

KIDMORE END PARISH COUNCIL
REPORT OF THE AFFORDABLE HOUSING SUB COMMITTEE
SEPTEMBER 2010

Introduction

1. The background is well known to members of the KEPC. As agreed by the KEPC at its June 2010 meeting, the Oxfordshire Rural Community Council (“ORCC”) distributed to all households in the Parish of Kidmore End a “Register of Interest Survey Report”. Replies were requested by July 16. At its July meeting Minute 3.04 records that “it was expected that the report arising from the survey, to be compiled by the [ORCC], would be submitted to the Council’s next meeting, on 29 September 2010.” On 21 September 2010 the Clerk to the KEPC sent the report to all members of the KEPC noting that the report would be put before the Council at the next meeting and anticipating that there would be a covering report from the Council’s Affordable Housing Sub-Committee. All members of the KEPC will, therefore, have had an opportunity of studying the ORCC report.

2. This is our covering report which summarises the issues arising in respect of (i) the principle of affordable housing, within the Kidmore End Parish, (ii) the existence and extent of need for affordable housing (iii) proposed use of the glebe land for affordable housing. and (iv) alternative sites and processes for engagement. The Conclusion contains our RECOMMENDATIONS as to action to be taken by the Council at the meeting of 29 September.

Summary of the ORCC report

3. The Council will recall that only those in Affordable Housing Need were invited to complete the survey but that every resident was given the opportunity to say whether or not, in the event there was a proven need, they supported the idea of development on the glebe land. In other words, there was no repeat of the Housing Needs Survey carried out in 2004 which included questions directly related to the more general issue of support for affordable housing as such.

4. It appears from the report (section 4) that of the total of 499 households who received the report 15 replies (of which 5 are currently on the SODC Housing register) were received in respect of Housing Need and 163 replies (33 per cent of households)) in respect of the suitability of the glebe land – what has become known as the Question 14 issue.

5. On the issue of the *principle of affordable housing within the Parish*, the ORCC referred to the 2004 Survey from which it concluded that “64 per cent of those who responded to [the Survey] said they would definitely support a small development of affordable homes for people with a genuine connection, to meet the needs of the parish.”

6. On the issue of the *existence and extent of Housing Need for Affordable Housing* the ORCC concluded (report section 7) that

“There is an anticipated need for the following mix of property in Kidmore End:

6 x 1 bed property for rent

5 x 2 bed properties for shared ownership

2 x 3 bed properties for rent.”

Nevertheless in its recommendations (at Section 8) the ORCC concluded as follows

“ In order to meet the local need, and at the same time to ensure that there is always a level of need within a village to fill homes that become available on exception sites, it is recommended that any development of affordable homes (restricted in availability to those with a local connection) in Kidmore parish include the following

3x 1 bed property to rent

1 x 2 bed property to rent

(built as four flats designed to look like a pair of semi-detached houses)

2 x 2 bed property for shared ownership

1 x 3 bed property to rent.”

7. It is not clear from the ORCC report why, when there is an anticipated need for 13 homes, the recommendation is for 7 homes (with the footprint of five new homes) – almost half the demand. We proceed on the assumption that the ORCC proposal, based on the 2010 Survey, is for 7 and not 13 homes as set out in Section 8. There must, however, remain a doubt as to whether the ORCC has in mind a further development of 6 homes, even though these are not the subject of the present proposal. We return to this issue later.

8. On the issue of the *appropriate location for the 7 new affordable homes*, the ORCC report describes the History (in Section 7). It includes the decision taken by the KEPC in September 2006 to reject the proposal to locate affordable houses in Horsepond Road, Gallowstree Common. It refers to

the events in 2009 whereby the Oxford Diocesan agreed with the ORCC that they would make available parts of land in their ownership subject to three conditions: there was a housing need, it was suitable in planning terms (as an exception site) and supported by the Parish Council, for affordable housing developments. It describes the background to the inclusion of Question 14 in the Survey so that “an opportunity would be given to all parishioners to give their views about the suitability, or otherwise, of the site at Cold Norton Corner.

9. It recorded the fact that of 161 replies to Question 14 (it discounted two of the 163)

“33 respondents support a development of affordable housing on the Glebe land at Cold Norton Corner in Kidmore End if there is a proven need from individuals or families with a genuine local connection to the parish. 21 households answered “maybe” and 105 households do not support a development on the Glebe Land”.

10. In its recommendations (section 8) it said as follows.

“21% of the population of Kidmore End parish objected to the proposal to build affordable homes for local people on the Glebe Land at Cold Norton Corner, Kidmore End.

Following the distribution of the Register of Interest, two further potential exception sites within the parish have been identified. It is the recommendation of the [ORCC] that a public meeting be held in Kidmore End parish for all residents to view location plans for all three sites and comment on their suitability for development of 7 new affordable homes (with the footprint of 5 new homes).”

11. Section 10 of the report consists of 11 pages of comments by households on the Question 14 issue together with responses by the ORCC.

12. Thus in respect of the three issues identified the ORCC is of the view that (i) the Parish Council (and residents) are in favour in principle that, subject to proven need, Affordable Housing should be provided in the parish of Kidmore End; (ii) that the survey has established the proven need and that 7 new affordable homes should be provided; (iii) that the Glebe land should be included as one of three exception sites for further consideration by residents.

The views of the Affordable Housing Sub-Committee

13. We take the three issues in the same order

First issue

14. We agree that the policy of the KEPC should be aligned with that of national and local policy in respect of the principle of Affordable Housing. The policy is conveniently summarised in Policy H10

of the South Oxfordshire Local Plan 2011 (adopted January 2006) and is cited in section 9 of the ORCC report. We repeat what is said at the beginning of page 9 of the report.

“In exceptional circumstances special small scale affordable housing schemes may be permitted within or adjoining villages provided that

- It can be demonstrated that all of the houses meet a particular local need that cannot be accommodated in any other way

-There are satisfactory arrangements to ensure that the benefits of the affordable housing can be enjoyed by subsequent as well as the initial occupants and that the dwellings remain available for local people; and

- There are no overriding amenity, environmental, design or highway objections.”

15. It is clear from Policy H10 that the Planning Authority has a discretion as to whether to permit “special small scale affordable housing” and that it will only exercise that discretion in exceptional circumstances. That appears to us consistent with the fact that the policy objectives underlying Affordable Housing are connected with the well being of the local community and that “exception sites” would be approved *only* for Affordable Housing, and even then only if there were no overriding objections on any of the grounds identified.

16. It is also clear from the agreement between the Oxford Diocesan and the ORCC that in such cases, consistent with the non-statutory policies adopted by the local authorities, the views of the Parish Council will be determinative on the issue of at least “amenity” or what we would call the balance of advantage as between the interests of those in need of Affordable Housing and the interests of the Parish more generally. Indeed it appears to us that if only one site is proposed as suitable for Affordable Housing, and even if there is a proven need, the Parish Council has a clear mandate to reject the proposal on the grounds of an overriding objection if that is its reasoned conclusion. In all matters the Parish Council has to act reasonably in what it conceives to be the overall interest of the Parish. It will also follow that the Parish Council must arrive at its own decision, whatever processes of consultation it or others engage in on matters relevant to that decision.

Second Issue

17. On the second issue, we are of the view that the ORCC is in the best position to determine the existence and extent of affordable housing need and that it is under a duty to give its reasons. We have not sought to test the evidence on which the ORCC has arrived at its conclusions referred to above. We have to say that we are doubtful about the relevance of questions directed to affordability (see Sections 5 and 6) unless the answers are verified through some form of objective assessment of

means. Nevertheless we are aware that the survey is in a standard form adopted through Oxfordshire, that the ORCC is experienced in its assessment of the replies, that it works in coordination with the local authorities and that it has produced its report on the basis of the survey and not on extraneous matters. The results appear to be broadly in line with those of the 2004 report.

18. We therefore conclude that on the second issue there is indeed a proven need for affordable housing within Kidmore End and that the extent is that of 7 new homes. We have reservations about how the ORCC conclusion as to 7 is to be reconciled with its acceptance of an anticipated need for 13.

Third Issue

19. We now turn to the third issue – which is that of location – on which we assume that the proposal is for 7 homes on a footprint of five homes

20. Members of the KEPC will see from the report that 65 per cent (105/161) of those who responded to Question 14 were against the proposal to site affordable housing at the Glebe Land. 20 per cent (33/161) were in favour and 13 per cent (21/161) said Maybe.

21. In terms of a majority we adopt the figure of 65 per cent rather than the 21 cent relied on by the ORCC in their recommendations. The 65 per cent represents a very strong majority against the development on the glebe land. The relevant percentages to be used seem to us depend upon those who reply to surveys and not the number of households surveyed so long as the responses represent a reasonable basis upon which to draw conclusions – which in the present case we think they do. A 33 per cent response seems to us to be a viable base.

22. However, that is not an end of the matter. We have to form a view as to the principles to be relied on by the KEPC on matters of such importance.

23. In our view the following matters are highly relevant and form the context by reference to which we have framed our recommendations.

24. The Glebe Land is not simply within an AONB, although that is an important consideration by itself and would rule out any type of commercial residential development. It consists of about 6.5 acres held under a horticultural tenancy by Mr Robert Hansen and is occupied by and used by him as a market garden, with its own access on Wood Lane. It appears from a letter from a former Vicar that the land has been used for that purpose not only by Mr Hansen but by his father and grandfather. It is thus in every sense a small business enterprise which serves a useful purpose within the Parish. The fact that part of the land proposed for development for housing has for some years been fallow is in our view irrelevant. If hypothetically the whole of the land were currently being used for horticultural purposes its change of use for housing would be in our view so contrary to national and local policy

that the proposal would never have been contemplated. We cannot rule out the possibility that the land now fallow would be used for a similar horticultural purpose, which the proposal would utterly frustrate.

25. The proposal therefore seeks to embed in perpetuity, and for the first time, at least half an acre of residential development in an open space which is not only of substantial amenity value to those residing in or about Cold Norton Corner but to all Parish residents. From enquiries made by us of the Enabler (Ms Kennedy of the ORCC) it would appear that access would be provided at some mid way point between the two right angle bends on Wood Lane thus bisecting the area currently being occupied by Mr Hansen. In our view that lends credence to the concern expressed by Mr Hansen and many of those who oppose the proposal that there would be serious risk to the viability of his business.

26. But we have also asked ourselves the question as to whether the proposal is acceptable even if Mr Hansen were either not evicted or were able to pursue his business, or indeed were voluntarily to cease carrying on the business. In other words whether the proposal is as it were dependent for its acceptability, or rejection, on the future decisions of Mr Hansen.

27. In our view we have to look at the long term future of the Parish and of the amenities that residents currently enjoy. There is no doubt that that there would be a serious loss of amenity and privacy for those residents of Kidmore End, including but not limited to those residents in or around Cold Norton Corner. But our concerns go wider. The glebe land is in our view an asset of real value to the community of Kidmore End which would be diminished if half an acre were to be surrendered in perpetuity for residential use, whether commercial or “affordable”. Such a development would be, in common parlance, completely out of place.

28. We thus conclude that the cost to the community far outweighs the benefit to those seeking affordable housing on that site. We have also taken into consideration the views expressed by many of those responding to Question 14 who have raised their concerns as to the incremental effect of such development on existing infrastructure and facilities. Their concerns are fully set out in the ORCC Report. However, to the extent that those concerns are directed more towards the problems of any incremental housing in the Kidmore End parish, rather than the specific location proposed, we remain of the view that a small scale affordable housing project in the right location would not be such as to threaten the use of existing facilities or call for more infrastructure or services to be provided.

Fourth Issue

29. We now turn to the fourth issue – which covers alternative sites for the 7 homes and our recommendations. Many of those responding to Question 14 drew attention to the availability of the site that the KEPC rejected in 2006. Our understanding is that that site, on Horsepond Road, and in the ownership of the Phillimore Estate, remains available. The ORCC also referred to another unspecified site. We have asked for clarification of the location of each of the two sites referred to in the ORCC recommendation. We would also expect details as to the expected use of the locations, in terms of density of use and access, a consideration of some importance having regard to the impact of the proposal at the Glebe Land. Our own recommendation to members of the Council is that the KEPC, through this Sub Committee, should work cooperatively with the ORCC and with the SODC so as to explore the acceptability to the Parish Council of any site the owners of which confirm to the ORCC and SODC that it would be made available for affordable housing. We believe that one of the problems that has arisen in the case of the glebe land is that the KEPC was not brought into the group of interested organisations at an early stage. In any such discussions, and before bringing back any proposal to the Council for deliberation and decision, we would seek to clarify the objectives of the ORCC and the SODC in respect of further proposals for affordable housing. We have already referred to the fact that the current proposal appears to cater for only about half of the demand as expressed in the Responses to the Survey. We are also aware that the stumbling block to the acceptance of the proposals in 2006 appears to have been the precedent that acceptance might set for future residential use of open land throughout the Parish of Kidmore End.

30. Although the ORCC state in the report that “experience of the [OHRP] across Oxfordshire has shown that the number in need changes very little over several years” thus suggesting clearly that the report is not intended to be some form of springboard to justify further affordable housing, nevertheless these are matters that we suggest are discussed as part of a continuing programme of discussions with the ORCC and SODC.

Conclusion

31. We welcome the clarification that the ORCC report has brought on the issue of affordable housing generally and on the choices that the Council has available to it. We recommend that

(1) the Council confirms to ORCC and SODC that it fully supports national and social policy in respect of affordable housing and recognises that Kidmore End will play its part in the implementation of such a policy

(2) the Council accepts the findings of the ORCC that there is a proven need for the 7 homes as identified in Section 8 of the Report

(3) the Council does not accept the recommendation of the ORCC that there should be a public hearing at which the merits of locating the 7 homes as between the Glebe Land and other sites should be discussed

(4) the Council supports the clear majority of those responding to Question 14 of the Survey that the Glebe land is not a suitable location for Affordable Housing

(5) the Council will work together with ORCC and SODC in taking forward for consideration other locations within the parish of Kidmore End for the purposes of accommodating the proven need and will seek information and assurances as to the future plans of the ORCC and SODC, if any, in respect of the use of Kidmore End for affordable housing generally

(6) the Council authorises the Affordable Housing Sub Committee to engage in the discussions contemplated at (5) above

Sue Biggs

Brian Knapp

John Swift

September 27 2010