



Cheswick Green Parish Council

Mrs Marie Zizzi
Clerk to the Council
Cheswick Green Village Hall
Cheswick Way, Cheswick Green
Solihull B90 4JA

Tel: 01564 700168
clerk@cheswickgreen-pc.org.uk
www.cheswickgreen-pc.org.uk

The Rt Hon David Cameron MP
Prime Minister
10 Downing Street
London
SW1A 2AA

15th August 2014

Dear Prime Minister

What does 'Localism' really mean?

As chairman of Cheswick Green Parish Council in Solihull, I was pleased to see the concept of 'Localism' being introduced as a flagship policy of the coalition government. My optimism was short lived, however, as, owing to a particular set of circumstances, combined with administrative rigidity, the people of this parish are being denied the right to benefit fully from the opportunities that 'Localism' should bring, and I am writing to you as the head of the UK government to ask you to introduce some common sense into a situation that is both undemocratic and wasteful of public funds.

The Parish Council and the parishioners I represent believe that 'Localism' means that the Local Authority, Solihull MBC, can set its own housing target to meet local needs in a Local Plan and can determine planning applications against that plan. It also means that the Parish can develop a Neighbourhood Plan, have a say in the type of development to meet community needs and use the Community Infrastructure Levy (CIL) to finance local infrastructure and community projects.

During the period when Solihull Council was developing a Local Plan there was some anxiety when developers were trying to exploit a loophole in the new National Policy Planning Framework (NPPF) which gives them a presumption in favour of development if there is no current local plan with a 5 year housing supply. There was much local relief, however, when Solihull Council adopted a new Local Plan in December 2013 although there was disappointment that 800 of the new dwellings were to be sited in Cheswick Green Parish which is an increase of 80% on the existing number.

Nevertheless, as the development was to be phased over a 15 year period the parish decided to use the opportunity to develop a Neighbourhood Plan to try to meet the housing needs within the parish and to use CIL funding to find a solution to an existing flooding problem, affecting up to 100 dwellings, within the village of Cheswick Green. Solihull Council Planning Committee has already used the phasing policy in the Local Plan to reject a premature application for a site in the parish although the applicants have since appealed to the Planning Inspectorate.

The situation changed dramatically when two developers with sites in a neighbouring parish were unhappy that their sites were not included in the new Solihull Local Plan and sought remedy in the High Court. The judge in the case ruled that Solihull Council must reconsider the status of these sites and also, in what appears to be a direct attack on democracy, and on government policy, said that the locally agreed housing figures were too low. The latter ruling is causing collateral damage in neighbouring parishes as developers can now claim that the 5 year housing supply is insufficient and that their sites, scheduled for development in later phases, should be developed NOW which threatens to overrule local decisions and wishes.

The evolution of the Local Plan involved residents, developers and both the Parish and Borough Councils but the legal process was completely isolated from the views of residents who will be most affected by the judge's ruling and who were unable to take part in the proceedings. It is likely that the judge was completely unaware of the implications of his decision on the local community. Another applicant with a site in our parish, scheduled in the Local Plan for development after 2023, whose application was previously rejected as being premature, has now resubmitted the same application as a result of the ruling.

Solihull Council has successfully sought leave to appeal to the High Court on the judge's ruling but the hearing is likely to be held a few weeks AFTER the resubmitted planning application has to be decided by Solihull Council Planning Committee which makes a complete nonsense of the situation. The date of the Planning Inspectorate appeal to consider the original rejected application is also scheduled to be held AFTER the Planning Committee meeting and BEFORE the High Court Appeal date. Common sense suggests that the order of these dates is incorrect and that the legal process should be exhausted before important planning decisions, with serious consequences for the parish, have to be made.

The crux of the matter is that when the planning application for the site at Mount Dairy Farm, Cheswick Green (2014/1163) has to be considered by Solihull Council Planning Committee at its meeting in early September, the democratically elected councillors will be placed between a rock and several hard places. Despite rejecting the same application previously they are being squeezed in a three prong attack from the Judiciary, the Planning Inspectorate and the developers to accept the proposal with warnings and threats of large costs being awarded against them if they reject the application.

The solution is remarkably simple. If the Planning Inspectorate and the Judiciary can agree that the 'status quo' should be maintained until the legal process has been exhausted then Solihull Council Planning Committee could decide to defer making a decision on the application until after the High Court decision, which is a delay of only a few weeks.

And finally, there is an important principle here which is to ask who is making planning decisions – the elected local politicians, the judiciary or the developers? With good planning laws the involvement of the judiciary should be minimal and the status quo should always be maintained until the legal process is complete. The people of Cheswick Green Parish feel that they are being disenfranchised by the personal opinion of a single High Court judge.

Yours sincerely

Chris Noble
Chairman Cheswick Green Parish Council

Copies to

Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government

Brandon Lewis MP, Minister of State for Communities and Local Government

Stephen Williams MP, Minister for Communities

Rt Hon Chris Grayling MP, Lord Chancellor and Secretary of State for Justice

Simon Ridley, Planning Inspectorate CEO

Helen Adlard, Chief Planning Inspector, Planning Inspectorate

Rt Hon Caroline Spelman MP for Meriden

Lorely Burt MP for Solihull