

FAO: Mr. B. Lewis MP

Minister of State for Housing & Planning
Department for Communities and Local Government
2 Marsham Street
London
SW1P 4DF

Date: 30th January 2015

Dear Mr. Lewis

RE: MINISTERIAL STATEMENT - 28 NOVEMBER 2014.

We write to you in respect to the above and as local agents for Shropshire who act on behalf of a number of landowners and developers on Planning related matters.

Following the publication of your Ministerial Statement and update to the NPPG, which identifies specific circumstances in which contributions towards affordable housing should not be sought from small scale and self-build development, advice was sought from Shropshire Council as to their response to this publication and it has taken until 22 January to receive any feedback. In the interim, the Council has put the consideration of all affected development proposals on hold pending their decision.

Following a Cabinet Meeting on 21st January 2015, Shropshire Council now intend to lobby you on this matter, on the basis that they believe you have not taken account of differing conditions nationally and locally. They intend to continue to give full weight to their adopted Core Strategy Policy CS11 (Type and Affordability of Housing) and its supporting 'Type & Affordability of Housing SPD'.

<http://shropshire.gov.uk/committee-services/ieDecisionDetails.aspx?ID=353>

It is their intention to "...continue to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites". This has been further evidenced in a recent appeal statement produced by the Council whereby they are requesting a S106 Agreement/Unilateral Undertaking in this respect.

The Council's minute of its decision gives no reasons for its peremptory rejection of the updated guidance. It recognises that it is a material consideration, but then states that they will continue to give full weight to the development plan. What the council is not accepting is that in the planning hierarchy, it is for the Secretary of State to decide what the overarching policy is, and in a matter as important as housing, any attempt to rely on an old development plan is surely paying no more than lip service to the leadership of the Ministers.

At the present time, Shropshire seeks affordable housing contributions on **all** sites and the level is based on Housing Market Assessment which results in a 10%, 15% or 20% rate. Additionally, Shropshire Council was also one of the Local Authorities which piloted CIL and this has been in place since January 2012.

As agents we have noticed how both of these financial contributions have affected the viability of smaller housing developments and have had a detrimental impact on the success of smaller house builders and developers. Further, it is clear that as a consequence of the impact of this financial burden, landowners are simply not proceeding with development on sustainable sites, thus reducing the delivery of new homes in the area, which runs counter to the aims of the NPPF which seeks to boost housing supply.

The publication of the Ministerial Statement gave some relief to a number of our clients and it was hoped that some of the current planning applications would now be determined under this new guidance. It was not until yesterday, upon publication of the results of said Cabinet meeting, was it clear that Shropshire intend to ignore Government policy. They have had two months to lobby you on this matter and in that interim period, we as Agents have not received any feedback and instead, decisions have been withheld.

As a Local Authority which has already adopted CIL on **all** schemes for market housing, which has caused developers to be reluctant to progress sites in this area in particular, the addition of affordable housing places further disproportionate burdens on the small developer and as such, the Ministerial Statement and NPPG update was welcomed by most.

We would therefore ask the Minister to intervene as a matter of urgency, and advise Shropshire Council accordingly on implementing your advice.

Whilst it is noted that two Local Authorities to date have launched Judicial Review proceedings to challenge the changes to the NPPG, in the meantime there should be clarity as to how Local Authorities should be applying them. The Minister should take steps to clarify any doubts over the status of the policy and write to Local Authorities to indicate that the policy that has been put in place is one that you stand by, and that you would expect your Inspectors to apply the NPPG in determining any appeals. This is necessary so as to avoid the confusion that will be caused to landowners and developers, and their agents, as to what the background to decisions is: as has already been seen, confusion leads to development being held up and indeed to land being held back until clarity is restored.

If you would please keep us update on this matter it would be greatly appreciated.

Yours sincerely

AGENTS OF SHROPSHIRE:


Signed by:  Mr L. G. Stephan DipTP MRTPI

On behalf of: Les Stephan Planning Ltd

Address: 9 Sweetlake Business Village
Mercian Close
Off Longden Road
Shrewsbury
SY3 9EW

Tel: 01743 231040

Email: info@lesstephanplanning.co.uk

Signed by:  S. Tucker

On behalf of:  FBC MANBY BOWDLER LLP

Address: ROUTH HOUSE, HALL COURT,

HALL PARK WAY, TELFORD TF3 4NJ

Tel: 01952 292129

Email: N.Blackie@fbcmb.co.uk S.Tucker@fbcmb.co.uk

Signed by:  GARETH HICKMAN

On behalf of: GARETH HICKMAN ARCHITECTURAL LIMITED.

Address: THE POPLARS, LIGHTMOOR

TELFORD, SHROPSHIRE

Tel: 01952 590039

Email: gareth@garethhickman.co.uk.

Signed by: *David Parker*

On behalf of:

DAVID PARKER PLANNING ASSOCIATES

Address:

BELGRAVE HOUSE, 15 SALOP ROAD, OSWESTRY, SHROPSHIRE, SY11 2NR

Tel:

01691-659595

Email:

dppa@talktalk.net

Signed by: 
On behalf of: ROGER PARRY & PARTNERS
Address: HOGSTON HALL, MINSTERLEY
..... SHREWSBURY, SHROPSHIRE, SY5 0HZ
Tel: 01743 791336
Email: paul@rogerparry.net

Signed by: 

On behalf of: WILLIAMS ROUND

Address: ... FERNDALE ... WESTON ... LULLINGFIELD
..... SHREWSBURY ... SHROPSHIRE ... SY4 2AW

Tel: 01939 260302

Email: jo@williamsround.co.uk

Signed by:  M.W. PARRISH

On behalf of: THE PLANNING GROUP LTD

Address: UNIT D1, RIMLEY BARN

SUNDOENE ROAD, SHREWSBURY, SY4 4SD

Tel: 01743 361211

Email: martin@planning-group.co.uk



Signed by:

On behalf of: Nigel Thorns Planning Consultancy Ltd

Address: 22 Kingsland Road
Shrewsbury
Shropshire
SY3 7LD

Tel: 01743 343660

Email: nigel@nigelthorns.co.uk

Signed by: *R. Hooper*

On behalf of: Hooper Burrowes Legal Limited

Address: 11 Yeomanry Road, Battlefield Enterprise Park, Shrewsbury, Shropshire,
SY1 3EH

Tel: 01743292444

Email: info@hblegal.co.uk

Signed by: AJ Williams DiPTP MKPTP
On behalf of: ADVANCE LAND & PLANNING LTD
Address: 6 STAFFORD PLACE
5th FLOOR, SHERBORNE TRADING
Tel: 07976 080813
Email: andy@advance-landplanning.co.uk

Signed by: ... Graham B Fergus.....

A handwritten signature in black ink, appearing to read 'Graham B Fergus', written over a horizontal dotted line.

On behalf of: First City Limited

Address: 19 Waterloo Road

Wolverhampton

West Midlands

Tel: 01902 710999

Email: graham@firstcity.co.uk

Signed by: AR Lane

On behalf of: ANDREW LANE, DIRECTOR

Address: AP ARCHITECTURE LTD

E-INNOVATION CENTRE, PRIORSLEE, TELFORD. TF2 9FT.

Tel: 0776 977 8470 / 01952 288292

Email: andrew@ap-architecture.co.uk

Signed by: S.A. Jones Shaun Jones BSc Hons MRICS FIAA

On behalf of: Halls Holdings Ltd

Address: Bourne Way Battlefield
Shrewsbury

Tel: 01743 450700

Email: Shaun.j@halls.gb.com

Signed by Elizabeth Attwood

On behalf of: Attwood Planning

Address: Brockton Farm Bungalow,
Brockton,
Sutton Maddock,
Shifnal,
Shropshire,
TF11 9NA

Tel: 01952 730455, 07966554536.

Email: attwoodplanning@gmail.com

Our Ref: JRBLF/JRS/VG/

28th January 2015

FAO: Mr. B. Lewis MP
Minister of State for Housing & Planning
Department for Communities & Local Government

New Windsor House, Oxon Business Park
Shrewsbury SY3 5HJ
t: 01743 241181
f: 01743 242300
www.balfours.co.uk
enquiries@balfours.co.uk

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Balfours is an independent firm of Chartered Surveyors with offices at Craven Arms, Hereford and Shrewsbury

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simply not proceeding with development on sustainable sites, thus reducing the delivery of new homes in the area, which runs counter to the aims of the NPPF which seeks to boost housing supply.

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Yours sincerely



J R Stevenson
for and on behalf of Balfours LLP

Direct Dial: 01743 239207
justinstevenson@balfours.co.uk

Signed by: C E Sussums-Lewis

On behalf of: Carter Jonas LLP

Address: South Pavilion, Sansaw
Business Park, Hadnall, SY4 4AS

Tel: 01939 210111

Email: charlene.sussums@carterjonas.co.uk

Signed by: Tom McShe

On behalf of: A J M PLANNING ASSOCIATES LTD

Address: EAST WING - WROTTESLEY HALL
.....
COOSALL - WV8 2HT

Tel: 01902 583885

Email: ajmplanning@ast.com

Signed by: *Jack Tavernor*

On behalf of: *Stutt and Parker*

Address: *The i.e. Royal, 16 Stogelby*
Shrewsbury, S71 1HR

Tel: *01743 284206*

Email: *jack.tavernor@stuttandparker.com*

Decision details

Type and Affordability of Housing SPD - Ministerial Statement 28 November 2014 and Update to National Planning Guidance

[Find out more about this issue](#)

Decision status: Recommendations Approved (subject to call-in)

Is Key decision?: Yes

Is subject to call in?: Yes

Purpose:

Cabinet considered an exempt report of the Director of Commissioning on the implications of a recent Ministerial Statement to Parliament and changes to the national Planning Practice Guidance (PPG) relating to section 106 developer contributions relating to affordable housing and other tariff style contributions. Cabinet was asked to subsequently agree the Council's position.

Decision:

- (a) That the Council lobbies the Minister to review his statement to take account of differing conditions nationally and locally.
- (b) That the Council notes the Ministerial statement and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application.
- (c) That the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites.

Publication date: 21/01/2015

Date of decision: 21/01/2015

Decided at meeting: [21/01/2015 - Cabinet](#)

Date comes into force if not called in: 29/01/2015

Call-in deadline date: 28/01/2015

Current call-in Count: 0

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