

MAR/18842 – Elford Homes

**Demolition of house and outbuildings. Construction of five dwellings with alterations at the junction of Packhorse Lane and Mill Road to improve vision
3 & 5 Mill Road, Marcham**

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1.0 **The Proposal**

1.1 Members will recall these applications were deferred at the Meeting on 6 June 2005 to consider the implications of an appeal decision highlighted by Marcham Parish Council. This decision concerned affordable housing on a housing development in the village of Crick in Daventry District. Copies of the appeal decision, together with a related appeal decision on a site in West Hadden, another village in the same District, are in **Appendix 1**. A copy of the previous Committee report is in **Appendix 2**.

2.0 **Planning History**

2.1 See previous report in **Appendix 2**.

3.0 **Planning Policies**

3.1 See previous report in **Appendix 2**. In addition it should be noted that Policy H16 of the Second Deposit Draft Local Plan 2011 requires that, for developments of four or more dwellings on sites in villages, 50% of the dwellings should be affordable.

4.0 **Consultations**

4.1 See previous report in **Appendix 2**.

5.0 **Officer Comments**

5.1 The two appeal decisions, made within 3 months of each other, both deal with small new housing schemes in villages. One Inspector decided that affordable housing should be provided (the Crick decision), whilst the other decided that it should not be provided (the West Hadden decision). It is important to appreciate why these different decisions were made.

5.2 National advice in PPS1 on the weight to be attached to policies in an emerging Local Plan states that the weight can be increased as the Local Plan progresses through the various stages towards final adoption. However, even at Second Deposit stage, it is clear that limited weight can be attached to policies which are subject to objections to be heard at the Local Plan Inquiry. This is because the Inspector, having weighed the evidence for and against at the Inquiry, may decide to recommend changes to the policy. Applicants can therefore be unfairly treated if a contested emerging policy is applied before it is finally adopted. It is for this reason that the relevant Government circular on affordable housing, Circular 6/98, advises that thresholds for the requirement of affordable housing should only be adopted through the Local Plan process.

5.3 The Inspector in the Crick decision departed from Government guidance in that he applied an emerging policy which was the subject of objection before it had been ratified by the Local Plan Inspector. Paragraphs 6–8 of his decision letter explain why he did this. By contrast, the Inspector in the West Hadden decision applied Government guidance and decided that only limited weight could be attached to the emerging policy. Paragraphs 11 – 14 of his decision letter explain his application of this guidance.

- 5.4 Members need to carefully consider this issue. Officers' advice to Members in the past has been that limited weight can be attached to the emerging policy on affordable housing, and this remains the case. It is far more likely that, at appeal, an Inspector will follow Government guidance rather than depart from it. Consequently, it is unlikely that a refusal of the application on this ground would be upheld at appeal.
- 5.5 One further point to note is that the emerging policy in these appeal cases had only one objection to be considered at the Local Plan Inquiry. This was an important factor for the Inspector in the Crick decision. By contrast, a total of 12 objections have been made to the Vale's policy on affordable housing. If anything, this places greater uncertainty on the adoption of the emerging policy in the Vale.

6.0 **Recommendation**

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6.1 *Permission subject to the following conditions:*

1. *TL1 Time Limit - Full Application*
2. *MC2 Submission of Materials (Samples)*
3. *CN8 Submission of Full Details*
4. *Prior to the commencement of development, a schedule of works for the repair of the dovecote wall shall be submitted to and agreed in writing by the District Planning Authority. The approved works shall be carried out in accordance with the timetable in the approved schedule.*
5. *RE3 Restriction on Extensions and Alterations to Dwelling*
6. *RE7 Submission of Boundary Details*
7. *RE14 Garage Accommodation*
8. *RE10 Submission of Drainage Details (Foul Sewage)*
9. *LS4 Implementation of Landscaping Scheme (incorporating existing tree(s)) - to be submitted*
10. *LS11 Protection of Trees/Hedges during Building Operations*
11. *HY3 Access in accordance with Specified Plan*
12. *HY16 Turning Space in accordance with Specified Plan*
13. *HY24 Car park Layout (Dwelling)*
14. *Prior to the commencement of development, details of the improvement to vision at the junction of Packhorse Lane and Mill Road shall be submitted to and agreed in writing by the District Planning Authority. The improvement works shall be carried out in accordance with the approved details prior to the first occupation of the development.*
15. *CN18 Watching Brief*

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6.2 *Permission subject to the following conditions:*

1. *TL4 Time Limit - Listed Building/Conservation Area Consent*