

## CABINET

14 June 2022

### INTERIM POSITION STATEMENT ON HOUSING DEVELOPMENT

#### Report of the Portfolio Holder for Planning, Highways and Transport

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/14042022	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor R Powell, Deputy Leader, Portfolio Holder for Planning, Highways and Transport	
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Ward Councillors		

#### DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the Interim Position Statement on Housing Development for public consultation in order to guide developers and investors and to function as a material consideration in decision making on planning applications pending the production of the Rutland Local Plan.
2. Delegates to the Strategic Director of Places in consultation with the Portfolio Holder for Planning, Highways and Transport the consideration of all responses made through the public consultation and the determination of any subsequent changes to the Interim Position Statement.

#### 1. PURPOSE OF THE REPORT

- 1.1 Cabinet is requested to consider and approve the Interim Position Statement on Housing Development (Appendix 1).
- 1.2 The intention of this document is to enable the Council to guide development to appropriate and sustainable locations through its consideration of planning

applications. It will help to ensure that housing proposals that may be submitted in advance of the new Local Plan are assessed in a consistent manner against national policies, with the aim of ensuring that the most appropriate development comes forward in the most suitable locations.

- 1.3 It aims to provide interim guidance which will apply until the Council has adopted a new Local Plan for Rutland, although it may need to be updated as the preparation of the plan progresses. Additionally, if prior to that point the Council has established a 5-year supply and maintained a satisfactory position with respect to the Housing Delivery Test, then the need for this Interim Position Statement will be reviewed.
- 1.4 Until the new Local Plan for Rutland is adopted, the Council must continue to judge planning applications on their own individual merits with reference to the adopted Development Plan and national planning policy including the National Planning Policy Framework (NPPF).
- 1.5 In this way, the Council intends to demonstrate that it is taking a proactive approach to reducing the shortfall and re-establishing a five-year supply.

## **2. BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 At the current time, the Council is not able to demonstrate a robust five-year supply of housing as required in national policy.
- 2.2 Consequently, decisions on planning applications involving the provision of housing will be tilted in favour of sustainable development, in accordance with Paragraph 11 of the NPPF. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 2.3 In the light of this situation, the Council is required to significantly boost its housing supply to achieve a 5-year supply as soon as possible to limit the opportunity for unwarranted applications in less sustainable locations being permitted.
- 2.4 The approach put forward in the Interim Position Statement on Housing development is based on identifying relevant criteria with specific reference to the National Planning Policy Framework (NPPF). It is by no means the case that all submitted applications will be appropriate, and on this basis, this Interim Position Statement has been prepared to facilitate delivery of housing sites by giving guidance as to which sites may be appropriate for development in the short-term interim period pending the development of a new Local Plan for Rutland.
- 2.5 Its purpose is to facilitate the delivery of new housing by providing a clear and consistent approach to the assessment of, and decision making on, development proposals on such sites over the period from the adoption of this statement by Cabinet until the adoption of the new Local Plan. It seeks to ensure that new homes are delivered in the right places, and at an appropriate scale, to help meet the needs of Rutland in the short term.
- 2.6 The Interim Position Statement identifies the factors that are considered critical to achieving 'sustainable development' in relation to the provision of housing in Rutland. It has been prepared within the context set by the vision and objectives of the current development plan system for Rutland, in particular the need to actively manage patterns of growth to make the fullest possible use of walking, cycling and

public transport.

- 2.7 The Interim Position Statement does not form part of the development plan. The Statement is not a Supplementary Planning Document (SPD). Nor does it set out the full range of relevant national or local planning policy and practice that may be applied by decision-makers when considering applications for the provision of housing. It has been prepared to provide clarity and guidance for applicants, local communities, and the Council as decision maker, and should be read alongside the relevant development plan policies for the area. However, the Interim Position Statement is intended to be used as a material consideration in the determination of planning applications.
- 2.8 Legal advice has confirmed that weight can be attributed to the Interim Position Statement as a material consideration in determining relevant planning applications. That advice also confirms that more weight can be attributed if the Interim Position Statement is subject to consultation.

### **3. CONSULTATION**

- 3.1 Whilst the document is not a Supplementary Planning Document, it is recommended that public consultation is undertaken in line with the requirements for a SPD as set out in the Council's Statement of Community Involvement.
- 3.2 It is also recommended that delegation is given to the Strategic Director of Places in consultation with the Portfolio Holder for Planning, Highways and Transport to consider all responses made through the public consultation and to determine any subsequent changes to the Interim Position Statement following the public consultation exercise.

### **4. ALTERNATIVE OPTIONS**

- 4.1 An alternative approach would be not to consult on the Interim Position Statement. This would mean that less weight could be attributed to it in decision making on relevant planning applications.
- 4.2 Similarly, there is an option not to prepare and adopt the Interim Position Statement and thereby determine relevant planning applications on a case-by-case basis. However, it is recommended that the Interim Position Statement is a more appropriate approach to guide developments towards more sustainable locations and provide a consistent basis for decision making.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications arising from this report.

### **6. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 6.1 The Council has a statutory duty to determine applications in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004. This requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. This duty includes considering relevant policies of the development plan and the policies of the NPPF.
- 6.2 The policy for the "tilted balance" under paragraph 11(d) NPPF provides that for

decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.3 The footnote to this paragraph confirms that policies are out of date for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

6.4 The Interim Position Statement for Housing Development will help ensure the Council takes a consistent approach to determining development proposals for housing and enable the Council to demonstrate that it has done so.

## **7. DATA PROTECTION IMPLICATIONS**

7.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identified risks/issues to the rights and freedoms of natural persons.

## **8. EQUALITY IMPACT ASSESSMENT**

8.1 An Equality Impact has not been prepared as no direct implications for implications for equalities have been identified at this stage.

## **9. COMMUNITY SAFETY IMPLICATIONS**

9.1 There are no direct community safety implications arising from this report.

## **10. HEALTH AND WELLBEING IMPLICATIONS**

10.1 There are no direct health and wellbeing implications arising from this report.

## **11. ORGANISATIONAL IMPLICATIONS**

11.1 Environmental implications

11.2 The purpose of this report is to guide development towards more sustainable locations.

## **12. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

12.1 The Interim Position Statement represents a pro-active approach to housing development following the withdrawal of the Local Plan and the consequential shortage of a housing supply in Rutland.

- 12.2 Its implementation is intended to improve the efficiency and effectiveness of the development management process for all parties.
- 12.3 The Interim Position Statement identifies the factors that are considered critical to achieving sustainable development in relation to the provision of housing in the interim period up to the adoption of a Local Plan for Rutland.
- 12.4 It will seek to guide development towards more sustainable locations and provide a basis for consistent decision making on relevant planning applications.
- 12.5 Public consultation on the draft Interim Position Statement will enable more weight to be attributed to it in making decisions on relevant planning applications.

### **13. BACKGROUND PAPERS**

- 13.1 National Planning Policy Framework: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 13.2 Rutland 5 year housing supply: <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/the-local-plan/housing-supply/>

### **14. APPENDICES**

- 14.1 Appendix 1: Interim Position Statement on Housing Development, June 2022

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.