

Cherwell District Council

Report to Assistant Director - Planning and Development

29 November 2021

First Homes Interim Policy Guidance Note – Delegated Matter

Report of Planning Policy and Conservation Manager and Housing Strategy and Development Team Leader

This report is public

Purpose of report

To consider and approve the publication of the First Homes Interim Policy Guidance Note.

1.0 Recommendations

The Assistant Director – Planning and Development is recommended:

- 1.1 to approve the publication of the proposed First Homes Interim Policy Guidance Note.

2.0 Introduction

- 2.1 First Homes were introduced in June 2021 following an update to the Planning Practice Guidance (PPG) published by the Ministry for Housing, Communities and Local Government (Now the Department for Levelling Up, Communities and Local Government).
- 2.2 First Homes are a specific tenure of discounted market housing and should be considered within the definition of 'affordable housing'. Detailed definitions of First Homes and eligibility criteria are set out within the PPG and summarised in the Guidance Note.
- 2.3 There is a requirement in the revised PPG for a minimum of 25% of all affordable housing to be delivered as First Homes. The remainder of any affordable housing provided should be in accordance with the percentages set out in the local plan.
- 2.4 The First Homes Interim Policy Guidance Note provides an overview of what First Homes are and how Officers see this being implemented within Cherwell. The note does not set policy per se, but simply provides clarity on how the PPG will be applied within Cherwell. The Guidance Note includes a number of worked examples

to assist with the implementation of First Homes.

2.5 The Guidance Note is attached at Appendix 1 for reference.

3.0 Report Details

3.1 As a matter of law, the Council is required to determine planning applications 'in accordance with the development plan (Currently the Cherwell Local Plan 2011 to 2031) unless material considerations indicate otherwise' (Sec 38(6) Planning and Compulsory Purchase Act 2004). It is long settled law that national policy and guidance is a material consideration and if it conflicts with or adds to adopted local policy considerable weight has to be given to it when making decisions. The June 2021 PPG updates therefore must be taken into consideration even though at the moment they do not appear in the adopted Local Plan.

3.2 The First Homes Interim Policy Guidance Note provides clarity for applicants and Development Control and Housing Officers on how First Homes will be implemented in Cherwell.

3.3 There are a number of existing Cherwell Local Plan policies that relate to the delivery of affordable housing, which is a corporate priority for the Council. The Guidance Note lists these policies, illustrates how they will be affected by the introduction of First Homes, and provides a series of worked examples for how First Homes will be implanted.

3.4 The Cherwell Local Plan policies affected are:

Adopted Cherwell Local Plan 2011 – 2031 Part 1 (2015):

- Policy BSC 3 Affordable Housing

Adopted Cherwell Local Plan 2011 – 2031 Part 1 Partial Review (2020):

- Policy PR2 Housing Mix, Tenure and Size
- Policy PR6a – Land East of Oxford Road
- Policy PR6b – Land West of Oxford Road
- Policy PR7a – Land South East of Kidlington
- Policy PR7b – Land at Stratfield Farm
- Policy PR8 – Land East of the A44
- Policy PR9 – Land West of Yarnton

3.5 As explained above, the PPG is clear that at least 25% of affordable housing should be delivered as First Homes, with the remaining 75% of affordable housing being delivered as other tenures. On this basis, within Cherwell, the preferred tenure mix for affordable housing under Policy BSC 3 should be:

- 25% First Homes
- 70% Social/ Affordable Rented Housing
- 5% Intermediate Housing

3.6 The NPPF (Paragraph 65) also sets out a requirement that at least 10% of the total number of homes on major development schemes should be available for

affordable home ownership. On this basis, the Guidance Note includes this requirement within the worked examples.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The First Homes Interim Guidance Note provides clarity on how First Homes will affect development control decisions and seeks to assist the Council's Development Management Team and Housing Officers and practitioners more widely.
- 4.2 It is recommended that the Assistant Director – Planning and Development, using delegation within the Officer Scheme of Delegation (Part 3 of the Constitution), approves the proposed First Homes Interim Guidance Note for publication for the reasons stated within this report.

5.0 Consultation

There is no requirement for the Interim Guidance to be subject to consultation. The guidance simply provides clarity on how National Planning Practice Guidance affects Cherwell.

Councillor Colin Clarke, Lead Member for Planning
Supports the approval of the Guidance

Councillor Lucinda Wing, Lead Member for Housing
Supports the approval of the Guidance

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To not prepare or publish any guidance to assist practitioners understand how First Homes affects Cherwell.

This is not recommended as the Interim Policy Guidance Note is prepared at the request of the Development Management Service to aid understanding and provide clarity on how National Planning Practice Guidance affects Cherwell. This approach is considered helpful. Officers are not aware of any reasons not to publish the guidance.

7.0 Implications

Financial and Resource Implications

- 7.1 The Interim Policy Guidance Note has been prepared from existing budgets.

Comments checked by:
Janet Du Preez, Principal Accountant – Finance,

01295 221570, janet.du-preez@cherwell-dc.gov.uk

Legal Implications

- 7.2 This note is published for guidance only but recognises the legal duty to determine certain applications under the planning Acts having regard to all materials considerations, including central Government planning policy.

Comments checked by:

Matthew Barrett, Planning Solicitor – Planning and Litigation,
01295 753798, matthew.barrett@cherwell-dc.gov.uk

Risk Implications

- 7.3 There are no risks associated with publishing the guidance. Any potential implications of implementing 'First Homes' is outside the scope of the note as First Homes have already been introduced through Government Policy. Any implications will be managed as part of the operational risk register and escalated to the leadership risk register as and when necessary.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes
01295 221786, louise.tustian@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 There are not considered to be any equality implications associated with the Guidance Note per se, which simply provides clarity on how First Homes will affect development control decisions within Cherwell and how that can be accommodated. First Homes forms part of Government policy and is set out within the Planning Practice Guidance.

Comments checked by:

Emily Schofield, Acting Head of Strategy
07881 311707, emily.schofield@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision No

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

Housing that meets your needs
Healthy, Resilient and Engaged Communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning
Councillor Lucinda Wing, Lead Member for Housing

Document Information

Appendix number and title

- Appendix 1 – First Homes Interim Policy Guidance Note

Background papers

None

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