

Town and Country Planning Act 1990 – Section 78
Town and Country Planning (Development Management Procedure) (England) Order 2013
Town and Country Planning (Inquiries Procedure) (England) Rules 2000

**Appeal by Barwood Development Securities Ltd and the North
West Thornbury Landowner Consortium**

Land to the west of Park Farm, Butt Lane, Thornbury

Against the failure to determine a planning application within the relevant timescale by South
Gloucestershire Council for:

***“Erection of up to 595 dwellings (Use Classes C3), land for a Primary
School (Use Class D1), up to 700m² for a Retail and Community Hub
(Use Classes A1, A2, D1), a network of open spaces including parkland,
footpaths, allotments, landscaping and areas for informal recreation,
new roads, a sustainable travel link (including a bus link), parking areas,
accesses and paths and the installation of services and drainage
infrastructure (Outline) with access to be determined and all other
matters reserved*”**

Appeal Ref: APP/P0119/W/21/3288019

**Updated Statement of Common Ground (Housing Supply and
Delivery)**

between

South Gloucestershire Council

&

**Barwood Development Securities Ltd and the North West
Thornbury Landowner Consortium**

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Updated Statement of Common Ground – Housing Supply and Delivery

I. Introduction

- I.1. This Updated Statement of Common Ground (SoCG) has been prepared jointly by Barwood Development Securities Ltd (hereinafter referred to as ‘The Appellants’) and South Gloucestershire Council (hereinafter referred to as “The Council”).
- I.2. The Statement refers to Appeal Ref: APP/P0119/W/21/3288019 against the failure of South Gloucestershire Council to determine an outline planning application within the relevant timescales for the site known as Land to the west of Park Farm, Butt Lane, Thornbury (application reference: PT18/6450/O) for:

Erection of up to 595 dwellings (Use Classes C3), land for a Primary School (Use Class D1), up to 700m2 for a Retail and Community Hub (Use Classes A1, A2, D1), a network of open spaces including parkland, footpaths, allotments, landscaping and areas for informal recreation, new roads, a sustainable travel link (including a bus link), parking areas, accesses and paths and the installation of services and drainage infrastructure (Outline) with access to be determined and all other matters reserved

- I.3. This SoCG refers to matters concerned with housing land supply and delivery. A separate SoCG covering all other planning matters has been prepared. This includes a summary of the background, site location and proposals.
- I.4. This Statement sets out the agreed matters of fact and agreed positions between the Council and the Appellant in respect of housing supply and delivery matters for this appeal.
- I.5. Finally, this statement summarises those areas of disagreement between the parties.
- I.6. This final version of the SoCG (Housing Supply and Delivery) is jointly agreed by:

Signed *Ben Pycroft*

Date 28th September 2022

Ben Pycroft (Emery Planning)

On behalf of Barwood Development Securities Ltd and the North West Thornbury Landowner Consortium

E J Paterson

Signed

Date 28th September 2022

NAME Eileen Paterson

On behalf of South Gloucestershire Council

2. Matters of agreement

Housing delivery

- 2.1. Both parties agree that the latest (2021) Housing Delivery Test result was 133% as set out in the following table:

Table 1: 2021 Housing Delivery Test result for South Gloucestershire

	2018-19	2019-20	2020-21	Total
Number of homes required	1,366	1,272	940	3,578
Number of homes delivered	1,573	1,536	1,646	4,755
HDT measurement				133%

- 2.2. The 133% represents an over delivery of units over the last three years of 461 units against the standard method. Both parties agree that from December 2018 when the Core Strategy became more than 5 years old, the housing requirement was calculated using the standard method set out in national guidance as set out in the NPPF para 74 and footnote 39.

Five year housing land supply

The base date for the 5 year housing land supply calculation

- 2.3. The Council's most recent assessment of 5 year supply is set out in the South Gloucester Five Year Housing Land Supply Calculation 2021. The base date of this assessment is 1 April 2021 and it covers the five year period 2021/21 to 2025/26. Therefore, both parties agree that the relevant 5-year period for the determination of this appeal is April 2021 to March 2026.

Housing requirement for the 5 year housing land supply calculation

- 2.4. It is agreed that the housing land supply should be measured against the local housing need calculated using the standard method set out in national planning guidance, which results in an annual requirement of 1,388 dwellings.
- 2.5. It is agreed that, as the five year housing land supply is to be measured against the local housing need, there is no requirement to specifically address under-delivery separately as this has been factored in through the standard method calculation.
- 2.6. Based on the published results for the Housing Delivery Test, both parties agree that a 5% buffer should be applied to the housing requirement in line with paragraph 74 of the NPPF.
- 2.7. As a consequence, both parties agree that the total housing requirement for the 5-year period is 1,457 dwellings. This means the following matters are agreed:

A	Annual Local Housing Need	1,388
B	Five year requirement (A x 5)	6,940
C	Annual requirement for five-year period (including 5% buffer) [B+5%]	7,287
D	Five-year requirement (including 5% buffer) [C x 5]	1,457

Sources of supply

2.8. It is agreed that the base date for the assessment of supply is 1 April 2021.

2.9. It is agreed that the starting point for considering whether a site is deliverable or not for the purposes of 5YHLS assessments, is set out within the glossary of the NPPF and supported by paragraph 007 of the PPG (ID: 68-007-20190722).

2.10. The definition of a deliverable site as provided in the NPPF is:

To be considered deliverable, sites for housing 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. In particular:

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

2.11. Both parties agree that the categories for sites set out in the Council's 2021 Housing Trajectory are capable of being used to identify deliverable sites for the purposes of the definition set out in the NPPF.

2.12. The following adjustments to the Council's trajectory are agreed:

- 0256 – The Hoodlands – 50 dwellings should be removed (for the reasons set out in Ms Paterson's Addendum Proof of Evidence);
- 0226 – Watermore Primary School – 1 dwelling should be removed (for the reasons set out on page 33, paragraph 8 of Ms Paterson's Rebuttal Proof of Evidence);
- 0227 – Cleve Park, Thornbury – 14 dwellings should be removed (for the reasons set out on page 34 of Ms Paterson's Rebuttal Proof of Evidence);
- 0036az – Parcel 30 Emersons Green – 5 dwellings should be removed (for the reasons set out on page 40 of Ms Paterson's Rebuttal Proof of Evidence); and
- 0250a – Land east of North Road, Yate – 1 dwelling should be removed (For the reasons set out on page 39 of Ms Paterson's Rebuttal Proof of Evidence).

2.13. This means that the Council's supply figure is 8,653 dwellings (i.e. $8,724 - 50 - 1 - 14 - 5 - 1 = 8,653$).

3. Matters of disagreement

Net housing completions

- 3.1. The Appellant considers that it is relevant to consider past completions as against the Core Strategy housing requirement as set out in section 4 of Mr Pycroft's proof of evidence (tables 4.1 and 4.2). The Appellant also considers that it is relevant that the Council will not meet the plan-led housing requirement as set out in the Core Strategy. The Appellant considers that against the adopted housing requirement there is a shortfall of 1,181 dwellings even based on the Council's trajectory.
- 3.2. The Council disagrees as it considers that the LHN assessment method, that is to be used when a plan is more than five years old, resets the housing requirement position including taking into account any backlog. The Council considers that the Core Strategy policy that contains the housing requirement for the District is no longer a most important policy given that the Core Strategy is more than five years old and that the use of this figure is not relevant to consideration of the housing requirement and the five year supply.

Deductions to the supply set out in the Housing Trajectory

3.3. The Appellant considers that the following deductions should be made to the Council's supply:

Table 2: Deductions to South Gloucestershire's supply made by the Appellant

Site ref	Site	Council's 5YS	Appellant's 5YS	Deduction
0134a	Cribbs/Patchway NN - West of A4018 Haw wood	61	0	-61
0134aa	Land At Cribbs Causeway (Berwick Green / Haw Wood)	162	125	-37
0134ab	Parcels 14-19 Land At Cribbs Causeway (Berwick Green / Haw Wood)	244	0	-244
0134b	Cribbs/Patchway NN - Wyke Beck Rd/Fishpool Hill	100	0	-100
0134ba	Land At Wyck Beck Road And Fishpool Hill	235	174	-61
0134c	Cribbs/Patchway - Former Filton Airfield YTL (PT14/3867/O)	300	0	-300
0134ca	Parcels RO3 and RO4 - Former Filton Airfield YTL	302	292	-10
0135a	New Neighbourhood – East of Harry Stoke – Crest (South of railway)	55	0	-55
0135b	New Neighbourhood - East of Harry Stoke - Council Land [North of railway]	100	0	-100
0135d	New Neighbourhood - East of Harry Stoke [Land off Old Gloucester Road, Hambrook]	53	0	-53
0135da	New Neighbourhood - East of Harry Stoke [Residual Land]	100	0	-100
0133 (various)	Land at North Yate	1,487	955	-532
0021b	Land at Harry Stoke, Stoke Gifford – Create & Sovereign & Linden Homes	605	372	-233
0021c	Land at Harry Stoke	125	0	-125
0226	Watermore Junior School	26	5	-21
0234	Land east of Cedar Lodge	29	0	-29
0247a	Land at Crossways, Morton Way, Thornbury	69	0	-69
0248	Land west of Trinity Lane	60	0	-60
0036ca	Land at Lyde Green Farm – Edward Ware Homes	50	0	-50
	Student accommodation	307	0	-307
	Total	4,470	1,923	-2,547

3.4. The Council disagrees and considers that the only deductions that should be made are set are as set out above in paragraph 2.13 which amount to 71 units.

Extent of the deliverable supply

3.5. The Council considers that the deliverable five year housing land supply is 8,653 dwellings. Against the local housing need and a 5% buffer, this equates to 5.94 years.

- 3.6. The Appellant considers that the deliverable five year housing land supply is 6,106 dwellings. Against the local housing need and a 5% buffer equates to 4.19 years as shown in the following table:

Table 3: South Gloucestershire’s Five Year Supply at 1st April 2021

	Requirement	Council	Appellant
A	Annual local housing need		1,388
B	Five year requirement (A X 5 years)		6,940
C	Five year housing land supply to be demonstrated (B + 5%)		7,287
D	Annual average requirement plus buffer (C / 5 years)		1,457
	Supply		
E	Supply to 31st March 2026	8,653	6,106
F	Supply in years (E / D)	5.94	4.19
G	Surplus / Shortfall against the five year requirement plus 5% buffer (E – C)	1,366	-1,181

Affordable housing supply

- 3.7. It is agreed that the latest assessment of affordable housing need is set out in the West of England Local Housing Needs Assessment (LHNA, ORS, September 2021). The Appellant considers that this is an untested document which will be examined as part of the West of England Spatial Plan. The Council considers that this is the most up to date information currently available on affordable housing need in its area and should be relied upon as such in a section 78 appeal.
- 3.8. The Appellant considers that it is appropriate in considering affordable housing need to utilise the affordable housing completions against the need identified in the Core Strategy which is 903 units per annum. Using this figure there is a cumulative shortfall of at least 6,736 affordable dwellings. The Council disagrees with the use of this figure and considers that the appropriate figures to use for assessing affordable housing need is that contained in the LHNA 2021 which takes into account any backlog of need.
- 3.9. The Appellant refers to the affordable housing need for South Gloucestershire over the period 2020-35 of 18,455 households as set out within the LHNA. This equates to 1,230 households per year. The Council considers that it is incorrect to use this figure contained in the LHNA to identify affordable housing needs as this figure includes a significant proportion of those that can afford to rent or buy on the open market, or who aspire to but cannot access affordable home ownership.
- 3.10. The Council considers the LHNA 2021 identifies affordable housing need over 2 planning periods – for 15 years 2020-35 and for 20 years 2020-40. There is currently a need for 6,165 affordable homes for South Gloucestershire in the plan period 2020-35, or approximately 411 homes per annum. There is currently a need for 7,485 affordable homes for South Gloucestershire in the plan period 2020-40, or

approximately 370 affordable homes per annum. The Council considers that it has an available supply of 500 dwellings per annum that adequately provides for that need

- 3.11. The Council considers that the forward supply of affordable housing over the next five years based on its trajectory is 2,499. The Appellants consider that the available supply is 1,569.
- 3.12. Whilst it is agreed that there are in the region of 4,059 households on the Council's Housing Register it is not agreed that this is an appropriate figure to rely on to identify affordable housing need. The Council considers that the relevant up to date information on affordable housing need is that contained in the recent LHNA and which takes into account backlog. The Council also considers that the Council's Housing Register includes those who can afford to buy or rent on the open market. The Appellant considers that the 4,059 figure is appropriate to identify current affordable housing need.