

**FAO: Mr. B. Lewis MP**

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

Date: 30<sup>th</sup> 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 21<sup>st</sup> 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](mailto: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:

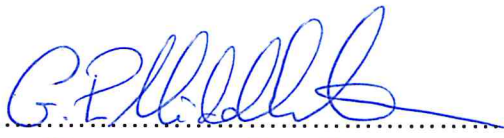
**BELGRAVE HOUSE, 15 SALOP ROAD, OSWESTRY, SHROPSHIRE, SY11 2NR**

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](mailto: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](mailto:info@hblegal.co.uk)

Signed by: Andrew Williams DiPTP MKPTP  
On behalf of: ADVANCE LAND & PLANNING LTD  
Address: 6 STAFFORD PLACE  
5th FLOOR, SHROSBURY 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. The signature is stylized and cursive.

On behalf of: First City Limited

Address: 19 Waterloo Road

Wolverhampton

West Midlands

Tel: 01902 710999

Email: [graham@firstcity.co.uk](mailto: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 FRAA

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](mailto:attwoodplanning@gmail.com)



Our Ref: JRBLF/JRS/VG/

28<sup>th</sup> 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

Dear Mr Lewis

## 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<sup>nd</sup> 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 21<sup>st</sup> 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

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

Partners: T M Evans TD DL BSc FRICS, J R B Lovegrove-Fielden FRICS, P A Wright FRICS FAAV, D G Groves FRICS FAAV, W H Colbatch-Clark FRICS, P B Segrott FRICS, R Galliers BSc MRICS FAAV, R E S Jones-Perrott BSc MRICS, T C G Perkins FRICS, W R A Shuttleworth BSc FRICS, T N Lee FRICS. Associate Partners: A J Downton BSc, Miss S E King MRICS, T J H Main MRICS, J R Stevenson BSc MRICS FAAV, Mrs J Tart, M H Watney MRICS. Consultants: J Birchall MSc MIAgrM MBPR MBAC, D J Onslow FRICS, R G P Plowden FRICS, R L R Jones BSc FRICS FAAV. Associates: S C Habershon (Forestry), Miss N S B Morton BSc (Hons) MRICS FAAV, Miss J Phillips MRICS, A Liddiment BSc (Hons) MRICS FAAV, C Fitzherbert-Brockholes BSc (Hons) MRICS, R Corbet LLB ACA MSC, MRICS.

Balfours is the trading name of Balfours LLP, registered no. OC.313264, authorised and regulated by the Financial Services Authority.

Estate Management - Commercial - Residential & Agricultural Sales - Residential Lettings & Management - Building Design & Project Management  
Planning & Development - Farm Business Advice - Valuations & Insurance - Environment & Renewables - Equestrian



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 Council 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 updated on this matter it would be greatly appreciated.

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: Tony 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, S.71 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

Restricted enclosure [View reasons restricted](#)

Restricted enclosure [View reasons restricted](#)

Restricted enclosure [View reasons restricted](#)

Restricted enclosure [View reasons restricted](#)

Restricted enclosure [View reasons restricted](#)