style="list-style-type: none"> <li>● Site-wide delivery which includes the number of CSB plots secured.</li> <li>● Defining CSB as the occupant having primary input into the dwelling's final design and layout</li> <li>● Distribution and phasing of plots on the site</li> <li>● Servicing plots and utilities</li> <li>● Staircasing / cascade</li> <li>● Marketing</li> <li>● Control over design – design code and plot passport</li> </ul> <p>It is suggested that the Council establishes a standardised draft s106 schedule which addresses all of the key requirements set out in the Council's local plan and those which are necessary for the delivery of high quality plots.</p>
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Appendix 2 - Custom and Self Build Training

<b>Name of Session</b>	<b>Date Attended</b>	<b>Officer Attending</b>
Delivering CSB Homes (LGA)	25/1/23	Mark Bristow Louise Williams
Affordable custom and self-build housing Pt1 (including Big A and little a)	15/2/23	Mark Bristow Louise Williams
Affordable custom and self-build housing Pt2 (including Big A and little a)	12/4/23	Mark Bristow Louise Williams Gillian Stevens
Introductory Workshop	16/3/23	Mark Bristow Louise Williams Kerry Standing Louise Rudziak Andrew Rushmer Gillian Stevens Cllr Bangert DM colleagues
Counting Plots and Monitoring Custom and Self Build Masterclass	15/3/23	Louise Williams Mark Bristow
Plot Passports	6/4/23	Louise Williams Mark Bristow Gillian Stevens
Design Codes	30/3/23	Louise Williams
The Right to Build Duty - is your LPA robust?	24/5/23	Louise Williams Andrew Rushmer
Custom and Self Build Planning Policies - the Good, the Bad and the ineffective.	10/5/23	Louise Williams Mark Bristow Gillian Stevens
Custom and Self Build Appeals	25/10/23	Louise Williams Mark Bristow
Custom and Self Build Training for Members	13/11/23	Members, Kerry Standing, Louise Williams, Mark Bristow, Louise Rudziak
Neighbourhood Plans and CSB	22/11/23	Mark Bristow, Louise Williams

Name of Session	Date Attended	Officer Attending
CSB Large Sites	14 <sup>th</sup> December	Andrew Rushmer, Louise Williams
Custom and Self Build Housing Legislative & Policy Update 2024	31 <sup>st</sup> January 2024	Andrew Rushmer, Louise Williams
Sect 123 LURA 2023 – applying the new duties at application and appeal	3/4/24	Mark Bristow

## Chichester District Council

### Housing and Communities Panel

#### Designated Protected Areas – Policy for applying for a Waiver

#### 1. Contacts

##### Report Author:

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##### Cabinet Member:

Cllr David Betts - Cabinet Member for Housing and Revenues and Benefits  
E-mail: [dbetts@chichester.gov.uk](mailto:dbetts@chichester.gov.uk)

#### 2. Recommendation

- 2.1 Members are invited to discuss and provide feedback in relation to the introduction of a policy for determining applications to Homes England seeking a waiver in Designated Protected Areas (DPA)
- 2.2 That members recommend to Cabinet that delegated authority be granted to the Divisional Manager for Housing, Revenues and Benefits to make minor changes to the policy and as set out in section 5 of the policy.

#### 3. Background

- 3.1 DPA's came into being on 7 September 2009 by virtue of sections 300-302 of the Housing and Regeneration act 2008. The principal objectives were to restrict the staircasing of shared ownership houses to a maximum of 80% and to ensure the retention of shared ownership homes in areas where it would be hard to replace if lost through 100% staircasing.
- 3.2 The areas under which this restriction applies is set out in The Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2016 SI 2016 No 587 (the Order), which came into force on 20 June 2016, was made by the Secretary of State in the exercise of powers conferred by section 157 (1) (c) and (3) of the Housing Act 1985, following an application by Chichester District Council (the Council) to designate such areas.
- 3.3 The legislation requires the lease to contain provision either to restrict the staircasing or where this is permitted for the landlord, specified in the lease, to repurchase the property when the leaseholder wishes to sell.
- 3.4 Since the introduction of DPA's it has become evident that the policy aim of retention of stock is not an issue in all DPA's and proposed development indicates that shared

ownership homes would not be hard to replace.

#### **4. Issues to be addressed**

- 4.1 The restrictions on staircasing limits the availability of mortgages and potential buyers have found it harder to secure a mortgage, or if they are able to it can be at less favourable rates. Registered Providers (RP's) have also raised concerns with Homes England around their financial ability to guarantee buying back properties. In recognition of these issues, Homes England has determined that under certain conditions a waiver to lift these restrictions may be sought.
- 4.2 The implementation of this policy will ensure an agreed, consistent approach is taken when the Council is approached by RP's requesting the Council to seek a waiver.

#### **5. Proposal**

- 5.1 Following a review of affordable housing stock across the district and forthcoming developments, in particular the location of strategic sites a list of parishes where waivers will be sought has been drawn up. See appendix 1.
- 5.2 In areas where new development is likely to be limited and where there are only a small number of shared ownership homes the Council will not seek a waiver, except under exceptional circumstances.
- 5.3 In areas where development is more likely to come forward, and where there is a healthy supply of shared ownership properties, or where an area has been allocated a strategic site then an application for a waiver will be supported by the Council.

#### **6. Alternatives Considered**

- 6.1 The Council could choose not to introduce a policy; however, this would leave the Council open to challenge when determining requests from RP's. The introduction of a policy clearly outlines the Council's position and process for dealing with applications and provides clarity for both council officers and RP's.
- 6.2 The Council could consider a more restrictive policy preventing the application for any waivers in DPA's, however such restrictive practice could result in RP's not purchasing the affordable homes in such areas or limiting a wider range of mortgage choices for potential purchasers.

#### **7. Resource and Legal Implications**

- 7.1 If the Council did not have a policy any decisions made to seek or not to seek a waiver could be open to challenge by RP's.

#### **8. Consultation**

- 8.1 Legal Services have been consulted on the policy proposal.

## 9. Community Impact and Corporate Risks

- 9.1 The retention of affordable homes in rural areas helps to ensure mixed, balanced, and sustainable communities, enabling waivers to be sought in areas where there is increasing stock of affordable homes to buy ensure a wider choice of mortgages for those whose options are already limited.

## 10. Other Implications

	Yes	No
<b>Crime and Disorder</b>		√
<b>Biodiversity and Climate Change Mitigation.</b>		√
<b>Human Rights and Equality Impact.</b> Applications to apply for a waiver must be fully considered as failure to do so may have adverse implications.	√	
<b>Safeguarding and Early Help</b>		√
<b>General Data Protection Regulations (GDPR)</b>		√
<b>Health and Wellbeing.</b> As above having a decent home is core to health and wellbeing.	√	
<b>Other</b> (please specify)		

## 11. Appendices

Appendix 1 – Designated Protected Areas policy

## 12. Background Papers

None

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## Designated Protected Areas of Chichester

### Policy for DPA Waivers

## Contents

1. Introduction
2. The Issues
3. The Council's Approach
4. Application to Homes England
5. Monitoring and Review

Appendix 1 – Designated Protected Areas

## 1. Introduction

- 1.1 Designated Protected Areas (DPA) came into being on 7 September 2009 by virtue of sections 300 to 302 of the Housing and Regeneration Act 2008, which amended the Leasehold Reform Act 1967. There were two principal policy objectives: to remove the risk of enfranchisement for shared ownership houses where staircasing is restricted to a maximum of 80% and to ensure retention of shared ownership homes in areas where it would be hard to replace if lost through 100% staircasing.

The Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2016 SI 2016 No 587 (the Order), which came into force on 20 June 2016, was made by the Secretary of State in the exercise of powers conferred by section 157 (1) (c) and (3) of the Housing Act 1985. The Order sets out areas within various districts, which include Chichester District.

- 1.2 The legislation requires the lease to contain provisions either to restrict staircasing to no more than 80% or that in instances where the leaseholder is permitted to acquire more than 80% (i.e. up to full ownership), then there is an obligation on the landlord (or a designated alternative landlord) specified in the lease to repurchase the property when the leaseholder wishes to sell.
- 1.3 It has become evident that for some of the areas which are now covered by DPA status, the policy aim of retention of stock is not an issue or the proposed development indicates that shared ownership homes would not be hard to replace.
- 1.4 In these circumstances a Registered Provider<sup>1</sup> (RP) can apply to the local authority to seek a waiver from Homes England, using the application form at appendix 2.
- 1.5 This policy sets out the circumstances where Chichester District Council (the Council) will request from Homes England that a waiver be granted on the restrictions on 'staircasing' (the process of shared owners purchasing additional shares in their properties from the RP). This will enable 100% of the equity, rather than the 80% restricted limit to be made available for purchase, where appropriate, for qualifying households.

## 2. The Issues

- 2.1 Ninety-four % of the Chichester District is designated as rural; typically, these are areas where the population is less than 3,000. In some of these areas, Westhampnett being one example, the Local Plan has designated strategic housing sites which are included in the DPAs. DPAs are not intended to cover 'rural' areas which become urban or suburban areas.
- 2.2 The legal relationship between RPs and Homes England in respect of their grant-funded delivery programme of affordable homes requires the lease to include a

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<sup>1</sup> Means a person listed in the register of providers of social housing established under Chapter 3 of Part 2 of the Housing and Regeneration Act 2008

restriction on the staircasing, along with a clause that the RP will buy back a property should the owner wish to sell.

- 2.3 Restrictions on staircasing limits the availability of mortgages and some potential buyers will find it harder to secure a mortgage or if they can it will usually be at less favourable interest rates. There are only a small number of lenders prepared to lend on restricted leases and RPs have also raised concerns over their financial ability to guarantee buy back properties.

### **3. The Council's Approach.**

- 3.1. The Council is committed to retaining affordable housing in its rural areas, particularly where forthcoming development is limited, and the prospect of replacement is low.
- 3.2. The Council has reviewed the current location of affordable housing stock and forthcoming developments, and in particular the location of strategic sites. This information has been used to assess the areas designated under the legislation and their suitability for an application to Homes England for a waiver.
- 3.3. In areas where new development is likely to be limited and where there is only a small number of shared ownership properties the Council will not, save in exceptional circumstances (see para 4.4 below), support an application to Homes England for a waiver. Such areas are denoted red in the colour-coded key in Appendix 1 to this policy.
- 3.4. In areas where development is more likely to come forward, and where there is a healthy supply of shared ownership properties, or where an area has been allocated a strategic site then an application for a waiver will be supported by the Council. Such areas are denoted yellow or orange in Appendix 1 to this policy.

### **4. Application to Homes England**

- 4.1. Where a RP wishes to seek a DPA waiver it must approach the Council with details of the development and a site location plan which clearly outlines the area to which the waiver is requested to be applied. The Housing Delivery Team will be responsible for processing the application in line with this policy acting in accordance with nominations made by the Director of Housing and Communities pursuant to delegated authority conferred by the Council's constitution.
- 4.2. If the development falls within one of the locations 'pre-approved' by the Council, then an application will be made by the Council to Homes England using the form attached as Appendix 2.
- 4.3. If the development falls within an area not approved by the Council, then the RP will be informed that the Council is unable to support the application, save where exceptional circumstances are deemed to exist (see para 4.4 below).

- 4.4. The Council may, in exceptional circumstances, use its discretion to seek a waiver from Homes England in an area which ordinarily it would not support an application for a waiver. An example of an exceptional circumstance might be where an RP is bringing forward a land-led 100% affordable scheme.

## **5. Monitoring and Review**

Over time, as the Council's Local Plan is reviewed and updated new strategic sites may emerge. Where this happens the Council's Housing Delivery team will review and update the approved list of locations where a waiver may be supported in consultation with the Divisional Manager for Housing, Revenues and Benefits. This policy will be reviewed on a three-yearly basis (unless particular circumstances require an earlier review).

**Appendix 1 – Designated Protected Areas**

Parish	Current Shared Ownership Units
Appledram	1
Barlavington	
Bepton	
Bignor	
Birdham	18
Bosham	1
Boxgrove	2
Bury	
Chichester	393
Chidham and Hambrook	14
Cocking	4
Compton	
Donnington	12
Duncton	
Earnley	
Eartham	
Easebourne	3
East Lavington	
East Dean	
East Wittering and Bracklesham	44
Ebernoe	
Elsted and Treyford	
Fernhurst	21
Fishbourne	17

**Key**



Within a DPA but do not (save in exceptional circumstances) recommend waiver.

Area not covered by DPA.

Area partly covered by DPA, allow waiver on large or strategic sites.

Area in DPA, recommend waiver due to current stock and forthcoming developments.

\* Selsey (where DPA applies) to be included in waiver recommendations

Fittleworth	
Funtington	
Graffham	
Harting	
Heyshott	
Hunston	1
Kirdford	6
Lavant	11
Linch	
Lynchmere	
Lodsworth	
Loxwood	17
Lurgashall	
Marden	
Midhurst	33
Milland	
North Mundham	13
Northchapel	2
Oving	99
Petworth	8
Plaistow & Ifold	
Rogate	
Selsey*	31
Sidlesham	
Singleton	
Southbourne	77
Stedham with Iping	
Stoughton	
Stopham	
Sutton	
Tangmere	30

Tillington	1
Trotton with Chithurst	
Upwaltham	
West Itchenor	
West Lavington	
West Dean	4
West Wittering	6
Westbourne	9
Westhampnett	55
Wisborough Green	6
Woolbeding with Redford	
<b>Total</b>	<b>939</b>