

Understanding the Crantock Decision

Many parishes have asked whether the recent decision at Crantock means that there is a change in the Cornwall Council approach to delivering affordable housing.

Permission to claim judicial review was refused on all grounds.

Ground 1: The question of whether local need had been met.

The judge agreed that the Council was clearly entitled to come to the view that the Pentire Green permission had stalled because work had not commenced on site, none of the pre-commencement matters had been addressed and the property was marketed and not sold. This is a typical example of the sort of balanced decision a Council has to make, weighing up the evidence.

Ground 2: The definition of local need

It was accepted as a matter of fact that the Council approached the decision assessing need in Crantock parish. Housing need for neighbouring parishes was given as background, but the question of need related to the numbers on the Housing Needs Register with a local connection to Crantock parish.

Since grounds one and two were not arguable the Judge did not consider any further grounds.

Has anything changed for NDPs?

No. It has always been the case that, if there is demonstrable local need, exceptions sites will be allowed if they meet the tests of Policy 9 of the Cornwall Local Plan.

At the time that the planning application was considered by committee, there was demonstrable local need within the parish of Crantock. The application was judged on that basis, and a decision made in line with Policy 9 of the Cornwall Local Plan with full weight given to the Crantock NDP.

How does the Council define local need for exception sites.

This is set out in Policy 9 of the Cornwall Local Plan

'The Council will secure the first and future occupation of the affordable homes to those with a housing need and **local connection to the settlement or parish** in line with the Council's adopted local connection policies.'

Can NDPs vary the definition of local need?

No. Provision of housing to meet local need is a key Council priority and the way it is delivered is set out in strategic policies 8 and 9 of the Cornwall Local Plan. Neighbourhood plans cannot override strategic policy.

Housing need is demonstrated using the housing need register or any specific local surveys completed using an approved methodology. The criteria judging whether a person is in housing need and whether they can demonstrate a local connection are set out in Housing Strategy. Planning Policy cannot change or replace the Housing Strategy.

If you require any further information please contact the neighbourhood planning team on neighbourhoodplanning@cornwall.gov.uk