

KIDMORE END PARISH COUNCIL
 PROPOSAL TO DEVELOP THE GLEBE LAND AT COLD
 NORTON CORNER, WOOD LANE, KIDMORE END FOR
 AFFORDABLE HOUSING
 REPORT TO THE PARISH COUNCIL BY
 COUNCILLORS MRS SUSAN BIGGS, DR BRIAN
 KNAPP AND MR JOHN SWIFT
 APRIL 14 2010

Introduction and Summary

At the meeting held on March 24 2010 the Parish Council asked Councillors Biggs, Knapp and Swift to review an earlier and provisional Parish Council decision to authorise the sending out of a Questionnaire - the Housing Needs Questionnaire ("HNQ") - to Parishioners, together with a covering letter, and to report back with recommendations as to the next steps to be taken by the Parish Council.

This is our Report in which we make recommendations for consideration by the Parish Council at its April 2010 meeting.

In summary we recommend that

- (a) The HNQ, which is designed to establish the existence , if any, and if so, extent of Housing Need, and has been prepared in a standard form by the Oxfordshire Rural Community Council ("ORCC") and the Oxfordshire Rural Housing Partnership, of which the ORCC is a member, should be sent to all Parishioners
- (b) There should be sent, simultaneously, a General Questionnaire to all Parishioners in which views would be sought on new affordable housing within the Parish and, in particular, on the proposal to develop land for affordable housing on what is currently a market garden enterprise, being carried on at a site within an Area of Outstanding Natural Beauty, and on related issues
- (c) There should be a letter sent to all Parishioners by the Chairman of the Parish Council in which the purpose of these Questionnaires is explained
- (d) Our Report and Recommendations should be adopted by the Parish Council at its April meeting

We now explain the reasons for our recommendations

The public interest in affordable housing

We do not cover in this Report the legislation relating to affordable housing. But the general principle is not in doubt: the interests of the local community in retaining within its boundaries those for whom the price of homes is beyond their means but whose local connection is valued and who can be expected to make their contribution towards a thriving future for the community. There is, of course, no absolute right to demand to live in any part of the country. And there is extensive control over the change of use of land, both generally and in respect of designated Areas of Outstanding Natural

Beauty. But the legislation relating to affordable housing does empower Local Planning Authorities, such as the South Oxfordshire DC, to discriminate in the planning process in favour of affordable housing, in particular in relation to exception sites, in order to promote these statutory and social objectives.

The 2004 Housing Needs Survey.

We attach as **Annex A** to this Report the letter to Parishioners from the Chairman of the Parish Council sent in, we think, March 2004. The theme of the Chairman's report was strongly in support, as we would have expected, of the legislative objectives to which we have referred. In his opening comments, the Chairman said that the Parish Council wished to make sure that residents who could not afford to buy or rent locally would not be forced away if they wanted to remain in the villages within the Parish; that unless action was taken, the community might suffer; that the purpose of the Housing Survey was to find out whether there were people in the villages who were in housing need (including those who had left and would like to return); and that, an important consideration, in our view, the Parish Council also wanted to know **if you [Parishioners] would support new affordable housing in the villages, if the survey showed a need for it** [emphasis added].

Looking ahead, the Chairman went on to say

"Should the survey show a need for affordable housing in the Parish then steps will be taken towards finding a site or sites for small developments, according to the needs of villages. **Any houses built will be for local people only** [emphasis in original]."

ORCC analysis of the Survey

The next step was the analysis by the ORCC of the results of the survey. On the 23rd June 2004 Ms Suzanne Willers, Rural Housing Enabler, ORCC produced a report entitled "Kidmore End Housing Needs Survey Report". We attach a copy as **Annex B** to this report.

The ORCC described the Context as follows

"Kidmore End Parish Council agreed to undertake a housing needs survey with the help of Suzanne Willers...in March/April 2004 because of concerns that housing in the parish was no longer affordable to many local people." ...

"The survey was used to uncover the views of the local community of affordable housing and the possibility of a scheme being built in the village, and also to find out how many people with a local connection to the parish are currently in housing need and who could benefit from a new development."

That seems to us to be an accurate description of the purpose of the survey.

The ORCC summarised the Survey Response. The following are, in our view, the most important findings.

”Of the 515 forms given out to all households within the parish, 132 forms (26%) were returned. This is considered to be a good response and therefore quite representative of the views of local people”.

We comment only that despite the fact that the Chairman had said that “this is a very important issue that we as a community have to face, so please take time to fill in this survey” 74 per cent of households declined to respond. We return later to the issue of the weight to be attached in 2010 to the 2004 survey, which, of course was being carried out *before either any need had been established or any specific site been identified.*

“64% of the people who responded would support a small affordable housing scheme built for local needs. 29% definitely would not and 7% did not answer the question.”

We comment that this figure of 64 per cent (of residents who responded) is to be found in the draft 2010 Housing Needs Survey letter prepared by ORCC and ORHP and reviewed, briefly, at the March 2010 Parish Council Meeting. We also note that in a letter of 9 April 2010 Ms Anna Kennedy, of ORCC, said that “ I thought it had been agreed at the Parish Council meeting that it was not necessary to canvass opinion about the merits or otherwise of an affordable housing scheme in Kidmore End *as this data is already available from the Housing Needs Survey report (2004) [emphasis added]*”. The exchange of emails between Mrs Biggs and Ms Kennedy is attached as **Annex C**.

The ORCC recommendations were put as follows

“Considering the amount of support for a small scheme of affordable housing in Kidmore End Parish, I suggest that steps should be taken to build homes to provide for the need revealed in the survey. In order to ensure that there is always a level of need within a village to fill homes that become available on exception sites, the number of units provided is always less than that of the need, Therefore as the need was 16 households, I suggest that 8 new homes need to be built in Kidmore End Parish
4 x 1 bed houses for rent
2 x 1 bed houses for shared ownership
1 x 2 bed house for rent
1 x 2 bed house for shared ownership”

The ORCC concluded as follows:

”These homes could be provided in two ways:

1. On an exception site. I suggest that the Parish Council looks for the best site with the help of the SODC Planning Department. Considering the amount of support and the level of need in Gallowstree Common, it is

likely that this is the best place to start. However, as there are also more facilities in Kidmore End(eg primary school) it may be possible to build a couple of the homes there.

2. As part of a private residential development.”

Although the Survey reported a housing need for 16 households, only 4 were on the District Council’s Housing register. The ORCC noted this but did not appear to regard it as relevant in their calculation of the need for 8 new homes. By contrast, the Chairman had already made it clear that “anyone who wants to be considered for affordable housing, either in the Parish or in another town or village must be on the District Council’s Housing register.”

We are seeking clarification from the ORCC as to how a Needs Survey, which expressly states that applicants must be on the Housing Register, can be used to provide a Needs Demand, when the criteria for inclusion appear to be ignored. However, that is a separate issue.

What happened next?

In the March 2010 Draft Housing Needs Survey covering letter, starting with “Dear Kidmore End Parishioner” , a copy of which is attached as **Annex D** (and includes the Housing Needs Questionnaire) the ORCC said

”The Parish Council and members of the [OHRP] worked hard to find a way to address the need for affordable housing for local people but a site that was available and acceptable to both the planners and the parish wasn’t found.” That statement might appear to suggest that the only issue as between the planners - SODC and the ORCC and OHRP in their capacity as enablers - and the Parish Council was the location of the site. We would simply record that to the knowledge of Susan Biggs and Brian Knapp (John Swift not then being resident) there were other larger issues on which residents and members of the Parish Council found it difficult to arrive at agreement on the way forward. Indeed, that the issue of affordable housing, approval or rejection, “split the parish” and was not resolved in a manner that left many of those involved content with the process or the outcome.

Indeed, one of the issues arose out of the weight to be attached to the inferences that the ORCC wished to draw from the Housing Survey, a matter which has caused us real concern in recommending a way forward in current circumstances.

Another issue is connected with the precedent that any such approval might be considered to set, in respect of further applications for affordable housing.

The current position

Almost 6 years on, and “out of the blue”, the Parish Council is informed that affordable housing is back on the agenda, not just as an issue relating to housing in South Oxfordshire but in

respect of a specific site in Kidmore End. Unlike in 2004, where the Council did engage in trying to find a site that might be acceptable, the searching appears to have gone on, without the Council's knowledge.

The matter was first raised at a Parish Council meeting in December 2009 and has been a major and contentious item on the agenda at each subsequent meeting.

This is the proposal to develop for affordable housing part of the glebe land, at Cold Norton Corner, Kidmore End owned by the Diocese of Oxford and held under an agricultural tenancy by Mr R J Hansen.

Courses of action open to the Parish Council

(i) a letter to the Diocese

One action has already been taken by the Parish Council in advance of its April meeting, and as a consequence of a decision taken at the March meeting. In a letter to the Parish Council Mr Hansen had expressed disquiet as to the manner in which he had been informed by the Diocese as to the proposal to develop the land on which he and his father before him had been tenants of the Diocese. He was concerned as to the future of his business as the operator of a market garden and doubted the viability of that business were the proposal to be developed. We should place on record, what is a matter of common observation, that the parcel of land on which affordable housing might be sited does not appear to have been productively used for agricultural or horticultural purposes for many years. However, we do not know the reasons why the land has not been fully utilised nor whether any discussions have taken place as between Mr Hansen and the Diocese in respect of a possible and more intensive agricultural use. We cannot believe that, had the glebe land been fully utilised for agricultural or horticultural purposes as a commercial concern that any proposal, without the consent of the tenant, for its conversion to affordable housing would have been entertained by the planning authority.

However, and more generally, in the absence of any prior discussion or consultation as between the Diocese and the Parish Council, Councillors were not satisfied that they had a full grasp of the picture: as to who had approached whom, Diocese or ORCC or ORHP or SODC, or indeed what was the train of events that led to the proposal being placed on the Parish Council's agenda.

Thus on April 9 the Clerk sent a letter to the Diocese, seeking an explanation as to the sequence of events, enclosing the letter from Mr Hansen and asking for information as to the future plans of the Diocese on this site - not just in reaction to the parcel considered as suitable for affordable housing but in

relation to the totality of the site.

A copy of that letter (with attachment) is to be found as **Annex E** to this report.

As at the date of submission of this report no reply has been received. The Parish Council will be informed as soon as possible if any reply is received before the April meeting.

(ii) The draft ORCC Letter to parishioners

Members of the Parish Council will recall that in February 2010 the ORCC (Ms Anna Kennedy) prepared for consideration by the Parish Council a new Housing Needs Survey to be sent to Parishioners, having regard to the decision taken by the Diocese and the ORCC and the SODC to, as it were, get the ball rolling.

A copy of the Covering Letter (draft) and the Questionnaire (to which we have already referred) is attached as **Annex D**. Members of the Council will see that the letter was to be sent by the ORCC to each Kidmore End Parishioner, and had the logos of each of the ORCC, the ORHP, and the SODC.

Replies to the Questionnaire were to be sent to the ORCC. The Parish Council would not be sending the letter.

Unlike the 2004 Housing Survey, therefore, there was no covering letter from the Chairman of the Parish Council; and there was no Questionnaire addressed to Parishioners in relation to the principle of affordable housing, whether or not they were in housing need. Nor was there any reference to the proposal of the Diocese and ORCC to build on the glebe land. Pausing here to consider some aspects of the responsibilities of the Parish Council on issues of this kind, we think it appropriate to make the following observations.

The planning authority (and the enablers at the ORCC and ORHP) are acting on the basis , as in the case of 2004, that no scheme for affordable housing will go ahead for formal approval or modification by the SODC unless the Parish Council is in agreement.

That is very welcome, taking into account that in ordinary planning matters the Parish Council is a consultee but no more than a consultee. The Parish Council has no statutory powers, or indeed duties, but the inclusion of the Parish Council within the decision making process on affordable housing matters does impose on us heavy responsibilities of due process in the way in which we arrive at our own decision, including consultation with our own parishioners.

Against this background, the decision was taken at the March 2010 Parish Council meeting that further consideration should be given to the course of action which was being proposed by the ORCC and which, in fairness to the ORCC , had been provisionally agreed: namely that a Housing Needs Survey should be sent to Parishioners for the purposes of establishing Housing Need (with a covering letter) but that, before the

answers to the Need questions had been received, it would be premature to engage Parishioners in a more general inquiry into affordable housing.

Members of the Parish Council will now see that the ORCC is looking at the matter in a different way: that the principle of agreeing to affordable housing has been settled by the result of the 2004 Housing Survey and all that remains is an argument about the appropriate site or sites. However, that has not coloured the views of this Reporting Group.

We have looked at the matter afresh with a view to determining what we think is the right course of action for the Parish Council, having regard to the history and the present context.

(iii) A dual questionnaire

We are of the view that, six years on from the last Housing Needs Survey, the Parish Council should be better informed as to the views of Parishioners on the key questions relating to the principle of affordable housing in the Parish and, now that we have something to focus on, unlike 2004, on the desirability of converting part of the glebe land from agricultural tenancy to affordable housing: not least because the site is within an AONB and the amenities associated with an AONB are enjoyed most closely by Parishioners. We have also considered it useful to pose a limited number of other questions, which we think will draw out views from Parishioners.

We are not putting forward this General Questionnaire as a “take it or leave it”. Indeed views of members of the Parish Council would be welcomed. We did not think it appropriate to include the whole of the standard ORCC Questionnaire on such issues. We think that a short series of relevant questions would be fit for purpose.

We attach a copy of our draft general Questionnaire at **Annex F**

We also gave serious consideration as to whether the Housing Needs Questionnaire for those in Housing Need (the pro forma designed and used by the ORCC) was fit for purpose.

While we have reservations about the possible bias introduced by some of the questions, and by the use made by the ORCC of answers given by those who do not appear to be on the Local Register, we believe that on balance the standard form questionnaire should be distributed, as recommended by ORCC and not amended. Thus it would be in the form set out in **Annex D** subject to any consequential changes in the timing of the responses.

(iv) The Covering Letter

That leaves the issue of the content of the Covering Letter.

After the March 2010 meeting , and as part of this process of reporting back, we were able to take a closer look at the ORCC draft and concluded that for several reasons it was not fit for

purpose. For reference, members of Council will find it at **Annex D** above.

There were two main objections. The first, less important, was that it had been “lifted” from a Questionnaire sent to Parishioners at Blewbury and had several Blewbury references that could not sensibly be transposed for the purposes of Kidmore End. The second, much more serious, was that it appeared to have committed the Parish Council to a process of working with the ORCC or ORHP (we assume they are effectively the same) in considering “a potential site in Kidmore End”. In other words the clearest inference was that the Parish Council was not only in discussions with the ORCC but was proposing the use of the glebe land for affordable housing, subject only to receiving the replies on the amount and type of need and then arriving at the appropriate mix.

It is not for us to say how this came about. But it is clearly not correct. The Council has taken no such position. We therefore considered that first, the covering letter had to be rewritten completely so that Parishioners are in possession of all facts known to the Council and secondly, that the letter should go from the Chairman of the Council, as in 2004.

It is for discussion as to whether the replies to the General Questionnaire should go only to the Parish Council. It is our view that it makes sense for all the replies to the Dual Questionnaire to go to the ORCC, so long as we have an opportunity of verifying their conclusions, but we have not debated this in any detail. The fact that the replies will be considered by the Parish Council will be seen at the beginning of the Questionnaire, in which it is made clear that the identity of the respondents will not be required and thus all replies will be confidential.

A copy of the Covering Letter to go from the Chairman is to be found at **Annex G**.

Conclusion

We are firmly of the view that the Parish Council was correct at its March 2010 meeting that further thought should be given as to next steps. We propose a course of action that we believe is fair and reasonable and will provide opportunities for Parishioners to engage in the process in an efficient way. We believe that this course gives the Parish Council the appropriate degree of supervision of the process so that its ultimate decision to approve, or not, any proposal for affordable housing at the glebe land will be better informed, although the decision must rest with the members of the Parish Council.

We have to say, however, that at the date of submitting this report the course we recommend does not have the approval of the ORCC. We therefore recommend that, in so far as possible, the Council should continue to act in a constructive way with all those involved in the decision making process,

while making it clear that it must be accountable to its own Parishioners in any decision that it may be called on to make.