

Government wins second legal challenge on Regional Strategies

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Planning authorities and inspectors can take the Coalition Government's intention to abolish Regional Strategies into consideration in deciding planning applications and appeals, the Court of Appeal has confirmed today.

For the second time, the courts have ruled in the Government's favour, following an appeal by CALA Homes arguing that the Government's intention to abolish the strategies could not lawfully be taken into account in any way in relation to planning applications and appeals, at least until such time as the Localism Bill becomes law.

CALA Homes lost an earlier challenge in the High Court and have lost their subsequent appeal to the Court of Appeal.

The judgment means that the proposed abolition of the strategies can be regarded as a 'material consideration' by local planning authorities and inspectors when deciding planning applications and appeals. The Court has given helpful guidance to such decision makers on the approach they should take in judging the potential significance of that factor.

The Government announced its intention to abolish Regional Strategies through the Localism Bill last year. The Bill has now completed the Commons stage.

Planning Minister Bob Neill said:

"This judgment confirms that decision makers can take into account the Government's intention to sweep away Regional Strategies when deciding planning applications and appeals. I welcome the helpful guidance given in the judgment on the approach which local planning authorities and inspectors should follow in such decisions. Under the previous government's top-down targets we saw the lowest peacetime housebuilding rates since 1924.

"Increasing the rate of housebuilding is a top priority for the Government and is backed by incentives to kick-start building. Housebuilding has started to rise again and we recently paid the first cash payments under the New Homes Bonus. You don't need bureaucratic Regional Strategies to build more homes and support growth."

The Localism Bill will introduce new incentives for communities that support local development, including the New Homes Bonus and a reformed Community Infrastructure Levy which both provide cash for communities to invest in local infrastructure and facilities.

Notes to editors

1. This latest judgment will not affect decisions already made on planning applications.
2. Regional Strategies were revoked on 6 July 2010 but were re-established on 10 November 2010 after a successful challenge by housing developer CALA Homes.
3. A subsequent challenge by CALA Homes, to halt planners taking account the intended revocation of the strategies as a 'material consideration' when deciding planning applications and appeals, was unsuccessful by the developer. This latest appeal against that decision was lost by the developer in the Court of Appeal.
4. Pending abolition Regional Strategies remain part of the statutory development plan. The weight given to any 'material consideration' depends on the individual circumstances and it is for the decision maker to decide on the appropriate weight.
5. The coalition agreement stated the Government's intention to abolish Regional Strategies and return powers over planning and housing matters back to local authorities so that they could take decisions which met the aspirations of the communities they serve.

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