

Section 106 Agreement: The only way forward?

I'm in the process of seeking pre-planning advice regarding a self-build. The design has received support, yet the LPA (local planning authority) has stated that the village is subject to Policy HSG2, which states that all new dwellings must be for the provision of Social Housing. However, the LPA has suggested that it would consider our proposal to build a non-social house on the basis of a financial contribution under a Section 106 Agreement. Is making the payment the only way forward?

I have reviewed Local Plan Policy HSG2 and I consider that the Authority's request is in keeping with the specific detail of the Policy and would be consistent with requirements of Circular 02/2005, which covers planning obligations. In this case I would suggest that the proposed obligation is relevant, necessary (in light of the policy), related to the proposal and reasonable.

The Local Plan Policy seeks to ensure affordable housing in preference to market units in smaller settlements that have a Development Boundary. I cannot see a route forward without agreeing to such an obligation. You may be able to negotiate that the extent of the obligation is based on local need. It would be worth researching whether other similar developments in the area have required such an obligation.

The Policy is designed to ensure that sufficient levels of affordable housing are provided to meet local needs, or contributions are made where a direct provision is not possible. In this case, I can not see a route whereby consent would be granted for your scheme without making the payment.