

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

7 August 2015

**INTERIM STATEMENT ON AFFORDABLE HOUSING
ADOPTED JANUARY 2015**

Report of the Head of Planning

Recommendation : **That Members note the intention of the Head of Planning to bring a report to a future meeting of the Authority recommending resolution as follows:**

- (i) The Interim Statement adopted on 9 January 2015 is rescinded.**
- (ii) The lower threshold of five units or less is rescinded.**
- (iii) The need for a separate Supplementary Planning Document (SPD) on affordable housing is no longer required at this time.**

1 Introduction

- 1.1 In January 2015 Members considered a report (Section 106 Thresholds – Changes to Government Guidance), (NPA/15/001) which described a new policy position adopted by Ministerial Statement and incorporated in the National Planning Practice Guidance. This new policy materially altered the Authority's ability to require S106 contributions for affordable housing (and other 'tariff style contributions') on development of 10 housing units or less. The Authority was given the opportunity to adopt a lower threshold of 5 units or less; however, the guidance states that only off site commuted sums and financial contributions may be sought of schemes of 6-10 units. This meant for those schemes the money could be collected but would need to be spent on other sites following the completion of the development.
- 1.2 Members adopted the lower threshold, and an Interim Statement on Section 106 Obligations, as well as committing to alterations in the form of a Supplementary Planning Document (SPD) which would reflect the new position.
- 1.3 It has been announced this week that a legal challenge to the threshold has been successful; the High Court in a judgement handed down on 31 July 2015 has quashed the policy changes announced in Parliament on 28 November 2014 and which were later incorporated into revised National Planning Policy Guidance.
- 1.4 Allowing the Claim by West Berkshire District Council and Reading Borough Council, the Court has quashed:
 - (i) the relevant parts of the NPPG;

- (ii) the Secretary of State's decision to adopt the new policy by way of Written Ministerial Statement; and
- (iii) the Secretary of State's decision on 10 February 2015 to maintain the policy. The Court also granted a declaration that the policies in the Ministerial Statement must not be treated as a material consideration in development management and development plan procedures and decisions or in the exercise of powers and duties under the Planning Acts more generally.

1.5 During the period in which the policy has existed, Members have considered applications where the Authority has been unable to require the affordable housing contributions set out in their adopted local plan. A number of applications which do not meet the local plan requirements for affordable housing are also in the pipeline and before Members on the 7 August 2015 Development Management Committee.

1.6 The removal of this policy and ability to again require affordable housing on smaller sites is to be welcomed.

1.7 Government has indicated it may seek to appeal the High Court Decision:

<http://www.bailii.org/ew/cases/EWHC/Admin/2015/2222.html>

2 Interim Statement

2.1 An extract of the January report setting out the statement can be seen below.

DNPA Interim Statement on Section 106 obligations

Dartmoor National Park Authority (DNPA) will determine all applications for housing development in line with the adopted policies in its local plan, and the presumption in favour of sustainable development. Proposals which do not offer affordable housing consistent with the adopted policies in the local plan will need to provide clear evidence in respect of how they constitute sustainable development. DNPA believes that the provision of affordable housing on-site remains the most appropriate use of development land in the National Park; commuted sums for off-site provision will require clear justification.

The provision of affordable housing to meet local needs is a key element of sustainable development in the National Park, and is a fundamental principle of the local plan. This approach ensures that development is focussed upon meeting the needs of National Park communities, and that the limited land resource within this nationally important landscape is used to the best effect.

DNPA recognises that sustainable development is about positive growth. Sustainable development will demonstrate an appropriate balance of environmental, social and economic benefit, at all times consistent with National Park purposes. This means any proposed new housing development must show clear consideration of:

Environment – recognising the great weight given to conserving and enhancing the special qualities of the National Park, making the best use of limited land resource and providing for appropriate development in the right location

Society – meeting the needs of local communities to ensure they are strong, vibrant and healthy

Economy – supporting the economic well-being of local communities in a way which is consistent with the special qualities of the National Park

3 Conclusion

- 3.1 Planning applications should be determined on the basis of the relevant policy in place at the time of making the decision. The Authority is now immediately back in the position of applying the affordable housing policies as set out in the adopted local plan, taking into account in particular, financial viability, the National Planning Policy Framework and Guidance and other material planning considerations.
- 3.2 Given the removal of the guidance, Members are asked to formally note this report for the time being with a view to bringing a report to the next meeting of the Authority in September. The need to amend the Affordable Housing SPD also falls away, although there will be a longer term need to review this document as part of the new Local Plan preparation work which is now underway.

STEPHEN BELLI

Background papers: NPA/15/001 Section 106 Thresholds – Written Ministerial Statement