

Solihull Local Plan Policy P5 Position Statement June 2014

This statement has been prepared to offer clarification on the Council's position regarding the overall housing requirement and five year housing land requirement of NNPF following a recent High Court Judgment against the Council. The background to this statement is provided in the accompanying technical appendix which reflects the reports to Cabinet and Cabinet Member.

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.

The High Court Judgment of the 30th April means that the housing requirements set out in the Local Plan can no longer be applied. This crucially underpinned the five Year Housing Land requirements for the Borough i.e. there is a need for the Council to demonstrate that it has sufficient land to meet the needs of the next five years. Without it the Council is left having to rely on other sources of evidence and the application of the latest ONS household projection, but these are only projections of past trends and not necessarily need. The Council has applied to the Court of Appeal for leave to appeal the judgment and ultimately seeking for the situation to revert back to the original Local Plan based trajectory and five year supply figures. In the meantime, the starting point has to be the latest projections.

The latest figures raise Solihull's five year housing land requirement from the Local Plan target of 3,847 to 4,526. At 1st April 2014, deliverable housing land supply was 4,086 and would be insufficient to demonstrate five years supply of deliverable housing sites against the current requirement of 4,526.

With the exception of the overall housing target, Local Plan Policy P5 remains unaffected by the Court Judgment. Policy P5 makes provision for sites to be brought forward from later phases of the plan. In these circumstances unless and until the five year supply can be demonstrated, planning applications for allocated sites in latter phases should be considered favourably by the Council, subject to other material considerations.

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 would fall.

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 homes 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 National Planning Policy Guidance i.e. Use Class C2, will enable the Council to demonstrate five years supply of deliverable sites against current requirements.

This Planning Policy Statement will be updated in response to material changes in circumstance, for example, the publication of the joint housing study for the Greater Birmingham & Solihull LEP and Black Country LEP, or in the event of a successful appeal against the Court Judgment.