

F/YR15/0865/O

Applicant: Mr & Mrs R Johnson

**Agent : Mr Ted Brand
Brand Associates**

**Land North Of 118-124, Leverington Common, Leverington, Cambridgeshire
Erection of 6 x dwellings (max) (Outline application with all matters reserved)**

This application is a minor application.

Reason for Committee: Original decision made by Planning Committee

1 EXECUTIVE SUMMARY

Outline planning permission for up to six dwellings was refused at the Committee meeting of 7 December 2016 following the failure of the applicant to complete a Section 106 agreement to secure an affordable housing contribution of £11,956. The application was previously reported to Committee in December 2015 when it was resolved to grant permission subject to the completion of the Section 106 agreement.

An appeal has subsequently been submitted against this refusal.

Following the Inspector's decision in the recent appeal against the refusal of outline planning permission for up to six dwellings on land south west of Syringa House, Upwell Road, Christchurch it is considered that the Council can no longer reasonably require an affordable housing contribution and that as such the Council should not defend its reason for refusal.

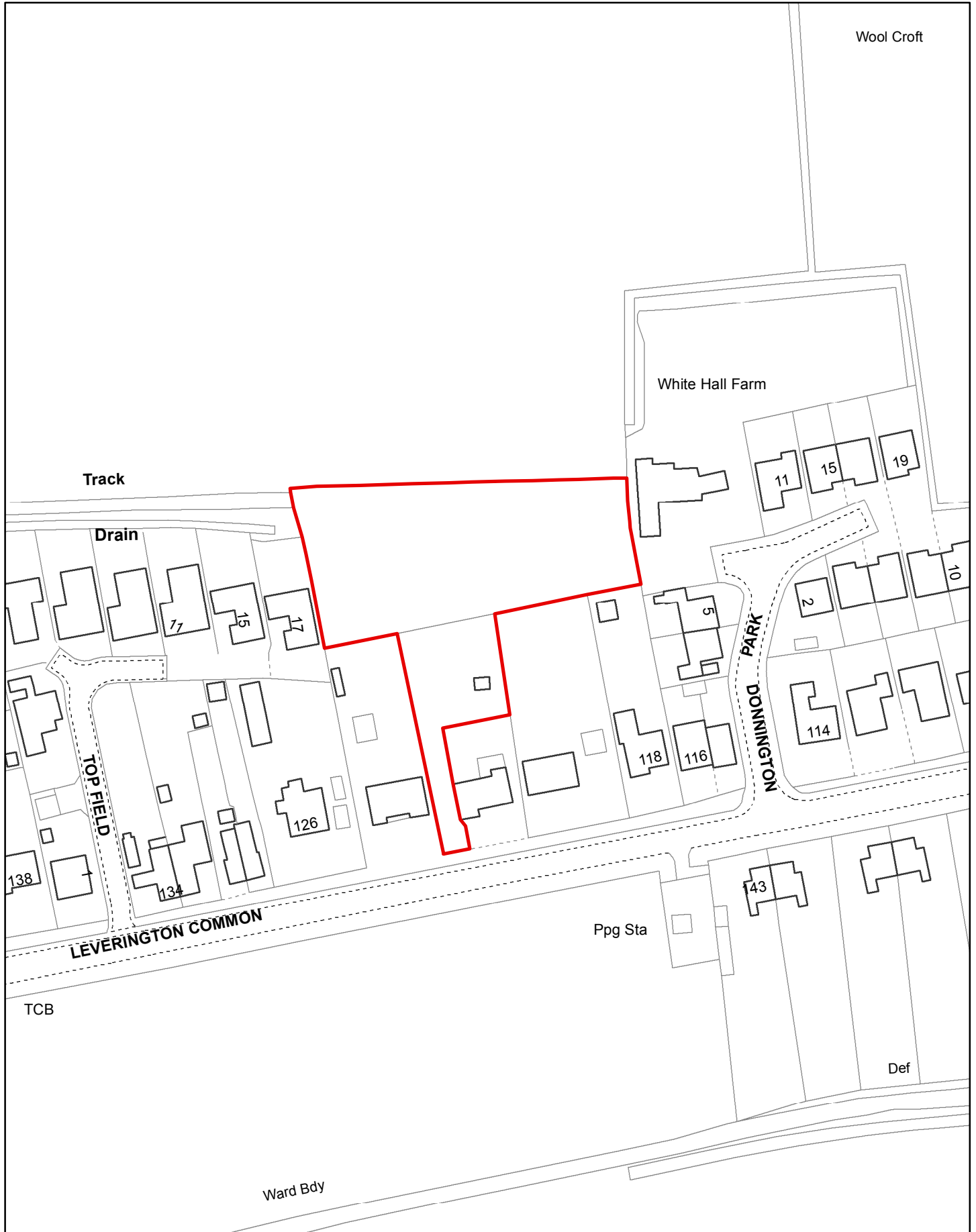
2. BACKGROUND/CONSIDERATION

- 2.1 The purpose of this report is to allow the Planning Committee to decide if it wishes to defend the reason for refusal given in relation to this outline planning application for up to six dwellings. At the Committee meeting of 7 December 2016 Members agreed to the recommendation to refuse the application for the following reason:
- 2.2 *Policy LP5 of the Fenland Local Plan 2014 requires all housing developments of 5 or more dwellings to provide affordable housing. As such this proposal would generate the need for an off-site contribution towards Affordable Housing for the District. The applicant has failed to complete a Section 106 Agreement to secure this contribution. As such the proposal fails to meet with the requirements of Policy LP5 of the Fenland Local Plan, 2014.*

- 2.3 An appeal against this refusal was submitted to the Planning Inspectorate in June this year and is currently awaiting determination.
- 2.4 Previously Members had resolved in December 2015 to grant the application subject to the completion of the Section 106 agreement to secure £11,956 for affordable housing provision. However the applicants subsequently indicated they were not willing to enter into the agreement following the Written Ministerial Statement advising local planning authorities to no longer require affordable housing in relation to sites of less than 10 dwellings. However at that time the approach of the Council was that local affordable housing need outweighed the guidance from Government and that the requirement for affordable housing contributions in relation to such sites was reasonable.
- 2.5 However in the recent appeal decision in relation to the refusal of outline planning permission for up to six dwellings on land south west of Syringa House, Upwell Road, Christchurch (ref F/YR16/0399/O) the Inspector concluded in relation to the reason for refusal regarding the lack of affordable housing provision, “ *Taking all these matters into account, I therefore conclude that whilst in not making provision for affordable housing the proposal would be contrary to policy LP5 of the Local Plan, the substantial weight that I attach to more recent government policy outweighs non-compliance with the development plan and the evidence that has been presented in relation to the need for affordable housing in the District. On the basis of the evidence presented in relation to this appeal, in accordance with national policy the provision of affordable housing is therefore not necessary in relation to the proposed scheme*”.
- 2.6 Consequently, in light of this decision and the Inspector’s reasoning, it is considered that the Council can no longer reasonably require the provision of affordable housing on sites of less than 10 dwellings. As such the reason for refusal of planning permission in the case of this application should not be defended as part of the current appeal.
- 2.7 If Members were minded to resolve that the Council’s reason for refusal should be defended they should be mindful that this course of action could be deemed as being unreasonable behaviour on the part of the LPA and that this could potentially risk the award of costs against the Council.

3. RECOMMENDATION

- 3.1 On the basis of the reasoning outlined above it is recommended that Members resolve to **not** defend the Council’s reason for refusal in respect of planning application F/YR15/0865/O.



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