

Interim Housing Position Statement

November 2023



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1. Summary, Background and Purpose of this Interim Housing Position Statement

- 1.1. Tewkesbury Borough Council confirmed, in its latest Annual Five Year Housing Land Supply Statement (1st April 2023-based)¹, that it is not currently able to show a five years' worth of housing, as required by paragraph 74 of the National Planning Policy Framework (NPPF)².
- 1.2. The consequence of this is set out in paragraph 11 of the NPPF and described in more detail below. In summary, it means that (with certain exceptions) planning applications involving the provision of housing should be granted permission unless any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits. This approach is commonly referred to as the "tilted balance".
- 1.3. This does not mean that local planning policies are irrelevant. They remain the statutory starting point for assessing the merits of individual planning applications. All development, whether approved under the tilted balance or otherwise, should provide "sustainable development". As such, all new housing should, for example, be of a high standard, accessible and of a scale and nature appropriate to its location. It should also be acceptable taking into account the amenity of occupiers of neighbouring properties and all other wider environmental, social and economic planning considerations. These are all matters assessed in accordance with relevant local planning policies and the NPPF.
- 1.4. Accordingly, in applying the tilted balance to proposals that conflict with the Development Plan as a whole, relevant local planning policies (including in 'made' neighbourhood plans) will be used together with the NPPF as the basis to judge the degree to which any adverse impacts resulting from the development would outweigh the benefits.
- 1.5. Although no specific formal actions are required other than the application of the tilted balance, the Council recognises the pressing need to re-establish a satisfactory housing supply position. This Interim Housing Position Statement sets out the actions the Council will take in seeking to address this need.

¹ [TBC-Five-Year-Supply-Statement-Oct-2023-FINAL.pdf \(tewkesbury.gov.uk\)](#)

² [National Planning Policy Framework \(publishing.service.gov.uk\)](#)

This Interim Housing Position Statement is not planning policy. Instead, it acknowledges the current housing land supply shortfall and is a statement of intent, for communities and applicants, setting out the actions the Council will take to support the provision of appropriate forms of housing and restore a five year housing land supply. This includes:

1. Outlining the sort of locations and types of proposal for housing which are most likely to be viewed favourably in operating the tilted balance; and
2. Describing the actions the Council will take, or encourage others to take, as part of its development management process.

2. Local Planning Policy Context

2.1. The National Planning Policy Framework (NPPF) (September 2023) is a material consideration in making planning decisions. The NPPF makes it clear that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which includes for applications involving the provision of housing where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
 - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

2.2. This does not alter the fact that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this context, the Development Plan for Tewkesbury Borough comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (the JCS)³, the Tewkesbury Borough Plan 2011 - 2031⁴ and the 'made' Neighbourhood Plans within the Borough.

2.3. Current made Neighbourhood Plans are as follows:

- [Alderton Neighbourhood Development plan](#)
- [Churchdown and Innsworth Neighbourhood Plan](#)
- [Down Hatherley, Norton and Twigworth Neighbourhood Development Plan](#)
- [Gotherington Neighbourhood Development Plan](#)
- [Highnam Neighbourhood Development Plan](#)
- [Twynning Neighbourhood Development Plan](#)
- [Winchcombe and Sudeley Neighbourhood Development Plan](#)

³ [Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031](#)

⁴ [Tewkesbury Borough Plan 2011 - 2031](#)

- [Aschurch Rural Neighbourhood Development Plan](#)
- [The Leigh Neighbourhood Development Plan](#)
- [Woodmancote Neighbourhood Plan](#)

- 2.4. The intention is for the Council to be able to guide development to appropriate and sustainable locations using this document to assist in the consideration and assessment of planning applications. It seeks to ensure that housing proposals submitted in advance of the emerging Local Plan⁵ are assessed in a consistent manner against national policy and guidance, with the aim of determining that the most appropriate development comes forward in the most suitable locations.

3. Approach to decision making – Types and Location of Housing

- 3.1. As noted above, with certain exceptions, the tilted balance will be applied where it has been concluded by the Local Planning Authority that an individual proposal does not accord as a whole with the Development Plan. In such cases, the NPPF requirement to assess whether any adverse effects significantly and demonstrably outweigh the benefits becomes a material consideration to apply before making a decision.
- 3.2. In general, applications will be more likely to be granted planning permission in the following circumstances:

... Where they are “deliverable”

- 3.3. An essential element in boosting housing land supply is to enable developments that are “deliverable”. The NPPF definition of a deliverable site is one which is available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years.
- 3.4. Applications can demonstrate that proposed development is “deliverable” as part of the submitted documents. Deliverable sites will be those that are not, for example, dependent upon provision of significant off-site infrastructure which would prevent them from delivering completed dwellings within 5 years. Evidence of the site deliverability can also be demonstrated where all the land required to deliver the proposed housing is in the applicant’s control.
- 3.5. Applicants can also evidence that they intend to develop sites promptly following the grant of permission so that proposals will begin to be delivered within a short period and deliver housing (for example through the submission of a draft phasing plan).
- 3.6. Applications for full planning permission, rather than outline consent, are more likely to lead to the early delivery of housing. For larger schemes, hybrid applications (part full and part outline) may also demonstrate a greater commitment to delivery. In cases where outline planning applications are made, the submission of a parameter plan showing housing mix and layout would assist in providing greater certainty over how housing might be delivered in a timely manner.

⁵ Emerging Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan

... Where they represent good quality housing in the right locations

- 3.7. The adopted local planning policies define settlement boundaries to focus growth within the most sustainable settlements and protect the intrinsic character and beauty of the countryside. As the Council is unable to demonstrate a five year supply of deliverable housing sites and, pending the adoption of a new Strategic and Local Plan, it is acknowledged that the settlement boundaries in themselves will not determine whether housing development is acceptable. In these circumstances, good quality housing and appropriate locations are therefore likely to consist of:
1. Those which are suitably located in relation to existing sustainable settlements, with access to the facilities and services that are generally likely to be required by new residents by suitable vehicular, pedestrian and cycling links, including new and upgraded routes. Current planning policies within the JCS Core Strategy and the Tewkesbury Borough Local Plan set out the settlement hierarchy which identify the most sustainable settlements and will inform consideration of any housing proposal.
 2. Schemes where the scale of development proposed is appropriate having regard to the settlement's location in the hierarchy and the range of facilities which would make it a sustainable location; and where development would support social cohesion by enhancing communities' health, social and cultural well-being for example through developer contributions.
 3. Development which would be of a high standard of design quality and accord with all of the urban design, architectural design and sustainable design principles identified in local and national policies and respecting the existing settlement pattern and characteristics.
 4. Proposals which consider the best and most efficient use of the land, whilst responding to the existing character and distinctiveness of the settlement and surrounding area; and schemes which avoid low density or piecemeal development, including the artificial subdivision of larger land parcels.
 5. Proposals which would not result in unacceptable harm to areas designated for their landscape or ecological value, or the character of the surrounding countryside. Applicants would be advised to have regard to the Council's most up to date landscape sensitivity study.
 6. Proposals which would not have an unacceptable impact on the highway safety, or severe residual impacts on the highway network, and would provide for safe and convenient pedestrian and cycle access to key community facilities and services within the settlement or nearby settlement.
 7. Development which would be located in areas at lowest risk of flooding and not lead to increased flood risk elsewhere.
 8. Proposals which avoid inappropriate development in the Green Belt which is, by definition, harmful.
 9. Proposals for development that would not be likely to result in the loss or deterioration of irreplaceable habitats such as ancient woodland and veteran trees.
 10. Proposals which would be deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure, biodiversity net gain and other requirements; and those which would not be dependent upon delivery of significant enabling off-site infrastructure that would hold back early delivery of housing contributing to the five year land supply.

11. Proposals include provision of an appropriate mix of housing to meet local needs including affordable housing in line with Council policies and national guidance and local housing needs evidence, currently set out in the [Gloucestershire Local Housing Needs Assessment \(2020\)](#).
12. Schemes which demonstrate high standards of sustainable construction and operational efficiency in new buildings to address carbon reduction and climate change. This could include evidence relating to water supply, efficiency and disposal in line with the Water Framework Directive.

3.8. The above points do not set out a comprehensive list of planning considerations or a full range of relevant national and local planning policy and practice that will be applied when assessing and determining planning applications for residential development. The final planning assessment and the balancing of all considerations will need to be applied in the decision-making process on a case-by-case basis. This IHPS should be read alongside all relevant local and national policy and guidance.

4. Approach to decision-making- Development Management Procedures

Planning applications for housing

- 4.1. Planning applications for housing which would be acceptable and likely to make an important contribution to housing land supply will be identified at an early stage in the application process, with a focus on achieving timely decisions.

Early Engagement

- 4.2. In bringing forward future applications the Council would encourage applicants to undertake early and meaningful engagement with the local community and relevant stakeholders regarding their proposals for development. In particular, the Council would encourage early and direct engagement with relevant Ward Members, and Town and parish councils with a view to understanding and where appropriate responding to their priorities prior to submission of a planning application. This might include identifying appropriate s106 contributions necessary to ensure strong, vibrant and healthy communities.
- 4.3. Preapplication process – the Council would also proactively encourage the early submission of pre-application proposals seeking to flush out, at an early stage, the key issues for consideration and concerns relating to any application proposal. The Council will seek to do this in a collaborative way, accepting that the absence of any detailed input of key consultees may give rise to a “subject to” comment in any advice that is provided.
- 4.4. Planning Performance Agreements (PPAs) – the Council has experience of delivering development proposals by early engagement through Planning Performance Agreement arrangements. This is a bespoke way of entering into early dialogue on emerging proposals, leading through to application submission and determination, and ultimately condition discharge

on successful schemes. The Council can provide more certainty of timescales through managing the PPA process and being able to dedicate resources to those projects. The Council would encourage early conversations with the Development Management Team to decide whether PPA is an appropriate route for a potential project.

Speeding up delivery following decision

- 4.5. The Council will seek to condition any planning permission to commence within 2 years from date of grant of planning permission to maximise the likelihood of delivery of housing in the short term. Where outline permission is granted, the Council will take a similar approach in reducing the implementation period to ensure expedient carrying out of development.
- 4.6. There will also be a change to recommendations in committee reports where permission is delegated subject to the completion of a S106 agreement. This will include a resolution that if the S106 is not concluded within 12 weeks of the resolution to permit, officers will have delegated authority to refuse the application. This will ensure that permissions are delivered in a timely manner, assisting in the reduction of the lead in time for completions to take place on sites.

A review of S106 procedures

- 4.7. Where positive pre-application advice has been provided, resulting in the identification of required planning obligations, the submission of a draft legal agreement with the planning application will be encouraged. This should enable the agreement to be ready for signature on the point of decision-making.
- 4.8. In parallel with this, the Council is working towards the production of a standard S106/Unilateral Undertaking template to assist and speed up this process.

Wider Review of the Validation Checklist

- 4.9. The Development Management team will be reviewing and updating the Validation Checklist to set out the submission package required to support valid planning applications made to the Council. Developers complying with the provisions of current and updated guidance will assist in reducing validation times. The updated Validation Checklist is scheduled to be in place by March 2024.

5. Future Review of this Statement

- 5.1. Monitoring and review of this statement will take place periodically, and no later than 12 months following adoption. Such reviews will establish if the shortfall for housing has been reduced and assess the overall effectiveness of this IHPS.