

Affordable Housing

Clarification of the application of City Plan Policy CP20 with reference to the National Planning Policy Framework and National Planning Practice Guidance regarding site size thresholds for affordable housing contributions and the application of Vacant Building Credit.

Brighton & Hove City Council (BHCC) acknowledge that national planning policy and guidance as set out in the [National Planning Policy Framework](#) (NPPF) (February 2019) at paragraph 63 and [Planning Practice Guidance](#) (PPG) on Planning Obligations (paragraphs 26-28) with respect to affordable housing contributions and the application of Vacant Building Credit (VBC) are significant material considerations which should be taken into account in decision taking.

Following a Court of Appeal decision¹ regarding these matters, BHCC note that the provisions of national policy are not mandatory and that local circumstances may justify an appropriate exception to the approach outlined in national policy and guidance. In applying Development Plan Policy CP20 Affordable Housing, BHCC consider that there are specific and genuine local circumstances that justify an exception to national policy and guidance as set out in the NPPF (paragraph 63) and NPPG (paragraphs 26-28). This is specifically in terms of NPPG regarding site size thresholds for affordable housing contributions and the application of VBC.

In summary, those local circumstances constitute:

- The significant need for affordable housing in the city
- A constrained housing land supply
- The nature of land supply in terms of high residential delivery from smaller sites and brownfield site conversions, changes of use and redevelopment including vacant buildings.

The provisions of Policy CP20 will therefore apply to all types of residential development. Criteria within the policy indicate that viability considerations can be considered on a site specific basis.

May 2019

¹ Secretary of State for Communities and Local Government v West Berkshire District Council, Reading Borough Council [2016] EWCA Civ 441 (11 May 2016).