

8.6 CA/077/15 REVOCATION OF THE AFFORDABLE HOUSING POLICY CLARIFICATION NOTE

Decision

That Council be recommended to approve:

- (a) Revocation of the Affordable Housing Clarification Note (March 2015) and cease to apply it as a material planning consideration in relevant planning decisions and for use in the preparation of future planning documents; and
- (b) The publication on the Council's website of the statement attached as Appendix 1 of the report to Cabinet to explain the reasons for this decision.

Reason for Decision

To seek Cabinet's approval to revoke the Affordable Housing Clarification Note (March 2015) and revert to the adopted policy position set out in the Core Strategy and associated Affordable Housing Supplementary Planning Document (SPD).

Implications

Financial

Reverting to our adopted policy (as set out in the Core Strategy and associated Affordable Housing Supplementary Planning document) will allow higher levels of contributions towards affordable housing to be sought and therefore help deliver a key corporate objective.

Value for Money

Providing clarity on the Council's affordable housing policies will ensure that contributions are successfully secured from appropriate developments and there are no undue delays to the processing of planning applications. It will also minimise the risk of applicants appealing planning decisions.

Risk Implications

The Government has stated that they intend to appeal the judgement. There is therefore a risk that the previous approach could be reinstated. If this does occur, then Cabinet and Council will be asked to reinstate the Clarification Note for use in Development Management decisions from the date of the appeal decision. Officers consider that it would be a much greater risk to continue to implement an approach to calculating affordable housing contributions based on a Ministerial Statement which a High Court Judge has clearly stated should not be referred to as a material planning consideration, and to sections of the Planning Practice Guidance that have been deleted by Government.

A full Risk Assessment has been prepared for the Local Planning Framework (of which the Core Strategy is part). This is updated monthly as part of CORVU monitoring processes.

Equalities Implications

None identified.

Health And Safety Implications

There are no health and safety implications relating to this decision.

Corporate Objectives

The Council's affordable housing policies support the 'Dacorum Delivers' and 'Affordable Housing' objectives. They improve efficiency and effectiveness of services by enabling planning decisions to be approved within agreed time scales and through the provision of upfront and clear advice on the provision of affordable housing within new development. The Affordable Housing Clarification Note was prepared to update the Council's approach to the provision of affordable housing in the light of changes to Government policy. Following a High Court decision this policy change has been reversed and the Clarification Note is no longer applicable. Higher levels of affordable housing (both on-site and via commuted sums) will be delivered through the reversion to the Council's adopted policy position.

Monitoring Officer/S.151 Officer Comments

Deputy Monitoring Officer: Following the High Court decision and the subsequent changes to planning policy guidance, the Council has no choice but to revoke the Affordable Housing Clarification Note to ensure that it is applying the most up to date planning policy. The decision to revoke should be kept under review if the government appeal the High Court decision.

Deputy S.151 Officer: There are no direct financial consequences of this decision.

Advice

The Team Leader for Strategic Planning & Regeneration introduced the report by saying that the Council's affordable housing policy was set out in the adopted Core Strategy, with further guidance in an associated supplementary planning document.

In November last year a ministerial Statement was issued which set out a number of changes the Government were introducing to national affordable housing policy. These were set out in its Planning Practice Guidance document.

In simple terms, the impact of these changes was to reduce what Councils could collect in terms of both the on-site provision of affordable units and financial contributions, with the aim of stimulating the house building industry.

As a result of this announcement, the Council adopted an 'Affordable Housing Clarification Note' which set out how this revised approach would operate in the Borough. This was agreed by Cabinet in March.

However, the Ministerial Statement and changes to the PPG have recently been challenged in the High Court by two Councils.

The judge found in favour of these Councils and his judgement states that the Governments revised approach should not be applied as it was not lawful.

Cabinet are therefore asked to agree the recommendations set out in the report.

The decision would allow the Council to revert back to using its original adopted policies, which gives the ability to collect both higher numbers and levels of affordable housing contributions.

The Leader of the Council asked at what point the legal figure applied. He said when this was introduced by the government there was a committee decision, but had not yet been implemented. He felt that there must be some applications in the pipeline where this may now apply.

The Team Leader for Strategic Planning & Regeneration said the cut off was the date when the high court notice was issued. Any planning decision from that date would be incorporated. The council had applied a degree of concession for those applications made prior to the cut-off date.

It was confirmed that applications already submitted but not yet had a decision could be asked for a contribution.

Consultation

Consultation took place with:

- Director of Housing and Regeneration
- Assistant Director – Planning, Development and Regeneration
- Group Manager – Legal Governance
- Group Manager – Strategic Planning and Regeneration
- Group Manager – Strategic Housing
- Officers from Strategic Planning and Regeneration, Strategic Housing and Development Management teams.

Voting

None.