



Rebuttal to Ms Paterson's Addendum Proof of Evidence on Housing Supply Matters by Ben Pycroft BA(Hons), Dip TP, MRTPI

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

for Barwood Development Securities Limited and the North West Thornbury
Landowner Consortium

Emery Planning project number: 21-658

PI ref: APP/P0119/W/21/3288019

LPA ref: PT18/6450/O

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Project : 21-658
Site address : Land to the west of Park
Farm, Butt Lane,
Thornbury
Client : Barwood Development
Securities Limited and
the North West
Thornbury Landowner
Consortium
Date : 23 September 2022
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1. Introduction

- 1.1 This brief rebuttal to Ms Paterson's addendum proof of evidence in relation to housing supply matters is submitted on behalf of Barwood Development Securities Ltd and the North West Thornbury Landowner Consortium (i.e., the Appellant) in support of its appeal against the failure of South Gloucestershire Council to determine an outline planning application within the relevant timescales for the 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 with access to be determined and all other matters reserved (PINS ref: APP/P0119/W/21/3288019, LPA ref: PT18/6450/O).
- 1.2 From the outset, the Council published its housing land supply position in December 2021. Evidence was exchanged for this appeal on 1st March 2022. Rebuttal evidence was then exchanged on 15th March 2022. On 15th September 2022, six months later than the deadline for submitting rebuttal evidence and just two weeks before the Inquiry is due to open, the Appellant received Ms Paterson's addendum proof of evidence. It is 32 pages long and provides an update on behalf of the Council in relation to the disputed sites. The Appellant is grateful to the Inspector for allowing a full day at the inquiry to discuss the Council's housing land supply and I respectfully request the opportunity to respond to the new information submitted by the Council at the round table session on housing land supply (currently due to take place on 4th October). Consequently, this rebuttal does not respond to the points made on individual sites but responds briefly on points relating to methodology.

2. The five year housing land supply requirement

- 2.1 Whilst Ms Patterson has now provided an addendum proof of evidence seeking to update the Council's position on the disputed sites, Ms Patterson has not explained the fact that the Council's local housing need figure has increased since evidence was exchanged in February 2022. This is because affordability has worsened and therefore the ratio used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG has increased.
- 2.2 The application of the new ratio means that the local housing need for South Gloucestershire is now 1,388 dwellings per annum (rather than 1,353 dwellings per annum using the previous ratio as set out in the SOCG on HLS). The calculation is set out in the following table:

	Step 1	Step 2	Step 3	Step 4	
	Projected annual average household growth 2022-2032	Adjustment factor	Should the cap be applied?	Should the city uplift be applied?	Local housing need
South Gloucestershire	1,066.80	1.30	No	No	1,388.17

- 2.3 In March 2022, the Council updated its Authority Monitoring Report (AMR) to reflect this. The revised AMR is appended to this statement as **EP16**.

3. The revised AMR

The base date and the five year period

- 3.1 Ms Patterson's addendum proof of evidence and the revised AMR confirm that the base date for calculating the five year housing land supply remains as 1st April 2021 and the five year period is to 31st March 2026.
- 3.2 Ms Patterson's addendum proof of evidence seeks to provide an update to the Council's position on the disputed sites over the last 6 months. It is also relevant to note the lack of progress over the same period on many of the disputed sites and the fact that by the time the inquiry opens, less than 3.5 years of the 5 period will remain. I intend to refer to this when the disputed sites are discussed at the round table session.

The absence of any written agreements with those promoting sites

- 3.3 As I explained in my main proof of evidence, the Council chose not to publish any site specific evidence to support its housing trajectory when it was published in December 2021. Whilst there was a column with the title: "Deliverability Information" on the trajectory, the links simply led to document for each site dated 8th December 2021 with the heading "Deliverability Statement" and then refers to the definition of deliverable in the Framework. Examples were appended to my main proof of evidence at **EP2** and **EP3**.
- 3.4 The revised AMR at appendix **EP16** to this statement includes a revised trajectory insofar as the column that was called "Deliverability Information" has been removed. I make the following points in relation to this:
- Firstly, the Council chose to update its AMR and housing trajectory but chose not to provide any "deliverability information" within it when it did so. As explained in my main proof of evidence Inspectors and the Secretary of State have removed category b) sites from the deliverable supply on this basis; and
 - Secondly, whilst Ms Paterson has now produced an addendum proof of evidence, this does not include any written agreements from those responsible for delivering sites.

4. The definition of “deliverable”

4.1 Whilst as I set out in the introduction to this statement, I respectfully request the opportunity to comment on the new evidence submitted by the Council on the disputed sites at the inquiry, I note that in some cases Ms Patterson relies on the submission of an application to constitute clear evidence. I make two brief points in relation to this.

4.2 Firstly, in a recent appeal in decision dated 25th August 2022 regarding an appeal made by Salter Property Investments Ltd against the decision of Exeter City Council to refuse to grant outline planning permission for up to 93 dwellings at land off Spruce Close, Exeter¹, the Inspector found:

- The pro-formas used by Exeter were undated, unsigned and deficient (paragraph 39);
- That 2 sites with outline planning permission and no reserved matters applications pending and no clear evidence for their inclusion should be removed (paragraphs 40 and 41); and
- That even where reserved matters application had been made, where those applications are subject to outstanding objections and there is no written agreement with the developer, the sites should not be included because no clear evidence had been provided (paragraphs 42 and 43).

4.3 I refer to this appeal decision because of the comparable situation in terms of South Gloucestershire's approach to its housing land supply.

4.4 Secondly, Ms Patterson's rebuttal proof of evidence claimed that the Hoodlands site (ref: 0256) should be included in the deliverable supply on the basis that a reserved matters application had been made, there were ongoing discussions with the applicant, revised plans were submitted in February 2022, the application was subject to a Planning Performance Agreement and modern methods of construction were proposed (paragraphs 6.1 to 6.3). I challenged the inclusion of this site on the basis that whilst an application had been made, it was subject to objections. The application was refused in April 2022 and for this reason, Ms Paterson's addendum proof of evidence now confirms that it should not be included in the deliverable supply.

¹ PINS ref: 3292721 – appendix EP17

5. Student accommodation

5.1 Whilst Ms Paterson's addendum proof of evidence refers to the disputed sites, the two disputed student sites are not referred to. Despite having the opportunity to do so through Ms Paterson's addendum, the Council has not provided any analysis to meet the requirements of paragraph 68-034 of the PPG. Analysis is required to calculate how many homes will be returned to general (non-student) use and / or would remain in such uses rather than used by students. This was confirmed by two Inspectors who considered Sheffield's housing land supply at public inquiries which took place in April and June 2021:

- The first public inquiry related to an appeal made by Patrick Properties Strategic Land Ltd against the decision of Sheffield City Council to refuse to grant permission for a mixed use development including up to 300 dwellings at the former Loxley Works, Storrs Bridge Lane, Sheffield². The inquiry opened on 13th April 2021 and the appeal decision was issued on 10th August 2021. Paragraph 20 of the appeal decision explained that Sheffield City Council sought to include 2,763 units of student accommodation in its five year housing land supply but had not carried out an analysis to determine the amount of accommodation that new student housing releases in the wider housing market and / or the extent to which it allows general market housing to remain in such use rather than being converted for use as student accommodation. Paragraph 22 of the appeal decision again explained that the inclusion of student accommodation "requires evidence to justify its inclusion".
- The second public inquiry related to an appeal made by Hallam Land Management against the decision of Sheffield City Council to refuse to grant outline planning permission for up to 85 dwellings at land at the junction of Carr Road and Hollin Busk Lane, Sheffield³. The inquiry was held at the end of June 2021 and the decision was issued on 10th August 2021. Paragraphs 38-42 of the appeal decision discuss the inclusion of student accommodation in housing land supply calculations. Paragraph 41 of the decision states:

"In order to undertake the analysis consideration is also needed of the likely growth in student numbers to compare against supply. In this regard, if the growth is the same as new student accommodation provided then it will be unlikely that there will be any release of existing housing stock from student use to general market use."

The first part of paragraph 42 of the appeal decision states:

"No convincing evidence of any analysis undertaken by the Council, including student growth, was provided to demonstrate how much market housing is released and how much realistically should be added to the supply. Without demonstration on the part of the Council that the 2,763 were

² PINS ref: 3262600 – appendix **EP18**

³ PINS ref: 3267168 – appendix **EP19**

adding to overall housing supply, and not simply meeting the needs of a growing student population, then they should be discounted."

- 5.2 This point is relevant because South Gloucestershire Council has not carried out any analysis as required by paragraph 68-034 of the PPG to demonstrate how many homes currently occupied by students will be returned to the open market and/or would remain in such use rather than by students.

6. Conclusions

6.1 As set out in the introduction to this statement, I respectfully request the opportunity to respond to the evidence provided in Ms Paterson's addendum proof at the inquiry. However, I maintain that the Council cannot demonstrate a deliverable five year housing land supply against the correct local housing need and a 5% buffer for the reasons set out in my main proof of evidence, rebuttal and this statement.

7. Appendices

EP16 – Revised AMR (March 2022)

EP17 – Spruce Close, Exeter Appeal Decision

EP18 – Loxley Works Appeal Decision

EP19 – Carr Road and Hollin Busk Lane Appeal Decision