

Salcombe Neighbourhood Development Plan 2018-2034

Consultation Statement

Modification to Neighbourhood Plan

Introduction

Salcombe Town Council ('Council') propose to modify the 'Made' Salcombe Neighbourhood Development Plan ('the Plan'). The amendment relates to policy SALC H3 Principal Residence requirement for new housing ('the Policy').

It is considered that this is a material modification but one which the Council believes is not so significant or substantial as to change the intentions of the Plan. It is regarded as a strengthening of one part of the Plan and the modification can be made without a referendum but in accordance with the 2012 Regulations amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 No.1243. Regulation 14 of the Regulations requires

'in relation to a modification proposal, a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion'

The Council voted unanimously in agreement of the modification at a full council meeting on 22 July 2020.

Existing Policy

The current wording of the Policy is

Policy SALC H3 Principal Residence

a) New open market housing, excluding replacement dwellings, will only be supported where there is a planning condition, a Section 106 agreement or other

planning obligation to ensure its occupancy as a Principal Residence. This policy is as a result of impact upon the local housing market of second or holiday homes. This occupancy restriction will therefore require the imposition of a planning condition or legal agreement. New unrestricted market homes will not be supported at any time.

b) Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home. The condition or obligation on new open market homes will require that they are occupied only as the primary (principal) residence of those persons entitled to occupy them.

c) Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition and be obliged to provide this proof if and when SHDC requests this information. Proof of Principal Residence includes but is not limited to residents being registered on the local electoral register and being registered for and attending local services including healthcare, and schools

d) This policy applies to all new build development both allocated and windfall sites where open market housing is proposed within the Neighbourhood Plan Area. A replacement dwelling is defined as a single new build dwelling replacing an existing dwelling.

Proposed modification

STC propose that the Policy be amended to only accept a S106 agreement re Principal Residence, so that the Policy will read as follows

Policy SALC H3 Principal Residence

a) New open market housing, excluding replacement dwellings, will only be supported where there is a Section 106 agreement to ensure its occupancy as a Principal Residence. This policy is as a result of impact upon the local housing market of second or holiday homes. This occupancy restriction will therefore require the imposition of a legal agreement. New unrestricted market homes will not be supported at any time.

b) Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home. The obligation on new open market homes will require that they are occupied only as the primary (principal) residence of those persons entitled to occupy them.

c) Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation and be obliged to provide this proof if and when SHDC requests this information. Proof of Principal Residence includes but is not limited to residents being registered on the local electoral register and being registered for and attending local services including healthcare, and schools

d) This policy applies to all new build development both allocated and windfall sites where open market housing is proposed within the Neighbourhood Plan Area. A replacement dwelling is defined as a single new build dwelling replacing an existing dwelling. Where proposals for the replacement of existing dwellings by more than the number of dwellings to be demolished is approved, the additional properties will be subject to a Section 106 agreement to ensure occupancy as a principal residence.

Reasons for change

STC consider that a S106 agreement will give greater security that any properties subject to the Principal Residence obligation will maintain that obligation if and when such properties are sold. STC consider that the difficulties in monitoring a planning condition for a Principal Residence obligation would prove to be insurmountable in the long term and will inevitably lead to such properties being sold and the Principal Residence obligation being lost.

Consultation process

STC is consulting on the Modification Proposal which will commence **at 09.00 on Friday 19 March 2021 and must end at 6.00pm on Friday 30 April 2021.**

Your views can be sent electronically to the Lead on Planning (Mike Fice) at cllr.fice@salcombetowncouncil.gov.uk or in paper format to 21 Buckley Street, Salcombe, TQ8 8DD and must be received by 6.00pm on Friday 30 April 2021.

*Cllr Mike Fice
Lead on Planning
Salcombe Town Council
February 2021*