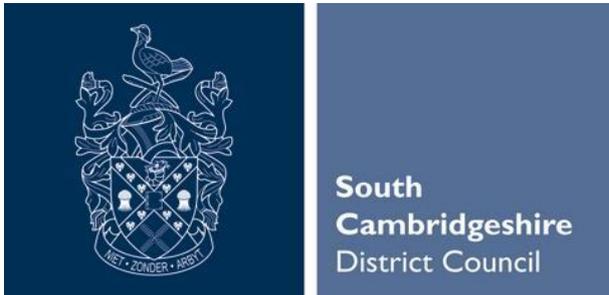


SC1/SCDC – Supplement 2



Examination into the Soundness of the
South Cambridgeshire Local Plan

**Matter SC1: Strategy for the Rural Area –
Supplement 2: Update to paragraph 22 of the
Council's Statement**

South Cambridgeshire District Council

June 2017

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Matter SC1: Strategy for the Rural Area – Supplement 2
Statement by South Cambridgeshire District Council
June 2017

Background

1. Paragraph 22 of the Council's Matter SC1 Statement states that adopted policies which can be considered to be 'out of date' in respect of paragraph 49 of the NPPF include the village classification policies and development frameworks. This reflected the legal position at the time its statement was submitted on the 8th May 2017 and, in particular, the implications of the decision of the Court of Appeal in *Hopkins Homes*.
2. During the hearing to consider Matter SC1 on Tuesday 6th June 2017 the Inspector invited the Council to provide a supplement to their statement to provide a factual update to paragraph 22 in light of the judgement of the Supreme Court in *Suffolk Coastal DC v Hopkins Homes Limited* and in the conjoined matter of *Richborough Estates Partnership LLP v Cheshire East BC 2017 UKSC 37*, which was delivered on 10th May 2017¹. The Inspector was clear that this should not extend to the implications of the Supreme Court decision.
3. Following the Inspector's request, the update to the text of paragraph 22 of the Matter SC1 Statement below has not addressed the implications of the Supreme Court decision and is limited to factual matters. However, and in summary, the Supreme Court has held that the range of policies which are to be considered as "relevant policies for the supply of housing", for the purposes of NPPF paragraph 49, is more limited than was held to be the case by the Court of Appeal and are generally limited to housing delivery policies. As a result of the Supreme Court decision, the Council does not consider that village classification and development framework policies are to be considered now as "relevant policies for the supply of housing" and therefore out of date by reason of NPPG paragraph 49.

Factual Update to paragraph 22 of the Council's Matter SC1 Statement

Make the following amendments to paragraph 22. New text added in **bold underline**, deleted text ~~struckthrough~~.

22. Since the Waterbeach appeals, the Council has accepted for the purposes of development control that it cannot currently, and in advance of further progress towards adoption of the Local Plan, demonstrate a five year housing land supply in the district as required by the NPPF. In these circumstances any adopted policies which can be considered to restrict the supply of housing land have been considered 'out of date' in respect of paragraph 49 of the NPPF. "Out of date" policies, **according to the judgment of the Court of Appeal in *Suffolk Coastal DC v Hopkins Homes Limited* and in the conjoined matter of *Richborough Estates Partnership LLP v Cheshire East BC (17th March 2016)* were considered by the Council to have** included the village classification policies and development frameworks **of the adopted development plan**. Paragraph 14(2) of the Framework advises, in terms of decision making, that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably

¹ <https://www.supremecourt.uk/cases/docs/uksc-2016-0076-judgment.pdf>

outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In accordance with the decision of the Court of Appeal in the *Hopkins Homes* suite of appeals, **during the period before the Supreme Court judgment in *Suffolk Coastal DC v Hopkins Homes Limited* and in the conjoined matter of *Richborough Estates Partnership LLP v Cheshire East BC* (10th May 2017) *UKSC 37***, the Council, as decision maker, has ~~had to~~ **assessed** nonetheless the weight that should be given to the existing policies, including out of date policies, and consider whether in this context the policy continues to perform a material planning objective consistent with the policies of the NPPF. **The Council will in future have regard, in development control and other planning functions, to the Supreme Court decision in future decision making.**