



## FORMAL POLICY CHALLENGE: Misapplication of Paragraph 157 Baseline – 25/01485/OUTM

Date: 5 January 2026

**Dear Policy and Strategy Officer,**

We are writing regarding your recent advice to the Case Officer, Gillian Pinna-Morrell for Application **25/01485/OUTM (Church Road/Coulter Lane)**, wherein it was suggested that a **28% baseline** be used to calculate the "Golden Rule" affordable housing uplift.

We formally contest this baseline and request a review based on the following statutory requirements of the **2026 NPPF**:

**1. Violation of the "Highest Existing Requirement" Clause** Paragraph 157 of the NPPF is explicit: the 15% uplift must be applied to the **"highest existing affordable housing requirement which would otherwise apply."** While the 2015 Local Plan mentions 28%, LDC's more recent evidence—including the **Strategic Housing Market Assessment (SHMA)** and the **Emerging Local Plan 2026 Strategy**—identifies a documented need for **35%**.

- To use an obsolete 2015 figure to facilitate a Green Belt release in 2026 is a direct violation of the "highest requirement" mandate.

**2. The 18-Unit Deficit to Burntwood** By applying the uplift to 28% rather than 35%, the Council is permitting a **7% shortfall** in affordable housing delivery. This represents a loss of approximately **17–18 affordable homes** for local families. We submit that "Golden Rule" compliance cannot be achieved through "baseline shopping" to accommodate a developer's viability model.

**3. Impact on "Grey Belt" Eligibility** Under **Paragraph 155**, a development is only exempt from being "inappropriate" if it meets the Golden Rules. If the baseline calculation is factually incorrect, the Golden Rules are not met. Consequently, this development remains **Inappropriate Development in the Green Belt** and must be refused.

**The Question for your Department:** On what legal basis is the Council ignoring the **35% requirement** (the "highest existing requirement") in favor of a decade-old 28% figure, specifically in the context of a 2026 Green Belt release application?

We look forward to your urgent clarification, as this matter goes to the heart of the Local Plan's soundness.

Best regards,

**Burntwood Action Group.**