Public Pre-Scrutiny Questions and Answers - O&S 25 November 2025

Report Title: Item 3 - Housing – Five-Year Housing Land Supply

Report Author(s): Philip Clarke – Head of Place, Arts and Economy

Councillor Milton: Do we have analysis of the number of decisions made by Planning Committee that go against officer's recommendations and how these have changed over time and the impact of these?

Response: That's a very good question. There are actually two questions here: firstly how many decisions does planning committee take that go against officer recommendations (and in particular how many of these are major applications), and secondly how many potential new dwellings are impacted by such decisions.

We will seek to provide an answer to these questions as best we can and bring these to the O&S on 25th if that is ok.

On the matter of the meeting itself, when you have had a chance to digest the report, I would welcome a steer from you as to how you would like to handle the discussion of the item. I hope that the report is self-explanatory, but I am sure there will be matters on which members will want clarification. Furthermore, there may be additional information on which they would like answers (such as your question above). We were proposing that the Planning Development Manager, the Planning Policy & Major Sites Delivery Manager and I (as well as the Portfolio Holder for Place) attend the meeting to assist in the discussion.

Councillor Boad: 1) Given the Tilted Balance, would permission have to be granted on a speculative application on a site that is not under consideration, particularly in the Green Belt until the new plan is approved? Response: The "tilted balance" would have to be applied on all speculative applications. This would include sites in the Green Belt and sites which are not

currently being considered through the South Warwickshire Local Plan. It needs to be applied now, as the Council does not have a five-year supply of housing land.

This does not mean that planning permission would automatically be granted. I would refer you to paras 2.10 – 2.11 in the report for more on how the "tilted balance" should be applied. Each case will need to be treated on its merits, and advice in relation to any site-specific issue would be addressed as part of the overall consideration of the application.

2) Can Green Belt land be changed to Grey Belt without a new Local plan in place. Please clarify what is meant by Grey Belt as it does not appear to be straight forward allowing open land not contributing to the purpose of Green Belt to be redesignated? Response: I would refer members to the answer that was provided to a written question from Cllr Phillips at the Council meeting on 22nd October in relation to this matter. This included the following advice.

The concept of "grey belt" is a new feature of the NPPF, introduced by the current government and included in the NPPF for the first time in December 2024. Further guidance is provided in the PPG, however there is currently no body of case law or precedent to inform how grey belt is likely to be considered by government in appeals and Local Plan examinations.

Grey Belt is defined in the NPPF as: "land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of [the following] purposes…."

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

d) to preserve the setting and special character of historic towns;"

It is clear, therefore, that the planning policy guidance for local planning authorities on Green Belt or grey belt matters can only be set out by government. However, assessing which Green Belt land should be considered as grey belt is a matter of judgement for the local planning authority (within the criteria set by government).

In practice, any applicant who applies for planning permission on land in the Green Belt can make their own assessment as to whether they consider Green Belt land should be treated as "grey belt" within the above definition. The Council, in considering the planning application, can make its own assessment of this. Ultimately, if there is not agreement on this

matter, and if the Council's grey belt assessment is material in a decision to refuse the application, the matter would likely be decided by a Planning Inspector through an appeal.

Therefore, it is not a question of the Council "changing" the Green Belt land to grey belt, but more a judgement that is made as to whether Green Belt land should be considered as grey belt at the point at which a planning application is submitted.

Members will also be aware that for the SWLP, WDC and SDC have commissioned independent consultants to undertake an assessment of grey belt. This work is currently underway. When completed, the Councils will need to take a view on this and it will form part of our evidence base when we consider which sites we may need to consider removing from the Green Belt to support development. This judgement will be made as part of the consideration of the Publication version of the SWLP. Members should note, however, that any assessment that the Councils make of which land should be considered as grey belt will likely be challenged in the SWLP Public Examination. Ultimately, the judgement on this matter is therefore likely to be made by the Inspector doing the Public Examination.

3) Do speculative applications still give rise to developer contributions for infrastructure and social provision such as local shops, schools, community facilities? Response: Yes. They would be considered for developer contributions in the normal way. Where the development is classed as a major development involving the provision of housing on a site in the Green Belt, the NPPF 'Golden Rules' will also apply which require affordable housing at a level higher than usual, necessary improvements to local or national infrastructure and the provision of new, or improvements to existing, green spaces that are accessible to the public. Also, policy documents such as the NZC DPD would be applied, as would CIL contributions.

4) If speculative development is put forward on a site currently under consideration in the new local plan, should/can it be refused? Response: See response to Q1 above.

5) If an application was for developing/growing a village would the tilted balance come into play? Would lack of additional facilities be a reason for refusal? Response: See response to Q1 above.

6) In reality does operating the tilted balance mean that only in very exceptional circumstances, given the government's stance, we would have to grant all applications, or argue at enquiries on why we are refusing? Could we win? Response: See response to Q1 above.

Report Title: Item 4 – Bereavement Services Performance Update

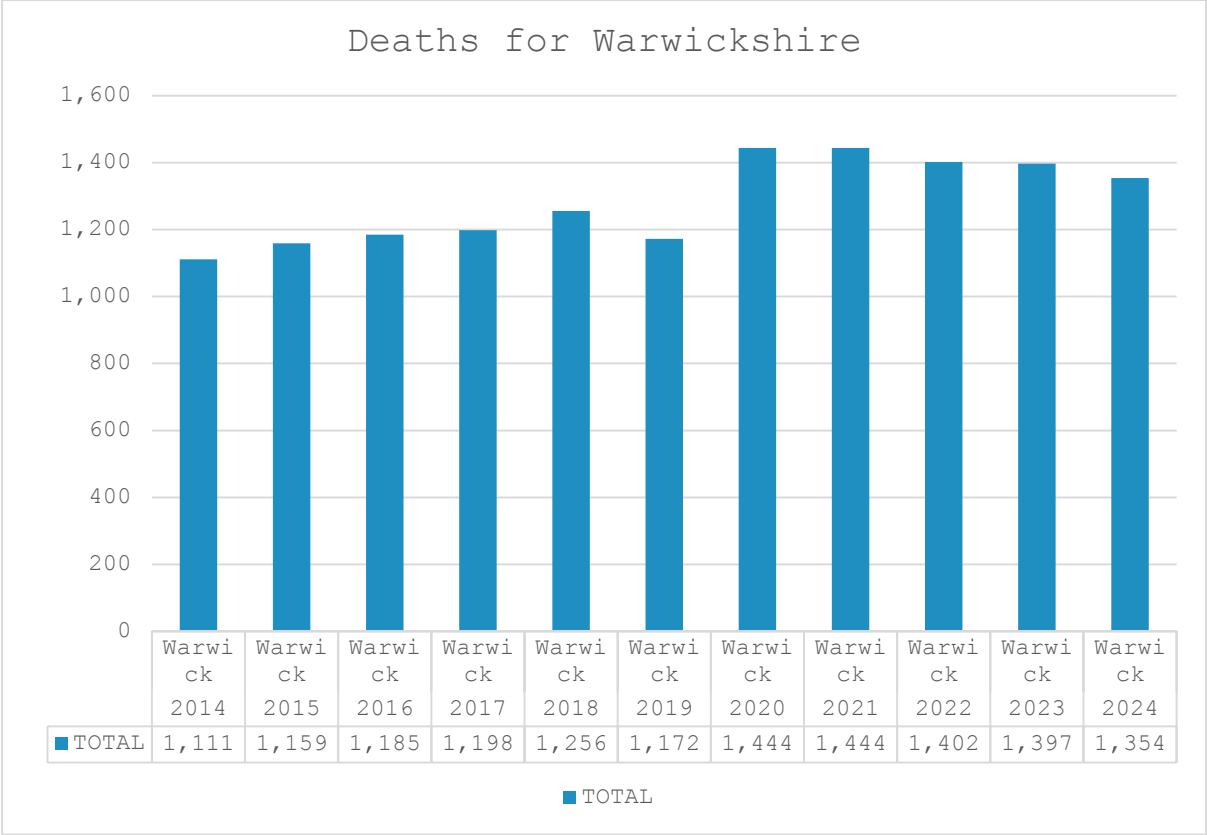
Report Author(s): Pamela Chilvers – Bereavement Services Development Manager

Councillor Milton: Is there a reason why our fees for natural burial are so out of kilter with our competitors? Response: The total cost for burial is usually the cost of the grave plus the cost of the interment, and any other mandatory fees being charged. The total cost for burial in Oakley Wood natural burial area is only for the interment because exclusive rights of burial (EROB) are not granted. The 2025 Oakley Wood fee is £31 more than the mean average. If the mean average increases by 3%, the 2026 will be £27 more than the mean average. The total price being charged by the most expensive natural burial provider is more than double the least expensive.
The cost of the grave is not for the land itself, it is for the exclusive right of burial in that land for a particular length of time – this means that the person who "owns" the grave is the only person by law that can authorise anyone else to be buried in the grave. The "owner" is entitled to arrange for a memorial to be erected on the grave (subject to the cemetery rules and payment of fees). Strict planning conditions for the Oakley Wood natural burial mean graves are used strictly in rotation, reopening them is prohibited and no memorials area permitted. As there can be no further burials and no memorial can be erected there is no benefit to issuing an exclusive right of burial, the owner would not have any rights or entitlement.

Do we know what's happened at the Solihull sites (Robin Hood and Woodlands)? They seem to have had significant falls last year. Do we know why? Response: Solihull benefitted from higher cremation numbers in 2023 because of Yardley Crematorium being closed. The fall in 2024 appears more significant when compared to the artificially inflated figures for 2023. There was however still a fall in numbers. They too are seeing the impact of new privately owned crematoria being opened, Waseley Hills another Westerleigh crematorium opened in 2022.

Do we have statistics for deaths at a district level since 2014?

Response: The second table on Page 3 of appendix 6 sets out the ONS monthly numbers of deaths registered by area of usual residence filtered for Warwick District, but the graph showing the annual sum of those figures was omitted. This is set out below.


Deaths for Warwickshire
1,600
1,400
1,200
1,000
800
600
400
200
0
Warwick 2014
Warwick 2015
Warwick 2016
Warwick 2017
Warwick 2018
Warwick 2019
Warwick 2020
Warwick 2021
Warwick 2022
Warwick 2023
Warwick 2024
TOTAL
1,111
1,159
1,185
1,198
1,256
1,172
1,444
1,444
1,402
1,397
1,354
TOTAL