



## ADDENDUM TO COMMITTEE REPORT

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 15/00999/FUL	<b>Parish:</b>	Pontesbury
<b>Proposal:</b> Erection of a dwelling		
<b>Site Address:</b> Proposed Dwelling Rear Of Enterprise House Main Road Pontesbury Shrewsbury		
<b>Applicant:</b> Mr Darren Haycock		
<b>Case Officer:</b> Aileen Parry	<b>Email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

### 1.0 Background & Principle of Development

- 1.1 Planning permission was resolved to be approved by Committee on the 16<sup>th</sup> July 2015 for the erection of a single open market residential dwelling. The application is currently subject to the provision of a Section 106 Legal Agreement for the provision of a financial contribution to relation to affordable housing in line with policy CS11 'Type and Affordability of Housing' of the Shropshire Core Strategy.
- 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.
- 1.3 The proposed development is quite clearly contained within Pontesbury, a key centre for development, and whilst the provision of an affordable housing contribution would have been a factor which weighed in favour of the overall planning balance at the time of the original resolution to grant permission it is not considered by officers that it was the determining factor, i.e. the recommendation would have been for approval at that time in any case.

### 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 28<sup>th</sup> 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 31<sup>st</sup> 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 11<sup>th</sup> May 2016. Consequently the WMS still applies and the National Planning Policy Guidance was amended on the 19<sup>th</sup> May 2016.
- 2.4 In addition to this the Housing & Planning Act gained Royal Assent on the 12<sup>th</sup> 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 have chosen not to appeal to the Supreme Court following the Court of Appeal decision.
- 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 one dwelling and will create less than 1,000sqm floor space. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre date the Court of Appeal decision and subsequent changes to the National Planning Policy Guidance, meaning that on balance and at this moment in time, National Policy prevails. It is not considered that removal of the requirement to make an affordable housing contribution will make the proposal unacceptable in principle in terms of the Councils adopted settlement policies for development, and the design of the proposed dwelling has already been accepted.

### **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.