

Name of meeting: Cabinet

Date: 21st December 2023

Title of report: Interim Housing Position Statement to Boost Supply

Purpose of report: To request that Cabinet seek to approve the Interim Housing Position Statement to Boost Supply to clarify the council's approach to decision-making on planning applications for housing.

<p>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area comprising 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.</p>	<p>Yes</p> <p>The Interim Housing Position Statement to Boost Supply affects all electoral wards.</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</p>	<p>Key Decision – Yes</p> <p>Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd (Strategic Director – Growth and Regeneration) 01/12/2023</p> <p>Isabel Brittain (Interim Service Director – Finance) 29/11/2023</p> <p>Julie Muscroft (Service Director – Legal, Governance and Commissioning) 07/12/2023</p>
<p>Cabinet member <u>portfolio</u></p>	<p>Cllr Graham Turner</p>

Electoral wards affected: All

Ward councillors consulted:

The following ward councillors have been consulted/briefed on this item:

- Portfolio Holder briefing: Cllr Turner (24th October 2023)

Public or private: Public

Has GDPR been considered? Yes, no personal information is recorded in this report.

1. Summary

- 1.1 The purpose of this report is to request Cabinet to approve the Interim Housing Position Statement to Boost Supply (see Appendix 1) to be used in the determination of planning applications for housing development in the absence of a 5-year housing land supply.

2. Information required to take a decision

Background

The Local Plan

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.

The 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 demonstrate five years supply of deliverable housing sites. The 2023 update of the council's five-year housing land supply position, however, demonstrates only 3.96 years supply of deliverable housing sites within the next five years with a shortfall of over 2,800 dwellings. There are current planning permissions for over 6,400 houses which have yet to be built (these form part of the five-year land supply).

The Presumption in Favour of Sustainable Development

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). This is known as the 'tilted balance' and 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, however, 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.

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 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 triggering the tilted balance does not mean that all new housing development will be permitted. Planning applications for housing will continue to be determined in line with adopted development plan policies and the council's Supplementary Planning Documents which seek to achieve sustainable and well-designed schemes that meets all policy requirements, including highway safety, design principles, environmental protection, affordable housing, open space provision and other requirements. Applications that represent departures from adopted development plan allocations and policies will continue be resisted unless material considerations indicate otherwise.

Other Actions

The interim statement is one of a number of mechanisms aimed at addressing the shortfall in housing supply, and other wider actions that the council are proactively taking to help bring forward suitable housing proposals and support housing delivery are also identified in the statement. This includes actions:

- to help expedite the development management process to ensure timely decision making in the determination of planning applications, such as encouraging to use the council's pre-application service and the use of Planning Performance Agreements;
- promotion of the council's Brokerage Service to engage with landowners and developers to help bring sites forward;
- work the Housing Growth team are undertaking to bring about housing delivery of council owned sites, including strategic housing developments;
- work the Homes and Neighbourhoods team are doing to help deliver a Council New Build programme (currently focussed on regenerating smaller sites close to existing Council housing) and the Housing Buy Back Scheme; and
- the delivery of Town Centre residential development at both Huddersfield and Dewsbury complementing wider regeneration activity.

Further information and up-dates on the council's approach to support housing delivery is set out in the following Cabinet reports:

- Housing Delivery Plan Update (27th June 2023) - ([230615 Cabinet report Housing Delivery FINAL.pdf \(kirklees.gov.uk\)](#))
- Housing Growth Update: With a Specific Focus on Dewsbury Riverside and Fenay Lane (14th November 2023) – ([HOUSING DELIVERY.pdf \(kirklees.gov.uk\)](#))

Levelling-Up and Regeneration Act (2023)

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 26th October 2023. The Act is designed to underpin the government's levelling up agenda and provides legislation to reform 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.

Local Plan Update

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 17th October outlining that the Plan was considered out of date in several areas, including housing delivery and the 5-year housing land supply position. The Council approved the commencement of a full update of the Kirklees Local Plan on 15th November 2023.

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 sets out 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.

Working with People

- 3.1 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.

Working with Partners

- 3.2 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 the council's Housing Growth and Homes and Neighbourhoods teams in relation to the wider council actions

that contribute to addressing the shortfall in housing land supply and the delivery of housing.

Place Based Working

- 3.3 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.

Climate Change and Air Quality

- 3.4 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.

Improving outcomes for children

- 3.5 The interim statement aims to help boost the supply of housing land in order 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 **Other**

Integrated Impact Assessment (IIA)

An integrated Impact Assessment has been carried out and is available to view on the council's website at [Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/integrated-impact-assessments-integrated-impact-assessment)

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. This will help avoid unnecessary delays to granting planning permission for housing development 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.

4 Consultation and Engagement

The Interim Housing Position Statement to Boost Supply is intended to provide informal guidance relating to existing planning policy, and public consultation is therefore not necessary. It will, as outline above, be published on the council's website and promoted with applicants.

5 Next steps and timelines

Subject to Cabinet endorsement to approve the Interim Housing Position Statement to Boost Supply, the statement will be published on the council's website in January 2024 and used in determining planning applications for housing development.

6 Officer recommendations and reasons

Officer Recommendation:

- 1) That Cabinet approves the Interim Housing Position Statement to Boost Supply and its publication.

Reason: To clarify and explain the council's approach to decision making on planning applications for housing proposals in the absence of a 5-year supply of housing land.

- 2) Delegate authority to the Strategic Director for Growth & Regeneration to make any necessary minor amendments and corrections to the document prior to publication.

Reason: To reflect any feedback from Cabinet and minor amendments to the document for clarification.

7. Cabinet Portfolio Holder's recommendations

Cllr Turner was briefed on 24th October 2023 and supports the officer recommendation that the Cabinet should seek to approve the Interim Housing Position Statement to Boost Supply.

8. Contact officer

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9. Background Papers and History of Decisions

Appendix to this report:

- Appendix 1 The Interim Housing Position Statement to Boost Supply

Council website links:

- Interim Housing Position Statement to Boost Supply Integrated Impact Assessment – [Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/integrated-impact-assessments-integrated-impact-assessment)
- Kirklees Local Plan (adopted 27th February 2019) - (www.kirklees.gov.uk/localplan)
- Housing Delivery Plan Update (27th June 2023) - ([230615 Cabinet report Housing Delivery FINAL.pdf \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/230615-Cabinet-report-Housing-Delivery-FINAL.pdf))
- Housing Growth Update: With a Specific Focus on Dewsbury Riverside and Fenay Lane (14th November 2023) – ([HOUSING DELIVERY.pdf \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/HOUSING-DELIVERY.pdf))
- Kirklees Local Plan Review and Update Cabinet Report 17th October 2023 – [2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/2023-10-17-Local-Plan-Review-Update-Cabinet-Report-and-App1-finaldocx.pdf)
- Kirklees Local Plan Review and Update Council Report 15th November - [2023-11-15 Local Plan Review and Update Final.pdf \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/2023-11-15-Local-Plan-Review-and-Update-Final.pdf)

10. Service Director Responsible

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