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**South
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District Council**

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Our ref:
Your ref:
15 March 2017

Planning Policy
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Dear Miss Graham and Mr Wood

**South Cambridgeshire Local Plan Examination – Hearing Session relating to Policy H/9:
Affordable Housing**

Thank you for your letter dated 19 January 2017 sent to the Council via the Programme Officer.

The Council notes that you do not consider that sufficient information has been presented to date to demonstrate that the local circumstances of South Cambridgeshire are sufficient to justify an affordable housing threshold lower than that included in the Written Ministerial Statement and now comprising national planning policy.

On 12 September 2016, the Council submitted its statement to Matter SC5 – Delivering High Quality Homes, which addressed a series of your questions relating to Policy H/9 Affordable Housing. The Matters and Issues included a question relating to the viability of small scale residential development, but did not raise any wider questions about the appropriateness of the 3 dwelling threshold in the context of the WMS nor was there any discussion at the examination hearings into the justification for departing from the WMS. As such, whilst the Council in its response referred to the Written Ministerial Statement, the Council's full position as to local circumstance justification was not presented at this stage.

Your letter indicates that you would welcome the Council's comments with regard to the matter of the affordable housing threshold. The Council would therefore like to take the opportunity to provide you with further evidence on this matter for your consideration. That evidence is attached.

Put shortly, the Council considers that local circumstances within South Cambridgeshire District and the evidence base provided in support of the submitted local plan provides a clear and compelling justification for a threshold for the delivery of affordable housing which is lower than that advised in the WMS. Moreover, the concerns to which the WMS is directed do not arise in the particular context of South Cambridgeshire. As such, the adoption of an affordable housing threshold in South Cambridgeshire which is lower than that advised in the WMS would not

compromise the objectives of the WMS. These matters are elaborated upon in the attachment to this letter.

The Council's conclusion is that the submitted policy H/9 reflects local circumstances and is sound, notwithstanding that the thresholds within it depart from the WMS.

Yours sincerely

Caroline Hunt

Caroline Hunt
Planning Policy Manager

Affordable Housing Threshold

South Cambridgeshire District Council's response to the Inspectors' letter of 19 January 2017

Introduction

On 12 September 2016, the Council submitted its statement to Matter SC5 – Delivering High Quality Homes, which included a series of questions relating to Policy H/9 Affordable Housing. The Matters and Issues included a question relating to the viability of small scale residential development, but did not ask any wider questions about the appropriateness of the 3 dwelling threshold in the context of the WMS. Whilst the Council in its response referred to the Written Ministerial Statement, the Council's full position as to local circumstance justification was not presented.

The Inspectors' letter indicates that they would welcome the Council's comments with regard to the matter of the affordable housing threshold. The Council have taken the opportunity to provide further evidence on this matter for the Inspectors' consideration as set out in this statement

We will structure this response under the following headings.

- a) Flexibility to depart from the WMS;
- b) Objectives which the WMS is seeking to achieve and the applicability of those objectives to South Cambridgeshire;
- c) Policy H/9 and viability;
- d) The need for affordable housing in South Cambridgeshire by reference to quantum and distribution, and the contribution made to delivery of affordable housing by small sites (i.e. of 10 dwellings or fewer);
- e) The Cornwall Local Plan Inspector's Report;
- f) Guidance derived from other appeal decisions;
- g) Conclusions.

A) Flexibility to depart from the WMS

The WMS is expressed in unqualified terms. However, the Court of Appeal has confirmed, that, as with all elements of national planning policy, a local planning authority is entitled to depart from the guidance contained in the WMS if material considerations indicate that it is appropriate so to do. At paragraph 26 of the judgment of Laws and Treacy L.J.J., (with whom Lord Dyson MR agreed), reference is made to the a statement made by the Minister to the High Court in which he confirmed that, in the context of plan making, a local planning authority's "evidence base and local circumstances" may justify a local plan policy with a different or lower threshold than set out in the WMS being sound. Laws and Treacy L.J.J. held at [30] that this element of the statement was substantively correct and that the WMS did not fall to be applied "in a blanket fashion". The Inspectors' letter of 19 January 2017 acknowledges, rightly, this flexibility to depart from the WMS.

The Council considers that the evidence base and local circumstances are such that the thresholds within policy H/9 are sound.

By way of example, in terms of departing from the WMS, when determining a planning appeal¹ on 22 September 2016 for 8 dwellings at Kettles Close Oakington,

¹ APP/W0530/W/16/3142834 (Paragraph 18)

and which was successfully defended by South Cambridgeshire District Council, Planning Inspector Gleeson held that “having regard to this material consideration I find that the WMS needs to be addressed alongside local policy. The local evidence of affordable housing need is substantial and therefore I attach significant weight to this consideration. I regard Policy HG/3 as being compatible with the Framework in that it acknowledges development viability considerations in decision taking and would not impose a level of planning obligation that would prevent development coming forward. In addition I have also had regard to the Council's development appraisal presented prior to the hearing, which the appellant did not challenge, that no evidence was presented to suggest that the level of affordable housing sought would make the development unviable and the appellant's subsequent offer to provide three affordable units. On this basis I find that the proposal would be in line with Policy HG/3”.

B) Objectives of the guidance within the WMS and their applicability to South Cambridgeshire

The justification for the guidance within the WMS, including the policy advice concerning the threshold for affordable housing, is to remove what was considered to be a “disproportionate burden” on small and medium sized developers and thereby to “encourage development on smaller brownfield sites and help to diversify the house building sector by providing a much-needed boost to small scale and medium-sized developers”.

That objective may well be derived from a perception as to the effect nationally of affordable housing being required on sites delivering fewer than 10 dwellings. However, in South Cambridgeshire, the pattern of historic delivery, does not demonstrate that the affordable housing requirement which is currently engaged, being the requirement to provide affordable housing in developments of 3 or more dwellings, has deterred development on smaller sites. Moreover, the Council's evidence base demonstrates that development of smaller sites (i.e. of fewer than 10 dwellings) would not be rendered unviable by the current or proposed affordable housing requirements. As can be seen from the table below the Council has delivered on average 125 dwellings per annum on ‘small sites’ (Small sites are sites of 8 dwellings or less) over the period shown. In some years this has equated to 28% of all housing completions which is not an insignificant contribution.

Housing Completions 2005-2016	Net Completions on Small Sites*	Net Completions on All Sites	% of Net housing completions from Small Sites
2005-2006	155	877	18%
2006-2007	130	923	14%
2007-2008	181	1,274	14%
2008-2009	133	602	22%
2009-2010	99	610	16%
2010-2011	72	656	11%
2011-2012	101	678	15%
2012-2013	112	556	20%
2013-2014	110	631	17%
2014-2015	84	865	10%
2015-2016	187	671	28%
TOTAL	1,364	8,343	16%

It is the Councils view that this demonstrates a strong and consistent record of the Council delivering high numbers of new dwellings on small scale developments.

It is clear from the WMS that the reforms were intended to encourage development on smaller brownfield sites and “help to diversify the house building sector by providing a much needed boost to small and medium-sized developers, which have been disproportionately affected by the Labour Government’s 2008 housing crash. The number of small-scale builders has fallen to less than 3,000 – down from over 6,000 in 1997”.

In July 2014 the Government announced an initiative for local planning authorities to become vanguard authorities for the self build industry. The Government’s primary objective was to increase the capacity and diversity of the house building industry to build more high quality new homes faster. The custom build sector makes an important contribution to housing supply, with about 1 in every 10 homes being built or commissioned by individuals. Custom build housing, including self build, has many benefits. A growth in custom build housing will help to increase the speed and scale at which new homes are built in this country and it forms an important part of the Government’s strategy to increase the supply of high quality new housing which meets people’s needs. Furthermore it can reduce the costs of owning a new home and provide greater choice for home owners.

The chosen vanguard councils were required establish and maintain a register of people that are interested in constructing their own home through custom or self building. They were also to be responsible for identifying sites that are appropriate for these small developments. In September 2014 South Cambridgeshire District Council became one of only 11 Government chosen vanguard authorities.

After 2 years as a vanguard, the Council had concluded its examination into opportunities and barriers for the sector, with action points for SCDC, together with recommendations for government, business and other Vanguards. It then presented its findings to the All Party Parliamentary Group for Housing and Planning, which had been appointed to investigate the ways in which the country can address the shortfall in its housing supply. Some of the recommendations put forward by the District Council are included in the Housing White Paper ‘Fixing our broken housing market’² published in February 2017.

As of March 2017 the Council has over 600 people registered on its custom and self build register. Currently the Council has identified over 100 plots in the Councils ownership to bring on for self and custom build – in line with our original Vanguard commitment. In addition the Council is in discussions with owners of a further 82 plots with the aim that these will come forward for development.

Put simply the Council is already looking to meet the Government’s key objective of building more housing on small sites through more innovative means, rather than implementing a higher (and arbitrary) affordable housing threshold where there is no evidence that in South Cambridgeshire this will achieve its objective of getting more houses built.

As such, the identified concern which the WMS has identified and which it is seeking to address has not arisen in South Cambridgeshire. On the contrary there is clear

² Paragraphs 3.14-3.18

and demonstrable evidence that this Council is proactively looking to implement Government objectives to increase the supply of housing on small scale development. Policy H/9 does not therefore conflict with the objectives of the WMS and that which it is seeking to achieve.

C) Policy H/9 and viability

In preparing the submitted Plan, the Council has, plainly, had regard to, and complied with, the National Planning Policy Framework³, which requires careful attention to viability and costs in plan-making and decision-taking.

Ahead of the local plan submission the Council undertook an independent assessment⁴ as to the viability of the administrative area. This highlights that an affordable housing delivery threshold of 3 remains viable, whilst providing competitive returns to the land owner and developer (using standard industry assumptions including a 20% profit on gross development value).

Furthermore this desk top analysis is confirmed by real life examples of developments being delivered across the District. An assessment of the developments beneath the WMS threshold, approved by the Council since 1 January 2009, has shown that of the 54 approvals

- 32 (60%) were in either a Group Village or Infill Only Village
- 38 have either provided onsite provision or a commuted sum in lieu
- 8 have commenced but are yet to trigger either onsite provision or a commuted sum in lieu
- 8 have not yet commenced but the owner has made no contact to discuss a relaxation of the affordable housing provisions.

In order to ensure that planning obligations do not place a burden on the delivery of new housing (regardless of scale) express provision is made within policy H/9 of the submitted plan to allow exceptions to the requirements of the policy where required to achieve viability. Moreover, it is often the case that commuted sums in lieu of onsite provision of affordable housing is accepted. These have previously been used to subsidise rural exception sites (which, were it not for this funding, would, in some cases, not be viable) including those which stalled as a result of the 1% rent reduction policy introduced by the previous Chancellor. Examples of this include 15 houses in Oatlands Orwell, 9 houses in St Mary's Close Whaddon, 9 houses in Wisbey's Yard Haslingfield and 11 houses at The Valley Comberton.

It is also of relevance that in his consideration of the aforementioned appeal⁵ at Kettles Close Oakington South Cambridgeshire on 22 September 2016, Inspector Gleeson also "... had regard to the Council's development appraisal presented prior to the hearing, which the appellant did not challenge, that no evidence was presented to suggest that the level of affordable housing sought would make the development unviable and the appellant's subsequent offer to provide three affordable units.

This was echoed in a second planning appeal⁶ in South Cambridgeshire where Inspector Fagan allowed an appeal for the alteration and conversion of agricultural

³ Paragraphs 173-174

⁴ Local Plan Submission & Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Consultation Viability Study [RD/T/220]

⁵ APP/W0530/W/16/3142834 (Paragraph

⁶ APP/W0530/W/16/3152125

buildings to five dwellings, erection of garages and associated works in Balsham on 1 November 2015. The Inspector agreed securing a nominal affordable housing commuted sum and said “the surplus from the development would be £150,000. As set out above, the UU provides that the balance of moneys after the quoted works to the tithe barn would be provided to the Council as a contribution towards off-site affordable housing in accordance with DCP Policies HG/3 and H/ 9. This meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. I also consider that Planning Practice Guidance (PPG) that incorporates the Written Ministerial Statement of 28 November 2014 excluding the need for development of 10 or less residential units to contribute towards providing affordable housing does not take precedence over Policy HG/3, for the reasons set out in the two recent appeal decisions cited by the Councils”.

That policy H/9 will not adversely affect the viability of development has been thoroughly assessed and it has been confirmed that it will not have such an effect.

D) The need for affordable housing in South Cambridgeshire by reference to quantum and distribution

The existing need for affordable housing in South Cambridgeshire at 2013/14 stands at 5,573 dwellings⁷. There are currently around 1,700 people on the Council's housing register requiring rented accommodation and just fewer than 900 on the Homebuy register wanting intermediate housing. This compares with an overall objectively assessed need over the plan period of 19,500 dwellings.

In recent months a number of Section 78 planning inspectors have assessed the District wide housing need and in the views of those Planning Inspectors the need and the shortage of affordable housing can be described as being either ‘substantial’, ‘significant’ or ‘chronic’⁸.

South Cambridgeshire is a large rural district which covers approximately 90,000 hectares, has 102 villages and forms the southern most part of the county of Cambridgeshire. None of the South Cambridgeshire villages have a larger population than 8,000 persons.

The District has 4 categories of settlement reflecting their levels of sustainability based on access to employment, education and services. These are as follows (in order of sustainability); Rural Centre 7 villages, Minor Rural Centre 13 villages, Group Village 32 villages and Infill Village 55 villages.

The map at Appendix 1 highlights the location of Rural Centres and Minor Rural Centres (i.e. the most sustainable villages in the District) and where developments over the WMS threshold would be more likely to be considered sustainable locations for developments that are over the WMS threshold.

In terms of individual housing need, eligible and qualifying applicants will be placed in one of the following four bands in date order. Applicants placed in Band A will have the highest assessed need, band D the lowest.

Band A - Urgent housing need (including those that the Council has a homeless duty to house, require an urgent transfer, are current supported housing residents, urgent

⁷ Council's Matter 3 Statement – Appendix 4, Table 9

⁸ APP/W0530/W/15/3084325 APP/W0530/W/15/3138791 APP/W0530/W/15/3131724

health & safety risk or urgent medical need, or are lacking/under-occupying two or more bedrooms).

Band B - High housing need (including those with a high medical need or have a high health and safety risk, are victims of harassment, violence or abuse, to prevent homelessness or rough sleeping, or are lacking/under-occupying one bedroom or are occupying a significantly adapted property where that property is no longer required)

Band C - Medium need (including those with a medium medical need, or need to move for social reasons or their housing conditions, such as sharing facilities and other homelessness such as those not in priority need)

Band D - Low housing need (those that do not meet any of the above criteria above)

Full details of the categories are published on the Councils website⁹.

As can be seen by the Housing Needs Statistical Survey 2016 (provided at Appendix A) there is considerable local need for affordable housing.

The number of families/applicants in identified housing need across all of the villages and settlements is as follows:

Band A	Band B	Band C	Band D	TOTAL
145	494	739	937	2315

There are 1,689 applicants on our housing waiting list. Many of them have more than one local connection which would account for there being a total of 2,315 families as set out above.

If the families/applicants from the Rural Centres and Minor Rural Centres are discounted from these figures then the revised need, displaying Group Village and Infill Only Villages (i.e. the needs of those families/applicants that would be worse affected by the imposition of the WMS) is as follows:

Band A	Band B	Band C	Band D	TOTAL
47	203	292	370	912

As set out above there are 32 Group villages and 55 Infill villages in South Cambridgeshire, representing 83% of the 105 rural settlements identified in the submitted Local Plan.

Policy S/10: Group Villages of the submitted Local Plan states that residential development and redevelopment up to an indicative maximum scheme of 8 dwellings. Development may exceptionally consist of up to about 15 dwellings where this would make the best use of a single brownfield site.

Policy S/11: Infill Villages of the submitted Local Plan states that residential development and redevelopment within the development frameworks of these villages will be restricted to scheme sizes of no more than 2 dwellings. Development may exceptionally consist of not more than to about 8 dwellings where this would make the best use of a single brownfield site¹⁰.

⁹ <https://www.scambs.gov.uk/search/gss/LETTINGS%20POLICY>

¹⁰ The adopted Core Strategy DPD 2007 includes similar threshold policies at ST/6 and ST/7

This means that applying the WMS threshold would have the effect of prohibiting the supply of new affordable housing in these smaller villages where many people that will fall into affordable housing need currently live and mean they have to move away to find housing they can afford and that meets their needs, losing the benefit of their support network. The only affordable housing that would be able to come forward under such a policy framework in our smallest villages would be from any rural exception sites that may come forward. Since rural exceptions site are brought forward as an “exception” the location of such opportunities cannot be predicted and would be unlikely to meet in full affordable housing need in group villages or infill villages, in particular.

This highlights the fact that, without applying a lower threshold for affordable housing, the urgent needs of a significant number of South Cambridgeshire families and residents will simply not be met unless they are displaced to Strategic Sites or to Rural Centres and Minor Rural Centres. Whilst it is inevitable that a significant part of affordable needs will be met in this way, the WMS threshold would have the effect that there would no virtually no opportunities for any of those in housing need to stay locally and they would be forced to move away from family, support groups, jobs, change schools etc. This would be in direct conflict with many of the core objectives of Government and local policies. As can be seen from the map provided at Appendix 1, large parts of the District are several miles away from Rural Centres and Minor Rural Centres and are inaccessible by public transport.

Over the last 4 years since the beginning of the new Local Plan period, affordable housing through either onsite provision or commuted sums in lieu on sites that fall below the WMS threshold of 10 dwellings or less have amounted to 95 affordable dwellings being provided. Looking forward over the plan period, on a pro rata basis we would expect around 350 affordable dwellings to be provided on developments of between 3 and 10 dwellings by 2031 providing a valuable addition to general affordable needs.

However, significantly and perhaps as importantly, based on recent year’s delivery, at least half of these 350 affordable dwellings would be expected to be provided in Group Villages and Infill Villages. Developments in these categories of smaller village with fewer services and facilities are limited to 8 and 2 dwellings respectively, both below the WMS threshold, although slightly larger schemes are provided for where they would make best use of a brownfield site.

In his consideration of an appeal for the erection of one dwelling in Reading on 18 January 2017, Inspector R J Jackson found in favour of the Local Planning Authority on the grounds that the Council “...submits that not seeking contributions towards affordable housing from small sites will significantly affect the overall delivery of affordable housing of which there is a high need. The evidence indicates that seeking contributions has not resulted in a disproportionate burden on developers as delivery has not been constrained...Overall I consider that the Council’s evidence on this matter is persuasive”.

Affordability is also a major issue for South Cambridgeshire. House prices are out of reach for many, with average prices exceeding £390,000, an increase of 26% since 2008. During the last 12 months South Cambridgeshire has seen perhaps the greatest increase in England in property prices of just over £30,000 on average, compared to £17,000 for the East of England and £1,100 for England. Lower quartile price to income ratio is 12.8 for South Cambridgeshire which represents a considerable affordability gap.

An alternative to purchasing on the open market may be to privately rent. However, private rentals at the lower end of the market are few and far between, and for those relying on housing benefit to help pay their rent, the difference between the Local Housing Allowance rate and the rent payable, on average is around a shortfall of £280 per month¹¹.

The geographic distribution of the population of the District, and the way in which affordable housing is delivered by the market demonstrates a clear rationale, grounded in local circumstances and the Council's evidence base, for a threshold lower than the WMS.

E) The Cornwall Local Plan Inspector's Report

The Inspectors' letter refers the Council to the Cornwall Plan as being of possible assistance. The Council has considered the findings of the Cornwall Inspector and note that he was not convinced that there were local circumstances for departing from the WMS thresholds in the context of the submitted plan under examination, whilst accepting that it was appropriate for the lower 5 dwellings threshold to be applied to the significant parts of the plan area that met the criteria included in the WMS, namely AONBs and other areas designated under s.157 of the Housing Act 1985. Whilst the effect of the Inspector's conclusion had the effect of reducing the amount of affordable housing that would be secured in the Cornwall as a whole, that reduction and its impact on affordable housing delivery was significantly mitigated by virtue of the lower threshold across large parts of the plan area. Further information on this point is set out below. The presence in Cornwall of substantial areas to which a lower threshold of 5 dwellings would apply represents a key difference between the local circumstances in Cornwall and the local circumstances and impacts that apply in South Cambridgeshire. South Cambridgeshire does not contain any of the designated areas that would enable the Council to use the lower 5 dwelling threshold consistent with the WMS. Full conformity with the WMS in South Cambridgeshire would therefore have a significant impact on loss of affordable housing across the whole of the plan area, in an area of very high affordable housing need where the Council has evidence both of viability and delivery of a lower threshold.

The Written Ministerial Statement provides that, in designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. Within these designated areas, if the 5-unit threshold is implemented then payment of affordable housing and tariff style contributions on developments of between 6 to 10 units should also be sought as a cash payment only and be commuted until after completion of units within the development.

Section 157 Housing Act relates to areas that are:

- (a) a National Park,
- (b) an area designated under [section 82 of the Countryside and Rights of Way Act 2000] as an area of outstanding natural beauty, or
- (c) an area designated by order of the Secretary of State as a rural area

As it recognised in the Inspectors' letter South Cambridgeshire District Council has no such designations. However, the Council is aware that Cornwall has considerable areas (covering almost the entire District) that are classified as 'rural' under The

¹¹ Cambridge Sub Region Housing Market Bulletin

Housing (Right To Buy) (Designated Rural Areas and Designated Regions) (England) Order 1981:

- Caradon the whole district, with the exception of the parishes of Callington, Liskeard, Looe, Saltash, Torpoint
- Carrick - the whole district, with the exception of the parishes of Falmouth, Feock, Penryn and Truro
- Kerrier - the whole district, with the exception of the area of the former urban district of Camborne-Redruth and the town of Helston
- North Cornwall - The District of North Cornwall, with the exception of the parishes of Bodmin, Bude–Stratton, Launceston, Padstow and Wadebridge.
- Penwith - The District of Penwith, with the exception of the parishes of Hayle, Penzance and St. Ives
- Restormel - the parishes of Colan, Grampound, Lanlivery, Luxulyan, Mawgan-in-Pydar, St. Ewe, St Stephen-in-Brannel, St. Wenn

Furthermore a large part of Cornwall is classified as areas of outstanding natural beauty adding to the number of areas which will benefit from the lower threshold. We have provided a plan showing the extent of designated rural areas in Cornwall (Appendix B).

As such, although the Inspector examining the Cornwall Local Plan was not satisfied that local circumstances were such as to justify a lower threshold for affordable housing than that advised in the WMS, that Inspector was confronted with a very different evidence base than existing in South Cambridgeshire in terms of affordable housing supply. The extensive areas of designation under s.157 of the 1985 Act (including AONBs) in Cornwall is such that smaller sites would continue to yield affordable housing consistent with the WMS (see Cornwall Inspector's final report para.152). The effect of the WMN thresholds on supply was far less acute in Cornwall and, as such, the evidence base and local circumstances for a general departure from the WMS thresholds outside designated areas was far less compelling. In South Cambridgeshire, which has no designated areas, the effect of thresholds for affordable housing delivery consistent with the WMS would be to substantially reduce the opportunities for affordable housing delivery in many settlements where it is required.

The reasoning of the Inspector in the report into the Cornwall Plan is distinguishable and is reflective of a different evidence base than that which exists to support the South Cambridgeshire Plan. For the reasons set out a departure from the WMS here is justified and sound.

F) Guidance derived from other appeal decisions

There are a growing number of appeals where Planning Inspectors have given weight to lower thresholds in existing affordable housing policies over the Written Ministerial Statement and three common themes have emerged being (1) housing need (2) affordability and (3) viability. Indeed, that there may be material considerations which justify such an approach has been confirmed recently by the Planning Inspectorate in response to correspondence from LB Richmond Upon Thames of March 2017.

By way of example;

In his consideration of an appeal¹² for the removal of a double garage and the erection of a single storey detached dwelling In Elmbridge Borough Council on 18 July 2016, Inspector Chamberlain found in favour of the Local Planning Authority on the grounds that “house prices in Elmbridge are rising higher than neighbouring authority areas and that the affordability ratio is now 21.5 times the average lower quartile net income, placing Elmbridge as the least affordable authority in England outside of London. There is a similar trend in the rental market. It is therefore apparent to me that there is an acute problem with the affordability of housing in the Borough and therefore a pressing need for the Council to achieve its aim of delivering at least 1150 affordable homes by 2026”.

In her consideration of a more recent appeal¹³ for the erection of first floor rear extension and mansard roof extension to provide 2 x 1 bed self-contained flats in Islington on 23 January 2017, Inspector Mulloy found in favour of the Local Planning Authority on the grounds that “The Council’s statement sets out updated information relating to housing need and affordability in the Borough and the significance of small sites to the Borough. The information draws on the evidence base assembled to inform the Mayor’s Housing Strategy which shows that the average house price of a residential property in Islington has increased by 56% since 2007 and at June 2016 was £657,755, amongst the highest in England and Wales. Median and lowest quartile incomes are both around 16 times below the median and lowest quartile house prices which represent a considerable affordability gap. Furthermore, the Council’s evidence shows that approximately one third of new housing delivery in the Borough comes from small sites of 10 units or less. The evidence of affordable housing need has not been disputed by the appellant”.

Referring again to the appeal decision in Elmbridge Borough Council Inspector Chamberlain also heard that “Of the 116 permissions between 2011 and 2015, which related to schemes of between 1 and 4 homes, 90% have paid the total affordable housing contribution with 11 schemes paying a reduced contribution and 1 paying no contribution. This demonstrates that small sites are making a significant contribution towards the delivery of affordable housing in the Borough. Moreover, I have seen no substantive evidence that demonstrates the requirements of Policy CS21 are consistently placing an unreasonable or disproportionate burden on developers, such as schemes not coming forward or being rendered as unviable. When this has happened a reduced contribution or no contribution has been agreed by the Council”.

In his consideration of an appeal¹⁴ for a new 4 bed dwelling to the rear garden in Emmer Green on 2 December 2016, Inspector Porter found in favour of the Local Planning Authority on the grounds that “the Council has submitted a substantial amount of evidence to indicate that specific local circumstances within the Borough justify a lower threshold for affordable housing contributions, as an exception to national policy. In balancing the importance of avoiding disproportionate burdens on the developer, in pursuance of encouraging more house building, against the specific affordable housing needs in Reading, rising market values, and the significant contribution towards the delivery of affordable housing in the Borough that small sites make, I find the extent of the Council’s evidence to be compelling”.

¹² APP/K3605/W/16/3146699

¹³ APP/V5570/W/16/3161073

¹⁴ APP/E0345/E/16/3153661

The range of matters recognised by these Inspectors as amount to material considerations to justify not following the thresholds set out in the WMS reflect, in several respects, the local circumstances and evidence base in South Cambridgeshire which justify the thresholds in policy H/9 and to which we have referred above.

Conclusion

Whilst the Council recognises that the Written Ministerial Statement 28 November 2014 (the WMS) is Government policy, there is not requirement for a submitted local plan to slavishly adhere to the Secretary of State's national policies if material circumstances, and in particular local considerations, justify a departure, as the Court of Appeal has confirmed. The Inspectors have asked the Council whether there are sufficient local circumstances to justify a local plan policy that departs from the threshold in national policy.

The Council's proposed approach should be seen in the context of the National Planning Policy Framework requirement that the plan maker must ensure the Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Here the Council has identified a need for affordable housing and has proposed policies for meeting this need (to be provided on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified). Local planning authorities should have a clear understanding of housing needs in their area. They should address the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

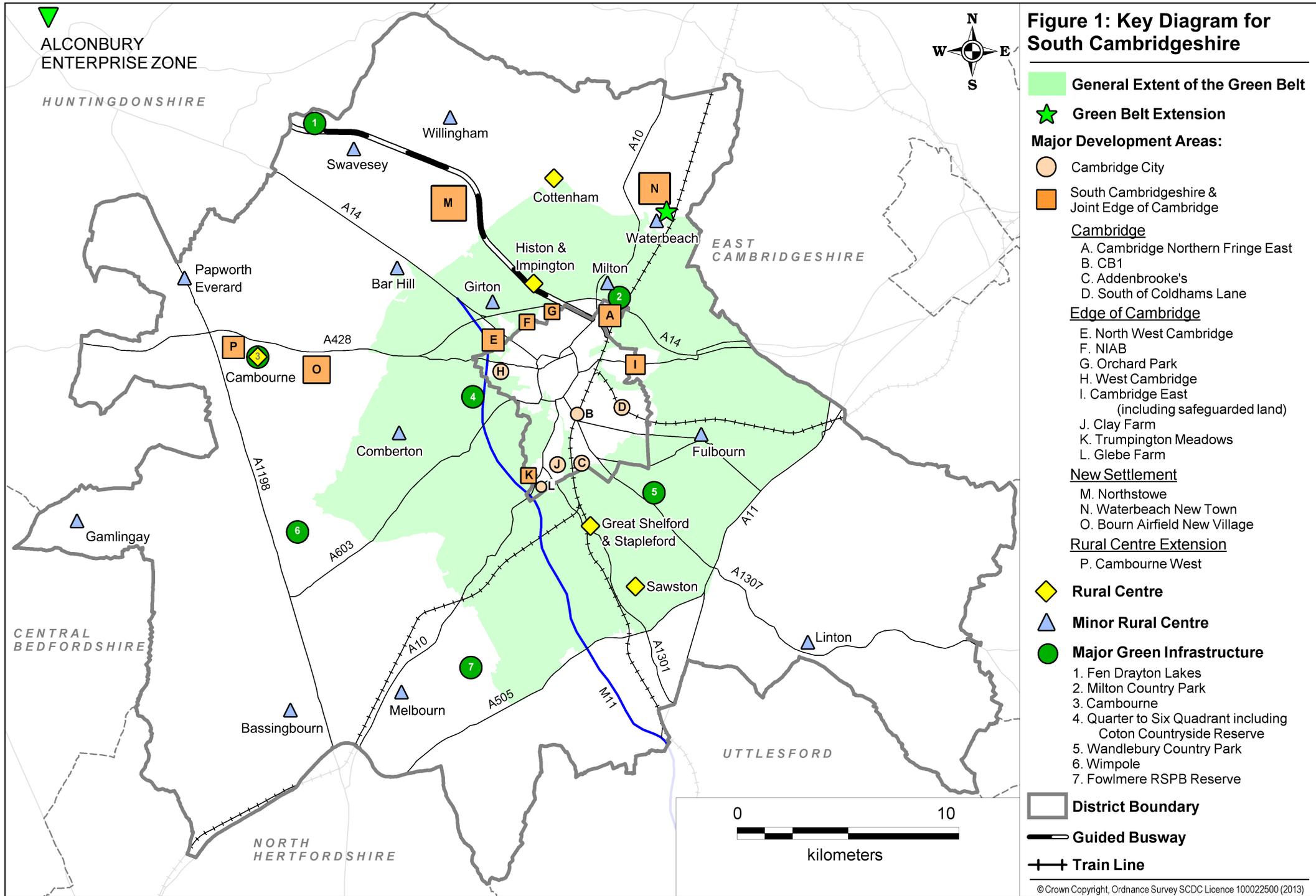
The Council considers that the evidence base and local circumstances identified justify the proposed threshold in the submitted Local Plan. It should be noted that the submitted policy includes an increase from the threshold of 2 dwellings in the adopted plan to 3 dwellings in the submitted Local Plan, a decision which was taken to aid the delivery of small housing schemes.

There is clear evidence supporting the Local Plan that the submitted policy approach is viable as well as site specific examples of sites that have come forward whilst making provision for affordable housing consistent with a lower threshold.

The Council considers that the evidence provided of the local circumstances in South Cambridgeshire is such that the Inspectors should find the submitted policy sound. These local circumstances include the high level of affordable housing need, the pattern of delivery which in large measures involves securing affordable housing on developments of between 3 and 10 dwellings, and the objective of continuing to meet an element of affordable housing need in smaller villages in the rural area where it arises and where those in need are close to their support networks.

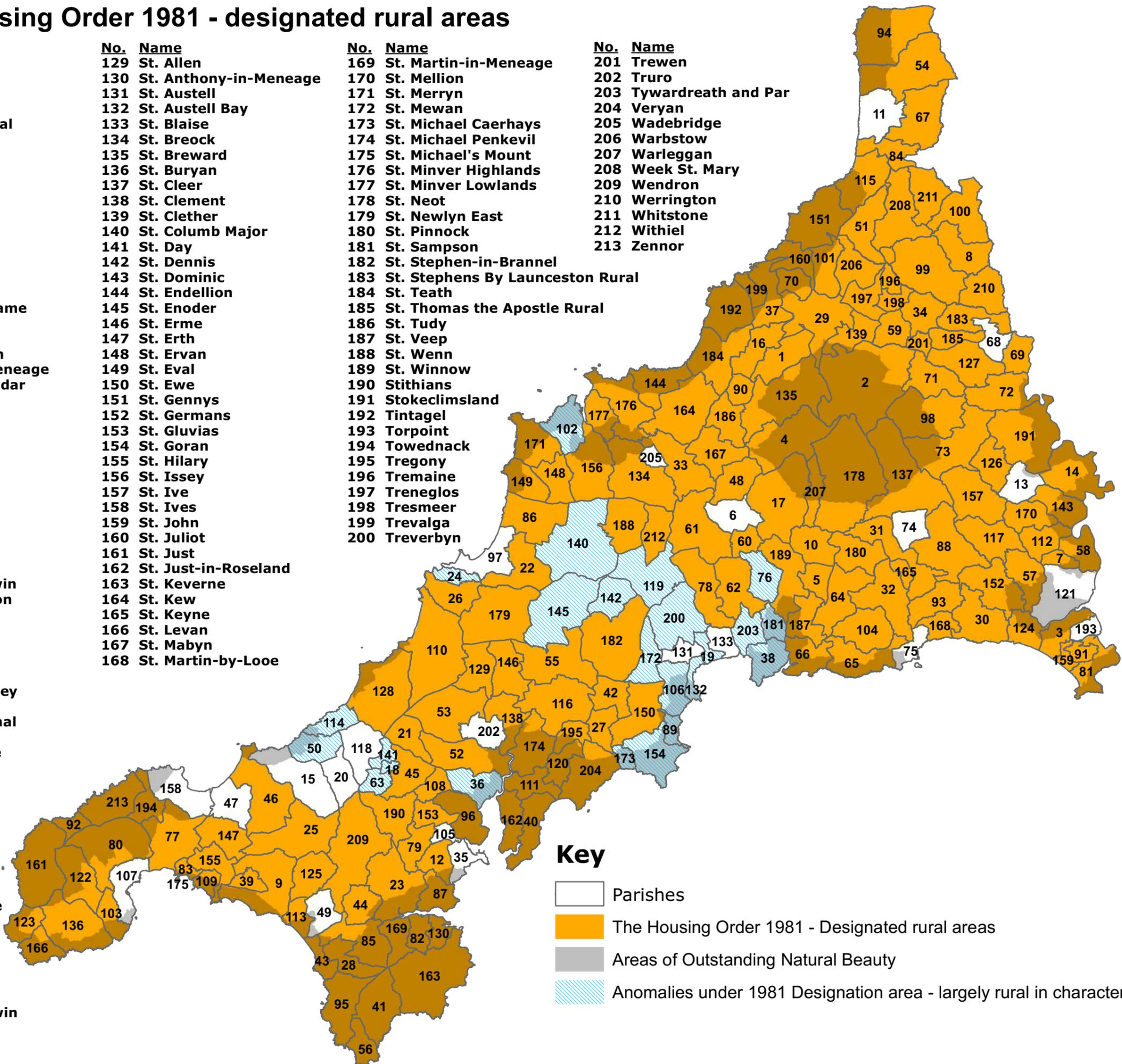
The Council considers this represents a different set of local circumstances to those in Cornwall where the Local Plan Inspectors reached the view that there was insufficient evidence to justify different thresholds to those in the WMS, in particular as there are no designations in South Cambridgeshire that justify the lower threshold and that the effect of the WMS in South Cambridgeshire would mean the higher threshold of more than 10 dwellings would apply throughout the district, including in the many smaller villages where the sustainable development strategy would mean that there would likely be no further affordable housing provided in over 80% of the rural settlements in the district.

The Council's conclusion is that the submitted policy achieves reflects local circumstances and provides a sound approach.



Issue 3 - Appendix 2 - The Housing Order 1981 - designated rural areas

No.	Name	No.	Name	No.	Name	No.	Name	No.	Name
1	Advent	65	Lansallos	129	St. Allen	169	St. Martin-in-Meneage	201	Trewen
2	Altarnun	66	Lanteglos	130	St. Anthony-in-Meneage	170	St. Mellion	202	Truro
3	Antony	67	Launcells	131	St. Austell	171	St. Merryn	203	Tywardreath and Par
4	Blisland	68	Launceston	132	St. Austell Bay	172	St. Mewan	204	Veryan
5	Boconnoc	69	Lawhitton Rural	133	St. Blaise	173	St. Michael Caerhays	205	Wadebridge
6	Bodmin	70	Lesnewth	134	St. Breock	174	St. Michael Penkevil	206	Warbstow
7	Botusfleming	71	Lewannick	135	St. Breward	175	St. Michael's Mount	207	Warleggan
8	Boyton	72	Lezant	136	St. Buryan	176	St. Minver Highlands	208	Week St. Mary
9	Breage	73	Linkinhorne	137	St. Cleer	177	St. Minver Lowlands	209	Wendron
10	Broadoak	74	Liskeard	138	St. Clement	178	St. Neot	210	Werrington
11	Bude-Stratton	75	Looe	139	St. Clether	179	St. Newlyn East	211	Whitstone
12	Budock	76	Lostwithiel	140	St. Columb Major	180	St. Pinnock	212	Withiel
13	Callington	77	Ludgvan	141	St. Day	181	St. Sampson	213	Zennor
14	Calstock	78	Luxulyan	142	St. Dennis	182	St. Stephen-in-Brannel		
15	Camborne	79	Mabe	143	St. Dominic	183	St. Stephens By Launceston Rural		
16	Camelford	80	Madron	144	St. Endellion	184	St. Teath		
17	Cardinham	81	Maker-with-Rame	145	St. Enoder	185	St. Thomas the Apostle Rural		
18	Carharrack	82	Manaccan	146	St. Erme	186	St. Tudy		
19	Carlyon	83	Marazion	147	St. Erth	187	St. Veep		
20	Carn Brea	84	Marhamchurch	148	St. Ervan	188	St. Wenn		
21	Chacewater	85	Mawgan-in-Meneage	149	St. Eval	189	St. Winnow		
22	Colan	86	Mawgan-in-Pydar	150	St. Ewe	190	Stithians		
23	Constantine	87	Mawnan	151	St. Gennys	191	Stokeclimsland		
24	Crantock	88	Menheniot	152	St. Germans	192	Tintagel		
25	Crowan	89	Mevagissey	153	St. Gluvias	193	Torpoint		
26	Cubert	90	Michaelstow	154	St. Goran	194	Towednack		
27	Cuby	91	Millbrook	155	St. Hilary	195	Tregony		
28	Cury	92	Morvah	156	St. Issey	196	Tremaine		
29	Davidstow	93	Morval	157	St. Ive	197	Treneglos		
30	Devioc	94	Morwenstow	158	St. Ives	198	Tresmeer		
31	Dobwalls and Trewidland	95	Mullion	159	St. John	199	Trevalga		
32	Duloe	96	Mylor	160	St. Juliot	200	Treverbyn		
33	Egloshayle	97	Newquay	161	St. Just				
34	Egloskerry	98	North Hill	162	St. Just-in-Roseland				
35	Falmouth	99	North Petherwin	163	St. Keverne				
36	Feock	100	North Tamerton	164	St. Kew				
37	Forrabury and Minster	101	Otterham	165	St. Keyne				
38	Fowey	102	Padstow	166	St. Levan				
39	Germoe	103	Paul	167	St. Mabyn				
40	Gerrans	104	Pelynt	168	St. Martin-by-Looe				
41	Grade-Ruan	105	Penryn						
42	Grampound with Creed	106	Pentewan Valley						
43	Gunwalloe	107	Penzance						
44	Gweek	108	Perranarworthal						
45	Gwennap	109	Perranuthnoe						
46	Gwinear-Gwithian	110	Perranzabuloe						
47	Hayle	111	Philleigh						
48	Helland	112	Pillaton						
49	Helston	113	Porthleven						
50	Illogan	114	Portreath						
51	Jacobstow	115	Poundstock						
52	Kea	116	Probus						
53	Kenwyn	117	Quethiock						
54	Kilhampton	118	Redruth						
55	Ladock	119	Roche						
56	Landewednack	120	Ruanlanihorne						
57	Landrake with St. Erney	121	Saltash						
58	Landulph	122	Sancreed						
59	Laneast	123	Sennen						
60	Lanhydrock	124	Shevioc						
61	Lanivet	125	Sithney						
62	Lanlivery	126	South Hill						
63	Lanner	127	South Petherwin						
64	Lanreath	128	St. Agnes						



Key

- Parishes
- The Housing Order 1981 - Designated rural areas
- Areas of Outstanding Natural Beauty
- Anomalies under 1981 Designation area - largely rural in character

Issue 3 - Appendix 2 - Urban Designation for Cornwall 2015

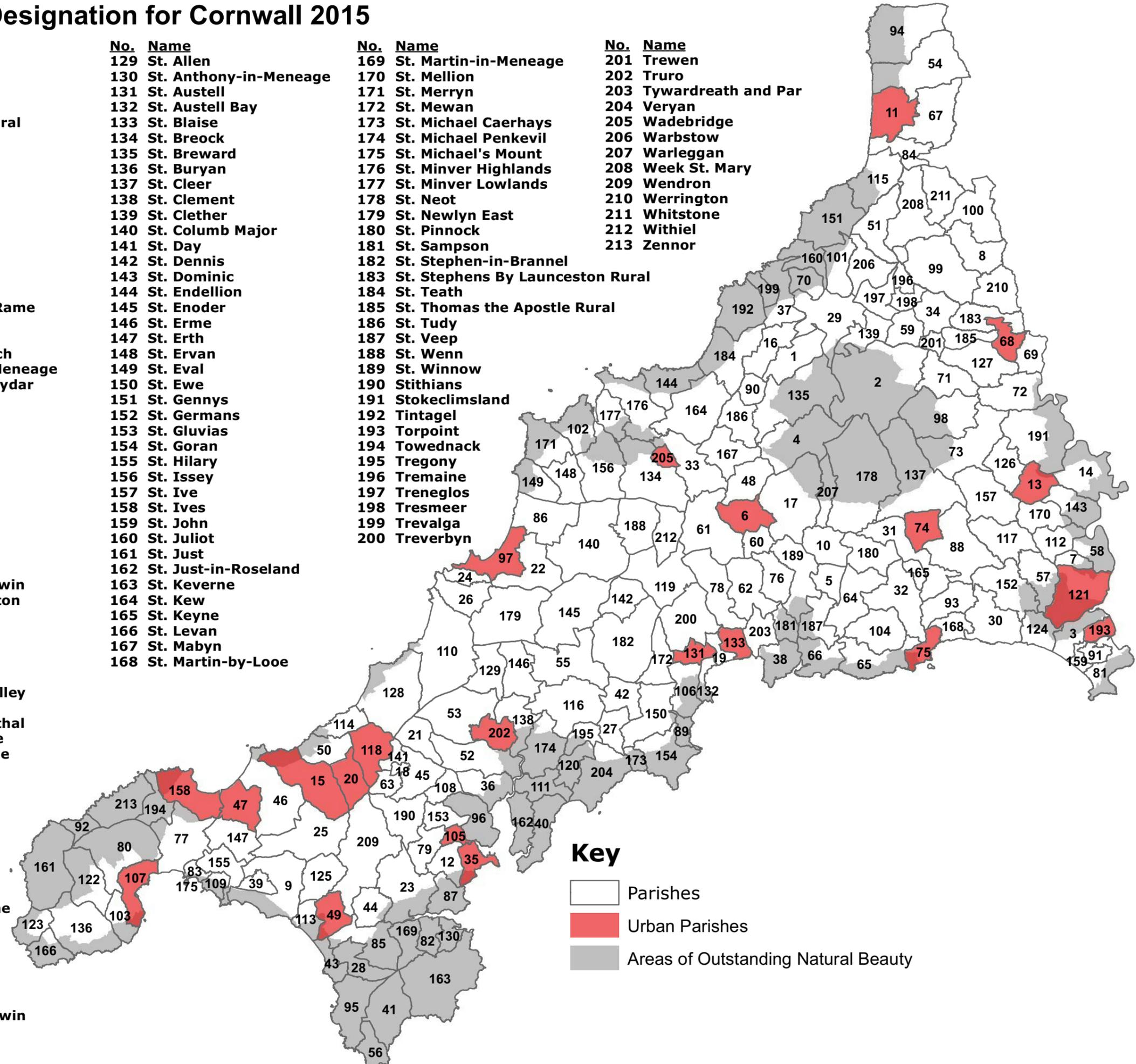
No.	Name
1	Advent
2	Altarnun
3	Antony
4	Blisland
5	Boconnoc
6	Bodmin
7	Botusfleming
8	Boyton
9	Breage
10	Broadoak
11	Bude-Stratton
12	Budock
13	Callington
14	Calstock
15	Camborne
16	Camelford
17	Cardinham
18	Carharrack
19	Carlyon
20	Carn Brea
21	Chacewater
22	Colan
23	Constantine
24	Crantock
25	Crowan
26	Cubert
27	Cuby
28	Cury
29	Davidstow
30	Devioc
31	Dobwalls and Trewidland
32	Duloe
33	Egloshayle
34	Egloskerry
35	Falmouth
36	Feock
37	Forrabury and Minster
38	Fowey
39	Germoe
40	Gerrans
41	Grade-Ruan
42	Grampound with Creed
43	Gunwalloe
44	Gweek
45	Gwennap
46	Gwinear-Gwithian
47	Hayle
48	Helland
49	Helston
50	Illogan
51	Jacobstow
52	Kea
53	Kenwyn
54	Kilhampton
55	Ladock
56	Landewednack
57	Landrake with St. Erney
58	Landulph
59	Laneast
60	Lanhydrock
61	Lanivet
62	Lanlivery
63	Lanner
64	Lanreath

No.	Name
65	Lansallos
66	Lanteglos
67	Launcells
68	Launceston
69	Lawhitton Rural
70	Lesnewth
71	Lewannick
72	Lezant
73	Linkinhorne
74	Liskeard
75	Looe
76	Lostwithiel
77	Ludgvan
78	Luxulyan
79	Mabe
80	Madron
81	Maker-with-Rame
82	Manaccan
83	Marazion
84	Marhamchurch
85	Mawgan-in-Meneage
86	Mawgan-in-Pydar
87	Mawnan
88	Menheniot
89	Mevagissey
90	Michaelstow
91	Millbrook
92	Morvah
93	Morval
94	Morwenstow
95	Mullion
96	Mylor
97	Newquay
98	North Hill
99	North Petherwin
100	North Tamerton
101	Otterham
102	Padstow
103	Paul
104	Pelynt
105	Penryn
106	Pentewan Valley
107	Penzance
108	Perranarworthal
109	Perranuthnoe
110	Perranzabuloe
111	Philleigh
112	Pillaton
113	Porthleven
114	Portreath
115	Poundstock
116	Probus
117	Quethiock
118	Redruth
119	Roche
120	Ruanlanihorne
121	Saltash
122	Sancreed
123	Sennen
124	Shevioc
125	Sithney
126	South Hill
127	South Petherwin
128	St. Agnes

No.	Name
129	St. Allen
130	St. Anthony-in-Meneage
131	St. Austell
132	St. Austell Bay
133	St. Blaise
134	St. Breock
135	St. Breward
136	St. Buryan
137	St. Cleer
138	St. Clement
139	St. Clether
140	St. Columb Major
141	St. Day
142	St. Dennis
143	St. Dominic
144	St. Endellion
145	St. Enoder
146	St. Erme
147	St. Erth
148	St. Ervan
149	St. Eval
150	St. Ewe
151	St. Gennys
152	St. Germans
153	St. Gluvias
154	St. Goran
155	St. Hilary
156	St. Issey
157	St. Ive
158	St. Ives
159	St. John
160	St. Juliot
161	St. Just
162	St. Just-in-Roseland
163	St. Keverne
164	St. Kew
165	St. Keyne
166	St. Levan
167	St. Mabyn
168	St. Martin-by-Looe

No.	Name
169	St. Martin-in-Meneage
170	St. Mellion
171	St. Merryn
172	St. Mewan
173	St. Michael Caerhays
174	St. Michael Penkevil
175	St. Michael's Mount
176	St. Minver Highlands
177	St. Minver Lowlands
178	St. Neot
179	St. Newlyn East
180	St. Pinnock
181	St. Sampson
182	St. Stephen-in-Brannel
183	St. Stephens By Launceston Rural
184	St. Teath
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186	St. Tudy
187	St. Veep
188	St. Wenn
189	St. Winnow
190	Stithians
191	Stokeclimlsland
192	Tintagel
193	Torpoint
194	Towednack
195	Tregony
196	Tremaine
197	Treneglos
198	Tresmeer
199	Trevalga
200	Treverbyn

No.	Name
201	Trewen
202	Truro
203	Tywardreath and Par
204	Veryan
205	Wadebridge
206	Warbstow
207	Warleggan
208	Week St. Mary
209	Wendron
210	Werrington
211	Whitstone
212	Withiel
213	Zennor



Key

- Parishes
- Urban Parishes
- Areas of Outstanding Natural Beauty