

**LOCAL PLAN FOR THE BRADFORD DISTRICT  
CORE STRATEGY DEVELOPMENT PLAN DOCUMENT – EXAMINATION**

**Secretary of State for Communities and Local Government v West  
Berkshire District Council and Reading Borough Council [2016] EWCA  
Civ 441**

**Planning obligations and affordable housing & tariff-style contributions**

1. I refer to the Court of Appeal's judgment of 11 May 2016, wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31 July 2015, on a joint application of the two Councils in seeking to challenge;
  - (i) the Secretary of State's Written Ministerial Statement of 28 November 2014, and his subsequent alterations to the Planning Practice Guidance on planning obligations for affordable housing and social infrastructure contributions, and
  - (ii) his decision of 10 February 2015 to maintain those policy changes following an Equality Impact Assessment.
2. Subsequent to the Court of Appeal's judgment, the policies in the Written Ministerial Statement relating to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small-scale and self-build development, must once again be treated as a material consideration in development management and development plan procedures and decisions, and in the exercise of powers and duties under the Planning Acts more generally.
3. In the light of these developments, I would therefore ask the Council to consider whether this latest Court of Appeal judgement has any implications for the submitted and Proposed Modifications to the Local Plan for the Bradford District Core Strategy in terms of the policies for affordable housing, including Policy HO11, and whether any further amendments to this policy and the accompanying text may be required. It would be helpful if the Council could respond to this request as soon as possible, and at the latest within 21 days of receipt of this letter.

Stephen J Pratt  
Local Plan Inspector

12 May 2016