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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 AUGUST 2015</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>DEVELOPER CONTRIBUTIONS FROM SMALL SITES</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 For Members to consider the implications of the recent case of West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government (2015) Case No: CO/76/2015, and to confirm the Council's position regarding developer contributions from small sites.

### **2.0 RECOMMENDATIONS**

- 2.1 That Council resolves to:
- (i) No longer treat the Ministerial Statement of 1 December 2014 on support for small-scale developers, custom and self-builders as a material consideration in the planning process.
  - (ii) To apply full weight to Policies SP3 (Affordable Housing) and Policy SP11 (Community Facilities and Services) of the Ryedale Plan - Local Plan Strategy.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 To clarify the Council's position in relation to the implementation of the Policies SP3 and SP11 of the Local Plan Strategy following the recent court case, and the consequential changes to the Planning Practice Guidance (PPG).

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks associated with the recommendations of the report. The Council would be at greater risk if it continued to apply weight to the Ministerial Statement in the decision making process.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 This report specifically relates to Policies SP3 (Affordable Housing) and SP11 (Community Facilities and Services) of the Ryedale Plan - Local Plan Strategy.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 On the 1 December 2014 a Ministerial Statement on support for small-scale developers, custom and self-builders was published. The Planning Practice Guidance (PPG) was accordingly updated to reflect the changes to national policy as a result of the Ministerial Statement. The effect of the Statement and the changes to the PPG was to establish thresholds below which affordable housing and tariff-based contributions should not be sought. These thresholds were higher than those in the Council's adopted Policies.
- 6.2 The implications of the Ministerial Statement were presented to Members of Planning Committee on the 10 February 2015. The report recommended that existing planning policies should be implemented to take account of the revisions to national policy introduced by the Statement.
- 6.3 The case of West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government (2015) resulted in a successful challenge against the Ministerial Statement. Accordingly, the Planning Practice Guidance has been amended to remove any such thresholds concerning developer obligations on small sites. On this basis, Members are advised that weight can no longer be afforded to the Ministerial Statement, and Planning Committee should revert to determining applications on the basis of Policies SP3 and SP11 as set out in the Development Plan.

### **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:
- a) Financial  
The reinstatement of SP3 and SP11 will increase capability to deliver public open space and affordable housing.
  - b) Legal  
The Ministerial Statement is no longer a material consideration in the decision taking process. Paragraphs 12-23 have been deleted from the Planning Policy Guidance on Planning Obligations. The adopted Development Plan has primacy.
  - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
The application of SP3 as drafted in the adopted Plan will increase the provision of affordable housing across the District

### **8.0 NEXT STEPS**

- 8.1 The court ruling means these changes should take immediate effect.

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**Background Papers:**

- Planning Practice Guidance. Planning Obligations.
- Developer Contributions from Small Sites - Planning Committee 10 February 2015
- The Ryedale Plan - Local Plan Strategy (September 2013)
- Case No: CO/76/2015 in the high court of justice queen's bench division administrative court planning court. Date: 31/07/2015  
West Berkshire District Council and Reading Borough Council (claimants)  
- and -  
Department for Communities and Local Government (defendant)  
Judgement

**Background Papers are available for inspection at:**

<http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/>

<http://democracy.ryedale.gov.uk/ieListMeetings.aspx?CId=117&Year=0>  
(10 February 2015)

<http://www.ryedaleplan.org.uk/local-plan-strategy>

Case CO/76/2015 is available in paper format to be viewed in the Members' Room