

## KIDMORE END PARISH COUNCIL

20 JULY 2011

### REPORT AND RECOMMENDATIONS OF THE AFFORDABLE HOUSING SUB-COMMITTEE

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#### *The Report*

1 The Affordable Housing Sub Committee ("the Sub Committee") was established as a new committee of the Parish Council (the "PC") in January 2010 for the purposes of reporting to and making recommendations to the PC on the following issues: the *principle* of accommodating within the Parish of Kidmore End a Rural Exception Site ("RES") for the purposes of providing affordable housing ; the existence and extent of such a *need*; finally if such a need were established the *location*, if any, of a RES within the Parish. During the course of the past 18 months the Sub Committee has reported on a regular basis to the PC on its activities and has given its recommendations, which have led to appropriate decisions being taken by the PC. We now submit our report and recommendations in respect of the suitability of part of the Horsepond Road site as a RES.

2 The background to the establishment of the Sub Committee is as follows. In December 2009 the PC was informed that the Oxford Diocesan Board of Finance, the owners of the glebe land in Kidmore End, adjacent to Cold Norton Corner, had been in discussions with the Oxfordshire Rural Community Council ("ORCC") and the South Oxfordshire District Council ("SODC") as to the possible release of part of the glebe land for affordable housing. The glebe land is within an AONB and has been held under a horticultural tenancy by the Hansen family for many years.

3 Neither the PC nor Mr Robert Hansen, the current tenant, had been informed of those discussions until Mr Hansen was told by the SODC that this is what they had in mind, and until the ORCC brought the matter before the PC in December 2009. The ORCC and the SODC were well aware of the events in 2006 in which an earlier proposal to locate affordable housing on a site at Horsepond Road (based on a Housing Needs Survey of 2004) had been, narrowly, turned down by the PC in circumstances in which there had been considerable tension within the Parish as to the consequences

of agreeing to such a proposal. Nevertheless, the PC had been given no prior notice of the intentions of the Diocesan Board of Finance.

4 In order to facilitate good working relations between the PC and the ORCC and SODC, and to take matters forward, the PC appointed a sub committee consisting of Councillors Ms Sue Biggs, Dr Brian Knapp and Mr John Swift. The ORCC draft letter to Parishioners and draft Housing Needs Survey, which had been put before the PC for its consideration in late 2009, could have been interpreted as committing the PC, in principle, to the use of the glebe land for affordable housing. The Sub Committee then worked with the ORCC on producing a letter which stated the correct position, which was that the PC was in full control over any decision relating to the approval of a RES.

5 The letter (as approved by the Sub Committee and signed by the Chairman of the PC) and the Housing Needs Survey was sent to all Parishioners in June 2010. It included at Q14 the following question: "Would you support a development of affordable housing on the Glebe Land at Cold Norton Corner in Kidmore End if there was a proven need from individuals or families with a genuine local connection to Kidmore End Parish ?" At about the same time, some of the residents of Kidmore End, in the vicinity of the glebe land, had issued their own questionnaire to Parishioners.

6 In September 2010 the PC considered the ORCC's Register of Interest Survey Report of August 2010 for the Parish of Kidmore End, and a full report from the Sub Committee, which was addressed to the issue of affordable housing within the Parish. The Sub Committee made 6 recommendations for action by the PC each of which was put to a vote and carried. They can be summarised as follows

7 The PC supports and aligns itself with national and local policy in respect of affordable housing and accepts the conclusion of the Survey Report that there is a need for 7 affordable homes (on a footprint of five houses) within the boundaries of the parish. The Council does not, however, support the glebe land as a suitable location for such a development. Nevertheless, the PC recognises that it has a vital and responsible role to play in these matters, not least having regard to the policies of the District Council that planning applications will not be considered for exception sites unless they have parish council support. The PC, therefore, decided that it would continue to engage in a positive way

with the ORCC and the Oxfordshire Rural Housing Partnership in order to explore the practicality of locating the 7 new homes at locations other than the glebe land. The PC authorised the Sub Committee to engage in such discussions and also to seek information and assurances as to the future plans of the ORCC and ORHP, if any, in respect of the use of Kidmore End for affordable housing generally.

8 In October 2010 the SODC and ORCC reported to the PC that another possible site in Kidmore End, at Butlers Orchard, would not be supported either by Highways "because of a lack of footways in the vicinity and the lack of the likelihood of a feasible resolution due to constraints along the highway" or the SODC, "because affordable housing would be too dense in relation to the character of the detached houses situated in large plots next to the site" and that "the consensus of Highways and [SODC] is that "Gallowstree Common site is the preferable site." The reference to the GTC site is, of course, to that area of land on Horsepond Road which had been the subject of the previous proposal considered in 2006 by the PC, as then constituted. The land was still available for that purpose. The SODC, in accordance with its practice, accepted the conclusion of the PC that it did not support the glebe land. So it was down to one possible site.

9 In November 2010 the Sub Committee met representatives of the ORCC and SODC to discuss next steps and to seek clarification about the possible consequences if the PC were minded to support a site as a RES: specifically, the issue of "creep". The ORCC appeared to be of the view that it was for the PC to identify a site and that thereafter the project would be passed to a Housing Association, which would then work with the ORCC and SODC on drawing up plans which would be made available for public consultation. If such a consultation were held on the same day as the Parish Council meeting, then the ORCC would be happy to stay on and provide feedback following which "the Housing Assoc will then make any small changes to the plans that are needed before submitting a planning application." The letter confirming the next steps was sent to the Sub Committee by the ORCC on 8 December.

10 As to the issue of "creep", the ORCC confirmed, in the same letter, that the distinction between General Needs Affordable Housing and Affordable Housing provided on a RES should be made very clear. In particular the ORCC said that "in no instance in Oxfordshire (or, as far as I am aware, in other counties in the UK) has a [RES] development led to any development of commercial, industrial or private housing units." The ORCC also said that "as with a first RES, the decision to explore the possibility of a second phase or scheme always rests with a Parish Council."

11 The Sub Committee was not, however, satisfied with the proposal of the ORCC in respect of next steps and considered that, before the PC could properly and reasonably take a decision whether or not to support the Horsepond Road site, the Housing Association should be asked to instruct an architect to draw up plans and elevations. Otherwise it would be impossible for the PC to form any view on the impact of such a new development. The ORCC and ORHP readily agreed to this request and provided three possible configurations for what would be 6 dwellings (not the 7 as originally proposed). Full coverage was given to those plans, and indeed to the progress made by the PC with representatives of the ORCC and ORHP, in the Spring 2011 Parish Newsletter.

12 The Sub Committee was also of the view that there should be a public consultation at which all residents of the Parish of Kidmore End would be invited to express their views, following which the PC would then take a decision.

13 In May and June 2011 the PC gave full consideration to these matters and agreed that the public consultation should take place at the new pavilion on the evening of July 8 and be chaired by Professor Stansfield. Representatives of ORCC, SODC and the Housing Association were invited and, with the exception of the SODC, attended. Again, substantial publicity was given to this in the Parish Summer Newsletter and on the KEPC website.

14 At the public meeting of July 8, which was attended by 9 of the 11 PC Councillors and the Clerk, Parishioners were given a full opportunity to make their views known. The ORCC handed out a short questionnaire which would enable those present to provide "feedback" to the PC. .

15 In summary the ORCC concluded that "it is very encouraging to see that over 80% of those attending the meeting support the idea of affordable housing in Kidmore End parish and that over 60% support the proposed development on the proposed site in Gallowstree Common when we would generally expect that it is those who are opposed to a particular site who make the most effort to turn up to an event such as this." The ORCC also said that " you [ the PC] have worked very hard to ensure that information regarding this proposal (and the event on Friday) was made widely available and I believe that everyone who felt strongly about it was given the opportunity to attend or make their opinions known." We are grateful for this comment. Indeed we consider that on issues such as this, we have acted fairly.

16 In consideration of the glebe land in 2010, the PC did not send out a specific questionnaire. The PC added a question – Q 14 – to the ORCC Housing Survey because it thought that, in the circumstances then prevailing, such a question was appropriate. The ORCC agreed with the PC. With regard to the issue relating to Gallowstree Common the decision was made to hold a public meeting, as the PC thought that a public meeting, well advertised and attended by those proposing the RES, and those with an interest to put forward for or against, would be a substantial improvement on a written questionnaire. Indeed we, the Sub Committee, believe that the holding of the public meeting, and the open debate, fully vindicates that view.

17 That concludes the report of the Sub Committee, in terms of the sequence of events since January 2010. At that time, when we were first established, there was dismay throughout the Parish, and at the PC, at the proposals being put forward by the owners and the planning authorities, without any prior consultation with the PC, as to the use of the glebe land. There was also apprehension that the tensions that had been revealed from 2004 to 2006, as to the need for and location of a RES, would resurface in 2010, and that the PC would find itself trying to reconcile competing and very strongly held convictions for and against any proposal to locate a RES anywhere in the Parish

18 In concluding our report to the PC we believe that the objectives that the PC set for us have been met: (1) that the PC should be and be seen to be in control over the process for supporting or

rejecting a particular site as a RES (2) that at the end of that process the decision to be taken by the PC will or may involve a balance between the beneficial consequences of allowing a very limited development and the possible costs of loss of amenity to the Parish in allowing a RES within an AONB (3) that in taking its decision the PC should be, and be seen to be, working in cooperation with authorities while retaining its own independence and (4) that there is transparency between the PC and Parishioners throughout the decision making process, not least in engaging those Parishioners in closest proximity to any site under consideration as a RES.

19 We do not expect there to be, in the lifetime of this Council, any new proposals from the ORCC that the PC should conduct a new Housing Need Survey. If any new proposal were to be put to the PC after 2015 the PC would exercise its own judgment on the facts as they appear at the time. We are aware of the concerns of Parishioners as to the implications for future housing of a decision to approve any site as a RES. Nevertheless we do not think it would be reasonable to seek to bind the PC in respect of any future action it might wish to take. In any such case the PC, as in this case, would engage in close and continuing consultation with Parishioners so as to ensure a fair and just outcome. We are of the view that that course is the right course.

20 In the meantime, if the PC acts in accordance with our recommendations set out below, we are willing to continue as a Sub Committee for as long as the PC considers this to be of value.

#### *Recommendations*

The sub committee recommends that the PC takes the following decision at its meeting on July 20 2011

**"To support in principle a development of up to 6 units of affordable housing on a rural exception site in the field north of Horsepond Road, Gallowstree Common, to the west of the existing housing"** Our reasons are as follows

(1) The PC is already committed to and supports the national and local policies in favour of limited affordable housing on RESs. The PC accepts the conclusion of the ORHP that there is a need for up to 6 dwellings

(2) The proposal is thus very limited – no more than up to 6 units on about half an acre – and does not appear to have any material adverse effects on amenities for local residents. It, therefore, seems to be a suitable site for a RES

(3) The SODC and Highways Authority have already in principle given support to such a location

(4) The residents of Gallowstree Common have had a full opportunity of engaging themselves in the process and, most recently, have by a clear majority of those present at the public meeting held on July 8 2011 approved the site. Indeed there has been a full and fair process of engagement with all parishioners over the past 18 months

(5) There is no expectation of any further development by the owner of the land at Horsepond Road so as to cause any "creep" of affordable or any other housing on the land or by any owners of adjoining land. But if there were any such proposals, they would be considered having regard to the principles established for approving land as a RES. Our view is that there no risk to the Parish of "creep". In any event, and of critical importance to the issue of "creep", the PC retains full control over the questions as to the existence or extent of need and where, if at all, such need should be accommodated

(6) The PC and Parishioners will have a further and full opportunity of making representations to the SODC and the Highways Authority on access to the site and the configuration of the development. In particular, to the extent that any incremental use of access to Horsepond Road is likely to cause any risk to Parishioners or other users of such access the PC will recommend that steps are taken to remove or reduce that risk

and thus we conclude that

(7) The balance of advantage to the parish of Kidmore End is substantially in favour of approval of that part of the site in Horsepond Road as a RES and we so recommend that the PC should decide accordingly and for the above reasons.

S M Biggs

B J Knapp

J A Swift

17 July 2011