**Members Briefing Note**

**Changes to National Planning Practice Guidance (NPPG) – affordable housing thresholds and the vacant building credit**

**Introduction**

Members will recall that from 29th November 2014, the Government, via a Ministerial Statement and changes to the National Planning Practice Guidance (NPPG), introduced a series of changes to the planning system. The effect of these changes were to impose a new national minimum threshold for affordable housing and exempt any sites of 10 or less dwellings from any requirement to provide affordable housing. At the time this raised the threshold beyond that which was contained within the Council’s adopted Local Development Framework document.

These changes also introduced discounts to be applied to affordable housing contributions where this included redeveloping vacant buildings, and was known as the ‘vacant buildings credit’.

Earlier this year, West Berkshire District Council and Reading Borough Council brought a High Court challenge against the Government to these changes. The outcome of these changes was announced this week and Lord Justice Holgate upheld the Councils challenge.

**Implications for Breckland**

Members are advised that effective from Monday 4th August, paragraphs 012-030 of the NPPG have been quashed and therefore deleted from the NPPG as a result of the challenge. In addition, the Judge indicated that the Ministerial Statement that originally confirmed the changes must not be treated as a material consideration for planning purposes.

The effect of these changes is to remove these nationally imposed thresholds and the vacant building credit. In Breckland Council’s case, this means that the affordable housing threshold returns to the position prior to November 2014.

That position is that the policy relating to affordable housing within Council’s adopted Core Strategy and Development Control Policies DPD (Policy DC4) once again has primacy as an adopted policy in general conformity with the NPPF. Policy DC4 requires that sites of 5 or more dwellings or over 0.17ha or more are required to provide a proportion of affordable housing (that being 40%).

The changes will therefore have an impact on affordable housing delivery on both an operational and strategic level.

Members are advised that the Planning and Housing Teams are now re-introducing previously used procedures with immediate effect and are advising agents and applicants who have qualifying applications with the Council of the renewed Policy requirements. The impact of this successful challenge, which could be subject to a Government appeal, will be reflected in the next Planning Committee agenda and in any decisions made from today.

These changes affect a number of applications currently under consideration but have not yet been determined the Council. Members are advised that many of the current applications will require an agreed extension of time by the applicant given that all decisions for one house or more will again be subject to legal agreements.

As indicated above, it is expected that this High Court decision may itself be subject to further challenge by the Government and Members will be kept informed of any further developments in this regard.

Members who may have further queries are advised to contact either Mike Brennan ([mike.brennan@breckland.gov.uk](mailto:mike.brennan@breckland.gov.uk)) or Phil Mileham ([phil.mileham@breckland-sholland.gov.uk](mailto:phil.mileham@breckland-sholland.gov.uk)) .

Phil Mileham