

SUPPLEMENTARY PLANNING GUIDANCE

LOCAL MARKET HOUSING



MARCH 2019

GWYNEDD AND ANGLESEY JOINT LOCAL DEVELOPMENT PLAN

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1. Introduction

Purpose

1.1 The Purpose of this Guidance is to:

- assist applicants and their agents in preparing planning applications and in guiding them in discussions with officers before submitting planning applications,
- assist officers to assess planning applications, and officers and councillors to make decisions on planning applications, and help Planning Inspectors to make decisions on appeals.

1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions.

The Policy Context

Joint Local Development Plan

1.3 Under planning legislation, the 'development plan' includes planning policies for each area. The Gwynedd and Anglesey Joint Local Development Plan was adopted on 31 July 2017. It relates to the Gwynedd Planning Authority area and to Anglesey.

1.4 The Plan provides wide-ranging policies along with land designations for the main uses, such as housing, employment and retail; it will help shape the future of the Plan area both physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore, attempts to:

- help the Councils to make logical and consistent decisions on planning applications by providing a policy framework that is in line with national policy and
- guide developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

1.5 Although the Plan contains policies that enable the Councils to make consistent and transparent decisions on development proposals, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils' are preparing a range of Supplementary Planning Guidance to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

1.6 Supplementary Planning Guidance (SPG) may be considered to be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on

supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs do not introduce any new planning policies.

- 1.7 In accordance with Welsh Government advice, the SPG has been the subject of a public consultation and a decision by the Joint Planning Policy Committee on behalf of the Councils. A draft version of this SPG was approved for public consultation on 21 September 2018 by the Joint Planning Policy Committee. The supplementary planning guidance were the subject of a public consultation exercise between 11 October and 22 November 2018. The 8 observations presented to the Councils were considered and, where appropriate, appropriate changes have been included in the final draft approved by the Joint Planning Policy Committee on 22nd March, 2019 to be used as a material consideration when assessing and determining planning applications and appeals. Comments are summarised in the Consultation Report together with the Authorities' response, which can be viewed on the Councils' websites, the Planning Authorities' offices and the Joint Planning Policy Unit's office.
- 1.8 **This document should, therefore, be given substantial weight as a material planning consideration.**

2. The Purpose and Structure of this Supplementary Planning Guidance

- 2.1 This Supplementary Planning Guidance has been published to give more detail and additional information to assist the Authorities to implement Policy TAI 5 ('Local Market Housing'), in order to ensure a consistent method of implementation.
- 2.2 Section 3 of the Guidance introduces the context in relation to Policy TAI 5; section 4 provides information in terms of specific considerations that relate to the Policy; section 5 specifies how the occupancy of local market units are controlled; and section 6 refers to the means of monitoring and reviewing the Policy.
- 2.3 This Guidance should be read in conjunction with the Joint Local Development Plan.

3. Policy Context

- 3.1 Policy TAI 5, 'Local Market Housing', is relevant to all proposals that create new residential units (use class C3 and C4) within the specific settlements noted in the Policy. Subject to the requirements of Policy TAI 15 ('Affordable Housing Threshold & Distribution') in terms of providing affordable units, this Policy ensures that any additional new residential unit within the development boundaries of these specific settlements must be a local market unit.

POLICY TAI 5: LOCAL MARKET HOUSING

Subject to the requirements of Policy TAI 15 regarding the provision of affordable housing, local market housing (as defined in the Glossary of Terms) will be permitted within the development boundaries of the settlements named below on the condition that the proposal complies with the following criteria:

- 1. The size of the units comply with the defined maximum for the particular type of unit proposed;**
- 2. There are adequate arrangements available to restrict the occupancy of any local market house in the first place and in perpetuity to those who conform to the relevant occupancy definition.**

When a development is permitted, a planning condition will be used to manage Permitted Development Rights to ensure that an extension or alterations would not increase the size of the property beyond the defined accepted maximum size.

The relevant settlements:

(i) Local Service Centres

Anglesey

**Beaumaris
Rhosneigr**

Gwynedd

Abersoch

(ii) Local, Rural / Coastal Villages

Anglesey

**Trearddur Bay
Moelfre
Pontrhydybont**

Gwynedd

**Aberdaron
Borth-y-Gest
Llanbedrog
Llangian
Morfa Bychan**

**Mynytho
Rhoshirwaun
Sarn Bach
Tudweiliog**

The following site has been identified as a Housing Designation:

Centre	Site Reference Number	Site Name	Indicative Growth Level	Permission (April 2015)
Beaumaris	T31	Casita	35	Yes

3.2 Local Market Housing is defined in the JLDP’s glossary of terms as:

“Housing units either to rent or that are for sale within the defined settlements listed in Policy TAI 5. A planning mechanism e.g. a planning condition, is used to control the occupancy of a house to households that have a specific local connection but a mechanism is not used to control the price of the house”.

When does the Policy apply?

3.3 Policy TAI 5, applies when there is a proposal to develop new residential unit(s) that will add to the current stock of permanent residential units within the development boundaries of the settlements named in the Policy. It applies to all types of proposals that create new residential units (use class C3 and C4), regardless of the scale and type of the development. This includes Houses in Multiple Occupation (use class C4 and Extra Care Housing. In the case of Extra Care Housing, the requirements of Policy TAI 11 (*‘Residential Care Homes, Extra Care Housing or Specialist Care Accommodation for the Elderly’*) will also be a material consideration.

- 3.4 The requirements of Policy TAI 5 will only apply to a proposal to create Houses in Multiple Occupation if it creates such an unit from an use that is not classed as C3 residential use e.g. converting from commercial use. Creating a house in multiple occupation from a building that already has C3 use class will not add to the current housing stock i.e. the policy does not apply when converting from use class C3 to C4. The requirements of Policy TAI 9 (*'Subdivision of Existing Properties to Self-contained Flats & Houses in Multiple Occupation (HMOs)'*) will also apply.

Background

- 3.5 The Joint Local Development Plan has identified a range of main issues that the Plan needs to address. These include the following:

KI 2 - Impact of holiday / second homes on communities and the housing market

KI 5 – Losing young residents who are economically active

KI 6 - Insufficient supply of housing and responding to the need for a better range of housing in terms of location, type, size and affordability for local people

- 3.6 The Vision of the Plan also refers to developing the area to be an area "where the housing needs of local communities in the area are better addressed in terms of supply, type, quality, energy efficiency, location and affordability". In this respect, one of the objectives of the Plan notes the following:

SO16 – To provide a mixture of good quality housing units, of a range of types and tenures to meet the housing requirements of all sections of the population.

- 3.7 Therefore, the purpose of Policy TAI 5 is to tackle imbalance within specific housing markets within the Plan area and to maintain and strengthen vulnerable communities. It responds to recognised factors that influence the relevant housing markets. It aims to expand opportunities within housing markets where there are severe problems and ensure a provision of units that meet the community's needs. The Policy's objective is to ensure the social sustainability of communities, specifically vulnerable communities, where severe problems exist within the housing market. As a result, it is believed that it will create substantial social and economic benefit in these communities. It could also assist to achieve broader social policy aim, such as maintaining or strengthening Welsh language communities.

- 3.8 This Policy is based on paragraph 4.2.9 of Planning Policy Wales (Edition 10, December 20118) which states:

"Planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas. If these policies need to diverge from national policies in order to meet specific local housing needs for market housing, which normally would have no occupancy restriction, planning authorities must provide clear and robust evidence to support the approach taken".

- 3.9 This Policy is therefore only relevant to specific locations where there is specific and intensive pressure within the local housing market. On this basis, the Plan aims to promote the right type of housing units within the areas that face the greatest challenges in order to assist with counteracting the trends of the past. It is important to do this in order to conform with the Plan's aims and vision to maintain or create sustainable communities. **The Plan promotes two types of housing in the settlements named in Policy TAI 5, namely affordable housing and local market housing.**
- 3.10 This Policy and the choice of relevant settlements, is based on background work that is to be seen in Topic Papers 17 and 17A that was a part of the evidence base when preparing the Joint Local Development Plan. Topic Paper 17A provides a comprehensive description of the factors that demonstrate that there is specific and very intense pressure on housing markets in some areas within the Plan area. [https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/PT.029-Topic-Paper-17A-Local-Market-Housing-\(March-2016\).pdf](https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/PT.029-Topic-Paper-17A-Local-Market-Housing-(March-2016).pdf)
- 3.11 The Policy sits under Strategic Policies PS 16 (*'Housing Provision'*) and PS 17 (*'Settlement Strategy'*). It is noted that the housing strategy facilitated by the Plan is distributed in accordance with the division and strategy noted in Policy PS17. Policy TAI 5, along with policies TAI 1-4 and TAI 6 is the mechanism used to deliver this strategy effectively. Despite restricting the type of units that could be provided in specific settlements, there is a close link between Policy TAI 5 and the other housing provision policies. Policy TAI 5 ensures that the Plan promotes new housing on an appropriate scale when and where they are needed but that their occupancy is controlled.

4. Specific considerations relating to Policy TAI 5

Tenure

- 4.1 When a proposal relates to adding new residential units to the existing housing stock, it will not be possible to develop or provide new open market residential units in the settlements named in the Policy. Promoting open market units, namely houses without planning control over their occupancy or price, in the settlements named in the policy, would not correspond with the vision and objectives of the Plan. As noted in paragraph 3.9, the Plan promotes two types of housing in the settlements named in Policy TAI 5, namely affordable housing and local market housing.
- 4.2 Policy TAI 5 is relevant to units that are to be purchased and units for rent.

Link with Policy TAI 15 ('Affordable Housing Threshold & Distribution')

- 4.3 The requirements of Policy TAI 15 are relevant to proposals for new housing units in the settlements named in Policy TAI 5 if the development meets the threshold noted in Policy TAI 15. Policy TAI 15 provides the indicative target for affordable housing per Housing Price Area. Table 22 in the Plan names the settlements that are within each Housing Price Area.

- 4.4 It would be expected for any scheme that is above the threshold noted in Policy TAI 15 to ensure the appropriate affordable provision, either by on-site provision or in exceptions, if that is not possible, a pro rata payment. If it is not believed that it would be practical to meet the affordable provision noted in Policy TAI 15, there is a responsibility on those who submit the application to justify a lower provision based on viability information.
- 4.5 In such cases, the same principles that are noted in Policy TAI 15 would be relevant and which are also highlighted in the 'Affordable Housing' Supplementary Planning Guidance.

Housing allocation in Beaumaris (Site T31 - Casita)

- 4.6 The Joint LDP has allocated a site for housing in Beaumaris, namely the Casita site (Reference T31).

Centre	Site Reference Number	Site Name	Indicative Growth Level	Permission (April 2015)
Beaumaris	T31	Casita	35	Yes

- 4.7 At the time of adopting the JLDP, there was extant planning permission (reference 12C49K) for developing 35 residential units for people aged 55 years old and above on the allocation site. An appeal decision (application 12C49P/DEL, dated 17/01/18) has approved the removal of the minimum age occupancy restriction from the original permission. If this permission is implemented, there would be no need to consider the requirements of Policy TAI 5. However, if a new application is submitted, then Policy TAI 5 will be a key consideration i.e. every unit on the site must either be local market or affordable housing.

The definition of 'Local': Who is eligible to live in the local market units?

- 4.8 The definition of '*local*' in relation to local market housing is dependent on the settlement where it is intended to develop the new residential unit:

Local Service Centres – At least one member of the household must have a connection with the ward where the settlement is located or any ward directly adjoining it.

Local, Rural / Coastal Villages – At least one member of the household must have a connection with the ward where the settlement is located only.

- 4.9 In relation to Anglesey, 'ward' is defined on the basis of the Isle of Anglesey County Council electoral wards prior to 2013. See a list and maps of the relevant wards in relation to each settlement noted in the Policy in Appendix 1.

4.10 '**Connection with the ward**' is defined as follows:

- i. An individual who currently lives within the relevant ward and who has lived there continuously for 5 years or longer; or
- ii. People who are not currently living in the relevant ward but who have a long and established connection with the local community, including having lived in the area for a period of 5 years or longer in the past; or
- iii. People who have an essential need to move to live close to relatives who are currently living in the relevant ward and who have lived there for at least the past 5 years or longer and who need support because of age or infirmity reasons; or
- iv. People who need support due to reasons relating to age or infirmity and who need to move to live near relatives who are currently living in the relevant ward and who have lived there for the past 5 years or longer.

4.11 '**Living in the relevant ward**' is defined as living within the area that is eligible for residing in a local market dwelling (see paragraph 4.8) for a period of at least 225 days in a calendar year (and for each of the 5 years in question) and where Council Tax has been paid on a property on the basis of it being a permanent residence.

4.12 A local market unit has to be occupied as the principle home of the eligible household.

Assessing eligible households

4.13 Those submitting the application do not have to be eligible to live in the property in accordance with the definitions in paragraphs 4.8-4.12, however, it must be ensured that those living in the property are eligible to do so. These criteria must be complied with and any arguments from applicants in terms of the fact that they are 'local' based on any other factor should not be accepted e.g. no connection should be made with individuals' employment situation as people can live in other areas and travel to the relevant settlements named in the policy.

4.14 The type of planning application submitted influences how it can be established whether those living in a local market property comply with the occupancy requirement or not:

Scenario 1: Developing self-build units for the use of those submitting the planning application

In these cases, those who submit the planning application should provide evidence that they conform with the definition of 'local'. A Local Market Housing Proforma should be submitted with any application of this type (see Appendix 2). Submitting this information will also be beneficial in terms of any discussion in relation to gaining pre-application planning advice. The information noted in the proforma will provide the evidence for those who will live in the property. The information submitted in the Proforma will assist the Local Planning Authority to assess the proposal in full and to consider the suitability of the residents in accordance with Policy TAI 5. It should be explained how the household that will live in the property will comply with the definition of 'local' as noted in paragraphs 4.8-4.12 above.

Scenario 2: Commercial/speculative development

If it is a commercial/speculative development and it is not known at the time of the planning application who will be living in the units, then provided that the details relating to the application is acceptable, evidence will not need to be presented with the planning application as to who will be living in the units i.e. there will not be a need to submit a Local Market Housing Proforma. The need for houses to satisfy the local market has already been proven in preparing the Policy. See paragraph 4.15 in terms of the mechanism for assessing who will live in these units.

4.15 In order to ensure that those residing in a local market unit, after the houses have been built, are eligible to do so, a restriction will be placed on the property with the Land Registry. This means that permission will have to be sought from the Local Authority for permission to live in the property. Any prospective resident will have to provide suitable evidence to ensure that they conform with the definition of 'local' on the basis of what is noted in the Local Housing Market Proforma. The Local Authority or any suitable external body appointed by the Local Authority, such as for instance Tai Teg, will assess whether the prospective residents are eligible on the basis of this evidence. The Section 106 legal obligation that will form part of any permission for local market units will refer to this procedure. The type of evidence that will have to be provided by prospective occupants of local market units in order to prove that they conform with the definition of 'local' could include, but is not limited to, the following information:

- Utility bills e.g. electricity, water
- Information from the Electoral Roll
- Council Tax information

It is noted that the Local Planning Authority can require that more than one evidence source is provided in order to ensure that they are satisfied that the prospective occupiers of local market properties are genuinely eligible to live in them.

- 4.16 Unless there is evidence to suggest that the proposed residential units meet 'local' needs, then the application will be contrary to the requirements of Policy TAI 5 and it will be refused.
- 4.17 Applicants and developers should be aware that implementing the objectives of Policy TAI 5 is strategic and long-term and consequently the restrictions on who will be allowed to reside in these units will not be relaxed, except for the exceptions described in paragraphs 5.5 - 5.11 i.e. the cascading procedure.

Maximum property size

- 4.18 In order to ensure that the policy meets its objectives, the policy manages the value of local market units by restricting their size. By controlling the maximum size of local market units, the value of these units will be more compatible with the policy's objective of maintaining sustainable communities.
- 4.19 Providing a specific discount on local market units will not be relevant as they are not affordable units. Any price or rent reduction compared to what would be expected on the open market would be something that would happen based on the impact of the policy and factors and mechanisms within the housing market. It does not necessarily mean that the price of any property will be lower than its value on the open market. No formal mechanism will be introduced that would ensure a reduction in the value of local market properties. The only thing being controlled will be the size of the property and those who are eligible to live in such a property.
- 4.20 Whilst the policy does not seek to inhibit the wishes and requirements of eligible households within the housing market, it is important that the approved units correspond with the policy's objectives. Approving residential units of an excessive size in the locations highlighted in the policy would be inconsistent with the evidence that provides the basis to the policy.
- 4.21 Table 1 below notes the maximum size of 'local market' residential units to be approved under Policy TAI 5. The Supplementary Planning Guidance in relation to 'Affordable Housing' notes the maximum size of any affordable units approved. The maximum size noted for local market housing is more than the maximum size for affordable housing. The maximum size of local market units allows households to meet their residential needs without endangering the sustainability of their communities.
- 4.22 The maximum sizes noted below refer to the total internal floor area of the local market units (i.e. the total of all floors within the building). It does not refer to the size of balconies, patios, gardens etc. but an assessment should be made as to whether any aspects that are not considered within the defined sizes can have a negative impact on property value in relation to what the policy seeks to achieve.

Table 1: *Maximum sizes of residential units in relation to Policy TAI 5.*

Type of residential unit	Local Market Housing
Single storey, 2 bedroom house	90m ²
Single storey, 3 bedroom house	100m ²
Single storey, 4 bedroom house	120m ²
Two storey or more, 2 bedroom house	100m ²
Two storey or more, 3 bedroom house	110m ²
Two storey or more, 4 bedroom house	130m ²
Two storey or more, 5 bedroom house	145m ²
Garage	Additional 20m ²

Extensions and adaptations

- 4.23 Bearing in mind the connection between the size of a local market unit and what the policy is attempting to achieve, a planning condition will form part of the permission for such an unit in order to control the Permitted Development Rights to extend or adapt the dwelling including the erection of outbuildings within the curtilage.
- 4.24 There will be a need to introduce specific justification for any planning application to extend a property that has been approved in line with Policy TAI 5 to be larger than the size noted in Table 1. If the proposal involves adding a bedroom, then it would be reasonable to increase the size of the property to the relevant figure noted in the table. In this respect, it would have to be clear that the additional bedroom meets a clear and justifiable need and that it is not a way of attempting to increase the size of the property without specific justification. If the extension involves providing rooms that are not bedrooms, then a definitive and strong justification would be needed for ensuring an unit that is larger than what is noted in the guidance.
- 4.25 Detailed consideration must also be given to any other planning applications that are submitted for a local market property so that they do not increase the value of an unit to such an extent that it contradicts the objectives of Policy TAI 5. This could include applications to extend the curtilage, change the use of part of the unit to an alternative use etc.

5. Control mechanism

How to control the occupancy of local market units?

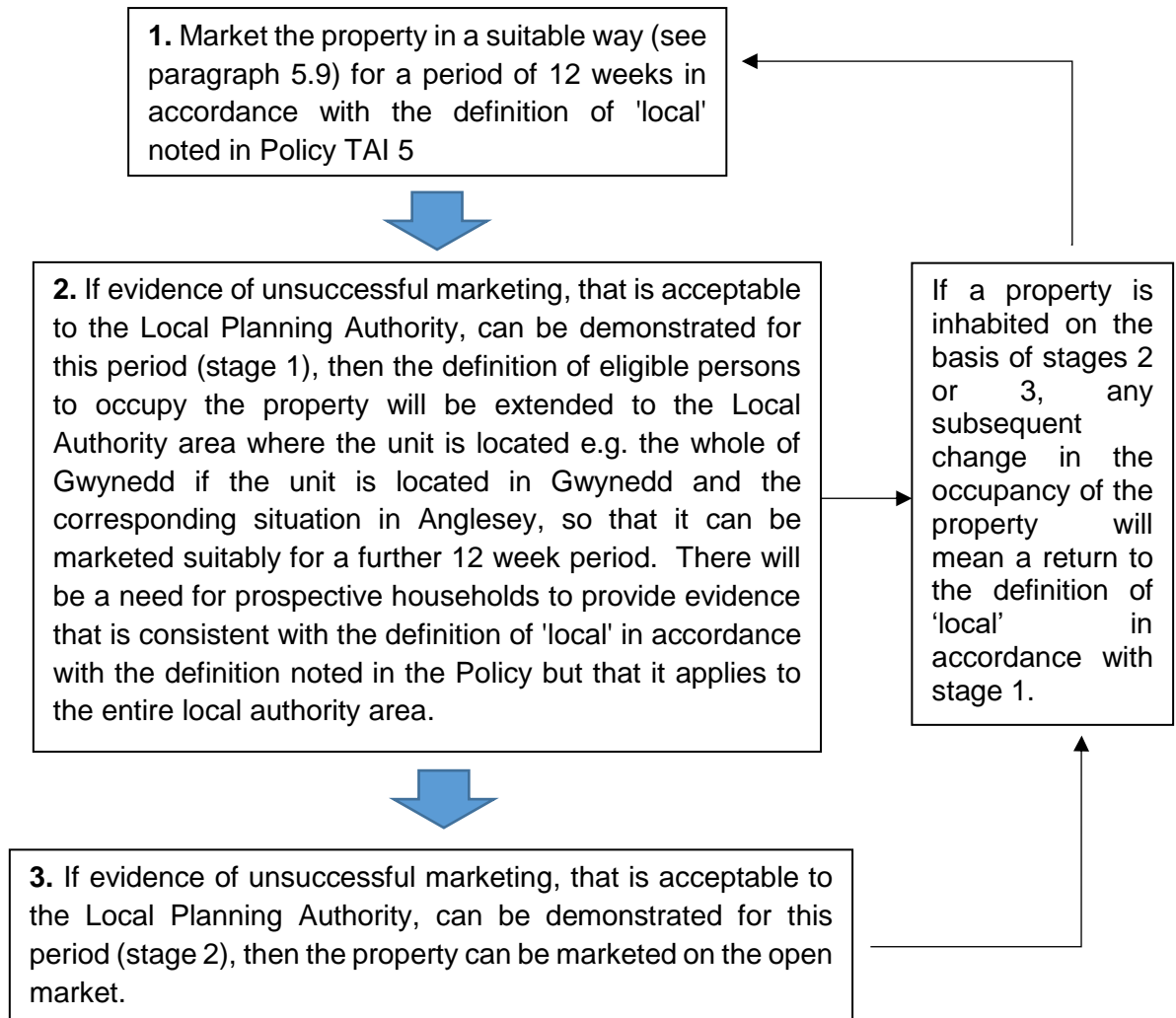
- 5.1 It is essential that the occupancy of the units being provided in accordance with this policy is restricted to those who are eligible. A planning obligation, by means of a section 106 legal agreement is therefore used to restrict the occupancy of local market units. This is extremely important in order to ensure that the policy achieves its purpose and is not undermined.

- 5.2 The relevant use of a planning obligation is highlighted in Section 122 of the Community Levy Infrastructure Regulations 2010, where it is noted that a planning obligation will only constitute a reason for granting planning permission for a development if the obligation is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development;
 - (c) Fairly and reasonably related in scale and kind to the development.
- 5.3 A planning obligation would be a way of achieving the policy's objectives and would provide assurance of the occupancy terms in relation to such units. As it is a legal agreement, it provides assurance and robustness to the policy. If an element of affordable housing is apparent within a proposal, the use of a planning obligation will be consistent with the mechanism used to restrict occupancy to those who are eligible for affordable housing.
- 5.4 The use of a planning obligation and the assurance it provides will also facilitate the way that the policy will work in practice. It is essential in this regard that Policy TAI 5 is not misused for personal gain, in complete contrast to the policy's objective of promoting social sustainability in housing markets that have suffered from severe problems. An effective planning obligation will consider the future occupancy of local market units and will not just consider the first occupier. This is advantageous in terms of avoiding a scenario such as a person who is eligible for a local market unit buying a house for a price that is lower than its open market value before selling it for a profit on the open market to a household that does not comply with the policy's requirements.

Cascading system

- 5.5 Whilst it is extremely important to retain the policy's integrity, an element of flexibility must be introduced so that it can work in practice. To this end, in order to facilitate the process of being able to obtain a mortgage or another loan in relation to the local market units and to overcome any potential problems in selling the units, the Section 106 planning obligation that corresponds with the planning permission introduces an element of sensitive cascading if there is a genuine failure to sell the units.
- 5.6 It is important that the cascading process respects the policy and what it seeks to achieve. The 106 Agreement in relation to a local market unit/units will clearly specify when and on what basis it possible to expand who is eligible to live in a local market property and the evidence required to justify this.
- 5.7 The status of a planning obligation and the certainty that is associated with it is a means of ensuring that the policy works effectively, that its integrity is maintained, but that it is not possible to take advantage of the policy and misuse it.

Diagram 1: Cascading system for selling/letting a local market unit



5.8 It must be ensured that the property is marketed in a suitable way and at a reasonable price (see paragraph 5.9) during the relevant periods noted in Diagram 1. The owner will have to provide ‘evidence of unsuccessful marketing’ in writing to the Local Planning Authority. The Local Planning Authority will have to be completely satisfied that this evidence demonstrates that every reasonable effort has been made to market the property effectively before being able to expand the marketing area.

5.9 **Evidence of Unsuccessful Marketing:** A written confirmation will be required from an Estate Agent, Letting Agent or a Charter Surveyor who practises within the Joint Local Development Plan area that the unit has been marketed unsuccessfully either for sale or for rent (as applicable) for the 12 week period at a price/rent that reflects the restriction on who can occupy the property. Such confirmation must include the following:

- Copies of the sale or letting particulars which clearly states the occupancy restriction in relation to the property.
- Details of all viewings by those who are interested in buying/renting the property
- Confirmation that the information about the property has been advertised on the agent's website for the 12 week period and/or that copies of advertisements

regarding the availability of the property to purchase or to let have been placed in daily or weekly newspapers that are usually circulated in the local authority area where the application is located during the whole of the 12 week period. A suitable 'For Sale' or 'To Let' sign also has to have been placed in front of the property for the duration of this period.

- 5.10 The Local Planning Authority must be satisfied that the price of the property/rental cost is acceptable and there has been no relevant interest in the property within the defined time periods if the property is to be marketed more extensively. Written confirmation will be required from an Estate Agent, Letting Agent or a Chartered Surveyor who practises within the Joint Local Development Plan area that the price/rent of the unit reflects the occupancy restriction applicable to the unit. Such valuation should confirm that it is undertaken in accordance with standard professional practice within the industry.
- 5.11 If the occupancy of a local market unit is extended to include a wider geographical area, the 106 Agreement ensures that any subsequent change in the occupancy of the unit i.e. when the property will next be sold or let, would mean that the occupancy of the unit will return to the original definition of 'local' that is noted in Policy TAI 5 (see Diagram 1). The property would have to be marketed in accordance with this definition.

Mortgagee in Possession

- 5.12 In order to facilitate the procedure of receiving a mortgage in relation to the local market units, the 106 planning obligation agreement includes a Mortgagee in Possession clause.
- 5.13 If a mortgage provider takes possession or assumes control of a local market unit (on the basis of being a Mortgagee in Possession) they will have a period of 4 weeks to sell the unit to a household that corresponds with the definition of 'local' at a price that reflects the occupancy restriction (see paragraph 5.9 for the 'Evidence of Unsuccessful Marketing' that would need to be provided).
- 5.14 If the Local Authority are content that no relevant interest has been shown in the property during that period, the mortgage provider can then sell the unit on the open market without any restriction on its occupancy.

Enforcement

- 5.15 If lack of compliance with the planning obligation comes to light, the monitoring officer will commence enforcement action. Planning obligations can be enforced by means of court orders that can prevent the development from proceeding and/or ensure compliance with the terms of the Agreement.

6. Monitoring and review

- 6.1 Two main indicators have been identified in the JLDP in relation to monitoring the success and effectiveness of Policy TAI 5 in the Annual Monitoring Report.

6.2 **Indicator D52** - Number of local market housing units built in settlements identified in Policy TAI 5

Indicators - Core / Local	Policy Targets	Trigger level	Data source
Local Indicator: D52 Number of local market housing units built in settlements identified in Policy TAI 5	Deliver the maximum level of local market housing in settlements listed in Policy TAI 5.	Less than 10 local market housing units built in settlements identified in Policy TAI 5 in any one year.	JPPU database Development Management databases

6.3 It is essential to assess the provision of new residential units developed in the settlements named in the policy. This is in order to ensure that the policy does not restrict the recognised supply of houses that are identified in the Plan. This would mean that the policy would not be of assistance in meeting the recognised need that the Plan is facilitating, thus meaning that it would be unlikely to meet some of its main objectives.

6.4 As noted in paragraph 3.11 of this Guidance, it is important that this policy assists to provide the relevant level of houses noted in the Joint Local Development Plan in the most suitable manner. Consideration should be given to the indicative supply for windfall sites identified for each of the settlements noted in Policy TAI 5 (Appendix 5 with the information updated annually). As is the case with any proposal within a defined settlement in the Plan, careful consideration must be given to the impact of supplying more houses than the Plan provides for.

6.5 **Indicator D53** - Planning applications and appeals to modify or remove section 106 agreements or a condition relating to local market housing

Indicators - Core / Local	Policy Targets	Trigger level	Data source
Local Indicator: D53 Planning applications and appeals to modify or remove section 106 agreements or a condition relating to local market housing	Retain Section 106 agreements and conditions that facilitate delivery of local market housing in accordance with Policy TAI 5.	Planning application or to modify or remove S106 agreements or condition relating to local market housing approved or allowed (as appropriate) in any given year	JPPU database Development Management database

- 6.6 In order to maintain the Policy's integrity and to ensure that its objectives are not undermined, it is essential that the occupancy restriction emanating as a result of Policy TAI 5 is not lost through a decision on a planning application. This could possibly create a dangerous precedent that could have a negative impact on the objectives of this Policy and the Plan in a broader sense. It is important therefore that the objectives noted in this Guidance are followed and implemented effectively in order to prevent this from happening.

7. Further information and contact details

For further information, contact the:

Joint Planning Policy Unit

☎ 01286 685003

✉ polisicynllunio@gwynedd.llyw.cymru

<https://www.gwynedd.llyw.cymru/en/Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Planning-Policy.aspx>

Gwynedd Council Planning Service

✉ Council Offices

Ffordd y Cob

Pwllheli

Gwynedd

LL53 5AA

☎ 01766 771000

✉ cynllunio@gwynedd.llyw.cymru

<https://www.gwynedd.llyw.cymru/en/Residents/Planning-and-building-control/Planning/Planning.aspx>

Isle of Anglesey County Council Planning Service

✉ Council Offices

Llangefni

Anglesey

LL77 7TW

☎ 01286 752428

✉ cynllunio@ynysmon.gov.uk

<http://www.anglesey.gov.uk/planning-and-waste/planning-control?redirect=false>

APPENDIX 1 – Definition of ‘local’: What is meant by ‘relevant ward’?

The areas which meet the definition of ‘local’ are noted. Some of these areas are relevant for more than one settlement.

LOCAL SERVICE CENTRES

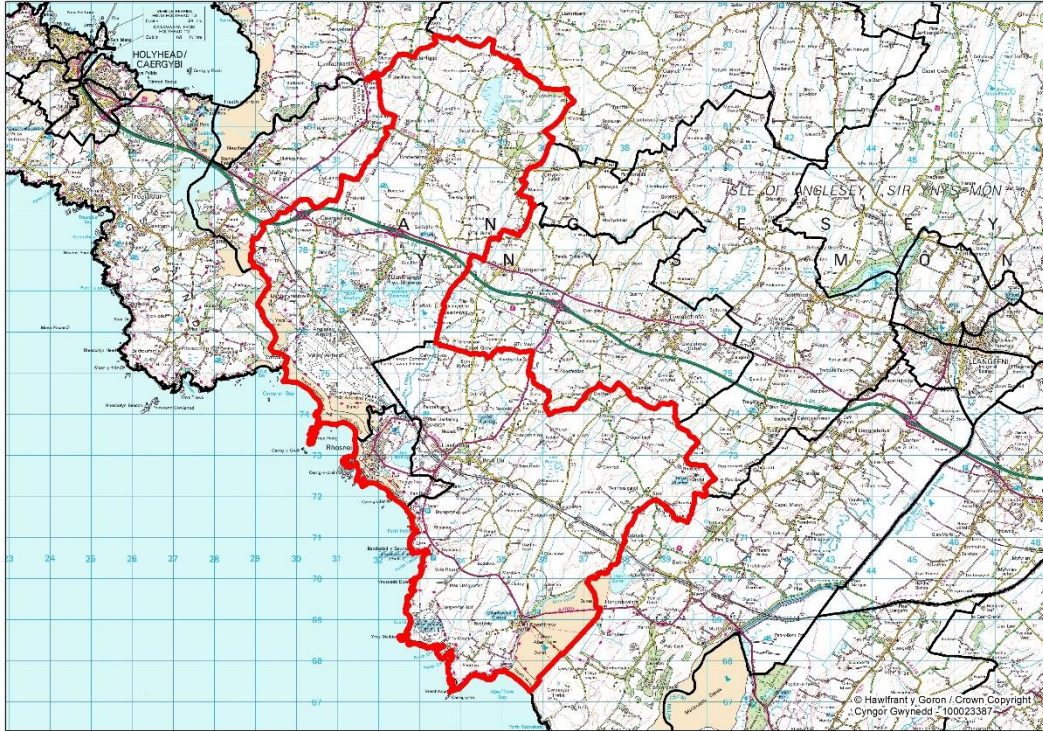
Abersoch (Abersoch, Llanbedrog and Llanengan wards)



Beaumaris (Beaumaris, Cwm Cadnant and Pentraeth wards)



Rhosneigr (Rhosneigr, Aberffraw and Llanfair-yn-Neubwll wards)

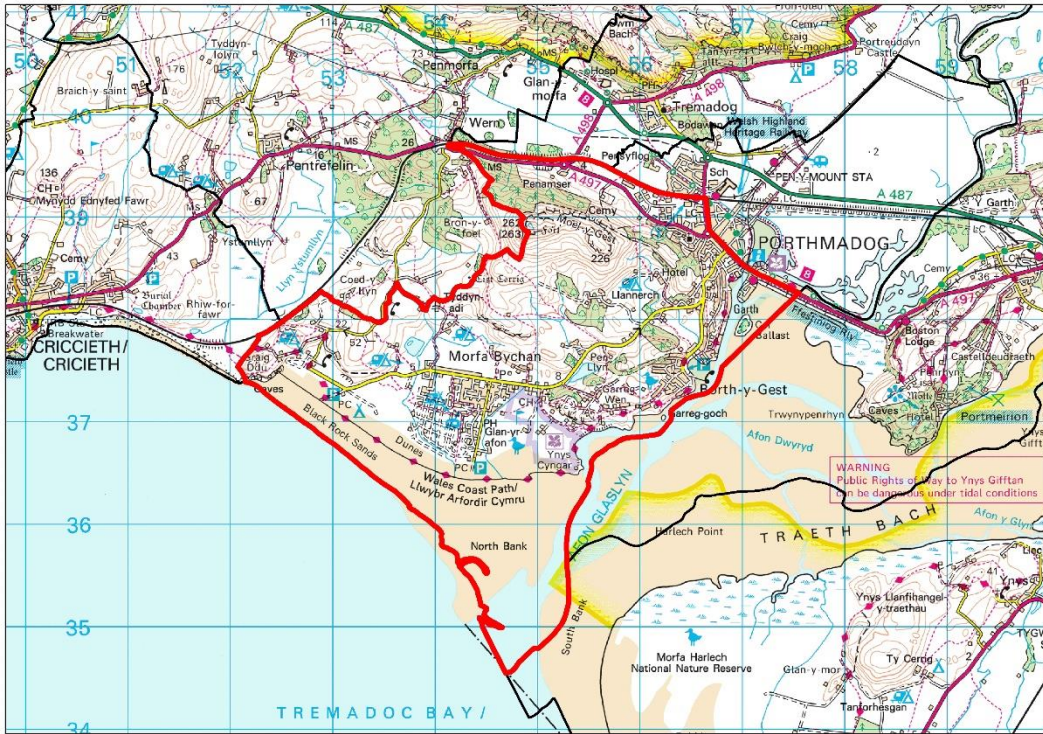


LOCAL, RURAL / COASTAL VILLAGES

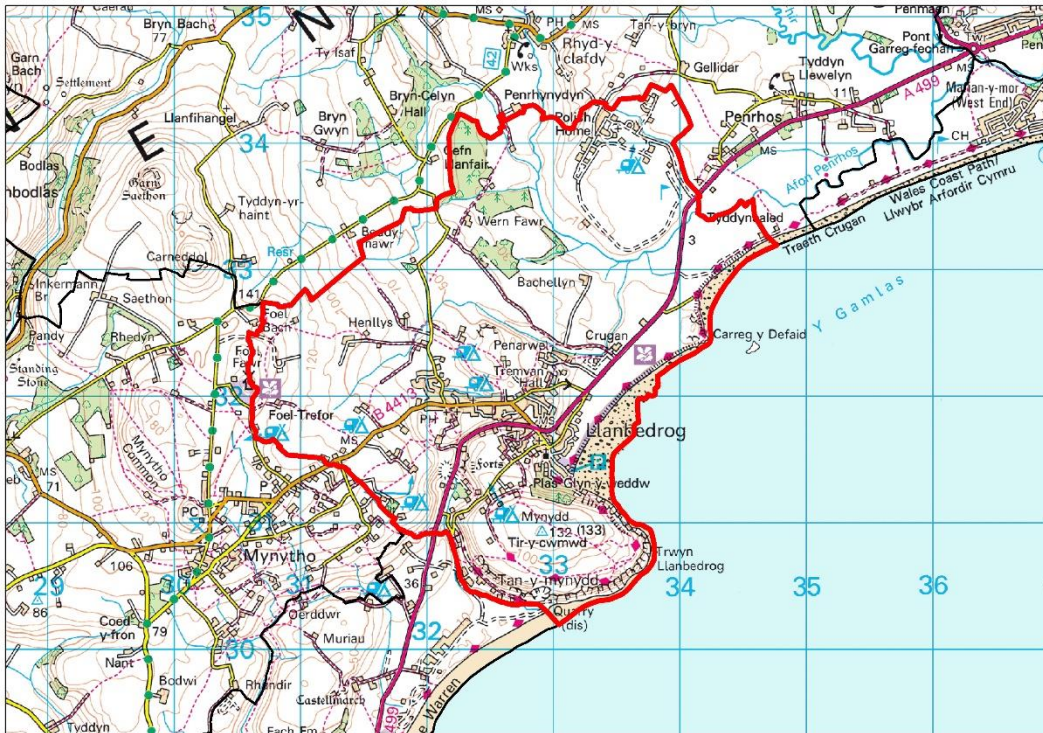
Aberdaron and Rhoshirwaun (Aberdaron ward)



Borth-y-Gest and Morfa Bychan (Porthmadog West ward)



Llanbedrog (Llanbedrog ward)



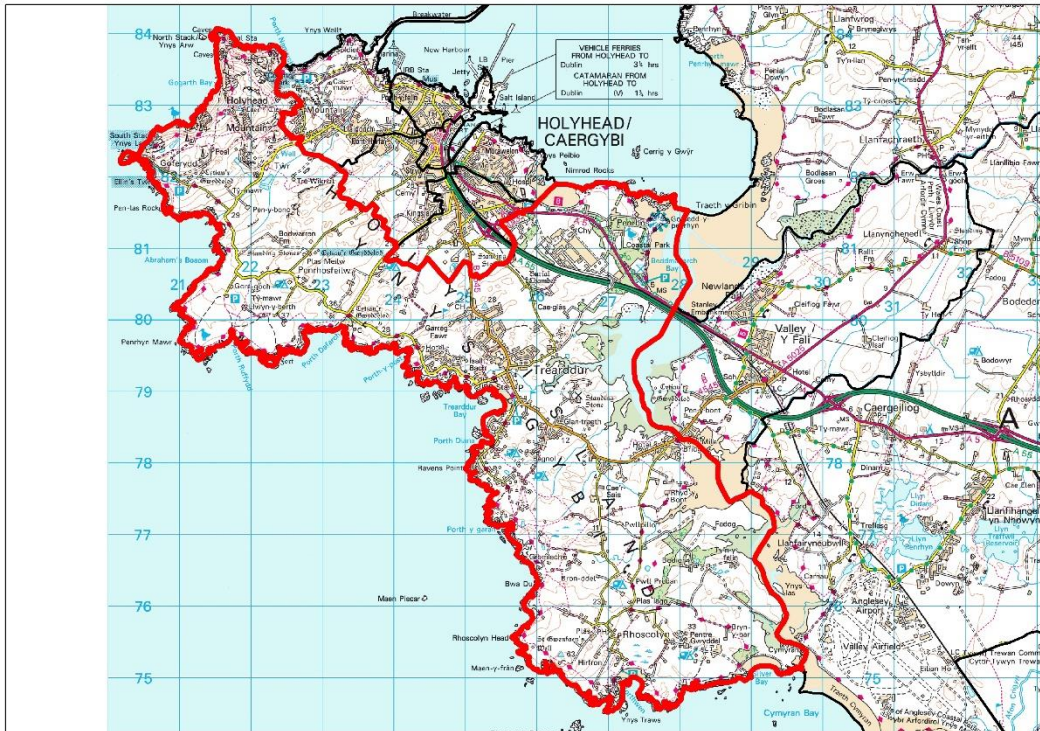
Llangian, Mynytho and Sarn Bach (Llanengan ward)



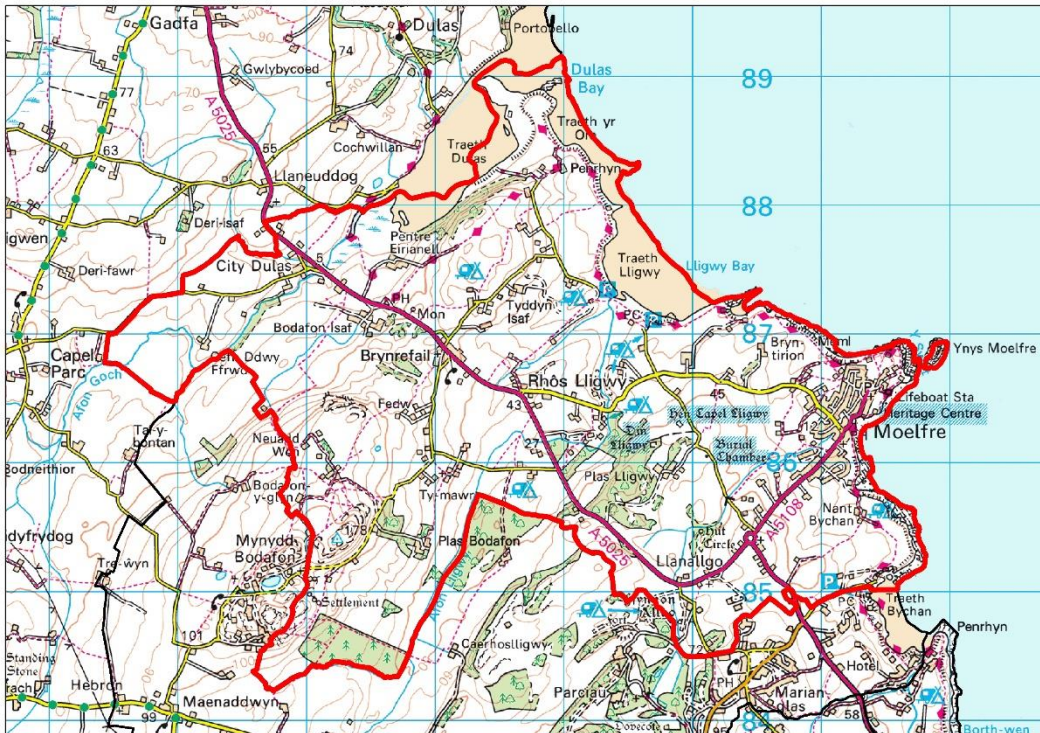
Tudweiliog (Tudweiliog ward)



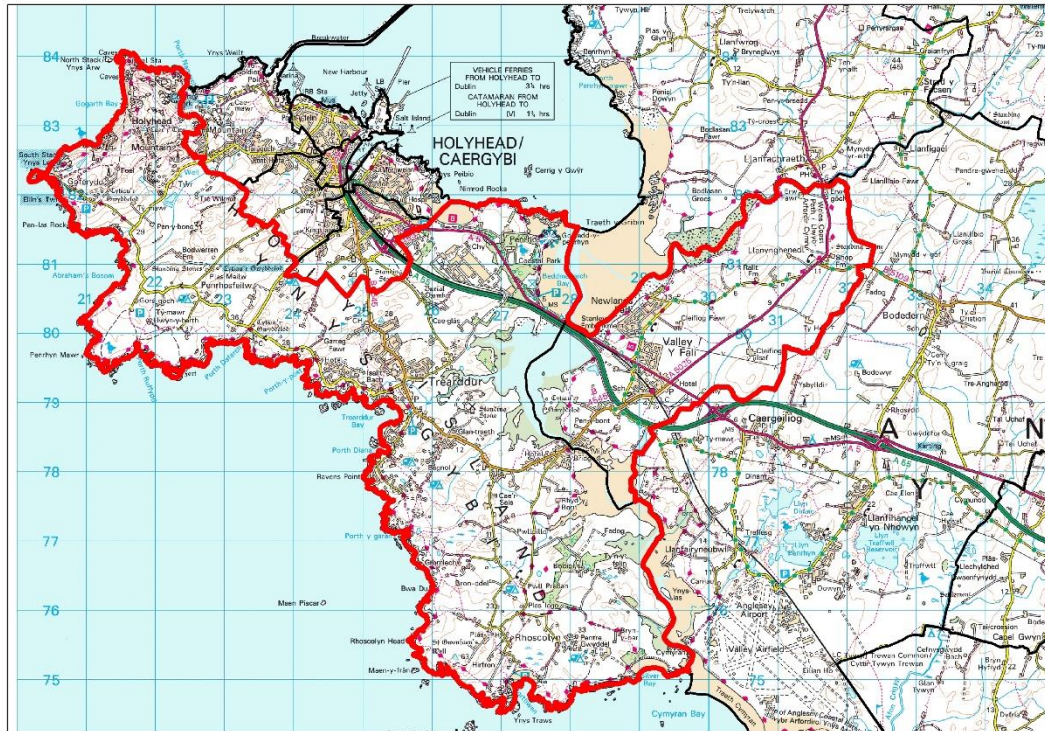
Trearddur Bay (Trearddur ward)



Moelfre (Moelfre ward)



Four Mile Bridge (Trearddur and Valley)



APPENDIX 2 - Local Market Housing Proforma

This information is collected in order to assess the eligibility of an individual/individuals that submit an application to live in a local market unit in accordance with the requirement of Policy TAI 5 of the Anglesey and Gwynedd Joint Local Development Plan (adopted July 2017). All the information that meets the definition of personal data in accordance with the Data Protection Act will be used in a strictly confidential manner and will not be shared outside the Council. The information will be kept on file for a period that conforms to the data protection policies of Gwynedd Council and the Isle of Anglesey County Council. For further information please refer to the Gwynedd Council and the Isle of Anglesey County Council websites.

What is the address of the planning application site?

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How many people are there in your household?

Do you currently live¹ within a ward that meets the definition of 'local' in accordance with Policy TAI 5? Yes / No

If yes, what is your current address?

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How long have you lived at this address? Years Months

¹ 'Living in the area' is defined as living within the area that is eligible for residing in local market housing for a period that is at least 225 days in a calendar year (and for each of the 5 years in question) and where Council Tax has been paid on a property on the basis of it being a permanent residence.

If less than 5 years, please provide your addresses for the previous five years and the relevant dates.

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You will need to attach documents that provide evidence of your place of residence for the past five years, e.g. bills, your details on the electoral register

If you do not currently live within a ward that meets the definition of 'local' in accordance with Policy TAI 5:

Have you previously lived within a ward that meets the definition of 'local' in accordance with Policy TAI 5 for a period of more than 5 years? Yes / No

If yes, please provide your addresses during your previous period of residence in the relevant ward along with the relevant dates.

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You will need to attach documents that provide evidence of your previous place of residence within the ward e.g. bills, your details on the electoral register

Complete any of the following sections that apply to you:

Do you need to move to live closer to a relative(s) who currently live(s) in a ward that meets the definition of 'local' in accordance with Policy TAI 5 and who has/have lived there for at least the past 5 years or longer and who need(s) support because of age or infirmity reasons? Yes / No

If yes, please provide details regarding the name and address of your relative, their period of residence in the relevant ward and the reason why you have an essential need to move to live closer to them. Please provide as much information as possible, including any relevant documents.

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Any sensitive information will be dealt with on a strictly confidential basis and will not be placed on any public file

Do you need to move to live closer to a relative(s) who currently live(s) in a ward that meets the definition of 'local' in accordance with Policy TAI 5 and who has/have lived there for at least the past 5 years or longer on the grounds that you need support because of age or infirmity reasons? Yes / No

If yes, please provide details regarding the name and address of your relative, their period of residence in the relevant ward and the reason why you have an essential need to move to live closer to them. Please provide as much information as possible, including any relevant documents.

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Any sensitive information will be dealt with on a strictly confidential basis and will not be placed on any public file

Declaration

Name:

Signed:

Date: