
**Examination of the Submitted Tunbridge
Wells Borough Local Plan**

STATEMENT FOR:

MATTER 9 – HOUSING LAND SUPPLY

WRITTEN STATEMENT

Prepared by:

Woolf Bond Planning LLP

On behalf of:

Castle Hill Developments Ltd

May 2022

WBP Ref: 8092



Woolf Bond Planning
Chartered Town Planning Consultants

CONTENTS

	Page
Executive Summary	2
Context and Background	3
Matter 6 Response	4
 Appendices	
 Appendix 1: Lichfields – Start to Finish – What Factors affect the build-out rates of large scale housing sites? (2 nd edition) (Feb 2020)	
Appendix 2: Appeal on land at Lady Grove, Didcot appeal (15 th September 2021) (APP/Q3115/W/21/3272377)	
Appendix 3: Appeal on land off Scotland Lane, Haslemere allowed on 1 st February 2022 (APP/R3650/W/21/3280136)	
Appendix 4: Appeal at Little Sparrows, Sonning Common allowed on 25 th June 2021 (APP/Q3115/W/20/3265861)	
Appendix 5: Appeal on land of Park Lane, Charvil allowed on 2 nd March 2017 (APP/X0360/W/15/3130829)	
Appendix 6: Appeal on land east of Butts Road, Ottery St Mary allowed on 14 th December 2012 (APP/U105/A/12/2180060)	
Appendix 7: Extract of Ashford Borough Local Plan (adopted February 2019)	

Executive Summary

Castle Hill Developments Ltd (“CHD”) has a controlling interest in sustainability located and deliverable omission sites that should be allocated for housing in seeking to meet the identified housing need during the plan period.

The Plan fails to plan for sufficient housing growth (in terms of the overall housing target in Policy STR1) and places undue reliance upon the delivery of housing from strategic sites including at Tudeley and Paddock Wood (which will fail to deliver at the rates suggested by the Council) and additional site allocations should therefore be identified.

MDH’s objections may be summarised as follows:

- The Plan is **not positively prepared** in so far as the proposed strategy for growth will fail to deliver the identified housing need for a minimum of 14,535 dwellings during the period 2020 to 2039 (i.e 765dpa).
- The Plan is **not justified** having regard to the approach envisaged to maintain a rolling five year supply of housing land and/or in relation to the approach to the allocation of sites for housing, such that it cannot be said to provide the most appropriate strategy when considered against the reasonable alternatives.
- The Plan is **not effective** and will fail to provide a five year supply of deliverable housing land on adoption and nor will it deliver the requisite amount of housing during the plan period; when assessed against the objectively assessed housing need.
- The Plan is **not consistent with national policy** having regard to the need to ensure housing site allocations will maintain an adequate supply of deliverable housing land.

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and denying people the opportunity to own their own home, contrary to Government policy which is seeking to boost the supply of housing to address the current housing crisis.

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF (2021).

Land at Castle Hill, Royal Tunbridge Wells should be removed from the Green Belt allocated for a mixed use urban extension including around 900 dwellings (SHELAA Site Ref:49).

CONTEXT AND BACKGROUND

- 1.1. This Statement has been prepared by Woolf Bond Planning LLP on behalf of Castle Hill Developments Ltd (“CHD”), and addresses several questions posed for Matter 9 of the Hearing Sessions as set out in the Inspector’s Matters and Issues.
- 1.2. In setting out our response, we continue to rely upon the content of the detailed representations submitted on behalf of CHD in response to the Regulation 19 consultation on the Draft Local Plan in June 2021.
- 1.3. Our answers to the questions should be read in the context of our position that insufficient deliverable and developable land has been identified in the submitted Local Plan in order to maintain a rolling five year supply of housing land as obligated by paragraph 74 of the NPPF. The Plan would not be sound without an amendment to include additional site allocations within revised settlement boundaries alongside adjustments to Green Belt boundaries.
- 1.5. This Statement amplifies our Regulation 19 representations and details further responses to a number of the specific questions raised by the Inspector in his examination of the Local Plan.

MATTER 9: HOUSING LAND SUPPLY

Issue 1 – Total Housing Supply

Q1. How has the housing trajectory in Figure 9 of the Plan been established? What factors were considered in arriving at the figures in the trajectory and are they accurate and robust?

2.1 Whilst this is a matter for the Council, it is not considered that the trajectory is robust. This is illustrated in the responses to questions 3 to 6 within issue 2 of this statement. These all relate the realism and justification of lead in times and subsequently delivery rates and the obligations upon the authority within national guidance¹.

Q2. Does the total housing land supply include an allowance for windfall sites? If so, what is this based on and is it justified?

2.2. The Submitted Local Plan includes numerous references² to windfalls as being an integral part of the Borough's housing land supply.

2.3 Our representation³ acknowledged the contribution of windfalls towards the Borough's housing land supply. It is for the authority to demonstrate its approach to windfalls is consistent with the obligations in NPPF, paragraph 71 having regard to the various tests specified. We do not believe these have been justified having regard to our Regulation 19 representations.

Q3. Paragraph 4.54 of the submission version Local Plan states that there is a 'buffer' of approximately 1,000 dwellings (based on the mid-point of dwelling ranges) over and above the minimum housing requirement across the plan

¹ See housing land and supply section of the PPG, ID ref 68-007-20190722

² i.e. policy STR/RTW1 alongside paragraphs 4.39, 4.53, 4.54, 4.71, 5.243, 5.286, 5.364, 5.476 & 5.492.

³ Paragraph 5.37

period. Is the projected supply of housing justified and has sufficient land been identified to ensure that housing needs will be met?

2.4. The projected supply is not justified, and insufficient land has been identified to ensure the Borough's housing needs will be met. This is illustrated in the responses to questions 3 to 6 within issue 2 of this statement. These all relate the realism and justification of lead in times and subsequently delivery rates and the obligations upon the authority within national guidance⁴.

Q4. In the event that new housing is delivered as expected, what is the justification for the size of the buffer proposed?

2.5. The inclusion of a buffer is essential as it provides a pool from which the buffers (between 5 and 20%) pursuant to paragraph 74 of the NPPF can be sourced.

Q5. Paragraph 69 of the Framework states that in order to promote the development of a good mix of sites, local planning authorities should (amongst other things) identify land to accommodate at least 10% of their housing requirement on sites no larger than 1 hectare, unless there are strong reasons why this cannot be achieved. What proportion of the housing requirement will be met from sites no larger than 1 hectare in Tunbridge Wells?

2.6. This is a matter for the Council.

Issue 2 – Five Year Housing Land Supply

Q1. Taking into account completions since the based date of the Plan, what will be the anticipated five-year housing land requirement upon adoption of the Plan?

⁴ See housing supply and delivery section of the PPG, ID ref 68-007-20190722

2.7. Whilst this is a matter for the Council, consistent with national guidance, should any shortfall in supply compared to the requirement arise, this must be resolved through the Sedgefield approach⁵.

Q2. How does the five-year housing land requirement compare to previous rates of delivery in Tunbridge Wells?

2.8. Table 19 of the Authority Monitoring Report 2019/20 (CD3.455) shows the Council's record of housing delivery from April 2006 to March 2020. This can be compared with the trajectory in figure 9 of the Submitted Plan which then provides the information required. As outlined in the representation⁶.

2.9. This comparison indicates that the envisaged growth to meet the Local Housing Need together with the maintenance of a five-year housing land supply is neither realistic nor achievable.

Q3. Based on the housing trajectory, how many dwellings are expected to be delivered in the first five years following adoption of the Plan?

2.10. This is shown in figure 9 of the Submitted Plan.

Q4. What evidence has the Council used to determine which sites will come forward for development and when? Is it robust?

2.11. Whilst this is a matter for the Council, as indicated in the responses to questions 5 and 6, we have serious concerns regarding the realism of lead in times alongside delivery rates from strategic and other sites included in the supply.

Q5. Where sites have been identified in the Plan, but do not yet have planning permission, is there clear evidence that housing completions will begin within five years?

⁵ See housing supply and delivery section of the PPG, ID ref 68-031-20190722

⁶ Paragraphs 3.18-22.

-
- 2.12. No. The PPG⁷ refers to the need to consider both lead in times alongside build out rates for sites and how this should be informed by evidence. With respect of this research by Lichfields in their Report “Start to Finish – What Factors affect the build-out rates of large scale housing sites?”⁸ this provides evidence with respect of both lead in times from application to first dwelling completion (figure 4) together with annual delivery rates (table 6).
- 2.13 Inspectors⁹ have accepted the Lichfield’s research as providing robust information with respect of lead in times together with delivery rates. This approach is reflective of the NPPF together with the associated PPG¹⁰.
- 2.14 An adjustment in build rates to reflect that achieved elsewhere as illustrated by the Lichfield Report reflects a sense check of the realism of the information from developers, and therefore reflects the conclusions of the appeals in Sonning Common¹¹, Charvil¹² and Ottery St Mary¹³.
- 2.15 The Council’s expectations of delivery should therefore be compared with the research in Lichfield’s to establish its robustness and reliability.
- 2.16 Whilst Table 8 of the Council’s Housing Supply and Trajectory Topic Paper (CD3.20 & CD3.74) provides this comparison, it has not explained why its expectations are above the averages within the Lichfield’s research. The overly optimistic assumptions are therefore not justified.

Q6. How have the projected rates of housing delivery been established for the strategic sites at Tudeley Village and Paddock Wood and East Capel? Are the

⁷ See Housing supply and delivery section - ID ref 3-022-20190722

⁸ Appendix 1 of this statement

⁹ See paragraph 14 of the appeal decision for land at Ladygrove, Didcot and paragraph 78 of the appeal decision for land at Scotland Lane included as appendices 2 and 3 (respectively) of this statement.

¹⁰ ID ref 68-007-20190722 from the “Housing Supply & delivery section” and 3-02-20190722 from the “Housing and economic land availability assessment” section

¹¹ Paragraph 21 of appeal decision in appendix 4 of this statement

¹² Paragraph 46 of appeal decision in appendix 5 of this statement

¹³ Paragraph 20 of appeal decision in appendix 6 of this statement

figures realistic when taking into account the need for supporting infrastructure?

- 2.17. Whilst this is a matter for the Council, as detailed in the response to question 6, the Council's Housing Supply and Trajectory Topic Paper provides information on specific sites. As an illustration of the unjustified approach of the authority is shown with respect of the expectations for Tudeley.
- 2.18 Although Statements of Common Ground have been prepared with site promoters for Tudeley and other sites¹⁴, it is essential that a sense check is undertaken with respect of the realism of the information from developers. This should be through the Lichfield research¹⁵ and reflects the conclusions of the appeals in Sonning Common¹⁶, Charvil¹⁷ and Ottery St Mary¹⁸.
- 2.19 The Lichfield's research indicates that for sites comparable to Tudeley i.e. over 2,000 dwellings, there is a delay of 8.4 years from submission of an application to the first dwelling's completion. Thereafter table 3 suggests that around 160dpa would be feasible (4% of proposed units).
- 2.20 Comparing this to the Tudeley scheme means that given the lack of a current planning application in May 2022, the first completion could not be expected until late 2030 (at earliest). This is therefore at least 5 years later than in the Council's Housing Supply and Trajectory Topic Paper. Whilst a build rate of 160dpa from Lichfields is comparable to the 150dpa in the Council's Topic Paper, this does not resolve the significant shortfall that will arise through delays in initial commencement.
- 2.21 Therefore, the expectations for Tudeley are not justified as outlined above. This unjustified approach to lead in alongside subsequent delivery rates also affects the Paddock Wood proposal as indicated in the Topic Paper.

¹⁴ CD3.137-CD3.140

¹⁵ Included as appendix 1

¹⁶ Paragraph 21 of appeal decision in appendix 4 of this statement

¹⁷ Paragraph 46 of appeal decision in appendix 5 of this statement

¹⁸ Paragraph 20 of appeal decision in appendix 6 of this statement

Q7. What allowance has been made for windfall sites as part of the anticipated five-year housing land supply? Is there compelling evidence to suggest that windfall sites will come forward over the plan period, as required by paragraph 70 of the Framework?

2.22. None.

Q8. Having regard to the questions above, will there be a five-year supply of deliverable housing sites on adoption of the Plan?

2.23. No.

Q9. What flexibility does the plan provide if some of the larger sites do not come forward in the timescales envisaged?

2.24. No. As detailed in the representation¹⁹, we have significant concerns regarding the reliability and robustness of the assumptions associated with modal shift under pinning the plan. The assumptions on modal shift subsequent informed the travel patterns and the mitigation measures envisaged²⁰, especially with respect of the strategy for Tudeley.

2.25. Due to the unrealistic modal shift, especially with respect of Tudeley, its allocation is not justified.

Q10. Is it necessary to have a review mechanism in the Plan to consider progress against these, and other sites, and to identify any appropriate steps to increase supply if required?

2.26. Yes. Whilst it is acknowledged that the Council is under an obligation to review the Plan within 5 years²¹, which will include a revised housing target to address

¹⁹ The Transport Note included as appendix 21

²⁰ See paragraph 2.4.20 of Transport Note included as appendix 21

²¹ Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

the uncapped Local Housing Need²² (if not resolved through this plan as advocated in the representation), this is irrespective of other mechanisms within the plan to increase supply. This can be through the inclusion of allocated reserve housing site(s) and/or a flexible policy allowing residential development in situations, irrespective of settlement policy boundaries.

- 2.27 With respect of the latter approach this could reflect policy HOU5 in the Ashford Borough Local Plan (adopted Feb 2019)²³.

²² Housing & Economic Needs Assessment section of PPG – ID ref 2a-007-20190220

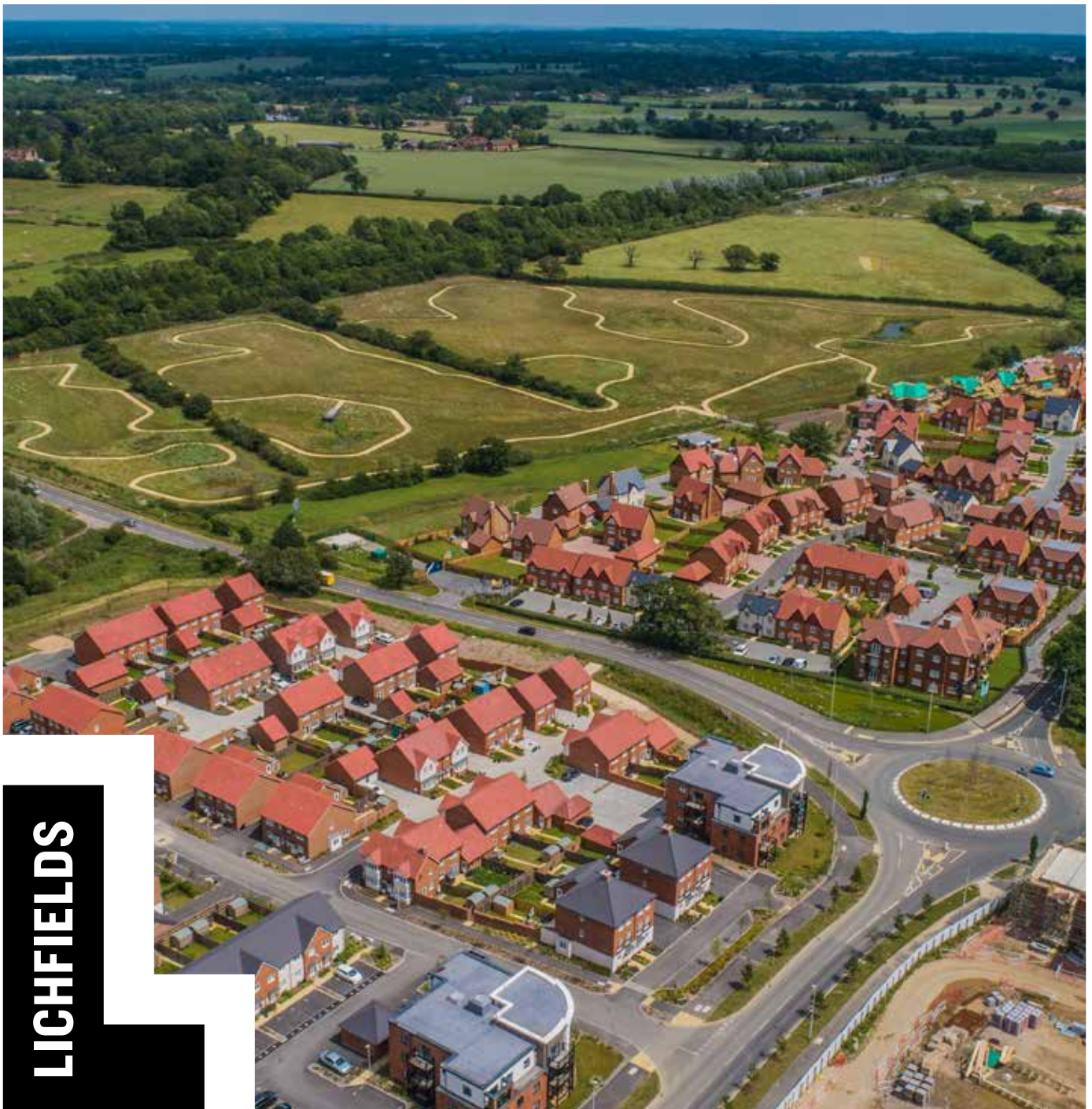
²³ Extract included as appendix 7

INSIGHT
FEBRUARY 2020

Start to Finish

What factors affect the build-out rates of large scale housing sites?

SECOND EDITION



LICHFIELDS

LICHFIELDS

**Lichfields is the
pre-eminent planning
and development
consultancy in the UK**

**We've been helping create great places
for over 50 years.**

lichfields.uk



Executive summary

Lichfields published the first edition of Start to Finish in November 2016. In undertaking the research, our purpose was to help inform the production of realistic housing trajectories for plan making and decision taking. The empirical evidence we produced has informed numerous local plan examinations, S.78 inquiries and five-year land supply position statements.

Meanwhile, planning for housing has continued to evolve: with a revised NPPF and PPG; the Housing Delivery Test and Homes England upscaling resources to support implementation of large sites. Net housing completions are also at 240,000 dwellings per annum. With this in mind, it is timely to refresh and revisit the evidence on the speed and rate of delivery of large scale housing sites, now looking at 97 sites over 500 dwellings. We consider a wide range of factors which might affect lead-in times and build-out rates and have drawn four key conclusions.

In too many local plans and five-year land supply cases, there is insufficient evidence for how large sites are treated in housing trajectories. Our research seeks to fill the gap by providing some benchmark figures - which can be of some assistance where there is limited or no local evidence - but the averages derived from our analysis are not intended to be definitive and are no alternative to having a robust, bottom-up justification for the delivery trajectory of any given site.

We have drawn four key conclusions:

<p>1 Large schemes can take 5+ years to start</p>	<p>2 Lead-in times jumped post recession</p>
<p>Our research shows that if a scheme of more than 500 dwellings has an outline permission, then on average it delivers its first home in c.3 years. However, from the date at which an outline application is validated, the average figures can be 5.0-8.4 years for the first home to be delivered; such sites would make no contribution to completions in the first five years.</p>	<p>Our research shows that the planning to delivery period for large sites completed since 2007/08 has jumped compared to those where the first completion came before 2007/08. This is a key area where improvements could be sought on timeliness and in streamlining pre-commencement conditions, but is also likely impacted by a number of macro factors.</p>
<p>3 Large greenfield sites deliver quicker</p>	<p>4 Outlets and tenure matter</p>
<p>Large sites seem to ramp up delivery beyond year five of the development on sites of 2,000+ units. Furthermore, large scale brownfield sites deliver at a slower rate than their greenfield equivalents: the average rate of build out for greenfield sites in our sample is 34% greater than the equivalent brownfield.</p>	<p>Our analysis suggests that having additional outlets on site has a positive impact on build-out rates. Interestingly, we also found that schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site. Local plans should reflect that - where viable - higher rates of affordable housing supports greater rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale.</p>

Key figures

180

sites assessed, with combined yield of 213k+ dwellings; 97 sites had 500+ homes

c.3yrs

average time taken from outline decision notice to first dwelling completions on sites of 500+ homes

8.4yrs

the average time from validation of the first planning application to the first dwelling being completed on schemes of 2,000+ dwellings

160 dpa

the average annual build-out rate for a scheme of 2,000+ dwellings (median: 137)

68 dpa

the average annual build rate of a scheme of 500-999 dwellings (median: 73)

+34%

higher average annual build-out rate on greenfield sites compared with brownfield sites

61 dpa

average completions per outlet on sites with one outlet, dropping to 51 for sites of two outlets, and 45 for sites with three outlets

O1 Introduction

This is the second edition of our review on the speed of delivery on large-scale housing development sites. The first edition was published in November 2016 and has provided the sector with an authoritative evidence base to inform discussions on housing trajectories and land supply at planning appeals, local plan examinations and wider public policy debates.

Over this period, housing delivery has remained at or near the top, of the domestic political agenda: the publication of the Housing White Paper, the new NPPF, an emboldened Homes England, a raft of consultations on measures intended to improve the effectiveness of the planning system and speed up delivery of housing. Of particular relevance to *Start to Finish* was the completion of Sir Oliver Letwin's independent review of build out ("the Letwin Review"), the inclusion within the revised NPPF of a tighter definition of 'deliverable' for the purposes of five-year housing land supply (5YHLS) assessment, and the new Housing Delivery Test which provides a backward looking measure of performance. The policy aim is to focus more attention on how to accelerate the rate of housing build out, in the context of the NPPF (para 72) message that the delivery of a large numbers of new homes can often be best achieved through larger scale development such as new settlements or significant extensions to existing villages and towns, but that these need a realistic assessment of build-out rates and lead in times of large-scale development.

This second edition of *Start to Finish* is our response to the latest policy emphasis. It provides the planning sector with real-world benchmarks to help assess the realism of housing trajectory assumptions, particularly for locations where there have been few contemporary examples of strategic-scale development. The first edition looked in detail at how the size of the site affected build-out rates and lead in times, as well as other factors such as the value of the land and whether land was greenfield or brownfield. We have updated these findings, as well as considering additional issues such as how the affordability of an area and the number of outlets on a site impacts on annual build-out rates.

We have also expanded the sample size (with an extra 27 large sites, taking our total to 97 large sites, equivalent to over 195,000 dwellings) and updated with more recent data to the latest monitoring year (all data was obtained at or before the 1st April 2019).



Our research complements, rather than supplants, the analysis undertaken by Sir Oliver Letwin in his Review. The most important differentiation is that we focus exclusively on what has been built, whereas each of the sites in the Letwin Review included forecasts of future delivery. Additionally, the Letwin Review looked at 15 sites of 1,500+ homes, of which many (including the three largest) were in London. By contrast, the examples in this research sample include 46 examples of sites over 1,500 homes across England and Wales, the majority of which are currently active. As with the first edition of our research, we have excluded London because of the distinct market and delivery factors in the capital.

Contents

01	Introduction	1
02	Methodology	2
03	Timing is everything	5
04	How quickly do sites build out?	9
05	What factors influence build-out rates?	14
06	Conclusions	18

O2

Methodology

180

sites

97

large sites of 500
units or more

27

additional sites
compared with our
2016 research

8

sites also included
in Sir Oliver Letwin's
review

The evidence presented in this report analyses how large-scale housing sites emerge through the planning system, how quickly they build out, and identifies the factors which lead to faster or slower rates of delivery.

We look at the full extent of the planning and delivery period. To help structure the research and provide a basis for standardised measurement and comparison, the various stages of development have been codified. Figure 1 sets out the stages and the milestones used, which remain unchanged from the first edition of this research. The overall 'lead-in time' covers stages associated with gaining an allocation, going through the 'planning approval period' and 'planning to delivery period', finishing when the first dwelling is completed. The 'build period' commences when the first dwelling is completed, denoting the end of the lead-in time. The annualised build-out rates are also recorded for the development up until the latest year where data was available at April 2019 (2017/18 in most cases). Detailed definitions of each of these stages can be found in Appendix 1. Not every site assessed will necessarily have gone through each component of the identified stages as many of the sites we considered had not delivered all dwellings permitted at the time of assessment, some have not delivered any dwellings.

Information on the process of securing a development plan allocation (often the most significant step in the planning process for large-scale schemes, and which – due to the nature of the local plan process – can take decades) is not easy to obtain on a consistent basis across all examples, so is not a significant focus of our analysis. Therefore, for the purposes of this research the lead-in time reflects the start of the planning approval period up to the first housing completion.

The 'planning approval period' measures the validation date of the first planning application on the site (usually an outline application but sometimes hybrid), to the decision date of the first detailed application to permit dwellings in the scheme (either full, hybrid or reserved matters applications). It is worth noting that planning applications are typically preceded

by significant amounts of pre-application engagement and work, plus the timescale of the local plan process.

The 'planning to delivery' period follows immediately after the planning approval period and measures the period from the approval of the first detailed application to permit development of dwellings and the completion of the first dwelling.

Development and data

Whilst our analysis focuses on larger sites, we have also considered data from the smaller sites for comparison and to identify trends. The geographic distribution of the 97 large sites and comparator small sites is shown in Figure 2 and a full list can be found in Appendix 2 (large sites) and Appendix 3 (small sites).

Efforts were made to secure a range of locations and site sizes in the sample, but there is no way of ensuring it is representative of the housing market in England and Wales as a whole, and thus our conclusions may not be applicable in all areas or on all sites. In augmenting our sample with 27 additional large sites, new to this edition of our research, we sought to include examples in the Letwin Review that were outside of London, only excluding them

Box 1: Letwin Review sites

1. Arborfield Green (also known as Arborfield Garrison), Wokingham
2. Ledsham Garden Village, Cheshire West & Chester
3. Great Kneighton (also known as Clay Farm), Cambridge (included in the first edition of this research)
4. Trumpington Meadows, Cambridge
5. Graven Hill, Cherwell
6. South West Bicester, Cherwell
7. Great Western Park, South Oxfordshire
8. Ebbsfleet, Gravesham and Dartford (included in the first edition of this research)

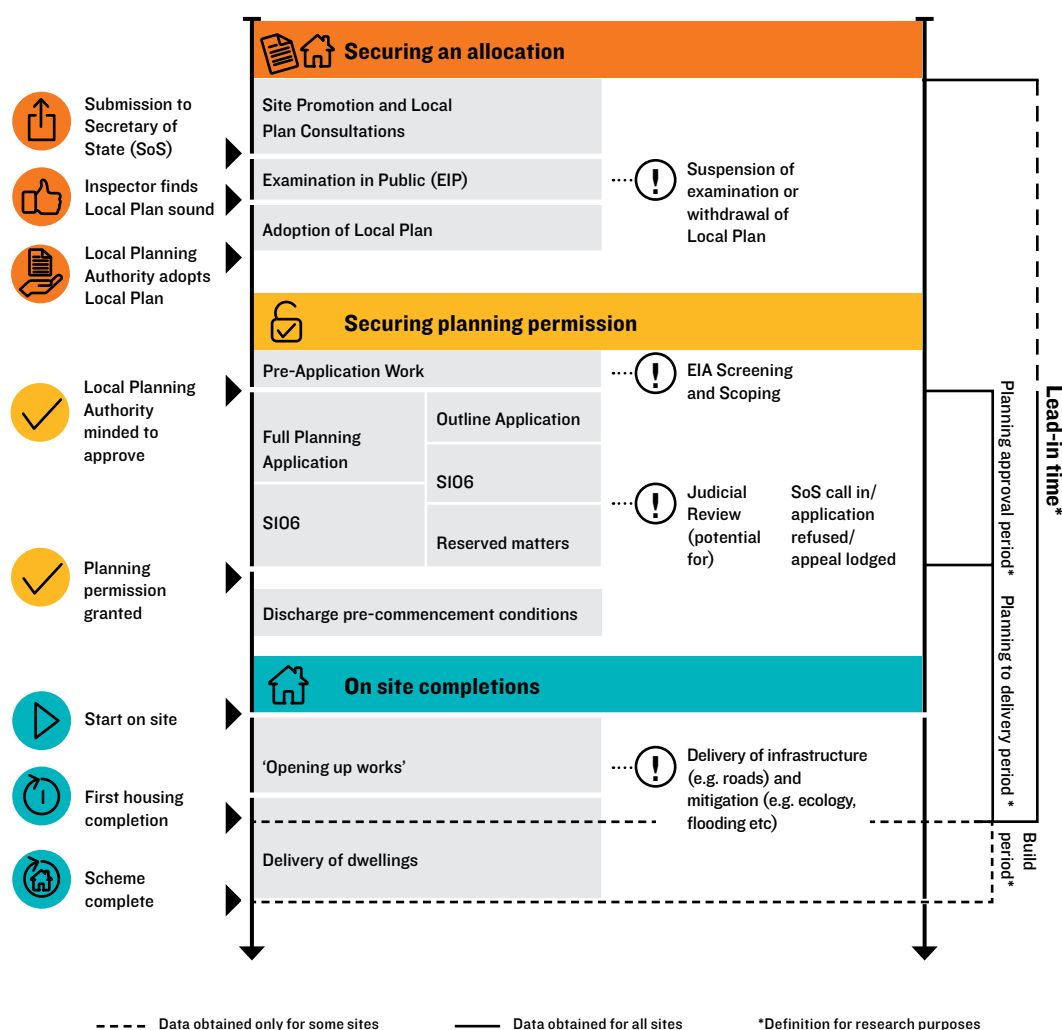
when it was difficult to obtain reliable data. The study therefore includes the Letwin Review's case studies listed in Box 1.

In most instances, we were unable to secure the precise completion figures for these sites that matched those cited in the Letwin Review. Sources for data Lichfields has obtained on completions for those sites that also appear in the Letwin Review are included at the end of Appendix 2.

The sources on which we have relied to secure delivery data on the relevant sites include:

1. Annual Monitoring Reports (AMRs) and other planning evidence base documents¹ produced by local authorities;
2. By contacting the relevant local planning authority, and in some instances the relevant County Council, to confirm the data or receive the most up to date figures from monitoring officers or planners; and
3. In a handful of instances obtaining/confirming the information from the relevant house builders.

Figure I: Timeline for the delivery of strategic housing sites



Source: Lichfields analysis

¹ Monitoring documents, five-year land supply reports, housing trajectories (some in land availability assessments), housing development reports and newsletters

196,714

units on large sites
of 500 or more
homes

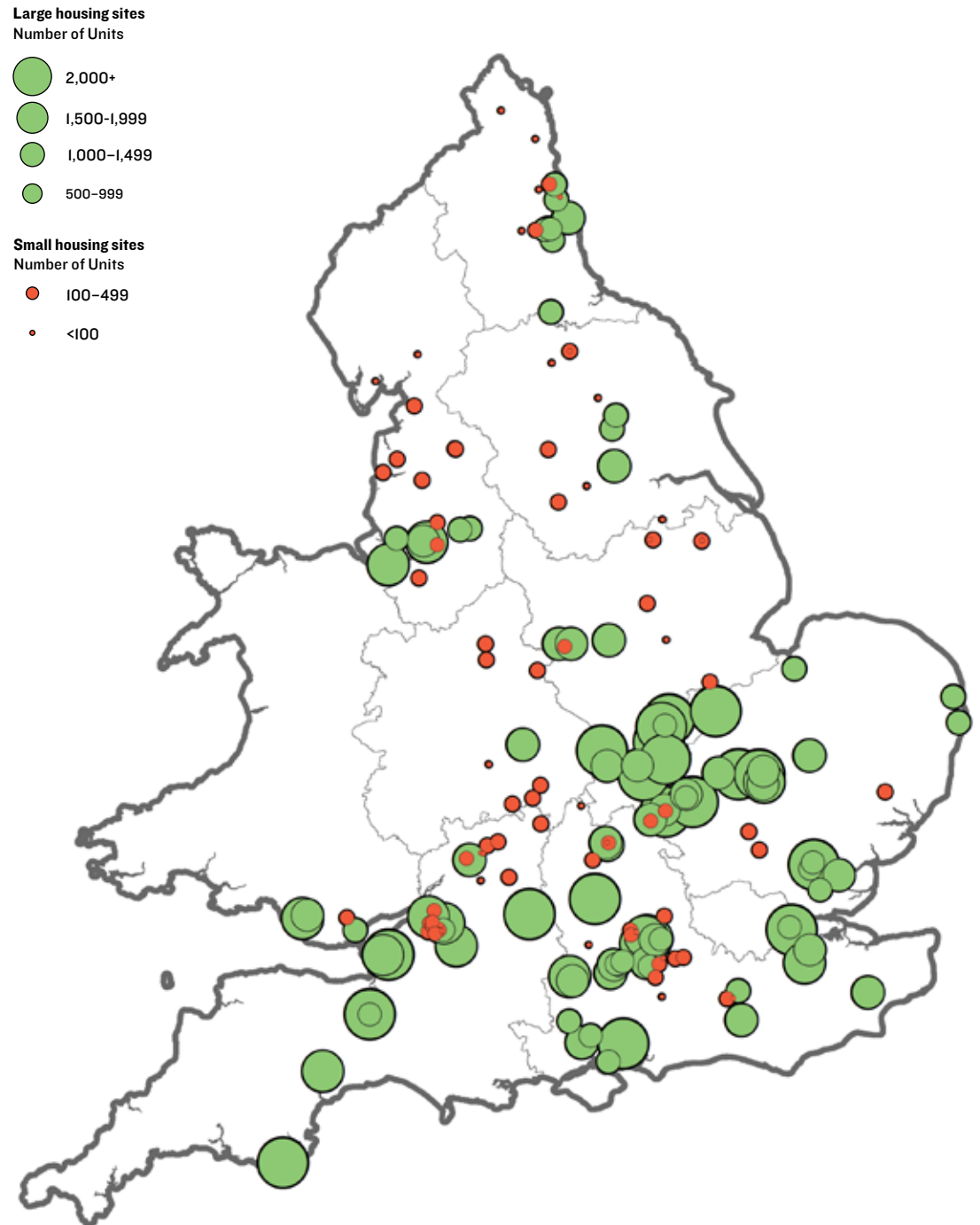
16,467

units on small sites
under 500 homes

35

sites of 2,000
homes or more

Figure 2: Map of site sample by size of site (total dwellings)



Source: Lichfields analysis

03 Timing is everything: how long does it take to get started?

In this section we look at lead-in times, based on the time it takes for large sites to get the necessary planning approvals, 'the planning approval period' and also the time to get the first homes completed including the 'planning to delivery' period – this measures the period from the approval of the first detailed application to permit development of dwellings and the completion of the first dwelling. It is this period during which pre-commencement planning conditions have to be discharged as well as other technical approvals and associated commercial agreements put in place.

The new definition of 'Deliverable'

The question of how quickly and how much housing a site can begin delivering once it has planning permission, or an allocation, has become more relevant since the publication of the new NPPF with its new definition of deliverable. Only sites which match the deliverability criteria (i.e. suitable now, available now and achievable with a realistic prospect that housing will be delivered on the site within five years) can be included in a calculation of a 5YHLS by a local authority. This definition was tightened in the revised NPPF which states that:

“sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”. (emphasis added)

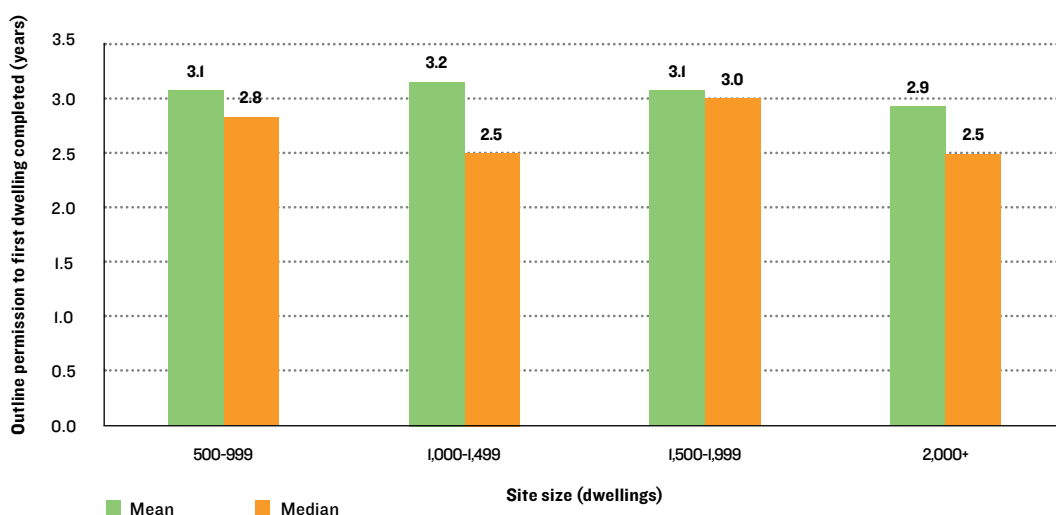
What constitutes 'clear evidence' was clarified in a number of early appeal decisions and in the Planning Practice Guidance² and can include information on progress being made towards submission of a reserved matters application, any progress on site assessment work and any relevant information about site viability, ownership constraints or infrastructure provision. In this context, it is relevant to look at how long it takes, on average, for a strategic housing site to progress from obtaining outline permission to delivering the first home (or how long it takes to obtain the first reserved matters approval, discharge pre-commencement conditions and open up the site), and then how much housing could be realistically expected to be completed in that same five-year period.

Based on our sample of large sites, the research shows that, upon granting of outline permission, the time taken to achieve the first dwelling is – on average c.3 years - regardless of site size. After this period an appropriate build-

c.3 years

average time from obtaining outline permission to first dwelling completion on sites of 500+ homes

Figure 3: Average time taken from gaining outline permission to completion of the first dwelling on site (years), compared to site size



Source: Lichfeilds analysis

² Planning Practice Guidance Reference ID: 68-007-20190722



Only sites of fewer than 499 dwellings are on average likely to deliver any homes within an immediate five year period.

out rate based on the size of the site should also be considered as part of the assessment of deliverability (see Section 4). Outline planning permissions for strategic development are not always obtained by the company that builds the houses, indeed master developers and other land promoters play a significant role in bringing forward large scale sites for housing development³. As such, some of these examples will include schemes where the land promoter or master developer will have to sell the site (or phases/parcels) to a housebuilder before the detailed planning application stage can commence, adding a step to the planning to delivery period.

Figure 4 considers the average timescales for delivery of the first dwelling from the validation of an outline planning application. This demonstrates that only sites comprising fewer than 499 dwellings are – on average – likely to deliver anything within an immediate five year period. The average time from validation of an outline application⁴ to the delivery of the first dwelling for large sites ranges from 5.0 to 8.4 years dependent on the size of the site, i.e. beyond an immediate five-year period for land supply calculations.

Comparison with our 2016 findings

Planning Approval Period

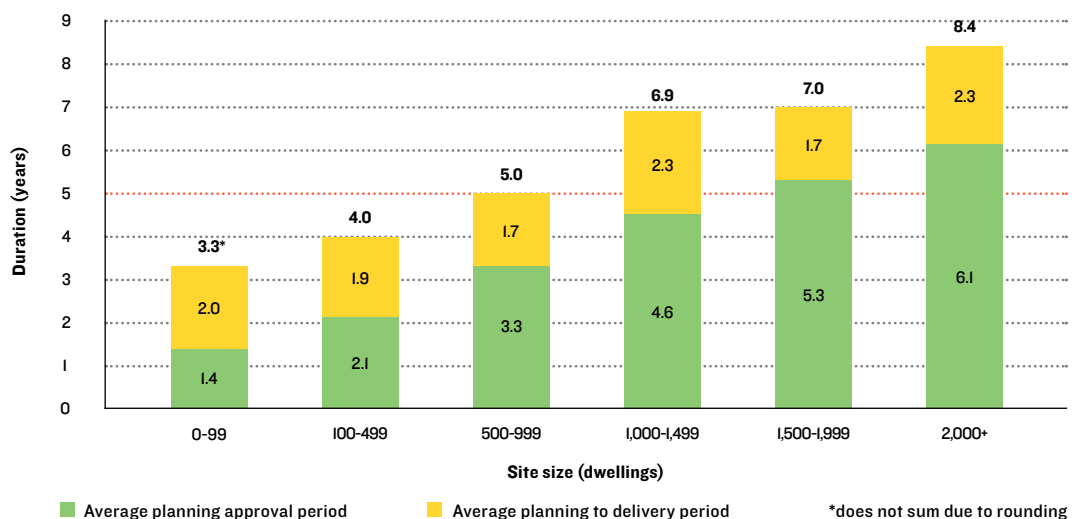
Our latest research reveals little difference between the average planning approval period by site size compared to the same analysis in the first edition (see Table 1). However, it is important to remember that these are average figures which come from a selection of large sites. There are significant variations within this average, with some sites progressing very slowly or quickly compared to the other examples. This is unsurprising as planning circumstances will vary between places and over time.

Table 1: Average planning approval period by size of site (years)

Site Size	1st edition research (years)	This research (years)
0-99	1.1	1.4
100-499	2.4	2.1
500-999	4.2	3.3
1,000-1,499	4.8	4.6
1,500-1,999	5.4	5.3
2,000+	6.1	6.1

Source: Lichfields analysis

Figure 4: Average timeframes from validation of first application to completion of the first dwelling



Source: Lichfields analysis

³ Realising Potential - our research for the Land Promoters and Developers Federation in 2017 - found that 41% of homes with outline planning permission were promoted by specialist land promoter and development companies, compared to 32% for volume house builders.

⁴ The planning approval period could also include a hybrid or full application, but on the basis of our examples this only impacts a small number of sites

Planning to Delivery Period

Although there is little difference between the average planning approval periods identified in this research compared to our first edition findings, the average lead-in time after securing of planning permission is higher in this edition of the research (Figure 5).

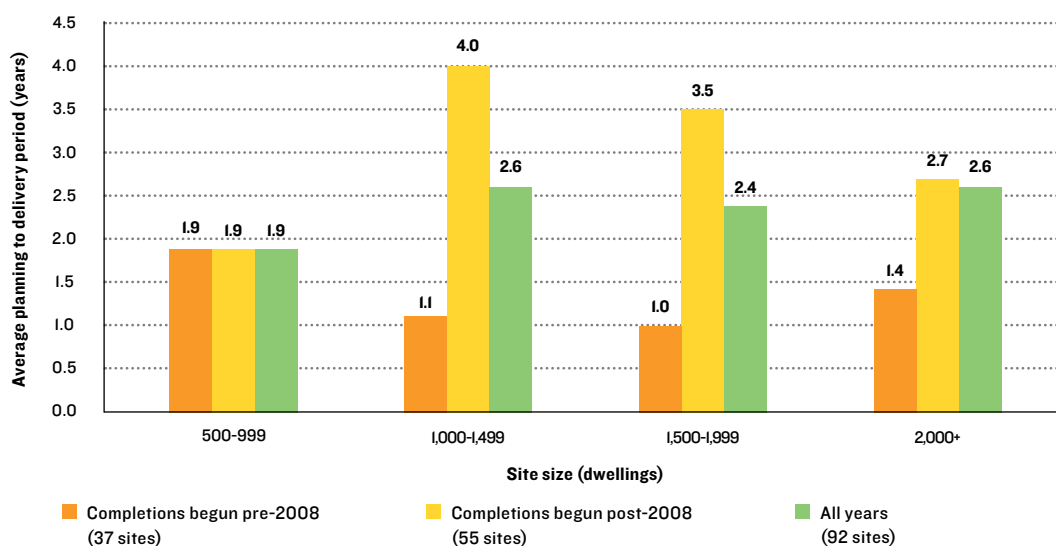
This is likely to be due to the inclusion of more recent proposed developments in this edition. Of the 27 new sites considered, 17 (63%) completed their first dwelling during or after 2012; this compares to just 14 (20%) out of 70 sites in the first edition of this research (albeit at the time of publication 8 of these sites had not delivered their first home but have subsequently). This implies that the introduction of more recent examples into the research, including existing examples which have now commenced delivery⁵, has seen the average for planning to delivery periods lengthening.

A similar trend is apparent considering the 55 sites that delivered their first completions after 2007/08. These have significantly longer planning to delivery periods than those where completions began prior to the recession. The precise reasons are not clear, but is perhaps to be expected given the slowdown in housing delivery during the recession, and the significant reductions in local authority planning resources which are necessary to support discharge of pre-commencement conditions. However, delays may lie outside the planning system; for example, delays in securing necessary technical approvals from other bodies and agencies, or market conditions.



Sites that delivered their first completion during or after the 2007/08 recession have significantly longer planning to delivery periods than sites which began before.

Figure 5: Planning to delivery period, total average, pre and post-2008



Source: Lichfeilds analysis

Figure 5: Five of the large sites examples do not have a first dwelling completion recorded in this research

⁵ Priors Hall has been amended since the first edition based on more recent data

In demand: how quickly do high pressure areas determine strategic applications for housing?

Using industry-standard affordability ratios, we found that areas with the least affordable places to purchase a home (i.e. the highest affordability ratios) tended to have longer planning to delivery times than areas that were more affordable. This is shown in Figure 6, which splits the large site sample into national affordability quartiles, with the national average equating to 8.72.

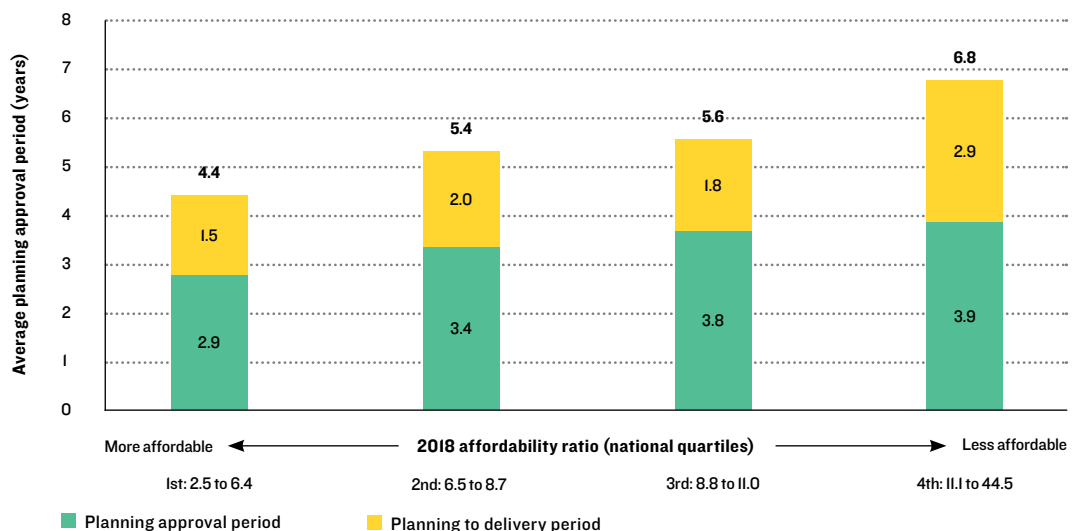
The above analysis coincides with the fact (Table 2) that sites in the most affordable locations (lowest quartile) tend to be smaller than those in less affordable locations (an average site size of c.1,150 compared to in excess of 2,000 dwellings for the three other quartiles). Even the least affordable LPAs (with the greatest gap between workplace earnings and house prices) have examples of large schemes with an average site size of 2,000+ dwellings. It may be that the more affordable markets do not support the scale of up-front infrastructure investment that is required for larger-scale developments and which lead to longer periods before new homes can be built. However, looking at the other three quartiles, the analysis does also suggest that planning and implementation becomes more challenging in less affordable locations.

Table 2: Site size by 2018 affordability ratio

Affordability ratio (workplace based)	Average site size
2.5 – 6.4	1,149
6.5 – 8.7	2,215
8.8 – 11.0	2,170
11.1 – 44.5	2,079

Source: Lichfields analysis

Figure 6: Planning approval period (years) by 2018 affordability ratio



Source: Lichfields analysis

04 How quickly do sites build out?

The rate at which new homes are built on sites is still one of the most contested matters at local plan examinations and planning inquiries which address 5YHLS and housing supply trajectories. The first edition of this research provided a range of 'real world' examples to illustrate what a typical large-scale site delivers annually. The research showed that even when some schemes were able to achieve very high annual build-out rates in a particular year (the top five annual figures were between 419-620 dwellings per annum), this rate of delivery was not always sustained. Indeed, for schemes of 2,000 or more dwellings the average annual completion rate across the delivery period was 160 dwellings per annum.

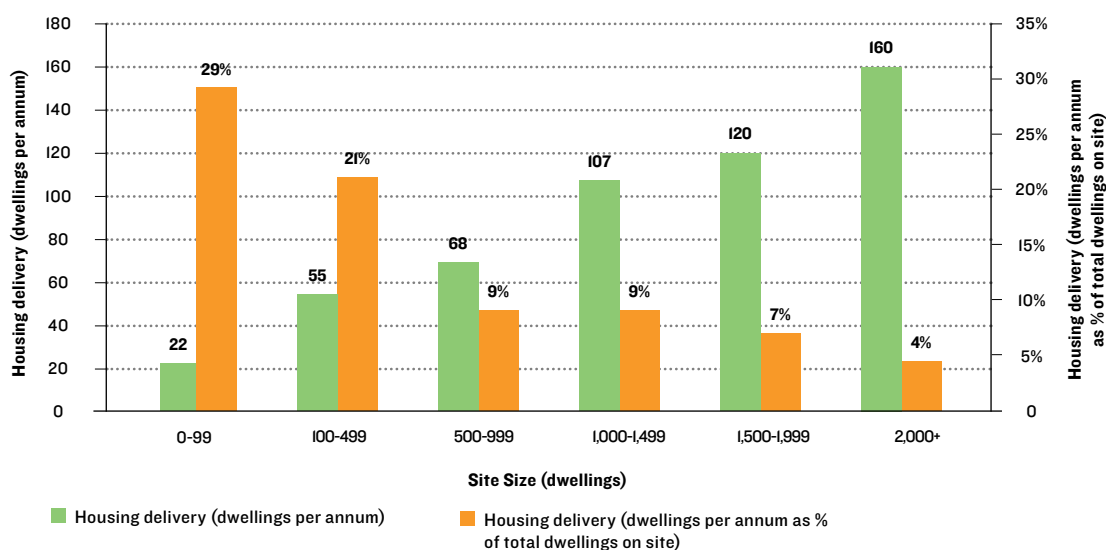
Average Annual Build-out rates

Figure 7 presents our updated results, with our additional 27 sites and the latest data for all sites considered. The analysis compares the size of site to its average annual build-out rate. Perhaps unsurprisingly, larger sites deliver on average more dwellings per year than smaller sites. The largest sites in our sample of over 2,000 dwellings, delivered on average more than twice as many dwellings per year than sites of 500-999 dwellings, which in turn delivered an average of three times as many units as sites of 1-99 units. To ensure the build-out rates averages are not unduly skewed, our analysis excludes any sites which have only just started delivering and have less than three years of data. This is because it is highly unlikely that the first annual completion figure would actually cover a whole monitoring year, and as such could distort the average when compared to only one other full year of delivery data.

160 dpa

the average annual build rate for schemes of 2,000+ dwellings

Figure 7: Build-out rate by size of site (dpa)



Source: Lichfields analysis

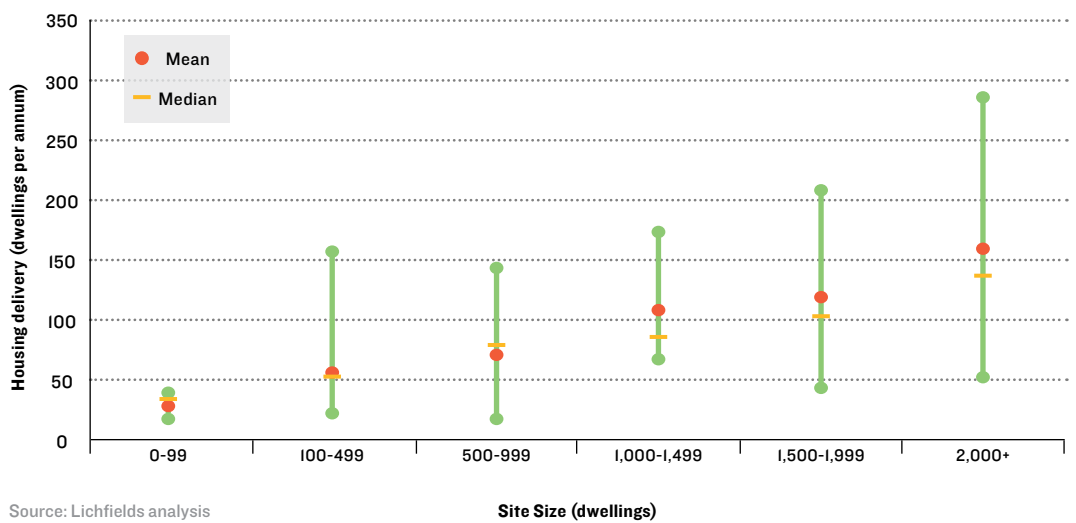


In most cases the median annual delivery rate is lower than the mean for larger sites.

We include the relevant percentage growth rates in this edition's analysis; this shows that the proportion of a site's total size that is build out each year reduces as site size increases.

Our use of averages refers to the arithmetic mean across the sample sites. In most cases the median of the rates seen on the larger sample sites is lower, as shown in Figure 8; this reflects the small number of sites which have higher delivery rates (the distribution is not equal around the average). The use of mean average in the analysis therefore already builds in a degree of optimism compared with the median or 'mid-point scheme'.

Figure 8: Minimum, mean, median and maximum build-out rates by size of site (dpa)



Source: Lichfields analysis

Table 3: Median and mean delivery rates by site size

Site Size	Number of sites	Median housing delivery (dwellings per annum)	Median delivery as % of total on site	Mean annual delivery (dwellings per annum)	Mean annual delivery as % of total units on site
0-99	29	27	33%	22	29%
100-499	54	54	24%	55	21%
500-999	24	73	9%	68	9%
1,000-1,499	17	88	8%	107	9%
1,500-1,999	9	104	7%	120	7%
2,000+	27	137	4%	160	4%

Source: Lichfields analysis

Comparison with our 2016 findings

Comparing these findings to those in the first edition of this research, there is very little difference between the averages observed (median was not presented) for different site sizes, as set out below. The largest difference is a decrease in average annual build-out rates for sites of 1,000-1,499 dwellings, but even then, this is only a reduction of 10 dpa or 9%.

As with the first edition of the research, these are averages and there are examples of sites which deliver significantly higher and lower than these averages, both overall and in individual years. Figure 8 shows the divergence from the average for different site size categories. This shows that whilst the average for the largest sites is 160 dpa and the median equivalent 137 dpa, the highest site average was 286 dpa and the lowest site average was 50 dpa for sites of 2,000+ dwellings. This shows the need for care in interpreting the findings of the research, there may well be specific factors that mean a specific site will build faster or slower than the average. We explore some of the factors later in this report.

Variations for individual schemes can be marked. For example, the 2,605 unit scheme South of the M4 in Wokingham delivered 419 homes in 2017/18, but this was more than double the completions in 2016/17 (174) and the average over all six years of delivery so far was just 147 dwellings per annum.

Even when sites have seen very high peak years of delivery, as Table 5 shows, no sites have been able to consistently delivery 300 dpa.



Site build-out rates for individual years are highly variable. For example, one scheme in Wokingham delivered more than twice as many homes in 2017/18 as it did in the year before.

Table 4: Mean delivery rates by site sizes, a comparison with first edition findings

Site size (dwellings)	2016 edition research (dpa)	2020 edition research (dpa)	Difference
0-99	27	22	-5 (-19%)
100-499	60	55	-5 (-8%)
500-999	70	68	-2 (-3%)
1,000-1,499	117	107	-10 (-9%)
1,500-1,999	129	120	-9 (-7%)
2,000+	161	160	-1 (-0.62%)

Source: Lichfields analysis

Table 5: Peak annual build-out rates compared against average annual delivery rates on those sites

Site	Site size (dwellings)	Peak annual build-out rate (dpa)	Average annual build-out rate (dpa)
Cambourne, South Cambridgeshire	4,343	620	223
Oakley Vale, Corby	3,100	520	180
Eastern Expansion Area, Milton Keynes	4,000	473	268
Clay Farm, Cambridge	2,169	467	260
South of M4, Wokingham	2,605	419	147
Cranbrook, East Devon	2,900	419	286

Source: Lichfields analysis

Table 5: Please note The Hamptons was included as an example of peak annual delivery in the first edition with one year reaching 520 completions. However, evidence for this figure is no longer available and as it was not possible to corroborate the figure it has been removed. The analysis has been updated to reflect the latest monitoring data from Peterborough City Council.

Longer term trends

This section considers the average build-out rates of sites which have been delivering over a long period of time. This is useful in terms of planning for housing trajectories in local plans when such trajectories may span an economic cycle.

In theory, sites of more than 2,000 dwellings will have the longest delivery periods. Therefore, to test long term averages we have calculated an average build-out rate for sites of 2,000+ dwellings that have ten years or more of completions data available.

For these sites, the average annual build-out rate is slightly higher than the average of all sites of that size (i.e. including those only part way through build out), at 165 dwellings per annum⁶. The median for these sites was also 165 dwellings per annum.

This indicates that higher rates of annual housing delivery on sites of this size are more likely to occur between years five and ten, i.e. after these sites have had time to ‘ramp up’.

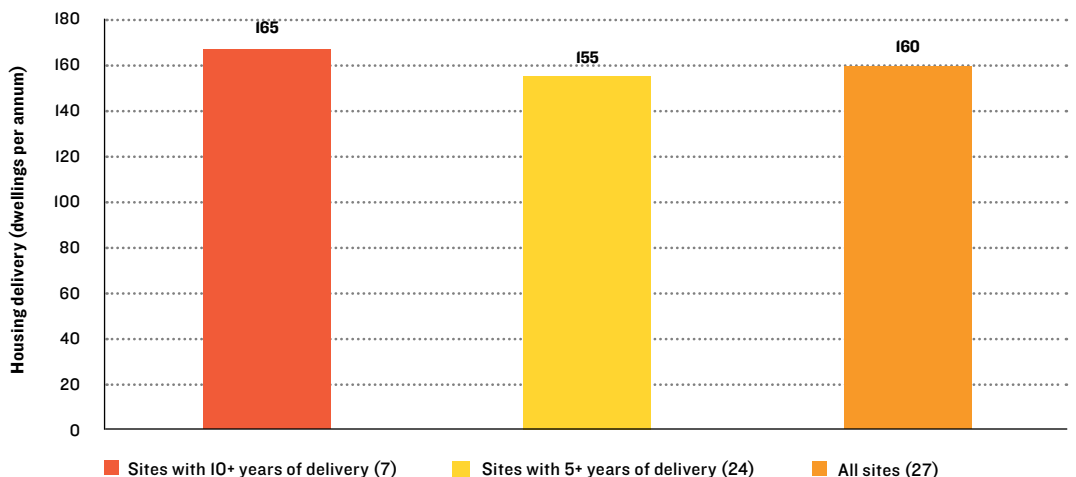
It might even relate to stages in delivery when multiple phases and therefore multiple outlets (including affordable housing) are operating at the same time. These factors are explored later in the report.

The impact of the recession on build-out rates

It is also helpful to consider the impact of market conditions on the build-out rate of large scale housing sites. Figure 10 overleaf shows the average delivery rate of sites of 2,000 or more dwellings in five-year tranches back to 1995/96. This shows that although annual build-out rates have improved slightly since the first half of the 2010’s, they remain 37% below the rates of the early 2000’s. The reasons for the difference are not clear and are worthy of further exploration – there could be wider market, industry structure, financial, planning or other factors at play.

In using evidence on rates of delivery for current/historic schemes, some planning authorities have suggested that one should adjust for the fact that rates of build out may have been affected by the impact of the recession. We have therefore considered how the average rates change with and without including the period of economic downturn (2008/09 – 2012/13). This is shown in Table 6 and it reveals that average build-out rates are only slightly depressed when one includes this period, but may not have fully recovered to their pre-recession peaks. We know that whilst the recession – with the crunch on mortgage

Figure 9: Average build-out rate for sites over 2,000 homes by length of delivery period (dpa)



Source: Lichfields analysis

⁶ This is based on the completions of seven examples, Chapelford Urban Village, Broadlands, Kings Hill, Oakley Vale, Cambourne, The Hamptons and Wixhams

availability – did have a big impact and led to the flow of new sites slowing, there were mechanisms put in place to help sustain the build out of existing sites.

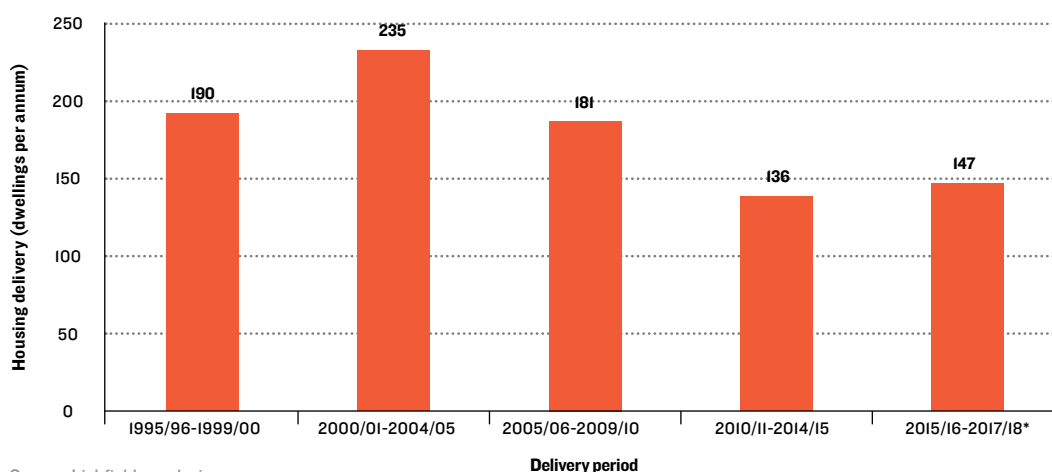
However, setting aside that stripping out the recession has a modest impact on the statistical averages for the sites in our sample, the more significant point is that – because of economic cycles - larger sites which build out over five or more years are inherently likely to coincide with a period of economic slowdown at some point during their build out. It therefore makes sense for housing trajectories for such sites to include an allowance for the prospect that, at some point, the rate of build out may slow due to a market downturn, albeit the effect may be smaller than one might suspect.

Table 6: Impact of recession on build-out rates

	All sites including recessionary period (2008/9-2012/13)		Excluding recession		Pre-recession only	
	Average rate	Sample size	Average rate	Sample size	Average rate	Sample size
All large sites 500+	115	77	126	68	130	21
All large sites 2,000+	160	27	171	25	242	6
Greenfield sites 2,000+	181	14	198	12	257	3

Source: Lichfields analysis

Figure 10: Average build-out rate by five year period for sites over (dpa)



Source: Lichfields analysis

05 What factors can influence build-out rates?

+34%

higher average annual build-out rates on greenfield land compared with brownfield

Having established some broad averages and how these have changed over time, we turn now to look at what factors might influence the speed at which individual sites build out. How does housing demand influence site build out? What is the impact of affordable housing? Does it matter whether the site is greenfield or brownfield? What about location and site configuration?

In demand: do homes get delivered faster in high pressure areas?

One theory regarding annual build-out rates is that the rate at which homes can be sold (the 'absorption rate') determines the build-out rate. This is likely to be driven by levels of market demand relative to supply for the product being supplied.

This analysis considers whether demand for housing at the local authority level affects delivery rates by using (industry-standard) affordability ratios. Higher demand areas are indicated by a higher ratio of house prices to earnings i.e. less affordable. Whilst this is a broad-brush measure, the affordability ratio is a key metric in the assessment of local housing need under the Government's standard methodology. Figure 11 shows the sample of 500+ unit schemes divided into those where the local authority in which they are located is above or below the national median affordability ratio (8.72) for sites which have

delivered for three years or more. This analysis shows that sites in areas of higher demand (i.e. less affordable) deliver on average more dwellings per annum.

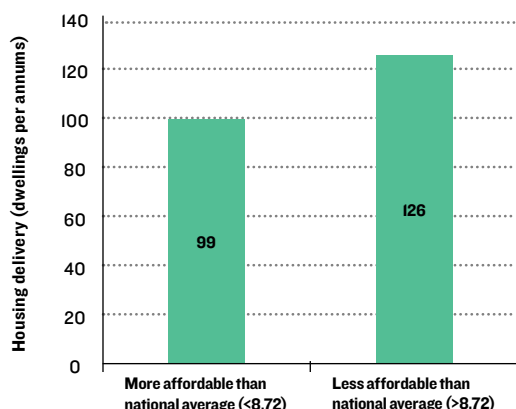
Our analysis also coincides with the fact that sites in less affordable areas are on average c.17% larger than those in more affordable areas. The average site size for schemes in areas where affordability is below the national average is 1,834 dwellings. For those delivered in areas where the affordability is greater than the national average, average site size is 2,145 dwellings. So, it is possible that the size of site – rather than affordability *per se* – is a factor here.

Do sites on greenfield land deliver more quickly?

The first edition of this research showed that greenfield sites on average delivered quicker than their brownfield counterparts. In our updated analysis this remains the case; large greenfield sites in our sample built out a third faster than large brownfield sites.

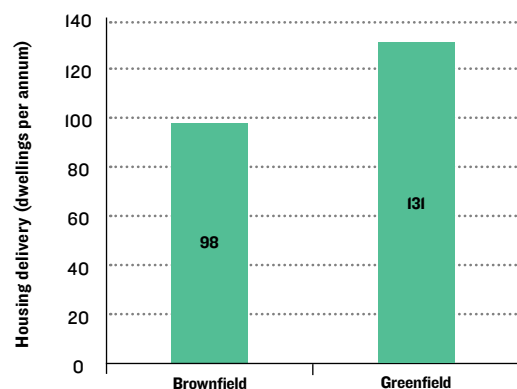
In the life cycle of a site, our data also shows that greenfield sites had shorter planning to delivery periods (2.0 years compared to 2.3 for brownfield sites), although on average, longer planning approval periods (5.1 years compared to 4.6 for brownfield sites).

Figure 11: Build-out rates by level of demand using national median 2018 workplace based affordability ratio (dpa)



Source: Lichfields analysis

Figure 12: Build-out rates on brownfield and greenfield sites (dpa)



Source: Lichfields analysis

Housing mix and variety

Among the more topical issues surrounding delivery rates on large-scale sites is the variety of housing on offer. The Letwin Review posited that increasing the diversity of dwellings on large sites in areas of high housing demand would help achieve a greater rate of build out. The report concluded that a variety of housing is likely to appeal to a wider, complementary range of potential customers which in turn would mean a greater absorption rate of housing by the local market.

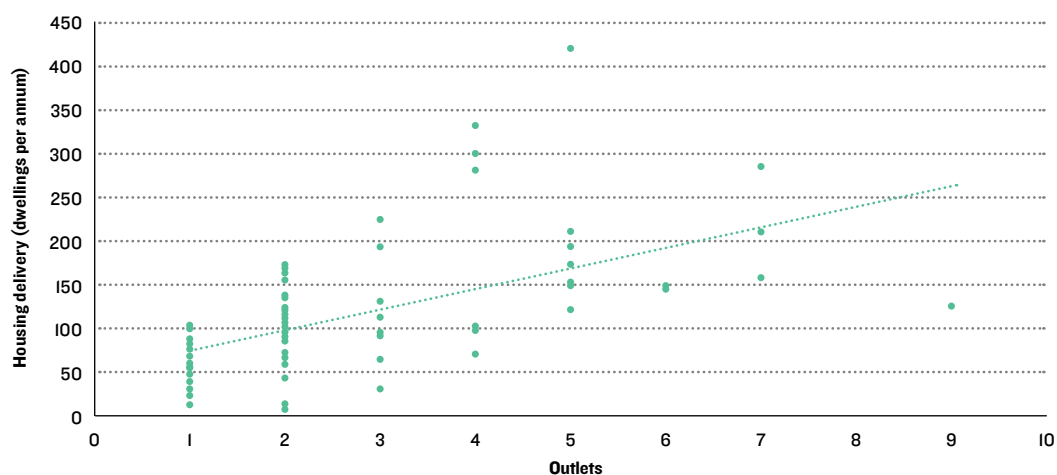
Consistent data on the mix of sizes, types and prices of homes built out on any given site is difficult to source, so we have used the number of sales outlets on a site as a proxy for variety of product. This gives the prospect of multiple house builders each seeking to build and sell homes for which there is demand in the face of 'competing' supply from other outlets (as revealed by the case study of Land South of the M4 in Wokingham). Letwin stated that "...it seems extraordinarily likely that the presence of more variety in these aesthetic characteristics would create more, separate markets"⁷. Clearly, it is likely that on many sites, competing builders may focus on a similar type of product, for example three or four bed family housing, but even across similar types of dwelling, there will be differences (in configuration, design, specification) that mean one product may be attractive to a purchaser in the way another might

not be. On this basis, we use the outlets metric as a proxy for variation. Based on the limited data available for this analysis, if two phases are being built out at the same time by the same housebuilder (e.g. two concurrent parcels by Bovis) this has been counted as one outlet with the assumption there is little variety (although it is clear that some builders may in reality differentiate their products on the same site). This data was derived from sites in a relatively small number of local planning authorities who publish information relating to outlets on site. It therefore represents a small sample of just 12 sites, albeit over many different years in which the number of outlets varied on the same site, giving a total of 80 data points i.e. individual delivery rates and number of outlets to compare.

Our analysis confirms that having more outlets operating at the same time will on average have a positive impact on build-out rates, as shown in Figure 13. However, there are limits to this, likely to be due to additional capacity from the outlets themselves as well as competition for buyers.

On a site-by-site basis, the average number of outlets open over the site's entire delivery lifetime had a fairly strong correlation with annual delivery, both as a percentage of total dwellings and in absolute terms, with a greater number of outlets contributing to higher levels of delivery. However, the completions per outlet did reduce with every additional outlet operating in that year.⁸

Figure 13: Build-out rates by number of outlets present (dpa)



Source: Lichfields analysis



Having more outlets operating at the same time will on average quicken build-out rates.

⁷ Letwin Review draft analysis report (June 2018) - final bullet of para 4.25

⁸ Average completions per outlet on site with one outlet was 61dpa, dropping to 51dpa for two outlets and 45dpa for three outlets.

Geography and Site Configuration

An under-explored aspect of large-scale site delivery is the physical opportunity on site. For example, some schemes lend themselves to simultaneous build out of phases which can have the impact of boosting delivery rates in that year, for example, by having access points from two alternative ends of the site. Other sites may be reliant on one key piece of infrastructure which make this opportunity less likely or impractical. In the first edition of this research we touched on this point in relation to Eastern Expansion Area (Broughton Gate & Brooklands) of Milton Keynes. As is widely recognised, the planning and delivery of housing in Milton Keynes is distinct from almost all the sites considered in this research as serviced parcels with the roads already provided were delivered as part of the Milton Keynes delivery model. Multiple house builders were able to proceed straight onto the site and commence delivery on different serviced parcels, with monitoring data from Milton

Keynes Council suggesting an average of c.12 parcels were active across the build period. In this second edition of this research the Milton Keynes examples remain some of the sites with the highest annual build-out rates.

Table 7: Parcels at Land South of M4, Wokingham

Parcel reference	Developers (active outlets)	Completions in 2017/18
SP1	Bellway (1)	59
SP2w	Bellway and Bovis (-)	None - parcel completed
SP3	Crest Nicholson (1)	47
SP4	Taylor Wimpey and David Wilson Homes (2)	140
SP9_I	Bloor, Bovis and Linden (3)	169
SPI0	Darcliffe Homes (-)	None - parcel completed
SPII	Taylor Wimpey (1)	4

Source: Lichfields analysis

Figure I4: Map of parcels at Land South of M4, Wokingham



Source: © Google Earth 2020/ Wokingham Local Plan

In this edition we look at the case study of Land South of the M4 in Wokingham. In 2017/18 the site achieved a significant 419 completions. Using the local authority's granular recording of delivery on the site to date, we have been able to consider where these completions were coming forward from within the wider 2,605 dwelling scheme. As shown in Figure 14, in that year new homes were completed on five separate parcels with completions ranging from 4 to 169 dwellings. On some of these parcels (SP9_1 and SP4) there were two or three separate housebuilders building out, and in total on the site there were seven different house building companies active (the impact of multiple outlets on build-out rates is explored later in this report). The parcels are located in separate parts of the site and each had their own road frontages and access arrangements which meant they are able to come forward in parallel. This can enable an increased build rate.

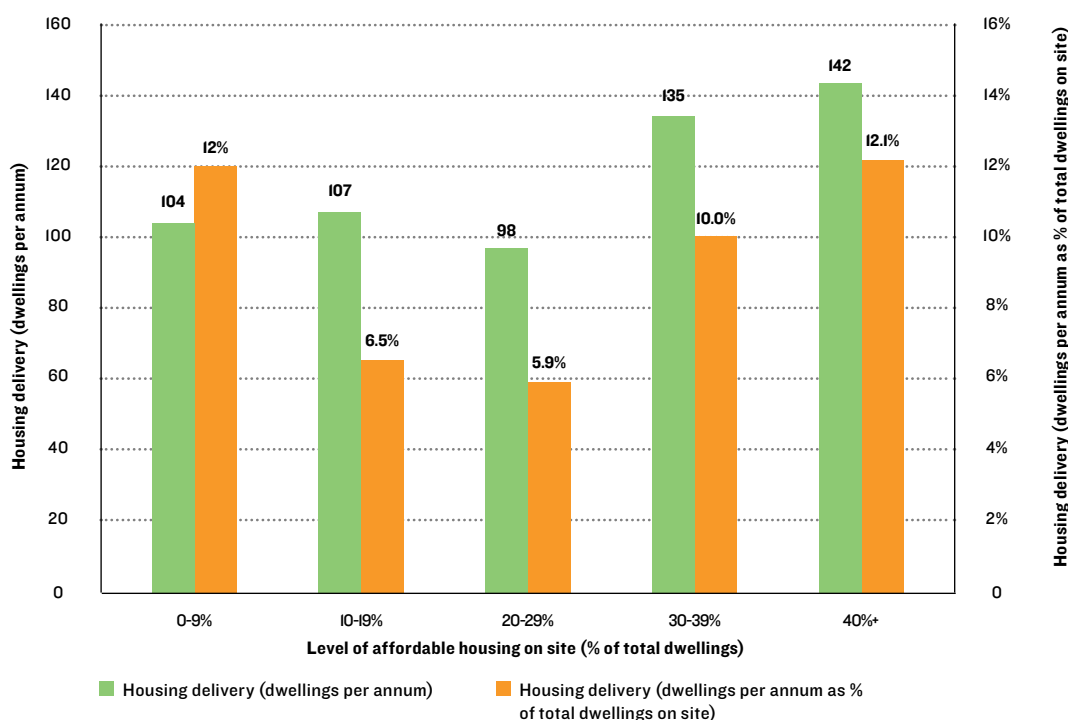
Affordable choices: do different tenures provide more demand?

Our findings on tenure, another form of 'variety' in terms of house building products, are informed by data that is available on about half the sites in our large site sample. From this the analysis shows schemes with more affordable housing built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all dwellings on site. However this is not always the case. Schemes with 20-29% affordable housing had the lowest build-out rates, both in terms of dwellings and proportionate to their size.



Schemes with more affordable housing built out at close to twice the rates as those with lower levels.

Figure 15: Build-out rates by level of affordable housing (dpa and percentage)



Source: Lichfields analysis

06

Conclusions

Recent changes to national planning policy emphasise the importance of having a realistic expectation of delivery on large-scale housing sites, whilst local authorities now find themselves subject to both forward and backward-looking housing delivery performance measures. A number of local plans have hit troubles because they over-estimated the yield from some of their proposed allocations. Meanwhile, it is no longer sufficient for a 5YHLS to look good on paper; the Housing Delivery Test means there are consequences if it fails to convert into homes built.

To ensure local authorities are prepared for these tests, plan making and the work involved in maintaining housing land supply must be driven by realistic and flexible housing trajectories, based on evidence and the specific characteristics of individual sites and local markets. For local authorities to deliver housing in a manner which is truly plan-led, this is likely to mean allocating more sites rather than less, with a good mix of types and sizes, and being realistic about how fast they will deliver so supply is maintained throughout the plan period. Equally, recognising the ambition and benefits of more rapid build out on large sites, it may mean a greater focus on how such sites are developed.

Our research provides those in the public and private sector with a series of real-world benchmarks in this complex area of planning for large scale housing, which can be particularly

helpful in locations where there is little recent experience of such strategic developments. Whilst we present some statistical averages, the real relevance of our findings is that there are likely to be many factors which affect lead-in times and build-out rates, and that these - alongside the characteristics of individual sites - need to be considered carefully by local authorities relying on large sites to deliver planned housing.

In too many local plans and 5YHLS cases, there is insufficient evidence for how large sites are treated in housing trajectories. This research seeks to fill the gap with some benchmark figures - which can be of some assistance where there is limited or no local evidence. But the average derived from our analysis are not intended to be definitive and are no alternative to having a robust, bottom-up justification for the delivery trajectory of any given site. It is clear from our analysis that some sites start and deliver more quickly than the average, whilst others have delivered much more slowly. Every site is different. Therefore, whilst the averages observed in this research may be a good starting point, there are a number of key questions to consider when estimating delivery on large housing sites, based around the three key elements in the three-tier analytical framework at Figure 16.

Key findings:

1 Large schemes can take 5+ years to start

In developing a local plan, but especially in calculating a 5YHLS position, it is important to factor in a realistic planning approval period dependent on the size of the site. Our research shows that if a scheme of more than 500 dwellings has an outline permission, then the average time to deliver its first home is two or three years. However, from the date at which an outline application is validated it can be 5.0 - 8.4 years for the first home to be delivered dependent on the size of the site. In these circumstances, such sites would make no contribution to completions in the first five years.

2 Lead-in times jumped post-recession

Whilst attention and evidence gathering is often focused on how long it takes to get planning permission, the planning to delivery period from gaining permission to building the first house has also been increasing. Our research shows that the planning to delivery period for large sites completed since 2007/08 has jumped compared to those where the first completion came before 2007/08. This is a key area where improvements could be sought on timeliness and in streamlining pre-commencement conditions, but is also likely impacted by a number of macro factors including the recession and reductions in local authority planning resources.

3 Large greenfield sites deliver quicker

Large sites can deliver more homes per year over a longer time period, with this seeming to ramp up beyond year five of the development on sites of 2,000+ units. However, on average these longer-term sites also have longer lead-in times. Therefore, short term boosts in supply, where needed, are likely to also require a good mix of smaller sites. Furthermore, large scale greenfield sites deliver at a quicker rate than their brownfield equivalents: the average rate of build out for greenfield sites in our sample was 34% greater than the equivalent figure for those on brownfield land. In most locations, a good mix of types of site will therefore be required.

4 Outlets and tenure matter

Our analysis suggests that having additional outlets on site has a positive impact on build out rates, although there is not a linear relationship. Interestingly, we also found that schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site, but those with 20-29% had the lowest rates of all. Local plans should reflect that – where viable – higher rates of affordable housing supports greater rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale, such as build to rent and self-build (where there is demand).

Figure I6: Key questions for assessing large site build-out rates and delivery timelines



Appendices

Contents

Appendix 1: Definitions and notes	22
Appendix 2: Large sites tables and sources for sites also found in the Letwin Review	23
Appendix 3: Small sites tables	28

Appendix 1: Definitions and notes

The 'lead in'

Measures the period up to first completion of a house on site from the validation date of the first planning application made for the scheme. The lead-in time covers both the planning approval period and planning to delivery periods set out below. The lead-in time does also include the date of the first formal identification of the site as a potential housing allocation (e.g. in a LPA policy document), but consistent data on this for the sample is not available.

The 'planning period'

Measured from the validation date of the first application for the proposed development (be that an outline, full or hybrid application). The end date is the decision date of the first detailed application which permits the development of dwellings on site (this may be a full or hybrid application or the first reserved matters approval which includes details for housing). A measurement based on a detailed 'consent' was considered reasonable and proportionate milestone for 'planning' in the context of this research.

The 'planning to delivery period'

Includes the discharge of any pre-commencement and any opening up works required to deliver the site. It finishes on completion of the first dwelling.

The date of the 'first housing completion'

On site (the month and year) is used where the data is available. However, in most instances the monitoring year of the first completion is all that is available and in these cases a mid-point of the monitoring period (1st October, falling halfway between 1st April and the following 31st March) is used.

The 'annual build-out rate'

Each site is taken or inferred from a number of sources. This includes Annual Monitoring Reports (AMR's) and other planning evidence base documents produced by local authorities (see footnote 1), contacting the local planning authority monitoring officers or planners and in a handful of instances obtaining the information from housebuilders.

Due to the varying ages of the assessed sites, the implementation of some schemes was more advanced than others and, as a function of the desk-based nature of the research and the age of some of the sites assessed, there have been some data limitations, which means there is not a complete data set for every assessed site. For example, lead-in time information prior to submission of planning applications is not available for the vast majority of sites. And because not all of the sites assessed have commenced housing delivery, build-out rate information is not universal. The results are presented accordingly.

Sources for sites also found in the Letwin Review

Arborfield Green (Arborfield Garrison)	Five Year Housing Land Supply Statement and appendix on Strategic Development Locations at 31st March 2018 published 9th October 2018 http://www.wokingham.gov.uk/planning-policy/planning-policy-information/evidence-topics/
Ledsham Garden Village	Various Housing Land Monitor Reports https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/mon/
Great Kneighton (Clay Farm)	Partly provided by Cambridgeshire County Council and included in numerous AMR's https://www.cambridge.gov.uk/annual-monitoring-reports
Trumpington Meadows	Included in numerous AMR's for Cambridge and South Cambridgeshire (site crosses boundaries) https://www.cambridge.gov.uk/annual-monitoring-reports and https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/annual-monitoring-report/
Graven Hill	Various Annual monitoring reports https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports
South West Bicester (Kingsmere Phase I)	Various Annual monitoring reports https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports
Great Western Park	Housing Land Supply Statement April 2018 http://www.southoxon.gov.uk/sites/default/files/30.04.2018%20Housing%20Land%20Supply%20Statement%20FINAL%20(2)%20combined.pdf
Ebbsfleet:	First phase at Springhead Park and Northfleet South from Gravesham AMR's 2009/10 to 2012/13
2009-10:	127 completions https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/69823/AMR2010.pdf
2010-11:	79 completions https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/69814/AMR2011.pdf
2011-12:	55 completions https://www.gravesham.gov.uk/__data/assets/pdf_file/0009/92448/Gravesham-Authority-Monitoring-Report-2011-12-May-2013.pdf
2012-13:	50 completions https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/92449/Gravesham-Authority-Monitoring-Report-2012-13-interim-May-2013.pdf
2013/14:	87 dwellings, based on total completions from Gravesham to 2012/13 of 311 and total completions to the start of 2014/15 in the Ebbsfleet Garden City Latest Starts and Completion Figures totalling 398.
2014/15 to 2017/18:	Ebbsfleet Garden City Latest Starts and Completion Figures: https://ebbsfleetdc.org.uk/tracking-our-performance/

Appendix 3:

Small sites tables

Site Name	Local Planning Authority	Size	Site Name	Local Planning Authority	Size	Site Name	Local Planning Authority	Size
Cookridge Hospital	Leeds	495	GCHQ Oakley - Phase I	Cheltenham	262	Auction Mart	South Lakeland	94
Stenson Fields	South Derbyshire	487	Hewlett Packard (Land Adjacent To Romney House)	Bristol, City of	242	Parcel 4 Gloucester Business Park	Tewkesbury	94
Horfield Estate Phase I	Bristol City Council	485	I28-134 Bridge Road And Nos 1 - 4 Oldfield Road	Windsor and Maidenhead	242	York Road	Hambleton	93
Farnborough Business Park	Rushmoor	476	Hoval Ltd North Gate	Newark and Sherwood	196	Land At Green Road - Reading College	Reading	93
Bickershaw Colliery	Wigan	471	Notcutts Nursery, I50 - I52 London Road	Cherwell	182	Caistor Road	West Lindsey	89
Farington Park, east of Wheelton Lane	South Ribble	468	Sellars Farm	Stroud	176	The Kylins	Northumberland	88
Bleach Green	Gateshead	456	Land South of Inervet Campus Off Brickhill Street, Walton, Milton Keynes	Milton Keynes	176	North East Area Professional Centre, Furnace Drive	Crawley	76
Kingsmead South	Milton Keynes Council	450	Queen Mary School	Fylde	169	Land at Willoughbys Bank	Northumberland	76
New Central	Woking Borough Council	445	London Road/ Adj. St Francis Close	East Hertfordshire	149	Watermead, Land At Kennel Lane	Tewkesbury	72
Land at former Battle Hospital	Reading Borough Council	434	Land off Gallamore Lane	West Lindsey	149	Land to the North of Walk Mill Drive	Wychavon	71
New World House	Warrington	426	Doxey Road	Stafford	145	Hawthorn Croft (Off Hawthorn Avenue Old Slaughterhouse Site)	West Lindsey	69
Radyr Sidings	Cardiff	421	Former York Trailers (two schemes - one Barratt, one DWH)	Hambleton	145	Land off Crown Lane	Wychavon	68
Luneside West	Lancaster	403	Bracken Park, Land At Corringham Road	West Lindsey	141	Former Wensleydale School	Northumberland	68
Woolley Edge Park	Wakefield	375	Land at Farnham Hospital	Waverley	134	Land at Lintham Drive	South Gloucestershire	68
Former Masons Cerement Works and Adjoining Ministry of Defence Land	Mid Suffolk	365	North of Douglas Road	South Gloucestershire	131	Springfield Road	South Kesteven	67
Former NCB Workshops (Portland Park)	Northumberland	357	Land to the east of Efflinch Lane	East Staffordshire	130	Land off Cirencester Rd	Stroud	66
Chatham Street Car Park Complex	Reading	307	Land to the rear of Mount Pleasant	Cheshire West and Chester	127	Land south of Pinchington Lane	West Berkshire	64
Kennet Island Phase I - H, M, T, U1, U2	Reading	303	Primrose Mill Site	Ribble Valley	126	Land at Prudhoe Hospital	Northumberland	60
Land at Dorian Road	Bristol, City of	300	Kennet Island Phase IB - E, F, O & Q	Reading	125	Oxfordshire County Council Highways Depot	Cherwell	60
Land at Fire Service College, London Road	Cotswold	299	Land between Godsey Lane and Towngate East	South Kesteven	120	Clewborough House School	Cherwell	60
Land at Badsey Road	Wychavon	298	Bibby Scientific Ltd	Stafford	120	Land at the Beacon, Tilford Road	Waverley	59
Land at Brookwood Farm	Woking	297	Land west of Birchwood Road	Bristol, City of	119	Land to Rear Of 28 - 34 Bedale Road	Hambleton	59
Long Marston Storage Depot Phase I	Stratford-on-Avon	284	Former Bewbush Leisure Centre Site	Crawley	112	Hanwell Fields Development	Cherwell	59
M & G Sports Ground, Golden Yolk and Middle Farm	Tewkesbury	273	Land south of Station Road	East Hertfordshire	111	Fenton Grange	Northumberland	54
Land at Canons Marsh	Bristol, City of	272	Poppy Meadow	Stratford-on-Avon	106	Former Downend Lower School	South Gloucestershire	52
Land off Henthorn Road	Ribble Valley	270	Weeton Road/Fleetwood Road	Fylde	106	Holme Farm, Carleton Road	Wakefield	50
Land Between A419 And A417	Cotswold	270	Former York Trailers (two schemes - one Barratt, one DWH)	Hambleton	96	Land off Elizabeth Close	West Lindsey	50
Hortham Hospital	South Gloucestershire	270	North East Sandylands	South Lakeland	94			

The Lichfields perspective

What makes us different? We're not just independent but independent-minded. We're always prepared to take a view. But we always do that for the right reasons – we want to help our clients make the best possible decisions.

We have an energetic entrepreneurial culture that means we can respond quickly and intelligently to change, and our distinctive collaborative approach brings together all the different disciplines to work faster, smarter, and harder on our clients' behalf.

Sharing our knowledge

We are a leading voice in the development industry, and no-one is better connected across the sector. We work closely with government and leading business and property organisations, sharing our knowledge and helping to shape policy for the future.

Publishing market intelligence

We are at the forefront of market analysis and we track government policy and legislation so we can give fresh insight to our clients. Our Think Tank is a catalyst for industry-leading thinking on planning and development.

Read more

You can read more of our research and insight at lichfields.uk

Our bespoke products, services and insights



How does your garden grow?

A stock take on planning for the Government's Garden Communities programme



Garden Communities

Unlocking the potential of new settlements and urban extensions



Headroom

Objective assessments of local housing needs



Sizemix

Securing the right mix in residential development proposals

Contacts

Speak to your local office or visit our website.

Birmingham

Jon Kirby
jon.kirby@lichfields.uk
0121 713 1530

Bristol

Andrew Cockett
andrew.cockett@lichfields.uk
0117 403 1980

Cardiff

Gareth Williams
gareth.williams@lichfields.uk
029 2043 5880

Edinburgh

Nicola Woodward
nicola.woodward@lichfields.uk
0131 285 0670

Leeds

Justin Gartland
justin.gartland@lichfields.uk
0113 397 1397

London

Matthew Spry
matthew.spry@lichfields.uk
020 7837 4477

Manchester

Simon Pemberton
simon.pemberton@lichfields.uk
0161 837 6130

Newcastle

Jonathan Wallace
jonathan.wallace@lichfields.uk
0191 261 5685

Thames Valley

Daniel Lampard
daniel.lampard@lichfields.uk
0118 334 1920

Disclaimer

This publication has been written in general terms and cannot be relied on to cover specific situations. We recommend that you obtain professional advice before acting or refraining from acting on any of the contents of this publication. Lichfields accepts no duty of care or liability for any loss occasioned to any person acting or refraining from acting as a result of any material in this publication. Lichfields is the trading name of Nathaniel Lichfield & Partners Limited. Registered in England, no.2778116. © Nathaniel Lichfield & Partners Ltd 2020. All rights reserved.



Appeal Decision

Inquiry opened on 17 August 2021

Accompanied site visit made on 23 August 2021

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 15th September 2021

Appeal Ref: APP/Q3115/W/21/3272377

Land at Lady Grove, Didcot OX11 9BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Manor Oak Homes against the decision of South Oxfordshire District Council.
 - The application Ref: P20/S1577/O, dated 4 May 2020, was refused by notice dated 6 October 2020.
 - The development proposed is the erection of up to 150 dwellings including public open space comprising a country park, a LEAP and additional green infrastructure provision with all matters reserved other than access.
-

Preliminary Matters

1. The original application was made for up to 176 dwellings. The change to no more than 150 dwellings was offered by the Appellant. I confirmed that this was a change which I was prepared to accept at the Case Management Conference held on 14 June 2021 since the change would not result in prejudice to any party.
2. In the period between the refusal of planning permission and the opening of the inquiry a number of matters have been agreed between the Appellant, South Oxfordshire District Council, and Oxfordshire County Council. This has helpfully resolved a number of issues and reduced the matters of disagreement. Statements of Common Ground on several matters set out the agreed positions and note the reasons for refusal which are no longer pursued.
3. The development plan includes the South Oxfordshire Local Plan 2035 (LP) which was adopted in December 2020. It is agreed that the most important policies within the development plan for the determination of this proposal are STRAT1, STRAT3, H1 and H2. I deal with those policies later in this decision.
4. Recent appeal decisions relating to land at Little Sparrows, Sonning Common¹, and land to the east of Sandringham Road, Didcot² have been referenced in this case. These cases differ materially from the case before me. At Sonning Common the appeal site was within the AONB. At Sandringham Road the topography is dissimilar, with an open boundary to the AONB. The latter was determined prior to the adoption of the Local Plan and both with different evidence relating to housing land supply. These differences mean that the

¹ APP/Q3115/W/20/3265861

² APP/Q3115/W/20/3255846

cases are of limited relevance in my overall deliberations. I have determined this case on the basis of the evidence before me.

Decision

5. The appeal is allowed and planning permission is granted for the erection of up to 150 dwellings, public open space comprising a country park, a LEAP and additional green infrastructure provision with all matters reserved except for access at land at Lady Grove, Didcot OX11 9BP in accordance with the terms of the application, Ref: P20/S1577/O, dated 4 May 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

6. In light of the agreements reached on several matters as noted above the main issues in this case are now:
 - i) Whether the Council can demonstrate a 5 year supply of deliverable housing land;
 - ii) The effect of the proposal on the character and appearance of the landscape and the setting of the adjacent Area of Outstanding Natural Beauty (AONB);
 - iii) The relationship of the proposal with the spatial strategy for the area, and the planning balance.

Reasons

Housing Land Supply

7. In the latest monitoring report (of June 2021) the Council claims to have a 5 year housing land supply (5HLS) of some 5.33 years. The Appellant assesses supply at no more than about 4.2 years. The discussion at the inquiry took the form of a round table session in which disputed sites were closely examined. I will deal with the most important of those below, but it is worth emphasising that my consideration of this matter necessarily differs from that of the Inspector who determined the Sonning Common appeal noted above. That is largely because the evidence before me has been prepared in light of the latest monitoring report, which was not available to the Sonning Common Inspector. In addition further documentation has been provided in relation to some sites, and the list of disputed sites is different. Hence, although the Sonning Common decision is a material consideration here, I have reached my own assessment of the current situation relating to 5HLS. In this appeal there is a total of 16 disputed sites.
8. Much was made at the inquiry of the fact that to be included within a 5HLS a site should have a realistic prospect of housing delivery, and not a certainty of delivery. This is clearly explained in both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). It is self-evidently logical to me that certainty would be too high a bar to set, and that the best expert assessment based on robust and up to date information and sound judgement will provide the most cogent evidence of likely delivery. With that in mind I turn to those sites which I regard as the most critical to an assessment of future housing delivery and where, in my judgement, delivery is likely to fall short.

Sites with no current planning permission

9. The Benson NDP Site 2 (Site No 1929) has an undetermined outline application at present. It is in due course expected to provide 80 units, and the Council expects a total of 60 units over years 4 and 5 of the current 5 year period. But as pointed out by the Appellant issues remain unresolved in relation to agreements with the County Council. Part of the site has now been sold, and this may well affect any subsequent applications for the approval of reserved matters. Although this is an allocated site in a Neighbourhood Development Plan (NP) it seems to me that there are significant imponderables which might affect future timings of permissions, applications, agreements and lead-in times. As a relatively small site delays might be expected to be shorter than for larger sites, but nevertheless I do not have sufficient information here to be confident (that is for me to reach a point of accepting a realistic prospect of delivery) that this site will deliver as quickly as predicted. The Council was unable to give any indication of when a reserved matters application might be submitted. I do not rule out some delivery within the 5 year period but the evidence is not strong enough to support the Council's case in its entirety. A more realistic viewpoint, in my judgement, is to expect perhaps half of the delivery predicted by the Council. I therefore deduct 30 dwellings from this site.
10. Newnham Manor (1561) has a resolution to grant outline planning permission, but is required to be referred back to the Planning Committee. It is a site which is expected to deliver 100 dwellings. A S106 agreement is expected in winter 2021. It therefore seems likely that the delays which have so far been acknowledged would bring the issuing of any planning permission close to the beginning of year 2 of the 5 year period. The application has been with the Council for a considerable period of time and although I accept that the Council is seeking to work with the developer I have too little in the way of firm evidence to persuade me of the realistic prospect of this entire site being built out in the 5 year period. There would inevitably be some time required after planning permission (outline or reserved matters) was granted before building could commence on site. Rather than delivery commencing in year 3 it seems to me that year 5 would be more likely. I therefore discount 80 dwellings.
11. Ladygrove East (1011) is a site which has planning applications outstanding and is expected in due course to provide upwards of 700 dwellings. It is an allocated site. There have been issues relating to the provision of the northern perimeter road, but it seems that at least 250 dwellings could be provided prior to that road being completed. The Appellant has conceded that in light of recent activity some delivery on site is possible within the 5 year period. But the Council's view that delivery is likely to commence in year 3 seems too optimistic. On a site of 250 plus dwellings which at present has no planning permission I consider that a more realistic timeframe would be year 4 onwards at least. I have noted the comments made on behalf of the prospective developer of that site, but those comments do not assist in predicting when delivery on site is likely. For the reasons above I discount 80 dwellings from the Council's assessment.
12. Didcot Gateway South (1010) is acknowledged to be a site with several interested parties involved (including Homes England). There is no planning permission and the latest intentions have been sent out for consultation. I acknowledge that the inclusion of Homes England is likely to give delivery some

fresh impetus, but there is little in the way of firm information which suggests when any delivery might commence. Total units over time are expected to number 300 and the Council has suggested delivery of 91 can be expected over years 4 and 5 of the 5 year period. However, it seems that the site has been beset by delays over the years and although Homes England will no doubt assist in bringing a scheme or schemes forward there is at present no indication of when that might be. A masterplan has been commissioned and some demolition has been authorised. But I have no tangible evidence of significant progress towards the preparation or submission of planning proposals. In my judgement this scheme is not likely to make any contribution to the delivery of dwellings over the 5 year period. I therefore discount the 91 suggested by the Council.

13. Watlington NDP B & C (1938 and 1939) do not have planning permission as yet and await a S106 agreement. Pre application discussion for reserved matters have been held, but it is clear that the outline permission has already been significantly delayed by the current lack of a S106 agreement. Given that developer trajectories were based on earlier dates for the S106 agreement it seems likely that there will be some delay. Each of these sites is expected to contribute 60 dwellings, with first deliveries in year 3 and full build out within the 5 year period. Given current delays and the evidence before me I consider that to be overly optimistic. However, I do accept that some delivery is likely on these sites and I therefore discount the Council's expectations by a total of 60 units (50%).
14. Bayswater Brook, Elsefield (1895) is an allocation made in the South Oxfordshire Local Plan 2035 (LP) for 1100 dwellings. A hybrid planning application is expected in early 2022. The difference between the parties relates to predicted trajectories. On a large site such as this evidence suggests that lead-in times are elongated (as reported in the document authored by NLP³ and submitted by the Appellant). That leads the Appellant to conclude that no delivery is likely on this site in the 5 year period. I agree with that position. Indeed the Council only predicts delivery commencing in year 5 and in my judgement that is overly optimistic (albeit that the Council is not as optimistic as the developers). I recognise that the trajectory before me formed part of the evidence base for the Local Plan Examination in 2020, but I must deal with the information now. From what I have read and heard I consider that the Appellant's evidence is more compelling in this case. I discount 50 dwellings from supply for this reason.
15. Northfield, Garsington (1894) is similar to the previous site in being an allocation of the LP, in this case for 1800 dwellings. My comments on this site mirror those on the previous site, but in this case I note that the rate of progress is reported as being slower, and this leads me to discount the 50 dwellings predicted by the Council.
16. On the basis of the above I discount a total of 431 dwellings from sites which currently have no planning permission. The Council's supply position therefore reduces from 6101 to 5670. With an agreed requirement of 5727 that equates to a supply of 4.95 years. I turn now to consider, briefly, one of the other disputed sites on which I am not satisfied delivery will take place at the pace predicted by the Council.

³ Start to Finish, How Quickly do Large-Scale Housing Sites Deliver? Nathaniel Lichfield & Partners (November 2016)

17. Wheatley Campus (1418) is still occupied by Oxford Brookes University. An outline planning permission has been granted. Although the University has indicated its intention to dispose of the site and vacate it over time, there is no firm evidence of the timescale for this other than an intention to fully exit the site by 2024. I accept that some facilities may well have moved already, but the information before me is that the site has not yet been marketed. Any timescales for reserved matters application(s) are therefore unknown. The trajectory suggested by the Council would see delivery begin in the year of 2024/25. That seems unlikely, certainly on the scale suggested, unless the University had moved out earlier than intended. On the balance of evidence before me I accept the evidence of the Appellant as being more persuasive here. This results in a further 168 dwellings being discounted from delivery. That would leave the supply position at about 4.8 years.
18. In light of this finding I do not need to consider in detail the other sites in dispute. Suffice to say that I do find the Appellant's evidence cogent in many respects, but not necessarily to the extent that all of the predicted shortfall in delivery would occur. Inevitably, as is often the case in situations such as this, the actual outturn is likely to be somewhere between the respective assessments of the Council and the Appellant. However, I lean towards the more cautious approach of the Appellant. For that reason it is my considered judgement that the Council is not in a position to demonstrate that it has a 5 year supply of deliverable housing land. In reality it is likely to be somewhat short of the, roughly, 4.8 years I have indicated above, but not as low as the 4.18 years calculated by the Appellant.
19. The lack of a 5 year supply is significant, of course, in that it triggers the 'tilted' balance as set out in paragraph 11 of the NPPF. The policies that are most important for determining the appeal are deemed to be out of date. That does not mean that they carry no weight, however, and I deal with that point in considering the other main issues.

Character and Appearance

20. The appeal site itself is made up of 5 fields. The southern 4 fields are relatively narrow and elongated, are currently pastureland, and have a strong east to west orientation. They are divided by vegetation consisting mainly of mature trees and significant hedgerows. The northernmost field is in arable use and is more open, being wider, although it is also surrounded by vegetation. Land immediately to the east of the site forms part of the North Wessex Downs AONB, albeit that Hadden Hill Golf Club adjoins much of the appeal site and is atypical of the character of the AONB. The site is well enclosed and there is little impression of the surrounding landscape from within it.
21. The area falls within the ambit of various landscape studies, the most relevant of which deal with the finer grain of this particular locality. Key characteristics of the area are described in terms such as gently rolling topography, medium to large fields bounded by hedgerows, predominantly rural and arable character but with intrusions of built form at Didcot, some tree cover and woodland blocks, comparatively strong landscape structure, extensive views from hilltops, and intervening transport corridors. These descriptions are applicable in large part to the wider landscape around the appeal site, and to the northernmost field. However, the 4 southern fields have a more intimate

space carries significant benefit. It also accords with the advice of the NPPF, which seeks to support the provision of high quality open spaces.

42. Alongside the provision of open space and the opportunity for extensive landscaping the Appellant has calculated a biodiversity gain in excess of 50% using current metrics (V2), and almost 30% using likely future metrics (V3). That far exceeds the current target of 10% and is a further consideration which weighs moderately in favour of the scheme.
43. It is axiomatic that the provision of new homes on the land would bring some economic benefits, but this would be true of any development on any site in South Oxfordshire. This is therefore a benefit of limited weight in relation to this specific site.
44. The appeal site is itself locationally acceptable. It is about a 20 minute walk from Didcot railway station (a little more from the farthest reach of the site) and the town centre. It is an easy walking route and would be made more so by the provision of highway crossings (which is covered by the S106 Agreement I deal with later). Similarly access by cycle would be readily achieved. I afford this locational suitability moderate weight.
45. That the homes proposed would be deliverable, at least in part, within 5 years, is not contentious. In order to facilitate that the Appellant has offered to accept a condition reducing the time available to make reserved matters applications. I am not aware of any technical impediments to an expeditious implementation of the scheme, and this is a matter in its favour to which I afford additional weight.

Overall Balance

46. The proposed development is in conflict with the development plan. The most important policies of the development plan are of reduced, but still significant, weight because of the lack of a 5HLS. There would be minor harm in respect of the impact on character and appearance. On the other hand the material considerations weighing in favour of the proposed development are of greater weight. The weight to the provision of market housing is significant, whilst affordable housing provision is a substantial benefit. The provision of a large area of open space is also of significant weight, and sits alongside other benefits including biodiversity gain and economic benefits. In my judgement the adverse impacts of granting planning permission (conflict with the development plan and limited landscape harm) do not significantly and demonstrably outweigh the benefits of the proposal. For that reason the proposal is sustainable development and the appeal succeeds.

Conditions

47. A list of conditions was provided at the inquiry which was largely agreed in the event of planning permission being granted.
48. In order that the development would have the greatest impact on housing delivery I agree that a reduced timeframe for the submission of reserved matters would be reasonable in this case. It is also reasonable that the reserved matters application(s) should be accompanied by a design code in order to ensure a high quality development. Further details required at reserved matters stage can be ensured by necessary conditions.

49. Conditions to ensure biodiversity enhancement, landscape management, bat mitigation measures and construction management are necessary and reasonable to ensure the development is satisfactorily assimilated into the local environment.
50. A number of pre-commencement conditions are necessary to ensure that the development can be delivered to a suitable standard and in order to mitigate any potential harmful effects. Other conditions are necessary to ensure that prior to first occupation of the dwellings they have suitable access, adequate services, suitable energy efficiency and electric vehicle charging points. Additional conditions are reasonable in order to protect the living conditions of occupants of the development and those surrounding. Conditions specifying the maximum number of dwellings on site and the mix of market dwellings are reasonable and necessary in order to ensure the development is satisfactory.

Planning Obligation

51. An agreement pursuant to S106 of the 1990 Act has been submitted which deals with a number of matters. Contributions would be paid to the District Council to enable the provision of refuse containers and for street naming and numbering. Further contributions would be made to the County Council to facilitate the provision of education provision, public rights of way improvement, improvement to public transport, highway improvements and a travel plan monitoring contribution. In addition the obligation requires the provision of highways improvements and crossings, affordable housing to meet development plan requirements, and the establishment of a management company to provide for the maintenance of the open space and equipped play area. All associated drawings and plans are specified in the obligation.
52. I have been provided with comprehensive compliance statements detailing how the various strands of the obligation meet the tests of the community infrastructure regulations. Based on those statements I am satisfied that the obligation meets those tests and can therefore be fully taken into account by me in reaching my decision.

Other Matters

53. I understand the position of the DGT delivery team, and the Didcot Town Council. Each is concerned that housing growth, though necessary, should be managed in a structured way. Nevertheless, the lack of a demonstrable 5 year supply of deliverable housing land is a significant situation. It does not mean that housing could, or should, be provided anywhere, but it does mean that suitable sites should be given proper consideration. In this case it is my judgement that in order to enhance delivery of much needed housing this site is acceptable and would not cause unacceptable harm to the objectives of the development plan or the delivery of the wider DGT.

Overall Conclusion

54. For the reasons given above I conclude that the appeal should be allowed.

Philip Major

INSPECTOR

Appeal Decision

Inquiry Held on 16 December, 20-23 December 2021 and 6-7 January 2022
Site visit made on 11 January 2022

by Helen B Hockenhull BA (Hons) B. PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2022

Appeal Ref: APP/R3650/W/21/3280136

Land off Scotland Lane, Scotland Lane, Haslemere GU27 3AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Redwood (South West) Limited against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1213, dated 28 July 2020, was refused by notice dated 23 July 2021.
 - The development proposed is the erection of a residential development including associated parking, landscaping, open space and infrastructure.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a residential development including associated parking, landscaping, open space and infrastructure on Land off Scotland Lane, Scotland Lane, Haslemere GU27 3AN in accordance with the terms of the application, Ref WA/2020/1213, dated 28 July 2020, and subject to the conditions in the attached schedule.

Procedural Matters

2. A draft planning obligation by way of an agreement made under section 106 of the Town and Country Planning Act 1990 (s106) between the Appellant and the Council was submitted at the Inquiry. A signed and dated version was submitted after the event. The obligation relates to the provision of affordable housing, the management of public open space, play space and sustainable urban drainage as well as the management of the permissive path and circular walks.
3. The Council and the Appellant provided Statements of Common Ground (SoCG) with regard to planning matters and housing land supply. A revised SoCG regarding housing land supply was agreed and submitted to the Inquiry during the event. A further SoCG was provided on 5 January 2022 in response to comments made by Councillor Hyman with regard to the Wealden Heaths II Special Protection Area (SPA) and the requirement for Appropriate Assessment.
4. The Council refused planning permission citing four reasons. It is agreed between the parties that all matters relating to reasons 2, 3 and 4, regarding ecology, highways and the piecemeal approach to development, have been

addressed with the submission of additional information. As there remain no differences between the Council and Appellant on these matters, I do not deal with them as main issues. However, as ecology and highway issues remain of concern to several residents, I have addressed them in other matters.

5. After the Inquiry closed, an appeal decision was issued for a proposed residential development at Loxwood Road, Alford¹. The main parties were asked for comments on whether this decision had any implications for their respective cases. I have taken these comments into account.

Main Issues

6. In light of the above, I consider the main issues to be as follows:
 - the effect of the proposal on the character and appearance of the Area of Great Landscape Value, the wider countryside, the setting of the Surrey Hills Area of Outstanding Natural beauty and the character and appearance of Museum Hill and Old Haslemere Road;
 - whether the Council can demonstrate a five-year supply of deliverable housing land against the housing requirement;
 - whether the proposal would preserve the setting of the Grade II listed buildings at Red Court.

Reasons

Policy Context

7. The appeal site comprises an area of around 4.9 ha to the south of Scotland Lane, Haslemere. The site lies in open countryside outside but adjoining the settlement boundary of Haslemere. It is also defined as within an Area of Great Landscape Value (AGLV) and within the setting of the Surrey Hills Area of Outstanding Natural Beauty (AONB).
8. The development plan for the area comprises the Waverley Local Plan Part 1 adopted in 2018 (LPP1) and the Waverley Borough Local Plan 2002 (Saved Policies 2007). It also includes the Haslemere Neighbourhood Plan 2013-2032 which was made in November 2021. The development plan policies applicable to this appeal are agreed by the main parties in the SoCG.
9. The Council is also in the process of preparing the Waverley Borough Council Local Plan Part 2: Site Allocation's and Development Management Policies (LPP2) which was formally submitted for examination to the Secretary of State on 22 December 2021. Whilst this document is well advanced, I am aware of a number of objections to it, such that I afford it limited weight in this appeal.
10. I am aware that the site has been promoted for development by the Appellant for some time and that it formed a draft allocation in earlier versions of LPP2. In the submission version of the document, the allocation has been removed.

¹ APP/R3650/W/21/3278196

56. In the latter section of Old Haslemere Road where it is much narrower, a virtual footway is proposed. This would comprise a hatched area marked out in the roadway which would signal to drivers that the surface was shared with pedestrians. Whilst this would not result in the loss of any vegetation, it would have an urbanising impact on the character of the lane, changing it from a semi-rural route to a road with a more urban character.
57. Museum Hill is effectively a single-track road with car parking on the eastern side of the highway reducing its width. In contrast to Old Haslemere Road, it has a suburban character with some areas of narrow grass verge and banking along its length. It is proposed to provide a virtual footway along this section of road until the blind bend where a 2-metre-wide footway would be provided in an area of grass verge. A further 2 metre footway would be provided in the grass verge on the approach to the junction with Petworth Road.
58. As a result of the narrowness of the grass verges along Museum Hill they would need to be completely removed and replaced with hard surfacing. The virtual footway in this location would, like Old Haslemere Road, have an urbanising effect. Consequently, these improvements would have a negative impact on the character and appearance of the area.
59. The far end of Museum Hill is located within Haslemere Conservation Area. I noted on my site visit that the grass verge in this location is narrow, poorly maintained and contributes little to the character and appearance of the area. Its replacement with a hard surface of an appropriate material would not be inappropriate, in keeping with other footpaths in the conservation area.
60. Given the above, I conclude that the proposed pedestrian improvements would cause harm to the character and appearance of the area. This harm has to be weighed against the benefits of the scheme in terms of pedestrian safety, which I shall address in the planning balance.

Conclusion on character and appearance

61. The site occupies the northern face of a ridge facing away from the Surrey Hills AONB, is visually well contained and lacks intervisibility. I have found that the proposal would comply with LPP1 Policy RE3(i) as it causes no harm to public views from or into the AONB. However, it causes localised harm to the character and appearance of the area in which the site is located and would cause moderate adverse visual effects. Overall, it would cause harm to the character and appearance of the area, failing to recognise the intrinsic character and beauty of the countryside and the character and qualities of the AGLV, in conflict with paragraph 174 (b) of the Framework and LPP1 Policies RE1 and RE3 (ii).

Housing Land supply

62. In the revised Housing Land Supply SoCG, signed by the Council and the Appellant, it is agreed that the correct period for the purposes of assessing 5-year housing land supply (5yhls) is 1 April 21–31 March 2026, that the housing requirement is 590 dwellings per year and that a buffer of 5 % should be applied.

63. The parties disagree on the total five-year housing requirement (including the buffer and the shortfall). This is due to discrepancies that have come to light regarding completions. An additional 246 completions have been identified from monitoring years 2017/18, 2018/19 and 2019/20, resulting in a total number of completions of 3439. This has arisen as the Council has undertaken a review including consideration of Building Control and Council Tax data. There was also found to be an issue with residential institutions (C2 uses) not being included in the data.
64. I acknowledge that the previous data has been relied on to inform the Annual Monitoring Report and has been passed to Government for the Housing Delivery Test assessment. However, it is in my view appropriate for the Council to highlight the issue and correct its data. Not to do so, would compound the error. On that basis I find that the 5-year housing requirement should be 4460 dwellings.
65. The Appellant challenges the deliverability of 16 sites in the Council's supply, arguing that the Council's estimate has been persistently optimistic. I note that the Council used to rely on the Troy Planning Note to assess deliverability, but this was criticised in the Lower Weybourne Lane appeal⁶. The Council no longer relies on this, preferring to contact developers for their advice and then sense checking and critically analysing their estimates, changing delivery expectations where considered appropriate. I have insufficient evidence before me to indicate if this approach is ineffective or whether the Council is continuing to overestimate as the change of approach is very recent.
66. Turning to the individual sites in dispute, the parties correctly apply the definition of deliverability as set out in the glossary to the Framework and identify Category A and Category B sites. Category A sites should be considered deliverable unless there is clear evidence that homes will not be delivered within five years. Category B sites are those sites that should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
67. Planning Practice Guidance (PPG)⁷ provides some indication of what would be considered to form robust clear evidence. I use this in my assessment below.
68. The Woolmead, Farnham, has full planning permission for 138 dwellings. A variation of the consent to reduce the size of the basement was granted on appeal in May 2021. The developer argued this was required to make the scheme viable. Whilst the parties agree the site is deliverable, the Appellant considers the lead in time will be longer than anticipated by the Council and pushes back delivery one year, removing 38 units from the five-year supply. The Council consider 20 dwellings would be achievable in 2022/23 with 40 dwellings per year thereafter. The developer shows a clear intention to develop the site and there is no clear evidence that the predicted delivery would be unachievable. I therefore retain the site in the supply.
69. The site at 34 Kings Road, Haslemere has planning permission for 5 dwellings. However, an alternative scheme for an additional single dwelling

⁶ Appeal Ref: APP/R3650/W/20/3262641 Land at Lower Weybourne Lane, Badshot Lea, Farnham, GU9 9LQ

⁷ Paragraph: 007 Reference ID: 68-007-20190722

has been submitted and is pending determination. Viability issues have been raised in respect of the 5-unit scheme. I agree with the Appellant that there is clear evidence that the scheme will not deliver, and I therefore remove 4 dwellings from the supply.

70. Turning to Dunsfold Park, this forms an allocation in LPP1 for 2600 dwellings. The site has a hybrid consent including outline planning permission for 1800 dwellings. The proposal for a Garden Village, includes care home accommodation, a local centre, primary school, health centre, community centre and open space. Homes England funding has been achieved to support delivery. The Appellant considers the site will not contribute towards the five-year housing supply whilst the Council predict 50 dwellings in 2023/24 rising to 200 dwellings per annum thereafter.
71. I note that planning permission has been granted for the access road and that reserved matters consent has been granted for the roundabout. It is anticipated that these works will commence in 2022, though no firm start date was provided to the Inquiry. There have been delays with the site coming forward as the landowner has sought to sell the site. I understand there is a preferred bidder keen to make progress, but that party is an investment company and not a housebuilder. A developer partner would need to be sought once the acquisition has taken place. The Council advise that the Supplementary Planning Document (SPD) for the site is likely to be adopted in February 2022. I consider it most likely that the preferred bidder and developer partner would not wish to progress with the current outline consent but would seek an amended consent having regard to the SPD. Such matters would take time to resolve.
72. I accept that development could start on the site while temporary uses remain. I also acknowledge that the site benefits from an implementable outline consent, however as discussed above, there is no evidence that the subsequent reserved matters application would be progressed.
73. In light of the above factors, I consider that delivery in 2023/24 as suggested by the Council is unrealistic. On the basis of the evidence before me, the delivery of new homes could optimistically commence in 2025/26. I therefore push delivery back 2 years and assume delivery of 50 dwellings in 2025/26. Consequently, I remove 400 dwellings from the supply.
74. Land at Waverley's Folly, Badshot Lea, is anticipated to deliver 23 dwellings in 2025/26. The site has outline planning permission and a reserved matters application is pending. Revised plans were submitted in November 2021. The development is being put forward by a housebuilder and there are no constraints to the site's development. Progress is being made on this small site which provides the clear evidence suggested by the PPG that it will deliver new homes and contribute to the 5-year supply.
75. Land opposite Milford Golf Course received outline consent for up to 200 dwellings in 2019 and reserved matters consent for 176 dwellings in November 2021. The Council predict the site will deliver 160 units commencing in 2023/24 whilst the Appellant considers it will deliver no completions in the 5-year supply period.
76. The delivery of the site is impeded by a covenant. The developer has indicated that he will seek to have the covenant discharged within 15

months of the planning consent. The Council's legal adviser has suggested this is an appropriate timeframe. However, there is no evidence that an application has been made and it is likely that the issue will have to be resolved by the land tribunal. I understand that the holder of the covenant has no intention to relinquish it. As the site is Category B, it should not be considered deliverable unless there is clear evidence that completions will begin in 5 years. Currently this is not provided. I therefore remove 160 dwellings from the supply.

77. Land at Coxbridge Farm, Farnham has a resolution to grant outline planning permission. The s106 agreement is anticipated to be signed in January 2022. The Council predict the site will deliver 150 dwellings at a rate of 50 dwellings a year from 2023/24. The Appellant pushes back the development one year, thereby removing 50 units from the supply.
78. Emails provided by the site promoter confirm they will not develop the site. They will need to seek a developer partner. Making estimates of the time required for marketing and site sale, submission of reserved matters, discharge of conditions etc, based on the advice in the Lichfield⁸ report, the Appellant estimates completions from 2024/2025. This estimate allows one year for a reserved matters application to be made and approved. I consider this to be an overestimate based on the Council's average data for decision times⁹. I therefore consider the Council's estimate, whilst being optimistic is to be preferred. I retain the site in the 5yhls.
79. Turning to Centrum Business Park, this site is allocated for residential development of 150 dwellings in the Farnham Neighbourhood Plan. The Council predicts a delivery of 50 dwellings in both 2024/25 and 2025/26, a total of 100 units. I am advised by the Council, that pre application discussions have taken place and an application is anticipated in early 2022. The site has a number of existing occupiers who would need to relocate before the site could be developed. There is no evidence as to the lease/ownership arrangements or whether occupiers have sought new premises. Consequently, whilst I note the positive discussions with the developer, I am not satisfied that it has been demonstrated that completions will begin in 5 years. I remove 100 dwellings from the supply.
80. Turning to the site at Meadow Nursery West and Meadow Nursery East, this forms an allocation in the Chiddingfold Neighbourhood Plan for 19 dwellings. A planning application was to be submitted in November 2021, but this has been delayed. Whilst the developer has confirmed that site investigations have taken place, there is no clear evidence that the site would deliver in the next 5 years. I remove this site from the supply.
81. Land at South View Chiddingfold is also allocated in the Chiddingfold Neighbourhood Plan, but for 8 dwellings. Pre application discussions took place nearly a year ago and a planning application is anticipated in mid-2022. Whilst this is a small site, I do not consider sufficient progress has been made to bring the site forward. There is no clear evidence that the site would deliver and contribute to the 5-year supply. I therefore remove 8 dwellings from the Council's supply.

⁸ Lichfield Start to Finish Report

⁹ HLS Rebuttal Table 1

82. Land to the rear of Wildwood Close and Queens Mead, Chiddingfold is allocated for 60 dwellings in the above Neighbourhood Plan. Pre application discussions took place in 2019, some time ago. The landowner indicated that a planning application would be submitted in Autumn 2021, however this has now been delayed to sometime in the next 6 months. This is a greenfield site and I note the landowner's intention to develop. However, there is no clear evidence at the moment that the site will deliver in the next 5 years.
83. With regard to Ockford Water, this is a brownfield site with a pending planning application for 13 flats. I am advised that there are issues of ecology and viability to be resolved. These are fundamental matters which raise uncertainty as to whether planning permission will be granted and even if it is whether the development would proceed. In the absence of clear evidence, I remove 13 dwellings from the supply.
84. Land at Barons of Hindhead is a vacant brownfield site, forming a draft allocation in LPP2 and the subject of a current planning application for 38 dwellings. However, there are objections to the development as it adjoins the Surrey Hills AONB and there are viability and affordable housing issues to resolve. Whilst the fact that a planning application is pending shows some progress, the outstanding issues are of concern. There is no clear evidence that the site would deliver in the next 5 years.
85. Turning to the site at Andrews of Hindhead, this is a draft allocation for 35 dwellings in the LPP2. Planning permission for a 72 bed care home has previously been refused. The Council indicate that significant work has been undertaken to progress a full planning application but there is little clear evidence to support this. There is no certainty that the site will be allocated for development and therefore no clear evidence that the site will deliver houses in the next 5 years.
86. With regard to The Old Grove, Hindhead, this brownfield site is a draft allocation for development in the LPP2 and is the subject of a current planning application for 18 dwellings. The application shows progress being made to bringing the site forward, I have no indication that there are constraints on the site. I am satisfied that there is clear evidence the site will deliver homes in the next five years.
87. Land at rear 101 High Street, Cranleigh is a vacant site which is envisaged will provide 35 retirement apartments. There have been pre application discussion and I am advised that the developer intends to submit an application in February 2022. I note from additional information provided by the Council that the developer has confirmed the date for a public consultation exercise in early January 2022 and contracts have been exchanged with the landowner. This shows positive progress and a commitment to bring the site forward. It provides clear evidence of the type suggested by the PPG that the site could deliver homes in the five-year supply.
88. Land at Wey Hill, Haslemere forms a draft allocation in the LPP2 for 34 dwellings. The Council is the landowner and whilst the intention to submit a planning application has been confirmed, the advice from the Council's Estates Team suggest this is some time off. I note that some of the existing occupiers, the Guides and the St Johns Ambulance have already relocated. Whilst these factors show progress, they fall short of the evidence required

to demonstrate that dwellings would be delivered in the next 5 years. I therefore remove 34 units from the supply.

89. The Council suggest that the 5-year supply is 5.2 years based on their amended completions data. The Appellant suggests that it is just under 4 years. In light of my findings above, I conclude that the Council can demonstrate a supply of deliverable housing land of around 4.25 years.

Heritage

90. Whilst not forming a reason for refusal, I have a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, to assess the impact of the proposal on nearby heritage assets. The appeal site lies in the setting of the heritage assets at Red Court, located to the south.
91. Red Court together with its curtilage listed staff and stable block accommodation and the Lodge to Red Court are Grade II listed buildings.
92. Red Court was built in 1894-95 for a wealthy brewer. Designed by Ernest Newton, the property incorporates a blend of architectural styles but is generally defined by its overarching neo-Georgian style. The property was built on the ridge of the hill to afford views over the South Downs. It illustrates the historic development of Haslemere, with large, detached houses set in their own grounds built around the edge of the settlement, but with good connections to the rail network for access to London.
93. The significance of Red Court lies in its architectural design, being an example of the classical revival, and its historic interest as a mansion set in spacious grounds being representative of the historic development of Haslemere.
94. The stable and staff accommodation, which are curtilage listed, were likely to have been constructed at the same time as the house and designed by the same architect. Their significance lies in their functional relationship to the main house.
95. The Lodge at the main entrance to Red Court was constructed in 1895 and again designed by Newton. It is of architectural interest with similar detailing as the main house and stable block. Its significance lies in its functional relationship with the main house.
96. It is common ground that the appeal site makes a limited contribution to the significance of Red Court. The Council's Heritage Officer describes Red Court as an isolated country estate. Whilst I agree it is set in large spacious grounds, it is not isolated, being on the edge of Haslemere and close to the rail network. There is no evidence to suggest that the appeal site had a functional relationship with Red Court as part of the wider estate. The only connection on the ground is the secondary access road which runs through the appeal site to the service buildings. This was a later addition and not part of the original design.
97. The proposed development would have limited intervisibility with Red Court itself which lies to the south of the stable and staff buildings. It would retain its feeling of being located within a spacious garden plot, its sense of privacy and the ability to appreciate views over the South Downs. I am therefore

138. Natural England have published guidance for the creation of SANG. The mitigation scheme proposed would meet many but not all of the essential and desirable requirements set out in this document. However, the circular walk has the potential to be upgraded to formal SANG in the future.
139. Natural England originally objected to the appeal scheme due to the potential adverse effect on the integrity of the Wealden Heaths II SPA. I am advised that Natural England have walked the route, assessed the adequacy of the scheme and removed their objection to the proposal.
140. Councillor Hyman has questioned the effectiveness of SANG and commented that the Appellant has not provided evidence to demonstrate the efficacy of the mitigation and avoidance measures proposed. The Appellant and the Council in their SoCG on this matter, draw my attention to a number of documents that supported the SANG and Strategic Access Management and Monitoring (SAMM) approach adopted in the Thames Basin Heaths SPA. A 2018 Visitor Survey Report for the Thames Basin Heaths SPA concluded that there had been a statistically significant drop in visitor numbers overall despite an increase in housing numbers within 5km. It goes on to say that whilst several factors can influence visitor numbers and behaviour, it is likely that the implementation of the SANG and SAMM has had the greatest impact in reducing visitation.
141. The use of SANG is an accepted approach to reduce visitor pressure on a SPA or other protected site. There is no substantive evidence before me to suggest this approach would be ineffective in this case. The Councillor's assertion that SANG could encourage dog ownership is not supported by evidence. In my experience the decision to become a dog owner is more complex and a range of other factors would be considered.
142. Councillor Hyman brought my attention to two appeals which he considered supported his representations, the Lower Weybourne Lane appeal and one at 9 Brambleton Avenue, Farnham. I find nothing in these respective appeals that I need to consider further. Both Inspectors followed the appropriate regulations and legislation in coming to their decision.
143. In summary, I am satisfied that the mitigation measures put forward by the Appellant would provide the necessary mitigation to ensure that the development, in combination with other plans or projects, would have no adverse effect on the integrity of the SPA. Accordingly, the proposal would accord with section 15 of the Framework and Policies NE1 and NE3 of LPP1.

Planning balance

144. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
145. I have found that the proposal would not recognise the intrinsic character and beauty of the countryside as required by Policy RE1. Whilst it would cause no harm to the Surrey Hills AONB or the South Downs National Park, it would cause harm to the character of the AGLV in conflict with LPP1 Policy RE3 (ii). As the scheme would cause localised harm, typical of any greenfield

development on the edge of a settlement, I attribute moderate weight to this policy conflict.

146. I have also concluded that the appeal scheme conflicts with LPP1 Policy AHN3 and HNP Policy H5 regarding housing mix. As the scheme would be in keeping with the character of existing development in the locality, this conflict attracts moderate weight against the scheme.
147. HNP Policy H1 (iii) seeks to control development outside the settlement boundaries. It goes on to say that development in such locations will only be supported which otherwise conform with national and local planning policies. In light of the above, the appeal scheme would conflict with this policy.
148. I have concluded that the Council cannot demonstrate a 5-year supply of deliverable housing land. Accordingly in line with paragraph 11(d) of the Framework, the policies most important for determining the application are out of date. Planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The tilted balance is therefore engaged.
149. It is common ground that both the borough as a whole and Haslemere are highly constrained. There is an acute need for homes in the borough. The Council has failed to meet the local housing need figure in 9 out of the last 12 years. I acknowledge that the most recent figures, 2019/20 and 2020/21, show an improving picture, with the Council meeting its housing requirement, but there is still a significant deficit. Furthermore, the direction of travel, with the introduction of the standard methodology is upward, with an increased housing need figure of around 38% on the LPP1 requirement.
150. With regard to Haslemere itself, Policy ALH1 of the LPP1 sets out a specific minimum housing target of 990 net homes to be provided between 2013 and 2032. At April 2021, 23% of that requirement has been delivered. Taking account of outstanding permissions, 316 dwellings will need to be allocated in LPP2. It is common ground that the new homes required cannot be delivered without making use of greenfield land outside the settlement, including AGLV land or sites within the AONB.
151. LPP2 was submitted for examination in December 2021. However, it is unlikely to be adopted for 12-18 months. It does not therefore offer an immediate solution to the need for housing in the borough. Draft allocations are subject to objection and once the plan is adopted it will take time for sites to go through the planning process and deliver new homes.
152. The Appellant has assessed a number of the draft allocations and highlighted in his view, the constraints to them coming forward. At the Inquiry the Royal Junior School site in Hindhead was discussed. This site has become available and is now a draft allocation in the LPP2. It is located in the AONB is not an edge of settlement site and is only partially previously developed. The LPP2 Inspector would need to determine whether it is a suitable location for residential development. The Council is optimistic that sites will come forward and that the required housing delivery will be achieved in the remainder of the plan period. Taking an optimistic view, whilst this may be feasible, the housing need in Haslemere is now.

153. Turning to the provision of affordable housing, there is also a shortfall. The HNP acknowledges that the need in Haslemere is acute and also notes that the majority of new housing in Haslemere will be on small sites which will not be required to provide affordable units.
154. The appeal scheme provides 50 dwellings, of which 15 would be affordable. Given the above I give significant weight to the site's contribution to market and affordable housing.
155. The proposed pedestrian improvements are necessary to mitigate the impact of the proposal. Whilst they would cause harm to the character and appearance of the area, I recognise that they would also be of benefit to the wider community. Overall, I consider it attracts limited weight against the scheme.
156. The site is a suitable location for residential development being well located close to the shops and services in Haslemere as well as being close to public transport connections. This provides moderate weight in favour of the scheme.
157. The proposed permissive path and circular walk is necessary to offset the potential harm to the Wealden Heaths II SPA as a result of increased recreational pressure. It would therefore be neutral in the planning balance. However, as it would benefit not just the new residents of the proposal but the wider population, I afford it limited weight.
158. In terms of other benefits, the scheme would create local construction jobs and support the local supply chain. These benefits would however be short lived. More long-term benefits would accrue from future residents spending in the local economy. I therefore give them moderate weight. Measures to provide sustainable homes and energy efficiency are required to meet policy and therefore attract neutral weight.
159. Biodiversity net gain is also required for policy compliance and therefore attracts neutral weight. The scheme would provide around 40% of its site area as public open space and green infrastructure. This significantly exceeds the policy requirements and attracts moderate weight in favour of the scheme.
160. The Appellant points out that the scheme will provide significant CIL contributions and increased Council Tax. The PPG is clear that it would not be appropriate to make a decision based on the potential for a scheme to raise money for the local authority or other government body. Whether a 'local finance consideration' is material to a particular decision will depend on whether it could make the development acceptable in planning terms. Therefore, CIL and Council Tax contributions do not add weight in favour of a scheme.
161. I have found the scheme is acceptable in terms of dark skies, heritage issues, highways and parking and residential amenity. These form neutral factors neither weighing for or against the scheme.
162. Overall, I find that the policy conflicts and the adverse impacts I have identified to the character and appearance of the area and housing mix, would not significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework taken as a whole.

Therefore, I conclude that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

163. Accordingly planning permission should be granted.

Planning Obligation

164. The submitted section 106 agreement would secure 30% affordable housing, ie 15 dwellings, in compliance with the provisions of Policy AHN1 of the LPP1.

165. The obligation also provides for the maintenance of the proposed play space on the site including a local area of play (LAP) and a local equipped area of play (LEAP). This is in compliance with LPP1 Policy LRC1. Such provision needs to be properly maintained for the lifetime of the development. The maintenance of open space is also provided for in the obligation together with the management of the permissive footpath and connecting circular walks. As already discussed, this is required to comply with the Conservation of Habitats and Species Regulations 2017 and provide mitigation to protect the Wealden Heaths II SPA from increased recreational pressure.

166. The agreement also includes the maintenance of the sustainable urban drainage scheme (SuDS). This is required by paragraph 169 of the Framework to ensure an acceptable standard of operation for the lifetime of the development.

167. I am satisfied that the above obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework.

Conditions

168. The Council and the Appellant provided a list of suggested conditions which were discussed at the Inquiry. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication, and to ensure accordance with the tests set out in paragraph 55 of the Framework. Pre-commencement conditions have been agreed by the Appellant.

169. Although not included in the list provided by the parties, a condition setting out the time limits for the development is necessary. A condition specifying the approved plans is also necessary in the interests of good planning.

170. To protect and maintain the character and appearance of the area, condition 3 is necessary to require the details of materials to be submitted for approval. For the same reason a condition regarding site levels and including details of earthworks and ground levels is required, as well as a condition controlling external lighting (conditions 16 and 26). Furthermore, I impose condition 29 requiring the submission of a detailed landscaping scheme and requirement for maintenance for a 5-year period in the interest of the character and amenity of the area.

171. Conditions 4 and 5 regarding the provision of the site access and vehicle parking for the dwellings are required to maintain highway safety. A Construction Transport Management Plan is required by condition 7 to control construction vehicles, loading and unloading, storage of materials, deliveries and to maintain the condition of the local highway. Conditions 10 and 11 are necessary to require the off site highway improvements connecting the site to Petworth Road and at the junction of Scotland Lane and Midhurst Road. This is in the interests of pedestrian safety.
172. In order to promote sustainable travel, conditions are necessary to provide for cycle parking, electric cycles for use by future occupiers of the site, electric vehicle charging points and the submission of a Travel Plan (Conditions 12,13,14 and 15). Condition 32 requires the provision of broadband to ensure sustainable construction and design.
173. I impose condition 6 to control the hours of construction on the site and condition 8 to require a Construction Environmental Management Plan. These measures are required to safeguard the amenity of nearby residents during the construction phase.
174. In the interests of safeguarding biodiversity, conditions are required to secure the submission of an Ecological Construction Environmental Management Plan and a Landscape and Ecological Management Plan and an Ecological Enhancement Plan (conditions 9,22 and 25). In addition, conditions requiring measures to specifically protect reptiles and dormice on the site are necessary (conditions 23 and 24).
175. To ensure that the site is properly drained, conditions 17 and 18 are necessary to ensure that the details of a surface water drainage strategy are submitted and that a verification report is provided once the strategy has been completed.
176. I impose conditions 19,20 and 21 to address the identified potential for on site contamination. Condition 30 requires a programme of archaeological work as the site is in an Area of High Archaeological Potential. As the site is in an area of water stress, condition 31 is necessary to control water consumption.
177. Condition 27 relates to trees to be retained and tree protection areas. At the Inquiry I was advised that there were discrepancies between the submitted Arboricultural Impact Assessment (AIA) and the submitted Preferred Services Layout Plan. To overcome this potential source of conflict, the Council suggest that an updated AIA be submitted including details of the tree protection measures and any services to be provided or repaired including drains and soakaways. The Appellant however suggests a slightly differently worded condition which requires the submitted AIA to be implemented but also seeks the submission of a services plan in relation to retained trees and root protection areas. In the interests of clarity and to remove any doubt with regard to the protection of trees, I impose the Council's suggested condition. The submitted Preferred Services Layout Plan is not referred to in Condition 1 as it does not form an approved plan.
178. Finally, condition 28 is necessary to require the submission of details of cross sections indicating proposed finished ground levels, surface materials

and edgings within the protected tree zones. This is to ensure trees worthy of retention are not harmed during the development.

Conclusion

179. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

Helen Hockenhull

Inspector

Appeal Decision

Inquiry Held on 27-30 April, 4-7, 11 and 12 May 2021

Site visit made on 10 May 2021

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/Q3115/W/20/3265861

Little Sparrows, Sonning Common, Oxfordshire RG4 9NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Senior Living (Sonning Common) Limited and Investfront Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P19/S4576/O, dated 12 December 2019, was refused by notice dated 30 June 2020.
 - The development proposed is a hybrid planning application for the development of a continuing care retirement community care village (Use Class C2) of up to 133 units with ancillary communal and care facilities and green space consisting of (i) A full planning application for 73 assisted living units within a "village core" building with ancillary communal and care facilities, gardens, green space, landscaping and car parking areas and residential blocks B1-B4; and (ii) An outline application (all matters reserved except access) for up to 60 assisted living units with ancillary community space, gardens, green space and landscaping and car parking areas.
-

Decision

1. The appeal is allowed and planning permission is granted for a hybrid planning application for the development of a continuing care retirement community care village (Use Class C2) of up to 133 units with ancillary communal and care facilities and green space consisting of (i) A full planning application for 73 assisted living units within a "village core" building with ancillary communal and care facilities, gardens, green space, landscaping and car parking areas and residential blocks B1-B4; and (ii) An outline application (all matters reserved except access) for up to 60 assisted living units with ancillary community space, gardens, green space and landscaping and car parking areas at Little Sparrows, Sonning Common, in accordance with the terms of the application, Ref P19/S4576/O, dated 12 December 2019, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. At the Inquiry an application for a partial award of costs was made by South Oxfordshire District Council (the Council) against the Appellant. This is the subject of a separate Decision.
3. The appeal follows the refusal of the Council to grant planning permission to a hybrid planning application for development at Blounts Court Road, Sonning Common. The planning application was determined under delegated powers

enhancing landscape and scenic beauty. Section 85 of the Countryside and Rights of Way Act 2000 (CROW) places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Paragraph 172 of the NPPF requires “great weight” to be given to those matters in decision making. It is common ground that the appeal proposal involves major development within the AONB and as such should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

16. Paragraph 172 of the NPPF requires particular consideration to be given to:
(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. I deal with these matters under the main issues but at the outset it is important to address whether or not the Council has a five year supply of housing.

Five Year Housing Land Supply

17. Paragraph 73 of the NPPF sets the requirement for Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
18. Since 2018, Oxfordshire only needed to demonstrate a three-year supply of housing. However, on 25 March 2021 the Minister of State for Housing confirmed that a five-year housing land supply was again required. The Council produced a Housing Land Supply Interim Statement (IHLS)¹¹ setting out their initial position for the period 1 April 2020 to the 1 April 2025 which asserts a 5.35-year supply. However, at the Inquiry, the Council conceded that the supply had fallen on its own case to 5.08 years. The five-year supply requirement is a minimum requirement and it needs to be deliverable. The definition of deliverable is contained in Annex 2 to the NPPF.
19. The most up-to-date position as regards the difference between the main parties is summarised in the agreed SoCG 5. There is no disagreement as to the housing need (900 dpa) or the time period for the assessment (2020/21 to 2024/25). The five-year requirement including an agreed shortfall of 922 dwellings and 5% buffer is 5,693. The difference between the main parties comes down to the Council’s position that there is a 5.08 year supply of deliverable housing sites and the Appellant’s assertion that it is instead a 4.21-year supply. Table 3 of SoCG 5 contains a schedule of 15 disputed sites. I have assessed these disputed sites in the context of the test of deliverability set out in Annex 2 of the NPPF. This specific guidance indicates which sites should be included within the five-year supply.
20. I have also had regard to the PPG advice published on 22 July 2019 on ‘Housing supply and delivery’ including the section that provides guidance on

¹¹ CD: K.32 South Oxfordshire Local Plan Housing Land Supply Interim Statement 2021

‘What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking.’ The PPG is clear on what is required:

"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."

This advice indicates to me the expectation that ‘clear evidence’ must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.

21. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute ‘clear evidence’. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward.
22. It is not necessary for me to go through all of the disputed sites in Table 3 of SoCG 5. In my view, the Council was not able to provide clear evidence of delivery on most of the disputed sites which significantly undermines its position. For example, the Council suggests that 100 dwellings would be delivered at Site 1561: Land to the south of Newham Manor, Crowmarsh Gifford whereas the Appellant says 100 dwellings should be deducted. The comments set out by the Appellant for this site in Table 3 are compelling. Similarly, at Site 1009: Land to the north east of Didcot, the Council suggests 152 dwellings would be delivered whereas the Appellant says 152 dwellings should be deducted. The Appellant provides cogent evidence to support its case. Furthermore, at Site 1418: Land at Wheatley Campus, the Council agrees a deduction but only of 62 dwellings whereas the Appellant says the deduction should be 230. There is no clear evidence before me that would suggest that these sites or indeed most of the disputed sites would deliver the completions suggested by the Council in the next five years.
23. Overall, I consider that the Appellant’s assessment of supply set out in Table 2 of SoCG 5 is more realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. I am satisfied that the Appellant’s approach is consistent with national policy, case law, appeal decisions and informed by current housebuilder sales rates, assessment of the technical complexities of delivering development sites and experience of the housebuilding industry including lead-in times.
24. My conclusion on housing land supply is that there are a number of sites that together significantly reduce the Council’s five-year housing land supply. Many of the sites that the Council includes within the supply cannot be justified applying the current definition of deliverable. Following discussions between the main parties, deductions from the IHLS figure of 6,093 dwellings, have been identified and summarised at Table 1 of SoCG 5 and the impact which this has on the five year housing land supply is summarised at Table 2.

25. I consider that the Council's supply figure should be reduced to reflect the Appellant's position set out in Table 2 of SoCG 5. The Council's supply figure of 5,785 dwellings in Table 2 should be reduced to give a more robust total supply figure of 4,789 dwellings for the five year period. Although the Council maintains there is a 5.08 year supply, the evidence that is before me indicates a housing land supply equivalent to **4.21** years. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall, but it also means most important policies for determining the application are automatically out-of-date. The Council accepts that means all the policies in the SOLP and the SCNP are out-of-date. It also means if the paragraph 172 tests in the NPPF are satisfied then the tilted balance applies.

First Issue - whether the proposed development would be in accordance with the Council's strategy for the delivery of older persons accommodation throughout the district as set out in the development plan;

The Need for Extra Care

26. The Council argues that the appeal proposal would be contrary to Policies H1 and H13 of the SOLP and due to its location in the AONB, outside but next to Sonning Common, brings into play Policies ENV1 and Policy H4 of the SOLP, and Policies ENV1, ENV2, H1, H2 and H2a of the SCNP. It is also claimed that the provision of 133 units of specialist housing for the elderly would be inconsistent with the proportionate growth in general housing planned for Sonning Common at both levels of the development plan.
27. Clearly the need for specialist accommodation for older people is recognised in the SOLP, which promotes the identification of suitable sites in the neighbourhood planning process and the inclusion of specialist accommodation on strategic sites,¹² and favours specialist housing for the elderly over conventional housing on unallocated sites.¹³ Although extra care housing is referred to in the supporting text,¹⁴ the SOLP does not prescribe particular levels of provision by type of accommodation, which allows flexibility in provision, adapting to what is an evolving sector. I note that no attempt is made to differentiate between types and tenure of specialist housing for older people, nor to address the need for each. No quantum for extra care accommodation is set out in the SOLP. Although Table 4f of the SOLP shows an outstanding requirement for 96 units over the plan period for Sonning Common it makes no reference to the needs arising from within existing households arising from their ageing.
28. Quantification of the need for open market extra care housing is not straightforward, in part because whether an owner-occupier moves to extra care housing is ultimately a matter of choice, in part because there is no prescribed or generally accepted methodology. The Government very clearly supports the identification and provision of extra care accommodation as a recognised form of specialist accommodation for the elderly.¹⁵ Moreover, it is important to bear in mind that the NPPF definition¹⁶ of 'older people' does not

¹² See CD: C.4 Policy H13(2), (3)

¹³ See CD: C.4 Policy H1(3)(ii)

¹⁴ See CD: C.4 paragraph 4.70

¹⁵ See paragraphs 59 and 61 of the NPPF

¹⁶ See Annex 2

widespread throughout the District. The appeal scheme provides for a net increase in biodiversity across the site, specifically an increase of 51% for the detailed element. The Ecological Impact Assessment⁸² was accepted by the Council as demonstrating net benefit⁸³ and I attach significant weight to this.

129. At the Inquiry reference was made to numerous appeal decisions. I have taken these into account as appropriate in coming to my decision in this case.

Planning Balance

130. I have concluded that the appeal proposals would be a major development in the AONB where exceptional circumstances apply, and which would be in the public interest. I have given great weight to conserving and enhancing landscape and scenic beauty in the AONB. In terms of paragraph 172 a) of the NPPF I am in no doubt that there is a need this development of 133 units to address the immediate shortfall in the five year housing land supply; to address the critical need for extra care housing in the District; to assist in the freeing up of family housing within South Oxfordshire and to provide the health and well-being benefits to elderly people.

131. The Council argued that with Policy H1 and Policy H13 the need for specialist housing for older people could be met outside the AONB; could be met in people's homes and that needs could be met by 2035. However, I have concluded that there is a specific and immediate need for extra care provision and market extra care housing. From the up-to-date evidence provided at the Inquiry it is clear to me that there are no sites with planning permission in the pipeline other than the Lower Shiplake site which is now uncertain. The case under paragraph 172 b) has been met. That is because the appeal site stands alone as the only site in the whole of the District which can deliver extra care market housing and deliver the affordable housing contribution which the SOLP Policy H9 now requires for C2 uses. In my view extra care housing cannot compete with housebuilders or even other forms of specialist housing for older people because of the build cost, the level of communal facilities and additional sale costs including vacant property costs.

132. In terms of paragraph 172 c) I have concluded there would be localised landscape and visual effects, but these would be relatively small. Only a limited part of the mosaic would be impacted, and this would not alter the overall character of the wider mosaic of the LCT. Plainly such limited impacts would not cause material harm to the landscape character of the AONB, nor would it conflict with the aims of protecting its special qualities. In terms of visual impact, only a small number of nearby locations would have direct views of the appeal proposals where glimpses of the development would be filtered and moderated by perimeter planting and particularly by the woodland belt. Overall, I have concluded under paragraph 172 of the NPPF that the circumstances in this case are exceptional and that the grant of planning permission would be in the public interest.

133. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case where the test in paragraph 172 of the NPPF

⁸² See CD: A32

⁸³ See PoE of Simon James Appendix 11

has been met it is difficult to see how a decision maker could nonetheless refuse to grant planning permission applying paragraph 11 of the NPPF. However, in terms of the development plan I accept that the proposal conflicts with some elements of the development plan, but it also complies with others. Policies in the SOLP are up-to-date and can be given full weight. The appeal proposal conflicts in part with the SOLP, in particular in terms of the overall strategy (STRAT1) and with relevant policies relating to the AONB (ENV1) However, there is partial accord with Policy H13 and full accordance with Policies H1 3ii, H4, H9, H11, DES1, DES2, DES3, DES4 and DES5.

134. With regard to the SCNP, this was made in 2016, against a different housing requirement albeit it is still within the grace period allowed by Policy H4(2) of the SOLP. The SCNP policies can only be given limited weight in the context of the NPPF as it was based on a Core Strategy which is now withdrawn, and it is out of date for that reason. Its policies reliant on the AONB are also out of date given the lack of a five year housing land supply. The proposal would conflict with Policy H1 in so far as the limitation of development is concerned but the policy is expressed as a minimum and the base target has been increased through the SOLP quantum of housing so the appeal scheme would contribute to that. There would be conflict with Policy ENV1 which aims to protect the AONB but there are exceptional circumstances here. There would be broad accordance with Policy H2a, D1 and D1a and ENV2 albeit that three storey development is an exception and must be justified. I conclude that the appeal proposal is in overall accordance with the development plan and there are no material considerations which indicate otherwise.
135. Even if I had decided that the proposal was in overall conflict with the development plan this is a case where there is no five year housing land supply and therefore the most important policies for determining the appeal are out of date.⁸⁴ As to which policies are out of date, it is agreed that the most important for determining the appeal are set out in the RfR. Thus, the tilted balance would be triggered by way of footnote 7 of the NPPF unless paragraph 11 d) i. is satisfied. In this case under paragraph 11 d) i. the adverse effects would not provide a clear reason for refusing the proposed development. It follows therefore that even if the appeal proposal was contrary to the development plan and the tilted balance under paragraph 11 d) ii. of the NPPF applied then the many and varied benefits of the proposals set out above would significantly and demonstrably outweigh any adverse effects. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed.

Planning Conditions

136. The Council submitted a list of conditions which I have considered in the light of the advice in paragraphs 54 and 55 of the NPPF and the Government's PPG on the Use of Planning Conditions. The Appellant has agreed to all of the suggested conditions except for Condition 27 which relates to a Procurement and Employment Strategy. The Appellant has also given consent in writing that Conditions 7-27 may be applied as pre-commencement conditions.⁸⁵ Conditions 1, 4 and 5 relate to required time limits and Conditions 2 and 3 are necessary to determine the scope of the application and for the avoidance of

⁸⁴ NPPF paragraph 11 d) footnote 7

⁸⁵ See INQ APP14

- doubt. Conditions 6, 7 and 29 are necessary to secure net gains for biodiversity and Condition 8 is required to minimise the impacts of the development on biodiversity. Condition 9 is necessary to limit the local impact of construction work and Condition 10 is required to ensure that electric vehicle charging is provided. Condition 11 is required in the interests of highway safety and Condition 12 is necessary to ensure adequate car parking.
137. Condition 13 is required in the interests of sustainability and to encourage the use of cycling. Condition 14 on sample materials and Condition 15 on ground levels are required in the interests of visual amenity. Condition 16 is required to ensure adequate provision for the management of waste. Condition 17 is necessary to ensure high standards of sustainable design and construction. Condition 18 is necessary to protect the appearance of the area, the environment and wildlife from light pollution. Conditions 19 and 20 are necessary to ensure that the development is assimilated into its surroundings. Condition 21 is necessary to safeguard the trees which are visually important on the site. Condition 22 is required to safeguard heritage assets of archaeological interest. Condition 23 is necessary to prevent pollution and flooding. Condition 24 is required to ensure the proper provision of foul water drainage. Condition 25 is required to prevent pollution and flooding. Condition 26 is necessary to ensure that the development is not unneighbourly.
138. Condition 27 relates to a procurement and employment strategy. The Council considers that the condition would fail the test of necessity as there is no policy support for this requirement and there would be problems about enforcement. However, it seems to me that a local employment and procurement condition is plainly relevant following the Verdin judgment.⁸⁶ Employing local people and using local produce, to save miles travelled seems to epitomize the principle of sustainable development. Moreover, the strategy would put in place arrangements to ensure that the information was regularly provided to the Council to demonstrate the performance and effectiveness of the initiatives. The condition would not impose unreasonable or unjustified demands on the Council. The condition would meet the tests in the NPPF.
139. Condition 28 is required to ensure the provision of adequate pedestrian and cycle access to the site in the interests of highway safety. Condition 30 is necessary to ensure that sustainable transport modes are taken up. Condition 31 is necessary to avoid sewage flooding and potential pollution incidents. Condition 32 is necessary to ensure that the development is not unneighbourly or detrimental to highway safety. Condition 33 is required to protect the occupants of nearby residential properties from noise disturbance. Condition 34 is required to mitigate any impacts on air pollution.

Overall conclusion

140. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

⁸⁶ See INQ APP15 Verdin v SSCLG [2016] EWHC

Appeal Decision

Inquiry held on 20, 21 and 22 September and 12 and 14 December 2016

Site visit made on 22 September 2016

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 March 2017

Appeal Ref: APP/X0360/W/15/3130829

Land West of Park Lane, Charvil, Reading RG10 9TS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hicks Developments Ltd against the decision of Wokingham Borough Council.
 - The application Ref F/2014/2503, dated 30 October 2014, was refused by notice dated 16 February 2015.
 - The development proposed is described as 'Erection of 25 detached houses with associated roads, garages, parking spaces, gardens and landscaped areas. Provision of allotments with associated access and parking, replacement field access to adjoin grazing land'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 25 detached houses with associated roads, garages, parking spaces, gardens and landscaped areas. Provision of allotments with associated access and parking, replacement field access to adjoin grazing land at land west of Park Lane, Charvil, Reading RG10 9TS in accordance with the terms of the application, Ref F/2014/2503, dated 30 October 2014, subject to the 21 conditions set out in the attached schedule.

Preliminary matters

2. A Unilateral Undertaking was submitted under section 106 of the Town and Country Planning Act 1990 (s106). I deal with the contents of this below.
 3. The Inquiry sat for 5 days. I held an accompanied site visit on 22 September 2016. I also conducted an unaccompanied visit on the 20 September 2016 and carried out unaccompanied rail journeys between Twyford and Reading on 13 December 2016 to observe the appeal site from the Great Western main line at the request of both parties.
 4. A Statement of Common Ground (SoCG) was submitted which sets out the policy context along with matters of agreement and those in dispute. It was confirmed in the SoCG that the Council were no longer seeking to defend their reasons for refusal numbered 3, 4, 5, 6, and 7 in light of changed circumstances relevant to the proposal and the submission of additional information by the appellant including the Unilateral Undertaking.
-

housing needs, because it has been revoked and cannot be part of the Development Plan. The *same* would be true of an out of date Local Plan which did not set out the current full objectively assessed needs. Until the full, objectively assessed needs are qualified by the policies of an up to date Local Plan, they are the needs which go into the balance against any Framework policies. It is at that stage that constraints or otherwise may apply. In these circumstances, therefore, the housing requirement of the Core Strategy cannot be said to be up to date in the terms of the Framework.

10. The development plan for the area includes the Wokingham Borough Core Strategy Development Plan Document January 2010 (CS) and the Managing Development Delivery Local Plan February 2014 (MDD). These documents both plan for development, including housing, to 2026. The Council's reasons for refusal indicate that the appeal development would be contrary to Policies CP3 and CP11 of the CS and Policies CC01, and CC02, of the MDD.
11. Policy CP3 of the CS sets out the general principles for all development including, amongst other things, that planning permission will only be granted for proposals that have no detrimental impact upon important ecological, heritage or landscape. Policy CP11 states that, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside the defined development limits of settlements will not normally be permitted.
12. Policy CC01 of the MDD reflects the statutory status of the development plan and sets out the presumption in favour of sustainable development in similar terms as the Framework. MDD Policy C002 refers to development limits for settlements and states, among other things, that proposals at the edge of settlements will only be approved where they can demonstrate that the development, including boundary treatments, is within development limits and respects the transition between the built up area and the open countryside by taking account of the character of the adjacent countryside and landscape.
13. Although not cited as a reason for refusal both parties have referred to Policy TB21 of the MDD that seeks to ensure that proposals demonstrate how they have addressed requirements of the Council's Landscape Character Assessment, including the landscape quality, strategy and sensitivity and key issues. It also requires proposals to retain or enhance the condition, character and features that contribute to the landscape.

Housing Land Supply

14. As set out above, the housing requirement of the Core Strategy is not up to date in the terms of the Framework. Consequently, in order to determine this appeal, it is necessary for me to assess the housing requirement for amongst other things, compliance with paragraph 47 of the Framework. This is consistent with the approach adopted in the appeal decisions for residential development at Beech Hill Road (Appeal Ref: APP/X0360/A/13/2209286) and Stanbury House (Appeal Ref: APP/X0360/W/15/3097721) to which I have been referred to by the parties.
15. In reaching their decisions both Inspectors concluded that the Council could not demonstrate a five-year housing land supply in accordance with the

Framework. However, I note that the Beech Hill Road decision was made prior to the publication of the Council's jointly commissioned Strategic Housing Market Assessment of January 2016 (SHMA) and since the Stanbury House decision, the Council have published an updated Strategic Housing Land Availability Assessment (SHLAA) 31 March 2016, for the five-year period from 1 April 2016 – 31 March 2021.

16. The parties disagree over the five-year land supply in terms of the full objectively assessed need for housing (the OAN) in relation to market signals uplift and the anticipated amount of homes that will be delivered over the five-year period. I will therefore now consider each of these matters in turn.

Housing need – market uplift

17. It is not the purpose of this appeal to provide a definitive critique of the Council's OAN as that is the function of the Local Plan examination process. The Planning Practice Guidance (the PPG) advocates that housing requirement figures should be used as the starting point for calculating the five-year supply of housing. It further states that where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, as is the case here, information provided in the latest full assessment of housing needs should be considered. However, it recognises that the weight given to these assessments should take account of the fact that they have not been tested or moderated against relevant constraints.
18. For the purposes of this Inquiry it was agreed by the parties that the starting point for Wokingham's housing needs, as derived from the 2012-based CLG Household Projections, should be 680dpa and that it is necessary to make an uplift to that starting point to account for migration trends and economic needs. The uplift applied by the SHMA to address these factors results in a requirement of 784dpa. This figure was agreed by the parties to be appropriate for the purposes of this appeal. Moreover, it was common ground that it is necessary to then make a further upwards adjustment to account for market signals. However, there is dispute between the parties in relation to the extent of the market signals uplift required.
19. The Council have argued that the SHMA's uplift of 9.18% is an appropriate and evidence based response to market signals. This results in an OAN of 856dpa. The appellant disagrees and advocates that this is insufficient due to increasing affordability issues in the borough. The appellant therefore recommends that an uplift of at least 14% would be appropriate, which would result in an OAN of 894dpa. Consequently, the difference between the parties is no more than 38dpa at its maximum.
20. The PPG does not set out how any such adjustment should be quantified, though it must be 'reasonable'; the more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be. Moreover, it is also important to recognise that the housing figures that result from an OAN represent a minimum and not a maximum requirement for an area.

21. It was clear from the evidence before me and what I heard at the Inquiry that issues around affordability are not solely confined to Wokingham. In fact, there was no material dispute between the parties at the Inquiry regarding Wokingham's affordability difficulties given its locational advantages in relation to London and Reading. Furthermore, the worsening position in relation to affordability in the first 2 years of the SHMAA period was evidenced by data published by the ONS in 2015 which showed that the Borough had an increase in median price to earnings ratio in 2014 of 11.1, and that the corresponding figure for 2013 was 9.9.
22. The Council acknowledges that it has a record of persistent under delivery of housing as reflected in its acceptance of the use of a 20% buffer in the calculation of its five-year housing land supply. Furthermore, the SHLAA highlights an increasing deficit in overall housing completions (-988) within the SHMAA period (since 1 April 2013). As a result, I consider that the under delivery of new homes in Wokingham is likely to have a detrimental effect on affordability and would also be likely to restrict the delivery of affordable units in the Borough which in turn would further exacerbate affordability. Having reached the conclusions above, the combination of increasing affordability ratios combined with a constricted supply of housing lead me to the conclusion that a market signals uplift of 14% advocated by the appellant would be reasonable, proportionate and in this specific circumstance justified by the available evidence.
23. In reaching this conclusion I have not had to rely upon the appellant's use of Stage 2 projections in relation to market signals which were in dispute. Furthermore, my conclusion is broadly consistent with the findings of the Inspector in the Stanbury House appeal.
24. Therefore, the application of a 14% uplift would result in a OAN of some 894dpa in this specific circumstance. In relation to this difference I note that the Council have stated that '*ultimately, there is relatively little difference between both parties' recommended uplifts for market signals*'.

Housing Supply

25. Paragraph 47 of the Framework seeks 'to boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'. It is common ground that Wokingham are a local authority with a record of persistent under delivery of housing and therefore a 20% buffer should be applied.
26. Furthermore, in support of Paragraph 47 guidance on the assessment of deliverability is set out in the associated footnote 11. It states, 'to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing

will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans’.

27. The Council’s case, as set out in its recently published SHLAA at 31 March 2016, is that it can demonstrate a supply of 6965 deliverable sites for the five-year period from 1 April 2016 – 31 March 2021. This equates to supply of 1393dpa.
28. The appellant disputes this and argues that the actual housing supply figure falls in the range of between 6286 if a 10% across the board lapse rate is applied or as low as 5914 if site specific deductions are applied. Further, the appellant advances a third scenario that follows the Inspectors approach in the Stanbury House decision who applied site specific deductions on a number of identified sites before applying a 10% lapse rate to the remainder, the decision quantified the supply from deliverable sites as 6204.

Site specific analysis

29. A substantial proportion of the Borough’s planned housing delivery is from the four Strategic Development Locations (SDLs) identified in the Core Strategy. These are known as Arborfield Garrison, North Wokingham, South of the M4 Motorway and South Wokingham. Based on the evidence before me, the predicted housing delivery from SDLs would deliver approximately 65% of claimed supply in SHLAA. Moreover, SHLAA advances delivery rates for the SDLs which range up to 359pa, with an overall average of 228pa). However, this would differ from the Council’s calculation of housing delivery that assumes: 67.87 dwellings per year from the development of larger sites being built out by one developer. 54.63 dwellings per year, from large sites being built out by two or more developers. In short the principal areas of disagreement in the appeal relate to the SDL’s and to a large extent boil down to the relative degree of optimism or pessimism of the parties concerning the extent of their deliverability within the 5-year period 1 April 2016 – 31 March 2021.

Arborfield Garrison

30. Arborfield Garrison SDL is allocated by Core Strategy Policy CP18 for the phased delivery of around 3,500 dwellings by 2026. The SHLAA confirms that the site is split into two sections; North (Crest) (2,000 homes) and South (Hogwood) (1,500 homes). Phase 1 (which consists of 113 houses (net)) of the Northern (Crest) site began building work in February 2016.
31. The dispute between the parties relates to the trajectory of delivery from the Northern area (Crest) and the Southern area (Hogwood). The SHLAA projects that 470 homes will be delivered from Crest within the 5-year period and 375 from Hogwood in the same period. In terms of setting the delivery trajectory in both instances the SHLAA confirms that the Council contacted the developer/landowners in April 2016 to seek views on the validity of the authority’s assumptions for delivery. In line with the approach of their letter,

since no response to the contrary was received, the Council's expected delivery rates were therefore considered to be agreed by the developer.

32. The main dispute between the parties in relation to the Northern area (Crest) is that the Council have stated that rates of delivery will double in the last year of the 5-year period from 100 to 200 homes without adequate justification. In this respect, I share the appellant's concerns that the Council's build out trajectory is inconsistent with SHLAA, table 3.2 (p11) which asserts that calculations are made based on 55pa from each developer where there are multiple developers. Given that there had been no response from the developer in relation to the Council's request for information, there appears to be no underlying rationale or substantive evidence that supports the Council's decision to conclude that 4 developers would be operational on site throughout monitoring year 2020/21. I accept that Mr Spurling of the Council mentioned that another house builder had purchased other parcels of land and there were on-going pre-application discussions. However, this was little more than anecdotal and there was no substantive evidence at the Inquiry that demonstrates that the developer (Crest) are currently marketing other parcels of land on the site for development or that they are likely to come forward within the five-year period. Consequently, based on the evidence before me and what I heard at the Inquiry; I conclude taking into account of Paragraph 47 of the Framework and its associated Footnote 11 that it is appropriate for the purposes of this appeal to make a deduction amounting to 90 dwellings in the absence of any conflicting evidence to ensure broad consistency with the delivery rates of the published SHLAA from the Northern area (Crest).
33. The dispute between the parties on the Southern area (Hogwood) centres on whether the delivery rates in the SHLAA are realistic given the site-specific circumstances. The appellant has sought a reduction for the Southern area (Hogwood) of 240 dwellings to 135 dwellings in the 5-year period. This is on the basis that although the Council resolved to grant the outline application on 14 October 2015, there was no executed s106 obligation (no planning permission) at the time of the Inquiry and that in terms of ownership Hogwood Farm differs from the Northern site (Crest), in that it is being promoted directly by the landowners; meaning that it is likely that there would still be a significant delay in its implementation. Further reasoning that there would be a requirement for the site to be marketed and sold to a developer (house builder or house builders), along with the necessary reserved matters and associated discharge of condition processes, provision of initial infrastructure etc. The appellant's argument is underpinned by their analysis of similar landowner promoted schemes in Wokingham (Ms Mulliner's supplementary proof dated 29 November 2016). The evidence demonstrates that from the grant of outline permission to first completions were in the range of 2.5 to 4 years. Therefore, with no substantive evidence to lead me to a different conclusion, I accept the appellant's reasoning that in relation to the Southern area (Hogwood), it is highly unlikely that first completion would be achieved before 19/20. Having reached this conclusion, it is appropriate to deduct 150 dwellings from the supply in the Southern area (Hogwood Farm) to reflect that it has not been adequately demonstrated by the Council that there is a realistic prospect that the full quota of housing identified within the SHLAA (375 dwellings) will be delivered on the site within the five-year period.

34. In reaching this decision I have taken account of the conclusions in the Beech Hill Road and Stanbury House appeal decisions and whilst I note that neither made specific deductions for the Aborfield SDL, they both raised significant concern in relation to the Council's very optimistic projections. I therefore conclude that my conclusion is broadly consistent with their findings.

North Wokingham

35. North Wokingham SDL is allocated by Policy CP20 of the Core Strategy for the phased delivery of around 1500 dwellings by 2026. The SDL is sub-divided into different areas, which are the subject of several separate planning permissions and applications.
36. Mrs Mulliner's supplemental proof of evidence (29 November 2016) raises concern in relation to delivery trajectory from North Wokingham SDL highlighting the Council's over-optimism in their SHLAA when compared to its predecessors. Again, I share the appellant's concerns that the Council's build out trajectory for Matthews Green is inconsistent with SHLAA, table 3.2 (p11) which asserts that calculations are made based on 55pa from each developer where there are multiple developers. Given that there had been no response from the developer in relation to the Council's request for information, there appears to be no underlying rationale or substantive evidence that supports the Council's decision to conclude that the build rates would rise to 156 dwellings in 2018/19, 150 in 2019/20 and 120 dwellings in 2020/2021. Furthermore, in reaching this conclusion there was no evidence to suggest that there would be more than two developers (Bovis and Linden) operational on site. Consequently, based on the evidence before me and what I heard at the Inquiry; I conclude taking into account of Paragraph 47 of the Framework and its associated Footnote 11 that it is appropriate for the purposes of this appeal to make a deduction amounting to 106 dwellings in the absence of any conflicting evidence to ensure broad consistency with the delivery rates of the published SHLAA from the North Wokingham SDL.
37. Furthermore, my conclusions are broadly consistent with the findings of the Inspectors in the Beech Hill Road and Stanbury House appeal decisions where although deductions in supply were not made, both inspectors concluded that the projections appeared somewhat optimistic.

South of the M4 Motorway

38. South of the M4 Motorway SDL is allocated by Core Strategy Policy CP19 for the phased delivery of around 2,500 dwellings by 2026. The SDL is sub-divided into different areas, which are the subject of a number of separate planning permissions and applications.
39. The appellant makes the case that 14 dwellings should be removed as the 'Non-consortium land north of Hyde End Road'. This is based on the actual number of dwellings proposed (31+5) by the developer of the site in a current planning application. The Council have argued that the SHLAA allocation (50 dwellings) should be maintained as the application had not been determined at the time of the Inquiry. However, from the evidence before me and what I heard at the Inquiry I am persuaded that the current application by the developer gives the clearest and most reliable indication of the housing delivery

from this part of the site. Consequently, it is appropriate and realistic for the purposes of this appeal to make a deduction of 14 dwellings to reflect the developers clearly signalled intentions for the site.

40. The appellant suggests that 144 dwellings should be removed as the 'Land north of Hyde End Rd' cannot be considered available now. However, whilst a deduction of 43 for Croft Road/Spencers Wood was agreed by Mr Spurling of the Council during cross examination, the Council confirmed prior to the close of the Inquiry that applications had been submitted for the site. I accept that this is positive news in relation to supply; however, taking into account the evidence before me and what I heard at the Inquiry even when applying an optimistic trajectory of delivery, I am not persuaded that it would be a realistic proposition for the development to deliver a first completion in the first nine months of 2017/18. Consequently, it is appropriate to deduct 30 dwellings from the site supply to reflect the planning application process.
41. The appellant had raised concerns over the trajectory of housing delivery from land west of Shinfield, which is also within the South of the M4 SDL. Like the Inspector in the Stanbury House appeal I broadly agree with the matters raised by the appellant's witness Mrs Mulliner in her proof of evidence regarding the levels of optimism within the SHLAA's projections. However, whilst there may be some slippage in delivery, given that reserved matters are in place and progress is now underway on site from two of the three developers it is reasonable to accept for the purposes of this appeal that the site would be likely to deliver the dwellings at around the trajectory advanced in the SHLAA.

South Wokingham

42. South Wokingham SDL is allocated under Core Strategy Policy CP21 for the phased delivery of around 2500 dwellings by 2026. The SDL is split into two main areas north and south of the railway line. There is no dispute between the parties in relation to delivery from land north of the railway line. Regarding land south of the railway line the SHLAA forecasts that no dwellings will be delivered before 2019/20 with a total of 270 by March 2021. The comprehensive development of the land south of the railway line relies upon the construction of a rail crossing and the provision of a distribution road. The Council have stated in their evidence that an outline application for the site would be submitted before the end of 2016. However, at the time of the Inquiry no application had been received by the Council for land south of the railway line. Furthermore, during cross examination Mr Spurling of the Council confirmed that details as to delivery of the Southern Distribution Road (the SDR) had not yet been finalised.
43. Notwithstanding this, the Council suggested that following discussions between the Council's delivery team with the developer approximately 300 homes could be delivered within the 5-year period without reliance upon the distributor road or rail crossing. However, other than the reference to discussions there was no substantive evidence presented at the Inquiry to demonstrate that the provision of 300 homes was anything more than a theoretical possibility; a fact confirmed by Mr Spurling during cross examination.
44. Given the complexities involved in the provision of the SDR and the consideration that no planning applications have yet been submitted, I share

the appellant's view that it is highly unlikely that 270 dwellings will be delivered within the next five years on the area of this SDL that lies to the south of the railway line. I therefore conclude taking into account of Paragraph 47 of the Framework and its associated Footnote 11 that it is appropriate and necessary for the purposes of this appeal to make a deduction to reflect the delay in the submission of the outline application amounting to 240 dwellings.

Furthermore, my conclusions are broadly consistent with the findings of the Inspectors in the Beech Hill Road and Stanbury House appeal decisions where deductions in supply were made in both instances.

Five-Year Housing Land Supply Conclusion

45. I have concluded for the purposes of this appeal that the OAN would be 894dpa which equates to 4470 homes over five years. As identified above, there is a deficit of 988 homes in delivery against the Council's preferred figure of 856dpa since the start of the SHMA period. This rises to 1102 homes against an OAN of 894dpa thus resulting in total of 5572 dwellings. When the undisputed 20% buffer is applied, and following the Sedgefield method, this results in a five-year requirement figure of 6686 dwellings. Setting this against the projected housing delivery of 6335 dwellings results in a shortfall of some 351 homes for the five-year period to March 2021.
46. In reaching the above conclusions I recognise the inherent uncertainty in predicting housing delivery. Though it is clear that the Council is in active discussion with landowners and potential developers on some of the sites that in time may bear fruit, from the evidence I heard, it does not seem likely that all will come forward in the time frames anticipated. Furthermore, I accept that the Council's Delivery Team can have little real control or influence over the delivery rate and timing of housing on sites owned and developed by others. This is particularly the case when developers and housebuilders can be reluctant to fully disclose their full delivery intentions based on the level of competition and commercial confidentiality. However, notwithstanding this, it is important for the Council to challenge delivery figures and trajectories supplied by agents/developers that are not supported by realistic evidence or are inconsistent with the Council's own evidence based housing projections or completion data.
47. Moreover, given that I have found that the Council cannot demonstrate a 5-year supply of housing in relation to site specific allocations and that the shortfall is significant; it is not necessary for the purposes of this appeal to consider the application of a 10% lapse rate or the combination of site specific deductions and lapse rate of the Inspector in the Stanbury House Inquiry.
48. Policy CP3 of CS and Policy C002 of the MDD, seek to restrict development in the countryside and form part of the Council's strategic approach to the distribution and location of housing. They are, therefore, relevant policies for the supply of housing and given there is no 5 year supply they cannot be regarded as being up to date. In these circumstances, paragraph 14 of the Framework states that, the presumption in favour of sustainable development means that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or unless specific Framework policies indicate development should be restricted.

49. The provision of 25 dwellings, that would include a policy compliant commuted sum of approximately £2m towards the provision affordable housing, would make a significant contribution to the supply of housing when measured against the Council's annual requirement. This weighs significantly in favour of the proposal, particularly given the absence of a 5-year supply of land for housing.

Character and appearance

50. The appeal site is located to the south of The Hawthorns, outside but adjoining the settlement boundary of Charvil. To the east of the site is Charvil Primary School, with the Sonning Golf Club to the West. The Great Western main railway line (GWML) is located to the south of the site. The four-track mainline is located on top of an engineered embankment and electrification works including the erection of substantial supporting masts were underway at the time of my site visits. Furthermore, at the foot of the embankment there is an industrial estate with a collection of buildings and associated storage. The embankment has a narrow arched underbridge that provides a vehicle/pedestrian link to the neighbouring settlement of Woodley via Waingels Road.
51. The site is bounded by mature hedgerows to Park Lane and the shared boundary with The Hawthorns. There is a gentle slope on the site from Park Lane towards the Sonning golf course; the appeal site is located on the lower part of the field. The Wokingham Borough Landscape Character Assessment (LCA) describes the site as being part of the J4 Woodley – Earley, Settled and Farmed Clay landscape character area. The site is also located close to character area D2 - Sonning wooded chalk slopes, and character area B1 - Loddon river valley. The J4 Woodley – Earley LCA is characterised by gently rolling clay ridge with wooded ridgelines and a highly urbanised landscape due to the presence of the town of Reading and the extension of settlements (Woodley and Earley) into their former agricultural hinterland. However, the appeal site has no landscape designation and has no characteristics that would identify the site as a valued landscape (paragraph 109 of the Framework) when considered against the factors set out in Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA).
52. I confirmed by way of my site visits that the appeal site is visible from several vantage points including The Hawthorns, the hedgerow at the boundary with the private members Sonning golf course, Park Lane and from the low land situated east of the primary school on the far side of the sports pitches; however, this view is largely dominated by the Charvil Primary School in the foreground.
53. I accept that the appeal site does have a local aesthetic value, and this has been evidenced by the representations in writing from local residents. Further, it is common ground that the proposed development would have an effect on the open rural character of the appeal site. Moreover, the introduction of the housing would change the outlook for local residents particularly from The Hawthorns by way of the introduction of built development. The effect would be to increase the presence of suburban type development in the countryside. Moreover, given that the bulk of the proposed development would be sited on

residential area and that archaeological and wildlife reports submitted by the appellant had not been available for inspection. However, there was no substantive evidence submitted in support of these assertions.

Conditions

65. The conditions suggested by the Council have been considered in light of the advice contained within the National Planning Practice Guidance and the National Planning Policy Framework. I have amended their wording where required, or have combined or separated others, in the interests of clarity. In addition to the standard implementation condition, it is necessary for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme and to protect the character and appearance of the area, it is necessary for the materials used to be submitted to the Council for approval.
66. It is necessary in the interests of amenity to ensure that there is adequate protection for the trees and hedges on to the site during and after construction and that the proposed landscaping is retained and maintained. Further it is necessary in the interests of highway safety to impose conditions that ensure that garages are kept available for vehicle parking and vehicle parking bays, visibility splays and turning spaces shall be retained and maintained in accordance with the approved details; and the parking spaces shall remain available for the parking of vehicles at all times. In the interests of amenity and the environment it is necessary to impose a condition relating to cycle storage. To minimise the risk of flooding, it is necessary for details of drainage, and a sustainable urban drainage scheme including management arrangements to be agreed with the Local Planning Authority. It is necessary to impose a condition requiring an assessment of ground conditions and for details of any required remediation to be submitted to and approved by the Local Planning Authority.
67. In the interests of highway and pedestrian safety it is necessary for construction details of the site access, footways, and the 2m wide footpath in the Hawthorns be submitted to and approved by the Local Planning Authority and thereafter implemented and retained. Further it is necessary in the interests of highway safety to impose a condition that ensures the existing vehicular access is permanently closed.
68. It is necessary in the interests of amenity to ensure that there is adequate protection for the trees and hedges on and adjacent to the site during construction. To minimise the risk to biodiversity it is necessary to ensure that the findings and recommendations in the Reptile Survey Report are implemented. Further it is necessary to control hours of construction and agree details of construction loading/unloading/parking in the interests of local residents.

Planning balance and conclusion

69. I have found that the proposed development would be contrary to the development plan and would result in moderate harm to the character and appearance of the area. Balanced against this is the contribution to the supply of housing of 25 new homes with a policy compliant financial contribution

towards the provision of affordable housing in the Borough, to which I have given significant weight.

70. Taking everything into account including all other material considerations, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole. Furthermore, I have found that paragraphs 49 and 14 of the Framework apply here and in that context the presumption in favour of Sustainable Development is a material consideration which warrants a decision other than in accordance with the development plan.
71. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR



Appeal Decision

Inquiry held between 27-29 November 2012

Site visit made on 25 November 2012

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 December 2012

Appeal Ref: APP/U1105/A/12/2180060

Land east of Butts Road, Higher Ridgeway, Ottery St. Mary, Devon, EX11 1EP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Redrow Homes South West against the decision of East Devon District Council.
 - The application Ref. 12/0277/MOUT, dated 31 January 2012, was refused by notice dated 27 April 2012.
 - The development proposed is up to 130 open-market and affordable houses, public open space, with associated infrastructure and the retention of the existing allotments.
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 130 open-market and affordable houses, public open space, with associated infrastructure and the retention of the existing allotments at Land east of Butts Road, Higher Ridgeway, Ottery St. Mary, Devon, EX11 1EP. The permission is granted in accordance with the terms of the application, Ref. 12/0277/MOUT, dated 31 January 2012, subject to the conditions in the attached Schedule.

Procedural Matters

2. With the exception of the means of access, all other matters of detail have been reserved for subsequent consideration. I have treated the layout plans as being illustrative only.
3. The Council's decision notice includes reference to policy EN14 of the East Devon Local Plan 1995-2011 (LP). The Council informed me that this policy is "*time expired*" and no longer formed part of its case.
4. At the Inquiry I was given a copy of a plan detailing the proposed site access arrangements (Figure 4.2). The Council confirmed that it had determined the application on the basis of the details shown on this plan. I have taken this plan into account in determining the appeal.
5. I have also taken into account the contents of the Statement of Common Ground (SCG) that has been agreed by the Council and the appellant, as well as the separate SCG agreed by the appellant and Devon County Council in respect of highway and transportation issues.
6. The appellant has submitted a planning obligation (unilateral undertaking) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). This includes provision for: 40% affordable housing as part of

the scheme; public open space within the site; a Travel Plan and; financial contributions towards the cost of additional secondary school facilities at The Kings School Ottery St. Mary (£355,699) and the improvement of existing recreational playing pitches (£230,404.65). I return to this matter below.

7. In addition to the above mentioned site visit, I experienced traffic conditions through the town during the peak weekday morning and evening periods.

Main Issues

8. There are two main issues: firstly, whether there is a shortfall in the five year supply of housing land within the district and the implications for the adopted and emerging spatial vision for East Devon and; secondly, whether the proposal would result in a significant and unacceptable loss of best and most versatile agricultural land.

Reasons

First Main Issue - Housing Supply/Spatial Vision

9. One of the objectives of the development plan¹ is to meet the housing needs of the community. In essence, the adopted and emerging² spatial strategy for this part of Devon aims to deliver new housing in the most sustainable way³ by concentrating growth at the Principal Urban Area of Exeter (PUA) and other designated centres of growth⁴, including Area Centres⁵ like Ottery St. Mary.
10. The housing figures in the development plan are based upon evidence, including household and population projections, that was produced towards the end of the last century. The settlement boundaries within the LP⁶, which is a 'time expired' Plan, were drawn up with these now dated projections in mind. There is some merit therefore in the appellant's argument that the more recent household projections⁷, which formed part of the evidence base to the draft Regional Spatial Strategy (RSS) for the South West, provide a more reliable basis on which to assess housing land supply.
11. It is the Government's firm intention, through the Localism Act 2011, to abolish Regional Spatial Strategies. The draft RSS for the South West therefore has little weight in determining this appeal. However, that is not to say that the evidence base should be ignored. Unlike one of the reports⁸ that underpins the emerging LP and which, amongst other things, is cautious about the use of the 2008 DCLG projections, the evidence base to the draft RSS has been independently examined and is arguably more robust.
12. The Council's stance in taking a disaggregated approach to the assessment of housing land supply is also not unimportant. However, given the relevant statutory provisions⁹, the SP end date of 2016 and the findings of some other Inspectors in respect of other housing schemes elsewhere in East Devon (Refs.

¹ Includes Regional Planning Guidance for the South West (RPG10) and the 'saved' policies of the Devon Structure Plan 2001 to 2016 (SP) and the LP.

² The New East Devon Local Plan 2006-2026 Proposed Submission (Publication) [emerging LP]

³ As provided for by SP policy ST1

⁴ As provided for by SP policy ST5

⁵ As provided for by SP policy ST15

⁶ As provided for by LP policy S2

⁷ Provided by the Department of Communities and Local Government (DCLG) in 2008

⁸ East Devon Housing and Employment Study Final Report - Roger Tym & Partners December 2011

⁹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

APP/U1105/A/11/2155312, 2156973 and 12/2172708), the start point for assessing housing land supply is the district-wide five year supply. These appeals all post-date the appeal in Hampshire which the Council relies upon to support its stance (Ref. APP/X3025/A/10/2140962).

13. Both main parties agree that in East Devon District there has been an under-supply of housing in 8 out of the last 10 years. As a consequence of this persistent under-delivery of housing within the district it was also agreed that a 20% buffer should be applied to the five year supply as set out in paragraph 47 of The National Planning Policy Framework ('the Framework').
14. One of the objectives of 'the Framework' is to boost significantly the supply of housing. A recent Ministerial Statement¹⁰, amongst other things, also states that the need for new homes is acute, and supply remains constrained. These are important material considerations that must also be taken into account.
15. The Council has calculated¹¹, under the SP requirements, that there is about a 5.7 years supply of housing land within the District. (About 27.5 years supply in the 'Rest of East Devon' and about 3 years supply in the 'West End' [Cranbrook or at the PUA].) In contrast, the appellant has calculated that there is only about a 3.6 years district-wide supply.
16. Footnote 11 to 'the Framework' states that to be deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the development is viable.
17. The Council's assessment includes the following elements: sites with planning permission and/or under construction; other large sites with clear acknowledged development potential; future projected windfall allowance; proposed strategic allocations in the emerging LP and proposed non-strategic small site allocations. I consider each of these in turn below.

Sites with planning permission and/or under construction

18. This category includes over 400 sites (mostly schemes of less than 10 dwellings) with a total of 1,571 dwellings. The appellant has argued that a 10% discount should be applied to the total number of dwellings to allow for the non-implementation of some schemes. I understand the appellant's logic in applying this conservative discount and note that some permissions for small-scale housing are obtained for valuation purposes only. It would be very surprising if all 1,571 units were built during the five year period.
19. However, Footnote 11 to 'the Framework' also states that sites with permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years. Given the very large number of sites, it is unsurprising that the appellant has not analysed these permissions to assess, amongst other things, viability. The Council informed me that it had taken a "literal" approach to applying this Footnote. Notwithstanding my doubts above as to the likelihood of all 1,571 dwellings being provided, in the absence of any interrogation of the data it could be unsound to apply a discount to this figure.

¹⁰ 'Housing and Growth' Statement by the Secretary of State for Communities and Local Government 6/9/12

¹¹ By adding the 20% buffer to the housing requirement figure

20. The Council's assessment on this matter also includes 2,621 dwellings on sites at the West End. The bulk of these permissions are held by a consortium of national house builders at Cranbrook. Considerable infrastructure has been provided to allow for the development of this 'new community' and housing is now being delivered. However, house builders operate in a very competitive market where it could be in their interests to exaggerate sales estimates in order to thwart a rival. I am therefore cautious about the estimated delivery/sales provided on behalf of the consortium and which have been used to support the Council's assessment.
21. It is also not lost on me that it would be in the appellant's interest to 'downplay' the consortium's figures to gain an advantage in the market. However, the appellant's calculations are based upon the average annual completion rates from sales outlets operated by these national house builders and contained within their 2011 Annual Reports. Furthermore, there would be considerable competition between the various sales outlets at Cranbrook (between 4-6 different sales outlets). I also note the appellant's argument that economic recovery is still some way off. The appellant has provided a realistic assessment of the housing that can reasonably be expected to be delivered.
22. The completion rates at Cranbrook are therefore likely to be much nearer the figures supplied by the appellant rather than the Council and the consortium. The number of dwellings delivered over the five year period from Cranbrook would be very much less than predicted by the Council. I note that there is little between the main parties over the other housing that is expected to be delivered at other West End sites.

Other large sites with clear acknowledged development potential

23. The Council has calculated that 333 dwellings would be provided from this source. However, only one of these sites has planning permission for housing and the Council informed me that a new permission would be required before any dwellings could be delivered on that site. Whilst planning applications have been submitted in respect of the other sites, none have permission and some have been awaiting the completion of planning obligations for many months. This could be due to various issues, including viability. The Council's expectation that some of these schemes would have "*early delivery*" appears overly-optimistic. I concur with the appellant that in the context of Footnote 11 to 'the Framework' most, if not all, of these sites are not deliverable and should not be included within the housing supply assessment.

Future projected windfall allowance

24. There is no dispute between the main parties that an allowance for windfall sites should be made. Paragraph 48 of 'the Framework' advises that any allowance should be realistic having regard, amongst other things, to historic windfall delivery rates.
25. The Council has predicted that 475 dwellings would be delivered from this source over the five year period. In support of this figure it has drawn my attention to a Technical Working Paper¹² that it published in April 2012.
26. Amongst other things, the Working Paper provides an annual average estimate of 130 dwellings from windfall sites. It states that for the next two years

¹² Housing Land Supply To Support The New East Devon Local Plan and Five Year Land Supply Assessment

windfall completions will be largely drawn from the existing commitment stock that already has permission and therefore are already accounted for in the housing projections.

27. However, in updating its housing supply figures to the end of September 2012, the Council appears to have ignored the two year 'lead in' period which it identified in its Working Paper in April. I note that these 'updated' figures were arrived at following the appeal decision dated 25 September 2012, at Feniton (Ref. APP/U1105/A/12/2172708) and where the Inspector found that the Council had failed to demonstrate a five year supply of deliverable sites.
28. The appellant's figure of 280 dwellings from this source is consistent with the assessment in the Council's Working Paper and is more soundly based than the higher figure now put forward by the Council.

Proposed strategic allocations in the emerging LP

29. The Council has estimated that 500 dwellings would be provided from this source and has drawn my attention to planning applications that have been submitted in respect of some of these proposed allocations, including the recent schemes for the Island Farm site at Ottery St. Mary.
30. However, these sites do not have planning permission and are not available now. There may also be technical and/or viability issues which could delay them coming forward within the five year period. Moreover, the timing of the submission of some of these applications appears to be more than coincidental, given the date of the Inquiry into this appeal. As I have already noted above, the house building industry is very competitive.
31. I recognise that much work has gone into the preparation of the emerging LP and that there is local support for the Island Farm allocation. However, the extent of this support and opposition to the allocations within the emerging LP will not be apparent until after the current 'consultation stage' has been completed. The principle of undertaking development on these sites has yet to be independently examined. Whilst that is a separate matter for another Inspector, it is by no means certain that the Plan would be adopted in its current form or that the emerging strategy will be found sound.
32. The Council informed me that the emerging LP is not likely to be adopted until 2014 and accepts that at this stage it can only be given limited weight. Moreover, many, if not all, of these allocated sites are subject to the same or similar housing/settlement policies as the appeal site. If the Council was to release these allocated sites now it would be tantamount to accepting that it did not have a five year supply of deliverable housing land.
33. There is greater force in the appellant's argument that these allocated sites should not be included, at this stage, as part of the five year supply.

Proposed non-strategic small site allocations

34. The Council has calculated that these sites would deliver 456 dwellings over the five year period. However, in many instances this is made up of a list of settlements in which an allocation is proposed but where no site has been identified and no permission has been sought or obtained. One that is identified is the Cutler Hammer site in Ottery St. Mary. I understand that applications have very recently been lodged with the Council to redevelop this

site. However, there are recognised constraints to developing this site and several previous applications have been refused. The extent of any remaining objections is, at present, unknown. Even if allowance is made for the few sites which have permission, the numbers of dwellings that would be deliverable from this source would be very much lower than predicted by the Council.

Preliminary conclusion on housing supply

35. When my findings above are applied to an assessment using the SP housing requirements on a district-wide basis there is less than a five year supply of deliverable sites for housing. When applied against the housing requirements of the former Secretary of State's Proposed Changes to the draft RSS or the 2008 CLG projections, the shortfall is even greater.
36. Under the Council's disaggregated approach, the appeal site would fall within the 'Rest of East Devon'. As I have noted above, within this part of the district the supply of deliverable sites is very much greater than five years. I understand this approach is aimed at reflecting the spatial strategy which directs growth to different parts of the district. However, no development plan or national policies advocate such an approach.
37. The Council informed me that, if permitted, it would be "*very difficult*" to say that the appeal scheme would slow down the delivery of housing at Cranbrook. Therefore, even if a disaggregated approach was adopted, there is no cogent evidence to show any harm. The Council also informed me that if a five year supply of deliverable sites did not exist under the SP housing requirements then no such supply would exist under the provisions of the emerging LP.
38. Ottery St. Mary includes a wide range of services and facilities, including a hospital, schools, public transport and employment/business premises. Whilst additional employment provision would enhance the 'self-sufficiency' of the town, the Highway Authority, who in my experience regularly comment in respect of the need to travel, are content with the sustainability credentials of the scheme. There is no cogent evidence to demonstrate that the appeal scheme would have any harmful implications for the spatial strategy or prejudice housing growth at the larger Area Centres of Exmouth or Honiton.
39. Whilst the proposal would result in some commuting to Exeter and more limited commuting elsewhere, it would not significantly increase the need to travel. Unlike developments permitted within the town in the recent past, the appeal scheme would include a sizeable number of affordable dwellings. These would assist in meeting the housing needs of the local community and contribute to the town's 'self-sufficiency'. Up until March 2012, the Council was also suggesting more housing for the town, over and above the proposed allocations that I have noted above. This indicates that its officers, at least, considered that additional housing would not be unsustainable at that time.
40. Paragraph 49 of 'the Framework' states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Given my findings above on this matter, the location of the appeal site outside the LP built-up-area boundary for the town is not a sound basis for withholding permission. I note that a similar approach was taken in two linked appeals in Gloucestershire in July 2012 (Refs.

APP/G1630/A/11/2146206 and 2148635). Whilst I also note the findings in respect of single dwelling schemes elsewhere in East Devon (Refs. APP/U1105/A/12/2171709 & 2177354) housing land supply was not a main issue in either of these cases.

41. 'The Framework' is also clear in seeking to allow people and communities back into planning by empowering them to shape their surroundings with succinct local and neighbourhood plans. In this regard, I note that the Town Council and many residents have attended public meetings in connection with the emerging LP and want to help shape the future growth at Ottery St. Mary.
42. However, the evidence base for the emerging LP has yet to be independently examined and, as I have noted above, the outcome of this process, including arguments concerning the scale of housing, will not be decided for some time. The Council's reasons for refusal do not refer to the emerging LP and it has not raised a 'prematurity argument'. Approving the appeal scheme would not prejudice the outcome of the examination into the emerging LP. Moreover, delaying much needed housing would be at odds with the aim of significantly boosting the supply of housing.
43. Urgent action is required to address the shortfall in housing within the district and assist in meeting the needs of those who require affordable housing. The evidence before me indicates that there is a considerable local need for this type of housing within the town. The Council was unable to inform me what provision for affordable housing has been advanced in the recent applications for Island Farm. The outcome of these proposals is unknown and it could be many months before that site is released for housing. The appeal scheme has the potential to provide necessary housing at a much earlier date. The appellant's agent informed me that he had no doubts that the proposed scale of affordable housing could be provided as part of the appeal scheme.
44. I conclude on the first main issue that there is a shortfall in the five year supply of housing land within the district and the proposal would not have any harmful implications for the adopted and emerging spatial vision for East Devon.

Second Main Issue - Agricultural Land

45. The proposal would entail the permanent loss of about 4.1 ha of the best and most versatile quality farmland (BMV), the bulk of which would be Grade 2 agricultural land. Under SP policy CO14 non agricultural development is only permitted on BMV where there is an over-riding need for the development in that location which outweighs the need to protect such land. However, this policy was based upon national planning guidance which is no longer extant.
46. Paragraph 112 of 'the Framework' states that local planning authorities should take into account the economic and other benefits of BMV. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
47. The appeal site forms part of an 82 ha holding which comprises a mixed arable and grassland enterprise. It is a distinctly separate land unit to the main farming interests which are located some distance to the north. There are playing fields to the north of the site and allotments and a cemetery to the south. The proposal would represent a very small loss of the area farmed in this enterprise. It would not fragment or sever the remainder of the holding

68. Improvements would be required to the local sewage treatment works before the development could proceed. It would therefore be necessary to attach a 'Grampian style' condition which required such improvements to be undertaken before any of the proposed dwellings were occupied. As I have already noted above, a condition would also be necessary to avoid land drainage problems.
69. A phasing condition would be necessary to enable parts of the development to proceed without requiring all of the highways infrastructure to be provided from the outset. Separate conditions would be necessary to ensure this infrastructure (estate roads etc.,) was provided at the appropriate time.
70. To safeguard the character and appearance of the area it would be necessary to attach conditions limiting the height of the proposed buildings and requiring the submission and approval of an Arboricultural Method Statement and a Tree Protection Plan. A condition would also be necessary to safeguard archaeological interests. As I have noted above, a condition would also be necessary to safeguard nature conservation interests.
71. To safeguard the living conditions of neighbouring residents during the construction phase a condition requiring the submission/approval of a Construction Method Statement would be necessary.
72. Both main parties agree that a condition requiring the submission of a Travel Plan would duplicate the provisions of the planning obligation and would be unnecessary. As separate legislation exists to prevent obstructions along the highway a condition requiring this to be maintained for the free-flow of traffic would also be unnecessary. Matters relating to boundary treatments and the materials of construction could be addressed at reserved matters stage and conditions requiring such details to be provided now would be unnecessary.

Overall Conclusion

73. When all of the above matters are weighed, there is a compelling case for releasing this site for housing and there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. Whilst my findings will disappoint many residents, the evidence leads me to conclude that permission should not be withheld. The appeal should therefore succeed.

Neil Pope

Inspector

Ashford Local Plan

2030



Adopted **February 2019**



ASHFORD

Policy HOU3a - Residential Windfall Development Within Settlements

Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines of the following settlements:

Ashford, Aldington, Appledore, Appledore Heath, Bethersden, Biddenden, Boughton Lees, Brabourne Lees/Smeeth, Brook, Challock, Charing, Charing Heath, Chilham, Egerton, Egerton Forstal, Great Chart, Hamstreet, Hastingleigh, High Halden, Hothfield, Kenardington, Kingsnorth, Little Chart, Mersham, Newenden, Old Wives Lees, Pluckley, Pluckley Thorne, Pluckley Station, Rolvenden, Rolvenden Layne, Ruckinge, Shadoxhurst, Smarden, Stone in Oxney, Tenterden (including St Michaels), Warehorne, Westwell, Wittersham, Woodchurch and Wye.*

**Existing Kingsnorth village*

Providing that the following requirements are met:

- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
- b) It would not create a significant adverse impact on the amenity of existing residents;
- c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
- d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
- e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
- f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
- g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.

Where a proposal is located within, or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.

Policy HOU10 will also be applied to relevant garden land applications.

Housing Development Outside Settlements

- 6.54 In addition to residential windfall schemes within settlement confines, new housing outside settlement boundaries may also make a positive contribution to meeting housing needs across the borough. The NPPF is clear in its desire to promote sustainable development in general within the wider context of boosting housing supply, meeting a range of housing needs and using development as a means of improving the quality of a place and / or its setting.
- 6.55 In nearly all cases, isolated or remote sites in the countryside (especially on greenfield sites)

will not be sustainable in NPPF terms and para. 55 of the NPPF specifically advises against permitting new dwellings in isolated locations unless it meets one of the specified exception criteria.

- 6.56 However, for proposals that adjoin or are close to existing settlements, it is necessary to consider the relative social, economic and environmental advantages and disadvantages of a scheme as these are the 3 dimensions of ‘sustainable development’ described in para. 7 of the NPPF.
- 6.57 In assessing proposals, the scale of a development will be a major factor to bring into this equation. For larger schemes, the importance of good accessibility to local services and facilities will be of particular importance taking account of the quality and number of such services and the ability to either benefit or be accommodated by such services. The cumulative effects of windfall schemes on local services and facilities, having taken account of the impacts from any allocated sites in the area and any other developments with extant planning permission, will need to be considered, including whether existing services may readily absorb (or benefit from) the additional demand placed on them as a consequence. This should include reference to the availability of primary school places and GP provision at the nearest available facilities alongside the scale and quality of local community facilities. This may also include any supplementary effects on existing residents, for example as a result of reduced school catchment areas.
- 6.58 Although some reliance on the private car is inevitable in rural locations, the availability of good public transport links, cycling and walking routes can help to reduce that reliance and enable better accessibility to services that may only be available in higher-order rural settlements or Ashford itself. Basic day to day services such as a grocery shop, public house, play / community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable, although the specific local context may mean a higher or lower distance would be a more appropriate guide.
- 6.59 The impact of a scheme on the character of a settlement or rural area can be harder to quantify and, in essence, relates to the inherent qualities that help to define what makes a place and gives it an identity. This will vary from settlement to settlement taking account of its history and heritage and how it has grown over many years within its landscape setting. For example, larger-scale modern extensions to small rural villages have not traditionally been the means by which those villages have grown, especially those in locations away from the main local highway or public transport network.
- 6.60 This policy therefore does not include some of the smaller settlements, which may only be suitable for minor development and infilling in accordance with Policy HOU3a.
- 6.61 A proposal for residential development must also demonstrate that it (and its associated infrastructure) is well designed and sited in a way that can: sit sympathetically within the wider landscape; enhance its immediate setting; be consistent with any prevailing character and built form, including its scale, bulk and the material used; does not harm neighbouring uses or the amenity of nearby residents.

Isolated Residential Development

- 6.62 The NPPF clearly states that new isolated homes in the countryside should be avoided, unless there are special circumstances. Para. 55 of the NPPF lists a number of exceptions to the general

rule of restraint and these are replicated in the policy below, alongside proposals for replacement dwellings. In considering applications for the re-use of redundant or disused buildings, proposals will need to demonstrate that the existing buildings have been on site for a number of years and are no longer needed for their current or previous use. The building shall have been appropriately maintained and not allowed to fall into disrepair as a prelude to suggesting an enhancement to the setting of the area.

- 6.63 Proposals for exceptional dwellings under the second part of policy HOU5 shall be subject to a rigorous and independent assessment of their design quality. The views of the Ashford Design Panel will need to be sought and, where necessary, proposals amended to ensure their views are reflected. The architecture of a proposal and how that responds to the landscape character and setting of the site will be fundamental in establishing whether the scheme is genuinely exceptional or not.

Policy HOU5 - Residential Windfall Development in the Countryside

Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable:

Ashford, Aldington, Appledore, Bethersden, Biddenden, Brabourne Lees/Smeeth, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet, High Halden, Hothfield, Kingsnorth*, Mersham, Pluckley, Rolvenden, Shadoxhurst, Swarden, Tenterden (including St Michaels), Wittersham, Woodchurch and Wye.

**Existing Kingsnorth village*

Providing that each of the following criteria is met:

- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;**
- b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;**
- c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;**
- d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;**
- e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,**
- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-**
 - i) it sits sympathetically within the wider landscape,**
 - ii) it preserves or enhances the setting of the nearest settlement,**
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside,**

Continued...

- iv) it is consistent with local character and built form, including scale, bulk and the materials used,
- v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
- vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

Residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-

- Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;
- A dwelling that is of exceptional quality or innovative design* which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
- A replacement dwelling, in line with policy HOU7 of this Local Plan;

Where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.

**These proposals will be required to be referred to the Ashford Design Panel and applications will be expected to respond to the advice provided.*

Policy HOU10 will also be applied to relevant garden land applications.

Self-Build / Custom Build Development

- 6.64 The Council will support the principle of Self and Custom Build development as an opportunity to bring choice to the housing market as well as enabling local people to design and build their own home that will meet their bespoke needs.
- 6.65 The NPPF makes it clear that LPAs should identify and make provision for the housing ‘needs of different groups in the community such as people wishing to build their own homes’. ‘Self-build housing’ is identified by the Community Infrastructure Levy Regulations as a dwelling built by (or commissioned by) someone to be occupied by them as their sole or main residence for at least three years. Custom-Build homes encompass self-build but tends to be where individuals work with specialist developers to build their home.
- 6.66 This policy will contribute towards the availability of self and custom build plots enabling local residents to deliver high quality homes, as well as supporting the local economy providing work for builders and associated trades.
- 6.67 The establishment of a Right to Build Register and evidence gained from future SHELAAAs and SHMAAs has and will continue to help inform the level of need for Self Build. Based on current