



## **Affordable Housing and the impact of changes made to national planning guidance**

**Director for the Economy**

### **Executive Summary**

#### **1. Purpose**

- 1.1 In recent years the Government has been keen to incentivise house building, particularly for small sites. Changes have been made to national planning policy to introduce the Vacant Building Credit and to amend the threshold for developer contributions. These changes are now a material planning consideration.
- 1.2 The appended report provides the background to these changes and explains the impact that they have had nationally and within Worthing. It goes on to outline how some authorities are seeking to minimise the impact that these changes will have on the future on the delivery of affordable housing. Finally, the report recommends an approach to be taken in Worthing. This will clarify the policy position for the Borough, at least for the interim whilst a new Local Plan for Worthing is being prepared.

#### **2. Recommendation**

- 2.1 In view of the acute shortage of affordable housing in the Borough the Executive Member for Regeneration is recommended to agree that, in line with the Position Statement (attached as Appendix 1) :
- Vacant Building Credit should not be applied to brownfield developments in the Borough;
  - the Council should continue to seek development contributions for less than 10 dwellings.

### **3. Context**

- 3.1 A detailed report exploring issues relating to the Vacant Building Credit and the restrictions placed on affordable housing (the 10 dwelling threshold) was considered by Worthing Planning Committee on 10th January 2018.
- 3.2 The report to Planning Committee, which is appended to this report, provides clear justification for the approach recommended for Worthing Borough Council that was then summarised within a Position Statement. In conclusion, the report made the following recommendation:

*‘That, in line with the Position Statement attached as Appendix A, the Committee recommends to the Executive Member for Regeneration that Vacant Building Credit should not be applied to brownfield developments and that the Council should continue to seek development contributions for less than 10 dwellings in view of the acute shortage of affordable housing in the Borough.’*

- 3.3 Worthing Planning Committee supported the recommendation which the Executive Member for Regeneration is now asked to approve.

### **4. Consultation**

- 4.1 The Council’s adopted Core Strategy was the subject of a number of periods of consultation which were undertaken in line with the Council’s Statement of Community Involvement. A Briefing Paper setting out the issues covered in the appended report was considered by the Council’s Local Plan Working Group in November 2017.

### **5. Financial Implications**

- 5.1 If the approach outlined in this report was not taken there is a serious risk that contributions towards much needed affordable housing in the Borough would be lost.
- 5.2 There are no specific direct financial implications for the Council arising from this report.

## **6. Legal Implications**

- 6.1 It is acknowledged that national planning policy and guidance as set out in the Written Ministerial Statement (dated 28 November 2014) and Planning Practice Guidance (PPG) with respect to affordable housing contributions and the application of Vacant Building Credit are significant material considerations which should be taken into account in decision taking. However, following the 2016 Court of Appeal decision in the West Berkshire litigation<sup>1</sup> regarding these matters, it is noted that the provisions of national policy are not mandatory and that local circumstances may justify an appropriate exception to the approach outlined in national policy.
- 6.2 There are some risks with the disapplication of Vacant Building Credit as there have been a number of challenges to this approach. However, as an interim position (pending the emerging Local Plan) and with robust evidence, on balance, local circumstances in Worthing could justify an exception to the national policy in respect of affordable housing contributions and the application of VBC.

### **Background Papers**

- Appendix 1 - Position Statement
- Appendix 2 - Report to Planning Committee 10th January 2018

### **Officer Contact Details:-**

Ian Moody, Planning Policy Manager (Worthing)  
Portland House  
01273 263009  
ian.moody@adur-worthing.gov.uk

---

<sup>1</sup> *West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441

## **Sustainability & Risk Assessment**

### **1. Economic**

- If the approach set out in the Position Statement was not taken there is a serious risk that contributions towards much needed affordable housing in Worthing would be lost.

### **2. Social**

#### **2.1 Social Value**

- 'Platforms for Our Places' in particular, Our Social Economies. The approach outlined in this report will enable the Council to collect contributions towards affordable housing from relevant developments will help to provide homes across Worthing. This in turn will help to tackle the challenge of an insufficient supply of housing across a range of tenures.

#### **2.2 Equality Issues**

- Issues relating to race, disability, gender and equality have been considered and it is not felt that the approach outlined in this report will have an adverse impact on any social group. The collection of affordable housing contributions in line with adopted policy will ensure that a range of housing tenures are delivered to meet an urgent need.

#### **2.3 Community Safety Issues (Section 17)**

- Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

- Everyone has a fundamental human right to housing, which ensures access to a safe, secure, habitable, and affordable home. The approach outlined in the report will help to meet this aim.

### **3. Environmental**

- Matter considered and no issues identified.

### **4. Governance**

- An approach that will help to meet the challenge of tackling an insufficient supply of housing across all tenures will enhance the Council's reputation.
- It is not considered that the approach outlined will prevent development schemes from coming forward. In circumstances where viability issues can be robustly demonstrated the Council will continue to apply a degree of flexibility against policy requirements to ensure that appropriate and sustainable development continues to come forward in the Borough.
- It is likely that the approach outlined will be reflected in within the emerging Local Plan and, as necessary, a Supplementary Planning Document. In line with the NPPF, the cumulative impacts of all policies to be included in the Plan / SPD will be tested to ensure that the scale of obligations and policy

burdens would not threaten the viability and delivery of sustainable development.