

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd February 2026

Agenda Item 5

Application Ref. 25/00883/PIP

Land off Wereton Road, Audley

Since the publication of the agenda report, officers have obtained external legal advice on the weight to be given to the Audley Rural Neighbourhood Plan in determination of the permission in principle applications on the agenda tonight. This supplementary report is based upon the external legal advice obtained.

In the absence of a required five-year housing land supply, the tilted balance set out in paragraph 11(d) (ii) of the NPPF is engaged and as such, considerable weight is afforded to this housing delivery as a material consideration in the planning process unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.

The Audley Rural Neighbourhood Plan does not support residential development outside of settlement boundaries which this site is. Whether non-compliance with the Neighbourhood Plan meets this threshold of 'adverse impacts' referred to above is considered in paragraph 14 of the NPPF which states "the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where:

- a. the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; AND
- b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement."

Whilst the first of these criteria is satisfied here (because the Audley Neighbourhood Plan was made in 2025), the Council's legal advice has confirmed that the second criterion is not met because the Audley Neighbourhood Plan does not contain policies and allocations to meet its identified housing requirement. As paragraph 14 cannot be satisfied, it cannot be concluded that the adverse impact of non-compliance with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits of the development. As such, non-compliance with the Audley Neighbourhood Plan does not provide reasonable grounds to refuse planning permission.

Recommendation

The recommendation remains as set out in the main agenda report.