

**Name of meeting: Growth and Regeneration Scrutiny Panel**

**Date: 20<sup>th</sup> November 2023**

**Title of report: Interim Housing Position Statement to Boost Supply**

**Purpose of report:**

- To highlight the content of the Interim Housing Position Statement to Boost Supply which has been prepared as a positive and proactive response to the lack of a five-year housing land supply, and to allow questions and comments about the content of the document.
- To note the timeline for next steps to progress to Cabinet for a decision to approve the document.

<b>Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</b>	<b>Affects all wards.</b>
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</b>	<b>Key Decision – Yes</b> <b>Private Report/Private Appendix – No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>David Shepherd (7<sup>th</sup> November 2023)</b> Strategic Director Growth and Regeneration  <b>Isabel Brittain (7<sup>th</sup> November 2023)</b> Interim Service Director Finance (Section151)  <b>Julie Muscroft (7<sup>th</sup> November 2023)</b> Service Director, Legal and Governance
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Graham Turner</b>

**Electoral wards affected: All**

**Ward councillors consulted:**

Portfolio holder Briefing: (Cllr Graham Turner)

**Public or private:** Public

**Has GDPR been considered?**

No personal data is contained in this report.

**1. Summary**

The Kirklees Local Plan identified a housing requirement of 31,140 homes (1,730 per year) between 2013 and 2031 to meet local needs. Local planning authorities are required to identify and update annually a supply of sites sufficient to provide a five-year supply of housing against their Local Plan housing requirement. However, the 2023 annual update of the five-year housing land supply position demonstrates 3.96 years supply of housing land.

In the absence of a five-year housing land supply, planning applications for housing must be considered in the context a presumption in favour of sustainable development (the tilted balance). This requires planning applications to be considered favourably subject to other policy tests and material considerations.

As a response to this, officers have prepared an Interim Housing Position Statement to Boost Supply which provides a positive and proactive mechanism for dealing with planning applications for new housing development in the absence of a 5-year housing land supply.

**2. Information required to take a decision**

Since adoption of the Kirklees Local Plan in February 2019, the council has successfully maintained a continuous five-year supply of housing land and over 3,840 new homes have been delivered across the district. However, the 2023 update of the council's five-year housing land supply position demonstrates only 3.96 years supply of deliverable housing sites within the next five years.

In the absence of a 5-year housing land supply, the material housing supply policies of the Local Plan are deemed 'out of date'. As such, the authority must apply the 'presumption in favour of sustainable development' in positively determining planning applications for housing, as set out in the National Planning Policy Framework 2023 (paragraph 11d).

## **Implications for decisions on planning applications**

- The presumption in favour of sustainable development means that planning applications for housing developments should be granted unless the site is protected under national planning policy and there is a clear reason for refusal, or the negative impact of approving the development outweighs the benefits.
- The NPPF is clear that there are strong caveats to the application of the 'presumption in favour of sustainable development' in that the starting point for decision making remains with the statutory development plan for determining planning applications, along with any material considerations, and that the sustainability and quality of proposals must not conflict with the policies within the NPPF as a whole.
- The development plan retains a significant degree of weight despite "the most important policies relevant for determining the application being out-of-date" (NPPF paragraph 11d). That does not mean that they carry no weight. Where there is a conflict with the Local Plan, it is necessary to make a judgement on whether the adverse impact of the development plan conflict, and any other identified harms, significantly and demonstrably outweigh any benefits of the proposal.

## **Implications for the Local Plan**

- Local Plan Review and Update - The council must publish a review of whether the Local Plan remains up to date by February 2024 (5 years after Local Plan adoption). A report was presented to Cabinet 17<sup>th</sup> October outlining that the Plan was considered out of date in several areas, including housing delivery and the 5-year housing land supply position.

## **Review of the Statement**

- The interim statement will be reviewed annually following publication of the latest Authority Monitoring Report and five-year housing land supply position and will remain in place until this evidence indicates it is no longer required.

## **The Interim Housing Position Statement to Boost Supply**

In response to the absence of a five-year land supply, officers have prepared an Interim Housing Position Statement to Boost Supply as a positive and pro-active way forward. This Statement does not set new policy and does not replace the Development Plan for decision making purposes but provides a mechanism for inviting landowners, developers, agents, and the public to submit planning applications for housing in sustainable locations. It sets out the following principles which if addressed by applicants will help speed up decision making:

- Principle 1 - Application of the presumption in favour of sustainable development
- Principle 2 - Potential release of safeguarded land for housing development

- Principle 3 - High quality design to ensure developments continue to achieve well-designed high-quality homes and quality places.

It should be noted that the Levelling Up and Regeneration Bill has recently become law, having been granted Royal Assent as an Act of Parliament on 26<sup>th</sup> October 2023. The Act is designed to underpin the government's levelling up agenda and provides legislation to overhaul planning and plan-making. Bringing the provisions of the Act into effect will require further technical consultations and secondary legislation. Additionally, an updated National Policy Planning Framework (NPPF) is intended to be published in due course with the potential to remove the current requirement for a rolling five-year supply of housing land where the plan is up to date.

### **Review of the Statement**

The interim statement will be reviewed annually following publication of the latest Authority Monitoring Report and five-year housing land supply position and will remain in place until this evidence indicates it is no longer required.

## **3. Implications for the Council**

The main implication for the council in producing the Interim Housing Position Statement to Boost Supply is that it provides a positive and proactive approach to dealing with planning applications in the absence of a 5-year housing land supply. It set outs a mechanism to help boost supply and provides clarity for landowners, developers, agents, and the public submitting planning applications for new housing development in the district. The interim statement will also help facilitate the council's Development Management service and enable more effective and timely decision-making through the planning application process.

### **3.1 Working with People**

The main aim of the interim statement is to help implement the policies set out in the adopted Local Plan and help boost the supply of housing land to ensure new homes are provided to meet the housing needs of all members of the community across Kirklees.

### **3.2 Working with Partners**

The interim statement provides a positive and pro-active mechanism for landowners, developers, agents, and the public to submit planning applications for housing in sustainable locations and sets out the framework by which they will be considered.

The development of this interim statement has involved input from Housing Growth and Homes and Neighbourhoods colleagues in relation to the wider council actions that contribute to boosting housing land supply and delivery.

### **3.3 Place Based Working**

The mechanism and principles set out in interim statement provide a district wide approach to be applied to housing proposals where the 'presumption in favour of sustainable development' is triggered. This includes the principle that high quality design is a key aspect of sustainable development and should be at the heart of decision making.

### **3.4 Climate Change and Air Quality**

Where the 'presumption in favour of sustainable development' is triggered, the interim statement is clear that the council will continue to expect housing developments to be designed to a high quality in line with the Local Plan policy LP24 (Design) and the council's Quality Places Supplementary Planning Documents, including incorporating measures to reduce and mitigate the impacts of climate change.

### **3.5 Improving outcomes for children**

The interim statement aims to help boost the supply of housing land to ensure sufficient new homes are provided to help meet local housing needs across Kirklees, and that these achieve the required high-quality design necessary to deliver quality places.

### **3.6 Financial Implications for the people living or working in Kirklees**

In the absence of a five-year housing land supply, the interim statement seeks to boost the supply of housing land and encourages applicants to advance proposals for sustainable and high-quality well-designed developments to meet housing needs across Kirklees.

### **3.7 Other (e.g., Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions**

- **Legal** – Planning law, set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is also set out in the National Planning Policy Framework (NPPF) at paragraph 2. The requirement to apply the 'presumption in favour of sustainable development' in the absence of a five-year housing supply is also set out in NPPF (paragraph 11d). The 'presumption in favour of sustainable development' is considered a material consideration when applying section 38(6).
- **Financial** - There are no specific costs associated with the approval of the interim statement. However, the added clarity provided by the interim statement will allow developers to submit policy compliant developments to enable effective and timely decision making, and to help avoid unnecessary delays to granting housing permissions and

reduce the possibility of costs being awarded against the council at planning appeals.

- **Human Resources** - Existing staff resources have been used to prepare the interim statement and once approved by Cabinet it will be used as part of the existing Development Management process to help determine planning applications for housing development.
- **Communications** - The interim statement will be published on the council's website and the council will ensure applicants are made aware of the approach to dealing with planning applications for housing in the absence of a five-year housing land supply.

**Integrated Impact Assessment** – The IIA is available to view on the council's website at [Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/IntegratedImpactAssessment)

#### **4. Consultation**

The council's Housing Growth and Homes and Neighbourhood teams have engaged in the preparation of the document in relation to the wider council actions that contribute to boosting housing land supply and delivery.

#### **5. Next steps and timelines**

- Cabinet decision to approve the Interim Housing Position Statement to Boost Supply – Cabinet date: To be confirmed (week commencing 18<sup>th</sup> December – possible date 21<sup>st</sup> December 2023).
- If Cabinet resolve to approve the guidance note, it will be published on the Council's website and used as part of the planning applications process.

#### **6. Officer recommendations and reasons**

Scrutiny Panel to note the content and timeline of the Interim Housing Position Statement to Boost Supply and provide feedback during the Scrutiny Panel session.

Reason: Scrutiny Panel requested to have early input into the content of the interim statement.

#### **7. Cabinet Portfolio Holder's recommendations**

Cllr Graham Turner was briefed on the Interim Housing Position Statement to Boost Supply on (24<sup>th</sup> October 2023).

## **8. Contact officer**

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## **9. Background Papers and History of Decisions**

Kirklees Local Plan adopted 27<sup>th</sup> February 2019: ([www.kirklees.gov.uk/localplan](http://www.kirklees.gov.uk/localplan))

## **10. Service Director responsible**

David Shepherd  
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