

Solihull Local Plan

Policy P5 Position Statement June 2014

1. Background

- 1.1 Following the successful challenge to the Local Plan by Gallagher Homes Ltd. and Lioncourt Homes Ltd; a High Court judgment (“the Judgment”) was handed down on 30th April 2014 and an Order (“the Order”) was subsequently made on 15th May 2014.
- 1.2 The Order treats those parts of the Local Plan relating to:
 - i. the housing land provision target (the target set by Policy P5, its justification, the housing trajectory and the five year housing land requirement); and
 - ii. inclusion of two sites at Tidbury Green within the Green Beltas not adopted by the Council and remitted to the Planning Inspectorate for re-examination.
- 1.3 The Order is restricted to those parts of the Local Plan directly affected by the Judgment. The majority of the Plan is unaffected and remains adopted.
- 1.4 The Council has applied to the Court of Appeal for leave to appeal the Judgment on the grounds that there was no error in law in the Inspector’s approach to the NPPF or in his conclusion that exceptional circumstances existed justifying the return of the Tidbury Green sites to Green Belt.
- 1.5 A decision on the Council’s application to appeal the Judgment is expected within six weeks. In the mean-time, the Order treats the housing target of the Local Plan as not adopted.
- 1.6 The policy position statement is not new policy, it is a factual update responding to the High Judgment and the operation of the phasing aspect of Local Plan Policy P5.

2. National Planning Policy Context

- 2.1 The National Planning Policy Framework (NPPF) requires local planning authorities to:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land” (paragraph 47).

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49).
- 2.2 National Planning Policy Guidance (NPPG) states that:
 - housing requirement figures in up to date Local Plans should be the starting point for calculating the five year housing supply requirement.
 - In the absence of an adopted Local Plan housing target, the information provided in the latest full assessment of housing needs should be considered.
 - Where there is no robust assessment of housing needs household projections published by CLG should be used as the starting point.

- 2.3 A legal interpretation of NPPF paragraph 47 and how the housing requirement should be calculated in the absence of an adopted housing land provision target was provided in the case of *Hunston Properties Ltd. v the Secretary of State for Communities and Local Government and St. Albans City and District Council* (paragraphs 28-30). The Judge concluded that in decision taking the five year housing land requirement figure should be based on a “policy off” figure which identifies the full objectively assessed housing need.

3. Maintaining Five Years Housing Land Supply in Solihull

- 3.1 There is currently no published assessment of housing need for Solihull. The Council is a member of the Greater Birmingham and Solihull Local Enterprise Partnership (GBS LEP) which, together with the Black Country Local Enterprise Partnership (BC LEP), has commissioned a Strategic Housing Needs Study to inform the development of a Spatial Framework. The Strategic Housing Needs Study will provide an objective assessment of housing need for Solihull. Once published this will be the starting point for calculating the five year housing requirement, but cannot be relied upon until then. The Council expects the Housing Needs Study to be published soon. .
- 3.2 Until the GBS and BC LEP Housing Needs Study is published, the appropriate starting point in assessing the five year housing requirement is therefore the latest CLG household projection but “the weight given to the use of the CLG household projections should take account of the fact that they have not been tested”. Officers have considered the likelihood of the latest household projection for Solihull (the 2011-based (interim) projection) continuing into the future and conclude that it is likely to represent the highest likely level of housing need in Solihull against which to test the five year supply of deliverable housing sites.
- 3.3 The application of the latest household projection raises Solihull’s five year housing land requirement from the Local Plan target of 3,847 to 4,526.
- 3.4 At 1st April 2014, deliverable housing land supply was 4,086. This is insufficient to demonstrate five years supply of deliverable housing sites against the current requirement of 4,526. In these circumstances unless and until the five year supply can be demonstrated, planning applications for allocated sites in latter phases could be considered favourably by the Council, subject to other material considerations.
- 3.5 Any speculative applications would have to be considered on their merits at a particular point in time. The principle that these sites are suitable for housing development is established through the site allocations. As soon as the five year land requirement is demonstrated the provisions allowing favourable consideration will fall.
- 3.6 There are currently three sites (two in Dickens Heath and one in Cheswick Green) subject of planning applications and/or appeals undetermined that are allocated for the latter phases of the Plan. The number of dwellings that these three phase two and three sites can deliver together with additional types of housing that can now be considered following the introduction of the NPPG i.e. Use Class C2, will enable the Council to demonstrate five years supply of deliverable sites against current requirements.

4 Review

- 4.1 This Planning Policy Statement will be updated in response to a material changes in circumstance, for example, when the GBS and BC LEP Housing Needs Study is published, or in the event of a successful appeal against the Judgment.