



ADDENDUM TO COMMITTEE REPORT

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/04233/FUL	Parish:	Wem Urban
Proposal: Erection of 2no dwellings with garages and access		
Site Address: Valnorver, 26 Leek Street, Wem, Shrewsbury		
Applicant: Ashvale Contracting Ltd		
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk	

1.0 Background & Principle of Development

1.1 The Northern Planning Committee resolved to approve the above application for the erection of two open market dwellings at their meeting on 22nd March 2016, subject to the prior signing and completion of a Section 106 agreement to secure the affordable housing contribution and to planning conditions. The application is still pending as the Section 106 Legal Agreement for the provision of a financial contribution in relation to affordable housing in line with policy CS11 'Type and Affordability of Housing' of the Shropshire Core Strategy has not yet been completed.

1.2 Shropshire Council's Core Strategy was adopted in March 2011 with the founding principle of seeking to create the context for "A Flourishing Shropshire". The Shropshire Council policy requires anyone developing a new open market dwelling (subject to exceptions) to make an Affordable Housing Contribution (AHC), which depending on the development size and the prevailing target rate, could be a financial contribution and/or on site provision.

2.0 Written Ministerial Statement

2.1 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on the 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sqm), or 5 units or less in designated protected rural areas.

2.2 Reading and West Berkshire Councils sought to challenge the WMS at the High Court and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point Shropshire Council continued to apply its affordable housing policy.

- 2.3 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate's decision on the 11th May 2016. Consequently the WMS still applies and it is anticipated that the National Planning Policy Guidance will be amended shortly.
- 2.4 In addition to this the Housing & Planning Act gained Royal Assent on the 12th May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions. It is understood that West Berkshire and Reading Councils are considering whether to challenge the Court of Appeal decision in the Supreme Court.
- 2.5 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications for 10 or less dwellings and less than 1,000sqm floor area in the majority of cases.

3.0 Conclusion

- 3.1 This proposed development consists of the provision of two dwellings and a net gain of one dwelling, given that there is an existing dwelling on site. The net gain of one of the dwellings will create less than 1,000sqm floor space. The proposed development site is not within a designated protected rural area and there is no acknowledged significant need for affordable housing in Wem Urban which would outweigh the Government advice. Therefore it is now considered that no Affordable Housing Contribution is required in this case, having regard to the material change in national policy discussed above.

4.0 Recommendation

- 4.1 The application is recommended for approval and will not be subject to a Section 106 agreement in relation to the financial contribution for affordable housing. The decision can therefore now be released.