



## **Policy SP3 and SP11 of the Adopted Ryedale Plan - Local Plan Strategy**

### **Developer Contributions from Small Sites - amendments to operation of the policy as a result of changes to National Planning Guidance**

**1 September 2016**

#### **Background**

In 2014 a Ministerial Statement was issued which set out national policy in respect of developer contributions from small sites. The statement It made it clear that:

- For sites of 10 units or less and which have a maximum combined gross floorspace of 1,000 square metres, affordable housing and tariff style contributions should not be sought;
- In designated rural areas (under Section 157 of the Housing Act 1985), authorities may choose to implement a lower threshold of five units or less, beneath which affordable housing and tariff style contributions should not be sought. If this threshold is implemented then affordable housing and tariff contributions on developments of between 6-10 units should be sought as a financial payment only and only be commuted until after the completion of units within the development;
- Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.

On the 10 February 2015, members of Ryedale's Planning Committee considered a report which proposed a response to the statement and resolved to apply the provisions of the statement. Subsequently, a Judicial Review (sought by West Berkshire District Council and Reading Borough Council) found the policy promulgated by the Secretary of State in the Ministerial Statement to be unlawful. Following that judgment, Ryedale District Council reverted to giving full weight to its development plan policies for planning applications relating to small sites. In the meantime, the Secretary of State appealed the judicial review decision and in May 2016, the Court of Appeal allowed the Secretary of State's appeal and handed down a judgment which gives legal effect to the policy set out in the Written Ministerial Statement of November 2014, and this is now part of the National Planning Guidance.

#### **Current position**

Policies SP3 and SP11 form part of the adopted Development Plan. Local Planning Authorities are required to make decisions in accordance with the Development Plan unless material considerations indicate otherwise. The change in national policy is a significant

material consideration which, it is considered, outweighs the provisions of the Development Plan in respect of those policies that seek to secure contributions from smaller residential development sites.

The changes to national planning guidance are limited in the extent to which they affect the Plan as a whole and they render only parts of SP3 and SP11 inconsistent with national policy. For this reason the Council has resolved to apply greater weight to the current national policy position as a significant material consideration in the determination of relevant planning applications.

Most of Ryedale (with the exception of Malton, Norton and Pickering) is a designated rural area under the Housing Act 1985 and as such, the national policy changes would support the authority seeking to secure financial contributions for sites of between 6-10 dwellings (as opposed to the current position where on-site provision is sought on sites of 5 or more).

The authority can no longer secure affordable housing contributions from sites of 5 dwellings or less.

The provisions of SP3 to seek on-site affordable housing provision on larger sites would continue to apply.

The adopted Policy SP3 operates a differential policy target which applies across the District concerning commuted sums. It sought a 40% affordable housing contribution in west and south west Ryedale which was split in terms of on-site provision and a financial contribution. It is considered that this should be applied as a 40% financial contribution from sites of between 6-10 houses in order to reflect national policy and the Development Plan.

As a consequence of this, the policy operates in accordance with national policy, and the financial impact is less onerous on developers and landowners than the local policy which itself has been recently justified in terms of housing need and development viability.

**In summary, the Council will apply Policy SP3 of the Ryedale Plan Local Plan Strategy in the following way:**

**(i) The negotiation of the on-site provision of affordable housing will be in line with Policy SP3 of the Ryedale Plan, with the exception that on-site affordable housing contributions will not be sought from sites of 10 dwellings or less and which have a maximum combined gross floorspace of no more than 1,000square metres;**

**(ii) The negotiate of the on-site provision of affordable housing in line with SP3 of the Ryedale Plan, with the exception that on sites of between six and ten dwellings in parishes outside of Malton, Norton and Pickering, financial contributions will be sought in lieu of the existing on-site policy requirement; and that financial contributions of an equivalent of 40% of provision will be sought on such sites in west and south west Ryedale**

**(iii) Financial contributions will not be sought from small residential sites through the planning process towards affordable housing on sites of five dwellings or less under Policy SP3 of the Ryedale Plan**

### **Application of Policy SP11**

It should be noted that the impact of the national changes on Policy SP11 is very limited, now that Community Infrastructure Levy (CIL) charges have been brought into effect in Ryedale. Although Policy SP11 seeks financial contributions towards open space from all residential development, the policy is designed to operate in conjunction with the CIL. Now that CIL is in operation in Ryedale, off-site open space provision and improvements will be funded through the Levy rather than Section 106 contributions.