

MATTERDALE PARISH NEIGHBOURHOOD PLAN

NEIGHBOURHOOD PLAN PROPOSAL FOR REFERENDUM

Town and Country Planning Act 1990

Glossary

Core Strategy

The Lake District National Park Core Strategy – this sets out the strategic planning policies for the National Park.

Cluster Community

This is defined within policy CS02 of the LDNPA Core Strategy and copied in the final section of this document.

Housing SPD

Housing Provision Supplementary Planning Document - Non statutory guidance to help explain the implementation of the Housing Policies within the National Park.

LDNPA

Lake District National Park Authority

Local Connection

The criteria used to determine whether someone has a need to live in the Locality is different for proposals for local affordable need and local need housing. The criteria is defined as follows (taken from the LDNPA Housing Provision Supplementary Planning Document March 2014).

Local Affordable Needs Housing

All new affordable housing will be restricted to those who can demonstrate they have a need to live in the Locality and are in Affordable Housing Need. In practice the occupant must satisfy one of the following criteria:

- The person is continuously resident in the Locality defined for three years immediately prior to occupation; or
- The person has been in continuous employment in the Locality defined for at least the last 6 months and for a minimum of 16 hours per week immediately prior to occupation; or
- The person is a former resident who wishes to return to the Locality defined having completed a post-secondary (tertiary) education course within 12 months prior to occupation and who immediately prior to attending the course lived in the locality defined for at least three years; or
- The person is currently in prison, in hospital or similar accommodation whose location is beyond their control, and immediately before moving to this type of accommodation lived in the Locality defined for at least three years; or
- The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

- The person is a former resident who lived in the Locality defined for three years and then lived outside the Locality defined for social and/or economic reasons and is returning to live in the Locality defined within three years of the date of their departure.
- The person is a person who –
 - (a) Is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;
 - (b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:
 - (i) The spouse or civil partner has served in the regular forces; and
 - (ii) Their death was attributable (wholly or partly) to that service; or
 - (c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

And, housing for local affordable need is also restricted to:

- those who do not have available to them and could not afford to acquire or rent a home suitable to their needs at normal market prices or rents prevailing in the locality, and
- Needs to move from accommodation which is shared, temporary, over- crowded or has significant hazards, as defined by the Housing Act 2004 (Housing Health and Safety Rating System), or
- Needs to be housed as a result of leaving tied accommodation, or
- Is an older person or disabled and needs to move to more suitable accommodation due to medical conditions

The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012

Local Need Housing

All new local need housing will be restricted to those who can demonstrate they have a need to live in the Locality. The occupant must satisfy one of the following criteria:

- The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation; or
- The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or
- The person has been continuously resident in the Locality defined for three years immediately prior to:

- Needing another dwelling resulting from changes to their household (including circumstances such as getting married/divorced, having children or downsizing)
 - Undertaking full-time post-secondary education or skills training and is returning to the Locality defined within 12 months of its completion, or
 - Being admitted to hospital, residential care or sentenced to prison, and are returning to the Locality defined within 12 months of their discharge/release, or
- The person is a person who -
 - (a) Is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing;
 - (b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:
 - (i) The spouse or civil partner has served in the regular forces; and
 - (ii) Their death was attributable (wholly or partly) to that service; or
 - (c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

s106

Section 106 agreements are legal agreements that bind the landowners of sites, regardless if they are subsequently bought and sold, to perform certain obligations such as provision of affordable housing or payments for certain parts of a scheme.

MNP

Matterdale Neighbourhood Plan

MPC

Matterdale Parish Council

NPPF

National Planning Policy Framework <http://planningguidance.planningportal.gov.uk/blog/policy/>

NPPG

National Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/>

Introduction

1. As part of the government's "Big Society" agenda, local communities are being given the opportunity to develop their own local Neighbourhood Plan covering land use planning matters. Matterdale Parish Council has decided to develop such a plan and this document is part of this process. Ultimately, after completing its various stages of drafting, the plan will be put to a local Referendum which will determine whether or not the plan is implemented.

Vision

2. The Parish Council aims to enable development to support and maintain Matterdale Parish as a sustainable and vibrant community whilst protecting its distinctive character and landscape as a dispersed settlement. The proposed Neighbourhood Plan will accomplish this by enhancing the existing planning policies within the 2010 Lake District Core Strategy/Local Plan with additional policies aimed at:
 - Allowing limited but necessary new housing for local people
 - Supporting the provision of affordable housing where possible
 - Respecting the existing dispersed pattern of development
 - Supporting working people to live in the parish
 - Supporting new micro businesses
 - Protecting and enhancing the landscape and cultural heritage
 - Supporting the provision of communications technology
 - Supporting new or improved facilities for visitors

Consultation so far and going forward

3. The Parish Council set up a working party comprising members of the Parish Council and other members of the community with terms of reference aimed at developing a Neighbourhood Plan for the Parish Council to consider. The working party was chaired by Michael Toulmin, who is not a member of the Parish Council. The working party was assisted by Tom Woof MRTPI of H&H Land and Property Limited who provided technical advice on the drafting of the plan.
4. An Initial Questionnaire and Issues Paper was prepared which was delivered to all 331 electors in the parish in June 2014, and is available as a background document from the Clerk to the Parish Council. The feedback received (some 104 responses or 32%) was used to refine the policy ideas which were put forward in the Pre-submission version of this document.

5. Two public meetings were also held at which the results of the consultation was presented back to electors attending and a variety of the issues could be discussed. The National Park Authority was also consulted in this period and its response was very helpful in refining the policies.
6. The Pre-Submission version of the Neighbourhood Plan was subject to a statutory 6 week consultation period and the results of that are published in the Consultation Statement.
7. The Submission Draft Neighbourhood Plan was subject to a further formal 6 week consultation period after it was submitted to LDNPA.
8. It was published for 6 weeks by the Authority, who then asked for an independent examiner to check it met the 'Basic Conditions' of encouraging sustainable development, deliverability, taking account of national guidance and being in 'general conformity with the strategic policies of the area'.
9. The plan was then amended as recommended by the independent examiner for a local referendum. It is this amended version upon which the referendum will be held.

Neighbourhood Plan

10. A Neighbourhood Plan attains the same legal status as the Local Plan once it has been agreed at a referendum and is made (brought into legal force) by the planning authority. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. A neighbourhood plan must be in general conformity with the strategic policies of the development plan. The Lake District National Park Authority Local Plan Part One – Core Strategy, sets out the strategic policies for the Lake District.
11. A Neighbourhood Plan should have a time period in which it applies. The Neighbourhood Plan covers the period from the date when it comes into legal force until 2030. Although this date is beyond the period of the current Core Strategy (up to 2025) a fifteen year period will allow the policies of the Neighbourhood Plan sufficient time to be implemented carefully without undue haste and allow the overall Strategy of the Park to continue, at least within Matterdale Parish beyond 2025.
12. Despite the most rigorous plan preparation there will inevitably be circumstances that arise which are not accounted for in the policies. Pre-application discussions with the Parish Council will be helpful in overcoming any site specific issues.

Themes for the Neighbourhood Plan

13. Neighbourhood plans can only be concerned with land use planning matters. The themes considered appropriate for this Neighbourhood Plan are:
- Housing including housing to support enterprises
 - Employment
 - Caravan Parks
 - Heritage and Environment

Strategic Context

14. Matterdale Parish is comprised of two wards, Matterdale and Watermillock. It lies within the Lake District National Park and as such it is part of a nationally important landscape which is to be protected and conserved. It is also recognised that development required for enabling the enjoyment and appreciation of the landscape together with the wellbeing of the communities who live there must be permitted within an overall strategic context.
15. There are 336 electors in Matterdale Parish (17 February 2014 Register of Electors) There is a high proportion of second homes, holiday and, increasingly, residential caravans. It is estimated that the resident population in high tourist season is increased tenfold or more
16. The LDNPA Core Strategy identifies a number of distinctive areas within the whole of the National Park. Matterdale Parish falls within the East Distinctive area and borders with the North Distinctive Area and the South East Distinctive Area (albeit separated by Ullswater). The map overleaf shows how Matterdale Parish fits with these areas and more generally with the strategic context in the Core Strategy.
17. It is apparent that despite being a relatively large parish within the National Park covering some 6539ha, a characteristic of Matterdale Parish is that it does not have a strategic importance assigned to it by the LDNPA Core Strategy - Local Plan Part One.
18. The LDNPA Core Strategy establishes a settlement hierarchy of:
1. Rural Service Centres (such as Keswick, Ambleside, Glenridding/Patterdale) and
 2. Villages (such as Bampton, Pooley Bridge, Askham) and
 3. Cluster Communities. Cluster communities are defined as:
 - Smaller settlements/hamlets which are adjacent to and are easily accessible to the services provided by a Rural Service Centre or Village, or to the services in settlements outside the National Park by sustainable forms of public transport, walking or cycling, or

- Smaller settlements/hamlets which individually, or as a group, are adjacent to and within walking and cycling distance of each other, provide local service provision, employment opportunities and sustainable transport connections.
19. Having a dispersed development pattern has put Matterdale unfairly at odds with recent models of spatial planning and has resulted in it falling to the lowest level of the settlement hierarchy as 'open countryside'. Matterdale (which is currently not considered a settlement at all - unless a Cluster Community is defined) falls in the lowest category within the strategic settlement hierarchy and new building is only considered acceptable in limited circumstances.
20. However, the special qualities of Matterdale Parish are such that these circumstances do not need to be considered exceptional. These qualities include the dispersed nature of the community, which would otherwise suggest that all parts of the Parish are potentially 'isolated' and therefore prevented from benefiting from any development except of the most exceptional kind. However, the community in Matterdale considers that the relative isolation of the parish from facilities and services and the subsequent reliance on the private car are simply a defining characteristic of the parish and not a reason to prevent development in a blanket way. Sustainable development within Matterdale is defined more in terms of energy efficiency of the development, the beneficial economic impact on the community, the social and cultural impact of the development and the environmental impact not focussed solely on the transport issues that arise, particularly in the case of a single dwellinghouse.

MATTERDALE PARISH



Policies

Housing

21. The Lake District Core Strategy only allows new housing (including conversions) which will contribute towards:
- a. Meeting an identified local need or
 - b. Local affordable need with priority given to the delivery of affordable housing, and where they:
 - help to redress the imbalances in the local housing market; and
 - are secured in perpetuity for the purpose it was originally intended through the use of appropriate planning controls.
22. In practice this means that all newly permitted housing will continue to be restricted in terms of its occupancy to either those households with a 'local connection' to defined areas within the Lake District National Park or those with both a 'local connection' and who are in 'housing need'. Please see the Glossary for definitions of these terms. These two forms of housing are referred to as 'local need' and 'local affordable need' housing.

Type of Housing

23. The Lake District Core Strategy says that "local affordable need" housing is only required where the site is allocated in the Local Plan for Housing (there are no allocated sites in Matterdale) or if four or more dwellings are proposed on one site. Neither of these circumstances are likely to apply to Matterdale. Therefore it is difficult to see how any Affordable Local Needs Housing will be provided by current policy in Matterdale.
24. The Strategic Policies also say that development on unallocated sites (i.e. windfall sites in Matterdale) will be provided as Local Needs Housing in which the occupancy of the dwelling is restricted to those whose household includes someone who has a Local Connection. See Glossary for definition of Local Connection.
25. In addition to these Strategic Policies, the Parish Council considers that it should be simpler for older people to adapt, extend or convert ancillary housing to meet the needs of older age including providing housing for carers.
26. Therefore, the following proposed policies in this draft Neighbourhood Plan which seek to deliver housing will set out the circumstances where housing of these types will be permitted, with an emphasis on ways that should ensure the delivery of affordable housing within the overall plan

Delivery of Housing

Local Needs Housing

27. In order to reduce the visual impact on the spectacular landscape and conserve the heritage of the area Local Connection Housing can be delivered through sensitive development that leads to at least one of the criteria below:

- the reuse of redundant agricultural buildings
- reinstatement of former dwellings
- conversion of traditional agricultural buildings
- subdivision of existing dwellings

MNP1 - Local Needs Housing (Conversions, Reinstatement and Subdivisions)

Local Needs Housing will be supported where it meets any (or some) of the criteria in list A and all of the criteria in list B:

List A

- 1. The reinstatement of a former dwelling including ruins where the replacement dwelling will be substantially (in excess of 50%) externally faced employing materials which have been salvaged from the site itself**
- 2. The conversion of existing traditional agricultural (pre 1947) buildings**
- 3. The reuse of redundant agricultural (pre 1947) buildings**
- 4. The subdivision of existing dwellings**

List B

- 1. The proposal including any access tracks will not have a significant unacceptable impact on the landscape or visual amenity of the area**
- 2. Proposals should maintain and incorporate local design features and materials, respect amenity of neighbouring buildings regarding scale and layout, and not adversely affect highway safety**
- 3. Proposals resulting in the loss of any significance or harm to a heritage asset will need to demonstrate that they are necessary to achieve public benefits that outweigh that harm or loss**
- 4. The design is of high quality and sensitive to the cultural and environmental context of the site**

New Build Local Needs and Affordable Housing

28. It is not considered that any of the above methods will be suitable for the delivery of affordable housing because the costs of construction/conversion will preclude affordable housing. It is also not considered that grant funding will be readily available for small scale affordable housing developments of the size that may be acceptable in the Parish. The Registered Providers of affordable housing, who are eligible for grant aid, are not able to justify grant aid for developments below a size of about 6 - 10 units due to issues of economies of scale of delivery and maintenance and management. The initial consultation process attempted to identify a site where there may be scope for a local community delivered affordable housing scheme to put forward in this plan. However, no such site has been identified so far.
29. Another method for the delivery of affordable local needs housing could be through a process known as 'coat-tailing' whereby the development of a non-affordable (or local need) dwelling cross-subsidises the development of an affordable dwelling. In order to comply with relevant sections of the National Planning Policy Framework (NPPF 54, 173) careful consideration will need to be given to the thresholds and definitions of both the 'non-affordable' and affordable elements of such proposals. To allow this to work, it is likely that the size of the non-affordable dwelling will need to be reasonably significant to enable it to bear the cost of providing an affordable dwelling too.

MNP2 - Linked new build local needs housing and affordable local needs housing

New build local needs houses may be supported only where:

- 1. an equivalent number of Affordable Local Needs houses are delivered as part of the proposal (secured through a s106 undertaking) and provided all the following criteria are met:**
 - The proposal relates to a rural exception site**
 - A financial appraisal of the proposal shows it is viable within the terms of paragraph 173 of the NPPF**
 - The proposal including any access tracks will not have a significant unacceptable impact on the landscape or visual amenity of the area and the proposed accommodation should maintain and incorporate local design features and materials, respect amenity of neighbouring buildings regarding scale and layout, and not adversely affect highway safety.**

Housing for employees associated with established businesses

30. Housing of this type is not dealt with in the Core Strategy. It is not considered that such housing, which is often for young, single people, or those who have not formed strong local connections is appropriate to be counted as part of the Housing Provision for Local Needs or Affordable Local Needs.
31. There is need for this type of housing which is particular in its design and restrictions if the tourist and agricultural sectors are to prosper, particularly with the advent of the proposed World Heritage Site Status for the Park as a whole. For example, the two major employers in the parish account for well over 100 employees of whom around 86% commute into the parish for work. A policy which allows this type of housing connected to the tourist or agricultural sectors and subject to a number of design and occupancy restrictions would clarify and encourage the Park's ability to support tourism in Matterdale.

MNP3 - Housing for Employees

Housing comprising hostel accommodation or 1 bedroom units will be supported where the following criteria are met:

- **It is necessary for the sustainability or expansion of an established business, and;**
- **The occupation of the housing is restricted to those people employed in the relevant business, and;**
- **The proposed accommodation is;**
 - **located within the site of the established business or immediately adjacent to it;**
 - **in close proximity to existing buildings;**
 - **of a design and scale, and in a location, that is not harmful to landscape and scenic beauty, and is not detrimental to visual amenity; and**
 - **located so that highway safety is maintained.**

Housing on Farms or at rural businesses

32. The provision of housing on farms that is connected with an established farm enterprise is a successful policy developed in Upper Eden as part of its Neighbourhood Plan. This policy is aimed at helping secure the future of family owned farms particularly where a generational transition is required. It would allow an additional 'farm house' where needed to allow one generation to retire on the farm and allow the next generation to take on the farm business. The use given to the additional farm house is flexible to allow it also to be

used for holiday letting, local needs renting or other farm workers when the generational transition is not occurring and, in default of these uses, it would be restricted to affordable local needs. This policy is not intended to allow multiple application for additional housing on farms.

MNP4 - Housing on Farms or at rural businesses

A single proposal during the plan period for one additional dwelling at each owner occupied established farm enterprise or rural business to be used by family members, for holiday letting, or renting to local people or workers will be supported. Applications for an additional house must be accompanied by justification for at least one of these forms of occupation. In addition it will be subject to a section 106 agreement which specifically restricts the occupation of the dwelling to the flexible forms of occupation that the policy intends together with a provision that in the event that the property is not used as part of the farm or rural business enterprise it shall only be occupied as affordable housing.

In the case of farm enterprises operating from a tenant farm 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 but would become an agricultural workers dwelling after the tenancy has expired.

The siting and design of such new housing must ensure that there is no unacceptable impact upon the visual or landscape amenity of the area. The reuse of an existing building or a plot near the existing farmyard or rural business premises may prove an acceptable site.

Employment

33. Development opportunities may exist which will have regard to the strategic policies of the National Park Authority and bring well paid work into the Parish. Such development should be treated sympathetically.

Broadband

34. The provision of a fit-for-purpose broadband network is critical to underpinning economic and social sustainability in Matterdale Parish. While neighbourhood planning will not facilitate the delivery of such a system by telecommunications operators, the planning system should not hinder the installation of intermediate technology by individuals or community owned providers where such installations are necessary for good service delivery.

MNP5 – Broadband

The installation of dishes, masts, cabinets and associated equipment necessary for the delivery of a broadband service will be supported where:

- **it will assist in the delivery of a community or individually owned network, and;**
- **it will not cause a significant impact on the landscape or visual amenity of the area or where in the case of a significant impact, the permission is strictly time limited to five years**

Micro businesses and live-work

35. Help for small businesses to start up and grow in the parish will help diversify the local economy and increase wage levels locally. The planning regime locally should help such businesses wherever possible. Micro businesses are considered so if the work space involved is below 150m².

MNP6 - Micro business and live work support

In addition to the support given in CS02, development proposals in the open countryside, including new build, which support or result in facilities for micro businesses such as starter units, business hubs, or home office facilities will be supported where the workspace involved is less than 150 square metres. The reuse of redundant traditional buildings for business use in association with a local needs housing development (as set out in MNP2) as a live-work proposal are particularly supported.

Holiday Parks

36. Matterdale Parish is well served by holiday parks, hotels and pubs. The provision of Holiday Parks is concentrated within the eastern part of the parish particularly around the Lake, where there are views of Ullswater.
37. It is considered that the number of holiday parks and caravans within them has reached its natural limit in the area of Matterdale Parish close to Ullswater. Any further expansion of these facilities risks undermining the special qualities of the Lake District and those qualities that make this part of Matterdale Parish locally distinctive.
38. However, it is also recognised that holiday parks bring additional benefits to the local economy and so the provision of further holiday parks could be considered acceptable, subject to suitable screening and planting.

MNP7 - Holiday Parks

New holiday parks and/or the physical extension to existing holiday parks will only be supported provided there is no unacceptable impact on the ‘Special Qualities’ of the Lake District National Park and of the settlement pattern of the Matterdale area, and no unacceptable harm will be caused to the visual amenities or character of the area. Where general landscaping and/or screen planting is required, planning obligations or planning conditions attached to any planning permission will ensure the requirement is in place and effective before any caravans may be sited.

The siting of new static caravans must not harm the internal amenity of the site (for example the loss of important recreational areas or open spaces) or result in a reduction in the effectiveness of landscaping/screening.

Holiday park development will only be supported provided that there is no unacceptable impact on the local road network (such as significant increase in traffic levels) or any unacceptable impact caused by light pollution.

The change of use from caravans for holiday use to permanent homes will not be supported. The inclusion of new permanent homes within holiday parks will not be permitted except through application of policy MNP3

Heritage and Environment

39. Matterdale is an unusual parish within the wider North Cumbria area because it has no cohesive settlement centre. This has arisen as the original parishes of Matterdale and Watermillock were manors and chapelries of Greystoke and as such were purely agricultural with saeters and vaccaries (upland grazing and summer housing) for Greystoke. Settlement came by the formation of individual farms, originally set on the 900ft contour at Ulcat Row. The clusters of settlements at Dockray, Matterdale End and Troutbeck came later there being no central cluster in Watermillock. This is evidenced by the positioning of the churches and schools in the centres of the area and isolated from other settlements. The original pattern consisted of small farms with small areas of inbye for arable and winter usage with use of the commons for sheep and this pattern of distribution of buildings continues to the present day and is an important feature of the parish though many of the original buildings have been developed and usage has changed. Originally the only access to Matterdale was from Greystoke, at which there was a market, as the track from Dockray to Ullswater passed through Greystoke property starting at Park Gate. The cluster of settlement at Troutbeck started when the railway was built in the 1860s and the cluster at Dockray resulted from the location of the Inn which was also a changing point for horses for coaches. This isolated settlement pattern continued when the lead mines were opened as the miner's wives and families ran small holdings to supplement the miner's wages. This pattern is one of the features of Matterdale which gives it its special identity.

40. The National Parks and Access to the Countryside Act 1949 defines the National Park purposes as being to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public. In pursuing the statutory purposes, National Park Authorities have a duty to seek to foster the economic and social well-being of local communities. The National Planning Policy Framework places great weight on conserving landscape and scenic beauty in National Parks. Planning permission should be refused for major developments in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest. The natural beauty and cultural heritage which give Matterdale its special identity and the protection it necessitates is consistent with the Government's aspirations for National Parks (as set out in the English National Parks and the Broads: UK Government Vision and Circular 2010).

MNP8 – Environment

All development proposals will be expected to conserve and enhance the special qualities of the Lake District and in particular the special qualities of the settlement pattern of Matterdale. Great weight will be given to conserving landscape and scenic beauty, and the conservation of wildlife and cultural heritage.