



# Proof of Evidence of Ben Pycroft BA(Hons), Dip TP, MRTPI in relation to Housing Land Supply including Affordable Housing Land Supply

Erection of up to 595 dwellings (Use Classes C3), land for a Primary School (Use Class D1), up to 700m<sup>2</sup> 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 : 28 February 2022  
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## 1. Introduction

- 1.1 This proof of evidence 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 700m<sup>2</sup> 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 This proof of evidence specifically addresses matters relating to housing land supply, including affordable housing land supply. It should be read alongside the proof of evidence prepared by Mr Matthews in relation to all other planning related matters.

### Qualifications

- 1.3 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am a Director of Emery Planning, based in Macclesfield, Cheshire.
- 1.4 I have extensive experience in dealing with housing supply matters and have prepared and presented evidence relating to five year housing land supply calculations at several Local Plan examinations and over 30 public inquiries across the country.
- 1.5 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.

- 1.6 I provide a separate summary to this proof of evidence and set of appendices. I also refer to several core documents. I will work with the Council to prepare a statement of common ground on housing land supply and delivery, which is to be submitted by 15<sup>th</sup> March 2022.

## Summary

### Five year housing land supply

- 1.7 The Council's latest Five Year Housing Land Supply Calculation and Housing Trajectory (**CD1.12**) were published in December 2021 but have a base date of 31<sup>st</sup> March 2021. They set out the Council's position on its five year housing land supply to 31<sup>st</sup> March 2026. The documents claim that the Council can demonstrate a deliverable five year housing land supply of 8,724 dwellings, which against the local housing need calculated using the standard method set out in the PPG and a 5% buffer equates to 6.14 years.
- 1.8 It is of note that the Council chose not to publish any site specific evidence to support its housing trajectory. Whilst there is a column with the title: "Deliverability Information" on the trajectory, the links simply lead to document for each site dated 8<sup>th</sup> December 2021 with the heading "Deliverability Statement" and then refers to the definition of deliverable in the Framework. Examples are appended at **EP2** and **EP3**. This is surprising because the base date of the assessment is 31<sup>st</sup> March 2021 and therefore the Council had almost 9 months to seek and then publish all the evidence it has used to inform the trajectory.
- 1.9 Following the request to do so in the Inspector's note of the Case Management Conference, on 11<sup>th</sup> February 2021 I provided the Council with a list of disputed sites (Appendix **EP4**). Should the Council now produce evidence to support the inclusion of those disputed sites and their build rates almost 2 months after the trajectory was published, I respectfully request the opportunity to comment on it and the appropriateness of the Council's approach in publishing its housing land supply position and then seeking to retrospectively justify it after publication.
- 1.10 The requirement side of the calculation is agreed. Against the plan-led adopted housing requirement of 1,610 dwellings per annum, the Council would not be able to demonstrate a deliverable five year housing land supply even on its supply figure. The Council's supply figure against the adopted housing requirement equates to 4.47 years. However, the Council's housing requirement set out in adopted strategic policy CS15 is over five years old and has not been reviewed. Therefore, the five year housing land supply should now be measured against the local

housing need using the standard method set out in the Planning Practice Guidance (PPG). This is 1,353 dwellings per annum and therefore the five year housing requirement is 6,765 dwellings (i.e. 1,353 X 5 years). In addition, a 5% buffer should apply meaning that the total supply to be demonstrated is 7,103 dwellings.

1.11 On the supply side, the Council's documents claim that the deliverable supply equates to 8,724 dwellings. I have assessed the supply and concluded that **2,618 dwellings** should be removed for the following reasons:

- **307 dwellings** should be removed from sites with planning permission for student accommodation because the Council has not demonstrated that the delivery of purpose-built student accommodation would release accommodation in the wider housing market;
- **813 dwellings** should be removed from sites at the Cribbs / Patchway New Neighbourhood because the Council has not provided the clear evidence required to justify the inclusion of 1,484 dwellings at this site which had not delivered any dwellings by 31<sup>st</sup> March 2021 and only one parcel is under construction.
- **358 dwellings** should be removed from sites at the East of Harry Stoke New Neighbourhood because the Council has not provided the clear evidence required to justify the inclusion of 696 dwellings at this site.
- **532 dwellings** should be removed from land at North Yate to reflect the actual build rate experienced at this site by the same developers.
- **358 dwellings** should be removed from two sites at Harry Stoke because the Council has not provided clear evidence for the inclusion of 125 dwellings at one site and to reflect the actual build rate by the developer on the other.
- **250 dwellings** should be removed from 8 other sites<sup>1</sup> because the Council has not provided the clear evidence required to justify the inclusion.

1.12 I therefore conclude that the deliverable supply at 31<sup>st</sup> March 2021 is 6,106 dwellings (i.e. 8,724 – 2,618 = 6,106). Against the local housing need and a 5% buffer, this equates to **4.3 years** as shown in the following table:

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<sup>1</sup> 0226 Watermore Junior School (22 dwellings), 0227 Cleve Park Care Home (14 dwellings), 0234 Land east of Cedar Lodge (29 dwellings), 0247a Land at Crossways (69 dwellings), 0248 Land west of Trinity Lane (60 dwellings), 0036c Land at Lyde Green Farm (50 dwellings), 0250a Land east of North Road, Yate (1 dwelling) and 0036az Parcel 30 Emersons Green (5 dwellings)

**Table 1.1 – South Gloucestershire's Five Year Housing Land Supply at 31<sup>st</sup> March 2021**

	<b>Requirement</b>	<b>Council</b>	<b>Appellant</b>
A	Annual local housing need		1,353
B	Five year requirement (A X 5 years)		6,765
C	Five year housing land supply to be demonstrated (B + 5%)		7,103
D	Annual average requirement plus buffer (C / 5 years)		1,420.5
	<b>Supply</b>		
E	Supply to 31 <sup>st</sup> March 2026	8,724	6,106
F	Supply in years (E / D)	<b>6.14</b>	<b>4.3</b>
G	Surplus / Shortfall against the five year requirement plus 5% buffer (E – C)	<b>1,621</b>	<b>-997</b>

### **Plan period supply**

- 1.13 The plan-led adopted housing requirement of 28,355 no. dwellings will not be met in the plan period by 2027. This is because even on the figures set out within the Council's housing trajectory (which I dispute) 9,968 dwellings would be built between 2021 and 2027. Added to the 17,206 completions since the start of the plan period, this means that even on the Council's figures only 27,174 no. dwellings would be delivered in the plan period, a shortfall against the adopted housing requirement of **1,181 dwellings**.

### **Affordable housing supply**

- 1.14 The adopted Development Plan identifies an acute annual need for **903 affordable homes** over the period 2009 to 2021. The Council has failed to address this need. It has not been met in any year between 2009 and 2021. Indeed, there was a shortfall of **6,736 affordable homes** against the need identified in the adopted Development Plan by 2021.
- 1.15 The Core Strategy Inspector recognised that the affordable housing need would be met but accepted the Council's position that 35% of new homes on large sites would be affordable. However, my evidence confirms that only 27% of gross new homes delivered were affordable over the plan period to date.
- 1.16 The latest assessment of affordable housing need is set out in the West of England Local Housing Needs Assessment (ORS, September 2021). Whilst this document and the assumptions within it will be examined as part of the West of England Spatial Plan, it identifies an affordable housing need

for South Gloucestershire over the period 2020-35 of **18,455 households**. This equates to **1,230 households per year**.

- 1.17 Notwithstanding the identified need in the development plan and the evidence base for the emerging plan, there are **4,059 households** on the Council's Housing Register. These are real households waiting for a home who have registered on the Council's waiting list. The waiting list has included around 4,000 households for the last 4 years and has increased since 2019, despite higher than average completion rates of affordable homes over the past three years. Based on past completion rates, it would take 13 years for the waiting list to be addressed – even if no further applicants joined the list. Of those currently waiting, 2,028 are in a reasonable preference category. However, the Council recognises that there is a **“severe shortage of homes”** in South Gloucestershire and those on the waiting list will have to wait a long time and **“many will not be re-housed at all”**.
- 1.18 Only 400 affordable homes were delivered in 2020/21 and the Council's claimed forward supply of affordable housing over the next five years based on its trajectory is 2,502. I dispute the Council's trajectory and have identified a forward affordable housing supply of 1,569 affordable homes over the next five years, an annual average of **314 affordable homes per annum**. On either figure, there would be a significant shortfall against the need identified in the the West of England Local Housing Needs Assessment and those on the waiting list.
- 1.19 The completion and supply figures do not include actual losses or expected losses of affordable homes through right to buy. Whilst I have asked the Council for this information, in the absence of the information, the figures should be treated as maximums.
- 1.20 The implications of my conclusions in relation to five year housing land supply, plan period supply and affordable housing are addressed by Mr Matthews.



## 2. Planning Policy Context

2.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration, which is discussed in section 3 of my proof of evidence.

### Development plan context

#### Existing development plan

2.2 The development plan comprises the South Gloucestershire Local Plan Core Strategy (adopted December 2013) and the Places, Sites and Policies Development Plan Document (PSP) (adopted November 2017).

2.3 The conformity of the appeal proposals with the policies in the development plan, whether the most important policies for determining the appeal are up to date and the weight to be given to those policies are addressed by Mr Matthews.

#### South Gloucestershire Local Plan Core Strategy

2.4 The Core Strategy covers the period 2006 to 2027. Of relevance to my proof of evidence is Core Strategy Policy CS15: "Distribution of Housing" and Core Strategy Policy CS18: "Affordable Housing". Policy CS15: "Distribution of Housing" states:

*"Between 2006 and 2027, covering a period of up to 14 years from adoption of the Plan, a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 28,355 new homes in accordance with the plan, monitor and manage approach and the location of development set out in Policy CS5".*

2.5 The policy then sets out the "indicative phasing capacity". This includes the following, which is of relevance to my proof of evidence:

- East of Harry Stoke – 2,000 dwellings to be delivered between 2006 and 2027, with 370 no. dwellings between 2013-14 and 2017-18, 900 no. dwellings between 2018-19 and 2022-23 and 740 no. dwellings between 2023-24 and 2026-27;
- Cribbs / Patchway – 5,700 dwellings to be delivered between 2006 and 2027, with 1,265 no. dwellings between 2013-14 and 2017-18, 2,400 no. dwellings between 2018-19 and 2022-23 and 2,035 no. dwellings between 2023-24 and 2026-27;

- New Neighbourhood at Yate – 2,700 dwellings to be delivered between 2006 and 2027, with 795 no. dwellings between 2013-14 and 2017-18, 1,090 no. dwellings between 2018-19 and 2022-23 and 815 no. dwellings between 2023-24 and 2026-27; and
- A small site windfall allowance of 2,100 no. dwellings to be delivered between 2006 and 2027, with 750 no dwellings between 2013-14 and 2017.18, 750 no. dwellings between 2018-19 and 2022-23 and 600 no. dwellings between 2023-24 and 2026-27 i.e. 150 no. dwellings per annum.

2.6 A footnote explains that the new neighbourhoods at North Yate and Cribbs/Patchway are “contingent on the delivery of major new strategic infrastructure to support sustainable communities subject to confirmation from delivery partners”.

2.7 It is of note that the policy only identifies a supply of 28,550 dwellings i.e. just 195 dwellings (0.69%) over the minimum housing requirement of 28,355 dwellings. As I explain in section 4 of my proof of evidence below, the adopted housing requirement will not be met by 2027. Even based on the figures in the Council's trajectory there would be a shortfall of **1,181 dwellings**.

2.8 Paragraph 10.7 of the supporting text to policy CS15 explains that 5,810 no. dwellings had been completed between the start of the plan period in 2006 and 2013 and this means that 22,545 no. dwellings should be delivered between 2013 and 2027. Paragraph 10.8 of the supporting text to policy CS15 then states:

*“the Council will seek to achieve an annualized rate of housing delivery over the 14 year plan period 2013-2027. This equates to 1,610 dwellings per annum. To comply with the requirements of paragraph 47 of the NPPF the Council will provide an additional buffer of 20% to ensure choice and competition. As the required 5 year supply + 20% cannot be achieved for the current 5 year period when compared against the indicative phasing set out above, an additional site is identified at Thornbury to satisfy this requirement”*

2.9 Actual and expected housing completions 2006-2027 is then set out in the trajectory below paragraph 10.7 of the Core Strategy, which I refer to in section 4 of my proof of evidence.

2.10 Paragraph 10.9 of the Core Strategy explains that it is important housing land supply is monitored in order to ensure there remains a flexible supply of deliverable and developable land for housing. It explains that to achieve this, an annual report “and supporting technical methodology” will be prepared which will confirm the level of housing to be provided for the basis of the five year housing land supply in the context of paragraph 47 of the 2012 version of the Framework. As I explain in section 12 of my proof of evidence, the Council's latest annual report is lacking in any supporting

technical methodology. I also explain in section 3 of my proof of evidence that the context of the definition of deliverable in the 2021 Framework is significantly different to that set out in paragraph 47 and its footnote of the 2012 version of the Framework.

2.11 Paragraph 10.10 of the Core Strategy then states:

*“To ensure sufficient land is made available to meet housing needs to the end of the plan period the Council will undertake a review of the Core Strategy/Local Plan to be completed before the end of 2018.”*

2.12 It explains that this review should be based on a revised Strategic Housing Market Assessment with the other authorities in the West of England and regard should be had to all available evidence sources. It then states:

*“If evidence suggests that additional provision of homes will be required the review will consider the appropriate response. If additional strategic provision is required its delivery will be determined on a West of England-wide basis through the duty to cooperate. This will involve reviewing the general extent of the Green Belt. This will enable, should the further release of land for development prove necessary, land currently within the Green Belt to be assessed against other reasonable alternatives”.*

2.13 As explained in Mr Matthews' Proof of Evidence, the review of the Local Plan was not completed.

2.14 The first part of policy CS18: “Affordable Housing” states: “The Council is committed to improving affordable housing provision to meet need in South Gloucestershire”. It explains that this will be achieved through (amongst other things):

*“requiring developers to achieve 35% on-site affordable housing on all new housing developments, normally without public subsidy, in urban areas of 10 or more dwellings, or 0.33 hectares irrespective of the number of dwellings (except in rural areas where the threshold will be 5 or more dwellings or 0.2 hectares) unless the developer demonstrates that the economic viability of a particular site is affected by specific factors and as a result that a lower percentage should be provided without public subsidy, in which case other financial contributions should be sought to achieve the 35% requirement”.*

2.15 Paragraphs 10.28 and 10.29 of the supporting text to policy CS18 then state:

*“10.28 The findings of the West of England (WoE) Strategic Housing Market Assessment (SHMA), May 2009, which was undertaken in line with good practice advice published by the government, provide the background to this policy. The study shows that there is a high need for affordable housing in the West of England that is not being met through existing policies.*

*10.29 In South Gloucestershire there is an estimated average annual need for 903 new affordable housing units over the period 2009 to 2021 compared to a potential average annual housing supply (both market and affordable) of around 1,550 units. The proportion of younger households able to buy or rent in the market had fallen from 52.3% in 2002 to 45.3% in 2007. Other key features are the large backlog of need for affordable housing, the projected annual increase of newly forming households continuing to need social rented accommodation, and the relatively small existing stock of affordable housing limiting the ability to meet needs through re-lets."*

### **Policies, Sites and Places Plan (PSP)**

2.16 The Policies, Sites and Places Plan (PSP) was adopted on 8<sup>th</sup> November 2017. The PSP plan does not include additional housing allocations but Part 2 of the PSP does include the housing and mixed use residential sites allocated in the 2006 South Gloucestershire Plan, which have not yet been built out. These are set out in the table within policy PSP47: "Site Allocations and Safeguarding". But for ease of reference, they are:

- South of Douglas Road, Kingswood;
- Waterworks Depot, Soundwell Road, Kingswood;
- Land east of Coldharbour Lane and South of Bristol Business Park, Stoke Gifford;
- Land at Harry Stoke;
- Charlton Hayes; and
- Emersons Green East.

### **Material considerations**

#### **Affordable Housing and ExtraCare Housing Supplementary Planning Document (adopted April 2021)**

2.17 This is the latest version of the SPD. The purpose of this the SPD is to support the local authority, developers, housing providers and local communities to deliver a wide range of housing through successful planning applications with particular focus on:

- the provision of Affordable Housing and
- the delivery of exception sites in rural areas and
- the provision of Extra Care Housing, including Affordable Extra Care.

## **Emerging development plan**

### **West of England Spatial Development Strategy**

2.18 South Gloucestershire is collaborating with the West of England Combined Authority, Bristol City Council and Bath & North East Somerset Council in the preparation of the West of England Spatial Development Strategy (SDS). The timetable for the production of the SDS is set out in the Council's Local Plan Development Programme, as follows:

- Draft Plan consultation: Spring 2022
- Examination: Spring 2023
- Adoption: Summer 2023

### **South Gloucestershire Local Plan**

2.19 The Council is also in the process of preparing a new Local Plan, which will be prepared and adopted in conformity with the West of England SDS. The timetable for the preparation of South Gloucestershire Local Plan is set out in the Council's Local Plan Development Programme, as follows:

- Call for sites consultation: July 2020 – October 2020;
- Issues and Options consultation: November 2020 – March 2021;
- Phase 2 consultation: February 2022 – March 2022;
- Phase 3 consultation: TBC subject to SDS progress;
- Publication consultation: TBC subject to SDS progress;
- Submission of the Plan to SoS: TBC subject to SDS progress;
- Examination: TBC subject to SDS progress; and
- Adoption: TBC subject to SDS progress.

2.20 The consultation on the Phase 2 – Urban, Rural and Key Issues commenced on 7<sup>th</sup> February 2022. Mr Matthews addresses this in his proof of evidence. However, of relevance to my proof of evidence is that the consultation document answers the question "How many homes do we need to plan for?" by stating that:

- 24,354 dwellings are required over the plan period 2024 to 2042 based on the National Standard Method;

- A currently unknown figure may be added to this requirement through the SDS process;
- 12,777 homes with planning permission are expected to be built between 2024 and 2042; and
- A minimum of 11,577 new homes are required to meet even the local housing need.

### **Thornbury Neighbourhood Plan**

2.21 The Thornbury Neighbourhood Plan has now progressed to referendum stage. The referendum is due to take place on 31<sup>st</sup> March 2022. The draft Thornbury Neighbourhood Plan covers the period 2019 to 2036. For the purposes of my proof of evidence, it is relevant that the Neighbourhood Plan does not include a housing requirement for Thornbury or any proposed housing allocations. However, the implications of this are addressed by Mr Matthews in his proof of evidence.

### **Housing Land Supply Documents**

2.22 I refer to the following documents in my proof of evidence:

- South Gloucestershire Five Year Housing Land Supply Calculation 2021.
- South Gloucestershire Housing Trajectory 2021.

2.23 I also refer to the Council's previous Authority Monitoring Reports and housing trajectories.

### 3. National planning policy and guidance

#### **The National Planning Policy Framework (“the Framework”) and Planning Practice Guidance (PPG)**

- 3.1 The Framework was published in March 2012. It was revised in July 2018 and again in February 2019 and July 2021. In relation to housing land supply, footnote 8 as set out on page 6, section 5 of the “*Delivering a sufficient supply of homes*” and the definition of “deliverable” set out on page 66 of the Framework are all relevant to my proof of evidence.
- 3.2 The PPG was first published in March 2014 and has been updated since. It contains guidance on “*Housing and economic needs assessment*” at chapter 2a, “*Housing and economic land availability assessments*” at chapter 3, and “*Housing supply and delivery*” at chapter 68. I refer to paragraphs within these sections of the PPG in my proof of evidence.
- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration. However, it is the Framework itself which defines what a five year housing land supply is, sets out the requirement to demonstrate one and explains how it should be calculated, not the development plan. It is also the Framework, which introduces and explains how the Government measures housing delivery through the Housing Delivery Test (HDT), not the development plan. This is deliberate because it is the Framework itself which sets out the circumstances in which the tilted balance to the presumption in favour of sustainable development will be triggered as a result of a local planning authority either failing to demonstrate a five year supply of housing land and / or meeting the HDT.
- 3.4 Paragraph 11 of the Framework explains that plans and decisions should apply a presumption in favour of sustainable development. For decision-making, this means:

*“c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

3.5 Footnote 8 of the Framework is referred to after "out-of-date" in paragraph 11d) and states:

*"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1".*

3.6 Whilst they are not the only routes in which the tilted balance to the presumption in favour of sustainable development can be triggered, the Framework is clear that paragraph 11d) of the Framework applies in the following circumstances:

- 1) the local planning authority cannot demonstrate a five year supply of housing land with the appropriate buffer as set out in paragraph 74 of the Framework; and / or
- 2) where the latest Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years.

### **Five year housing land supply**

3.7 As explained above, the tilted balance to the presumption in favour of sustainable development is triggered where the local planning authority cannot demonstrate a deliverable five year housing land supply in accordance with paragraph 74 of the Framework.

3.8 The second sentence of paragraph 74 of the Framework is within chapter 5: "Delivering a sufficient supply of homes" and is under the title: "Maintaining supply and delivery". It states:

*"Local planning authorities should 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".*

3.9 Footnote 39 of the Framework is referred to at the end of this sentence and states:



*“Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance”.*

3.10 Therefore, the basis on which the five year housing land supply is calculated is a binary position. The five year housing land supply should be calculated against either:

a) the housing requirement set out in adopted strategic policies where:

- i. those policies are less than five years old or
- ii. are more than five years old but have been reviewed and found not to require updating: or

b) the local housing need calculated using the standard method set out in national planning guidance where the policies are more than five years old and either:

- i. have not been reviewed; or
- ii. have been reviewed and found to require updating.

3.11 It is important to note that the Framework does not distinguish between those local planning authorities who have a Local Plan which is less than five years old and those local planning authorities who have a plan which is more than five years old, but the relevant policy has been reviewed and found not to require updating. In both cases, the Framework is clear that the five year housing land supply should be measured against the adopted housing requirement. The aim is for all local authorities to have up to date Local Plans and therefore any situation where the five year housing land supply is measured against the local housing need is a “stop gap” until the new Local Plan has been adopted.

3.12 Additional guidance is provided in chapter 68 of the Planning Practice Guidance (PPG): *“Housing supply and delivery”*. This section of the PPG contains guidance on *“5 year housing land supply”*, *“Demonstrating a 5 year housing land supply”*, *“Confirming 5 year housing land supply”*, and *“Calculating a 5 year housing land supply”*.

3.13 Paragraph 68-001 of the PPG<sup>2</sup> answers the question: “What policies are in place to encourage local authorities to promote a sufficient supply of land for housing and support delivery?”. It states:

*“The standard method for calculating local housing need provides a minimum number of homes to be planned for. Authorities should use the standard method as the starting point when preparing the housing requirement in their plan, unless exceptional circumstances justify an alternative approach.*

*The Housing Delivery Test measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The 5 year housing land supply is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement (or, in some circumstances, local housing need) over the next 5 years.”*

3.14 Paragraph 68-002 of the PPG<sup>3</sup> answers the question: “What is a 5 year land supply?”. It states:

*“A 5 year land supply is a supply of specific deliverable sites sufficient to provide 5 years’ worth of housing (and appropriate buffer) against a housing requirement set out in adopted strategic policies, or against a local housing need figure, using the standard method, as appropriate in accordance with paragraph 73 of the National Planning Policy Framework.”*

3.15 Paragraph 68-003 of the PPG<sup>4</sup> answers the question: “What is the purpose of the 5 year housing land supply?”. It states:

*“The purpose of the 5 year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement set out in adopted strategic policies for the next 5 years. Where strategic policies are more than 5 years old, or have been reviewed and found in need of updating, local housing need calculated using the standard method should be used in place of the housing requirement.”.*

3.16 Paragraph 68-005 of the PPG<sup>5</sup> answers the question: “What housing requirement figure should authorities use when calculating their 5 year housing land supply?”. It states:

*“Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5 year housing land supply figure where:*

- *the plan was adopted in the last 5 years, or*

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<sup>2</sup> Paragraph: 001 Reference ID: 68-001-20190722

<sup>3</sup> Paragraph: 002 Reference ID: 68-002-20190722

<sup>4</sup> Paragraph: 003 Reference ID: 68-003-20190722

<sup>5</sup> Paragraph: 005 Reference ID: 68-005-20190722

- *the strategic housing policies have been reviewed within the last 5 years and found not to need updating.*

*In other circumstances the 5 year housing land supply will be measured against the area's local housing need calculated using the standard method."*

3.17 Paragraph 68-008 of the PPG<sup>6</sup> answers the question: "What happens if an authority cannot demonstrate a 5 year housing land supply?". It states:

*"In decision-taking, if an authority cannot demonstrate a 5 year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework."*

3.18 There is no provision in paragraph 74 of the Framework to calculate the five year housing land supply against any other figure that is not the adopted housing requirement or the local housing need using the standard method.

3.19 In accordance with footnote 8, for the purposes of triggering the presumption of sustainable development as set out in paragraph 11(d), an assessment of whether a local planning authority can demonstrate a five year housing land supply in accordance with paragraph 74 of the Framework needs to be made. As the assessment of the five year housing land supply against any other figure than the adopted housing requirement or the local housing need calculated using the standard method would not comply with paragraph 74 then an assessment for the purposes of footnote 8 and paragraph 11d could not be made. This is relevant because paragraph 74 refers to a "deliverable" supply being required as I now discuss.

## **What constitutes a deliverable site?**

### **Previous National Planning Policy (2012) and Guidance (2014)**

3.20 Footnote 11 of the 2012 Framework stated:

*"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*

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<sup>6</sup> Paragraph: 008 Reference ID: 68-008-20190722

*not be viable, there is no longer a demand for the type of units or sites have long term phasing plans."*

3.21 Paragraph 3-031 of the previous PPG (dated 6<sup>th</sup> March 2014): "What constitutes a 'deliverable site' in the context of housing policy?" stated:

*"Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.*

*However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (eg infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.*

*The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply."*

3.22 Therefore, under the 2012 Framework, all sites with planning permission, regardless of their size or whether the planning permission was in outline or in full were to be considered deliverable until permission expired unless there was clear evidence that schemes would not be "implemented" within five years. The PPG went further by stating that allocated sites "could" be deliverable and even non-allocated sites without planning permission "can" be considered capable of being delivered.

### **Draft revised National Planning Policy Framework (March to May 2018)**

3.23 The Government consulted on the draft revised Framework between March and May 2018. The draft revised Framework provided the following definition of "deliverable" in the glossary:

*"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. Small sites, and 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 (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). 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."*

3.24 Question 43 of the Government's consultation on the draft revised Framework asked: "do you have any comments on the glossary?"

3.25 Under the title: "What constitutes a 'deliverable site' in the context of housing policy?", the draft Planning Practice Guidance (March 2018, page 16) simply included the same definition as that set out in the draft revised Framework above.

### **Government's response to the draft revised Framework consultation**

3.26 There were 750 responses to question 43 of the consultation. Some of the points raised included:

*"Local authorities called for the proposed definition of 'deliverable' to be reconsidered, as it may result in them being unable to prove a five year land supply and place additional burdens on local authorities to produce evidence. Private sector organisations were supportive of the proposed definition."* (my emphasis)

3.27 The government's response was as follows:

*"The Government has considered whether the definition of 'deliverable' should be amended further, but having assessed the responses it has not made additional changes. This is because the wording proposed in the consultation is considered to set appropriate and realistic expectations for when sites of different types are likely to come forward."* (my emphasis)

### **Revised Framework (July 2018)**

3.28 The revised Framework was published on 24<sup>th</sup> July 2018. The definition of deliverable was provided on page 66 of the 2018 Framework and was as follows:

*"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. Sites that are not major development, and 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 (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). 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."* (my emphasis)

- 3.29 Consequently, the 2018 Framework stated that sites with outline planning permission or allocated sites should “only” be considered deliverable where there is “clear evidence” that housing completions will “begin” on site within five years. The onus is on the Council to provide the clear evidence for any sites with outline planning permission and allocated sites it considers deliverable.
- 3.30 The “clear evidence” required is not described any further in the Framework. However, it is discussed in the updated PPG, which I discuss below.

### **Technical consultation on updates to national planning policy and guidance**

- 3.31 Between 26<sup>th</sup> October and 7<sup>th</sup> December 2018, the Government consulted on:
- Changes to planning practice guidance relating to the standard method for assessing local housing need; and
  - Policy clarifications relating to housing land supply, the definition of deliverable and appropriate assessment.
- 3.32 In terms of the definition of deliverable, the consultation document stated at paragraph 36:

*“The new Framework published in July this year set out a revised definition of ‘deliverable’ (contained in the glossary at Annex 2 of the Framework). Early experience of applying this definition has suggested that it would benefit from some clarification of the wording. In particular, the existing text could be clearer that sites that are not major development, and which have only an outline planning consent, are in principle considered to be deliverable. The relationship between the first sentence of the definition (which sets out general considerations in terms of deliverability), and the remainder that explains how particular circumstances should be approached, also needs to be clear. The specific circumstances cited in the definition are intended to indicate how the general considerations in the first sentence apply to the types of development referred to in the text that follows.*”

- 3.33 The consultation document then set out a proposed revised definition as follows:

*“Deliverable: 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."

3.34 Question 5 of the consultation asked: "Do you agree with the proposed clarification to the glossary definition of "deliverable"?"

### **Government's response to the technical consultation**

3.35 The Government's response to the consultation was published on 19<sup>th</sup> February 2019. It explained that there were 461 responses to question 5 and the points raised included:

*"• There was considerable support (68%) for the proposal from the private sector, although some concerns were raised that sites will need longer than five years to be built out.*

*• About half (54%) of local authorities agreed with the proposal, although some felt that it may make delivery harder to demonstrate, resulting in sites being removed from plans and therefore make it more difficult for authorities when demonstrating a five year land supply.*

*• Many respondents across the groups suggested that sites with outline planning permission and / or sites that are included within local plans should be included in the definition of deliverable. Many respondents also suggested that the proposal would result in developers using specialist knowledge and resources to influence planning decisions in their favour, as well as complaints concerning land banking" (my emphasis)*

3.36 The Government's response states:

*"The Government welcomes the views submitted on this proposal. Taking them into account, it considers that the revised definition does provide helpful clarification of the approach established already in the National Planning Policy Framework. The concerns that have been expressed relate more to this overall approach than the merits of the clarification (and the relevance of the overall approach was considered when the Framework was being finalised, following the consultation in the spring of 2018). The changes to the definition that the present consultation proposes should not make it harder for authorities to demonstrate that they have a deliverable portfolio of sites; indeed, it makes it clearer that non-major sites with outline consent should be considered deliverable unless there is evidence to the contrary. We are, however, providing further information on applying the approach through planning practice guidance." (my emphasis).*



## Current National Planning Policy and Guidance

3.37 The definition of “deliverable” is set out on page 66 of the Framework (2021) states:

*“Deliverable: 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.”*

3.38 The PPG was most recently updated on 22<sup>nd</sup> July 2019. Paragraph 68-007 of the PPG<sup>7</sup> provides some examples of the types of evidence, which could be provided to support the inclusion of sites with outline planning permission for major development and allocated sites without planning permission. It states:

*“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. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:*

- have outline planning permission for major development;*
- are allocated in a development plan;*
- have a grant of permission in principle; or*
- are identified on a brownfield register.*

*Such evidence, to demonstrate deliverability, may include:*

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<sup>7</sup> Paragraph 007 Reference ID: 68-007-20190722: “What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?”



- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

*Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites."*

## **Assessment**

- 3.39 Whilst the previous definition in the 2012 Framework considered that all sites with planning permission should be considered deliverable, the revised definition in the 2021 Framework is clear that only sites with detailed consent for major development should be considered deliverable and those with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin in five years.
- 3.40 As above, the PPG has been updated to provide some examples of the type of evidence which may be provided to be able to consider that sites with outline planning permission for major development, allocated sites and sites identified on a brownfield register are deliverable.

## **Relevant appeal decisions**

- 3.41 There have been several appeal decisions which have considered the definition of "deliverable" as set out in the 2018, 2019 and 2021 versions of the Framework and whether "clear evidence" has been provided for the inclusion of sites which only have outline planning permission for major development or are allocated without planning permission. Whilst each appeal has been determined on a case by case basis on the evidence before the decision-maker, several themes have arisen in appeal decisions, which I discuss below.

## The absence of any written evidence

3.42 Where no evidence has been provided for the inclusion of category b) sites, the Secretary of State and Inspectors have concluded that these sites should be removed. For example:

- In an appeal decision regarding land off Audlem Road, Stapeley, Nantwich and land off Peter De Stapeleigh Way, Nantwich<sup>8</sup>, the Secretary of State removed 301 dwellings from Cheshire East Council's supply from sites including: *"sites with outline planning permission which had no reserved matters applications and no evidence of a written agreement"* (paragraph 21 of the decision letter dated 15<sup>th</sup> July 2020); and
- In an appeal decision regarding land to the south of Cox Green Road, Surrey<sup>9</sup> an Inspector removed 563 dwellings on 24 sites from Waverley Council's supply because the Council had not provided any evidence for their inclusion (paragraphs 22 to 24 of the appeal decision dated 16<sup>th</sup> September 2019).

3.43 This is relevant because as set out in my introduction, when it was published in December 2021, the Council chose not to publish any written evidence to support the inclusion of category b) sites.

## The most up to date evidence

3.44 Paragraph 68-004 of the PPG<sup>10</sup> explains that for decision-taking purposes, an authority will need to be able to demonstrate a five year housing land supply when dealing with applications and appeals. They can do this in one of two ways:

- *"using the latest available evidence such as a Strategic Housing Land Availability Assessment (SHLAA), Housing and Economic Land Availability Assessment (HELAA), or an Authority Monitoring Report (AMR);*
- *'confirming' the 5 year land supply using a recently adopted plan or through a subsequent annual position statement (as set out in paragraph 74 of the National Planning Policy Framework)."*

3.45 In this case, the Council's five year housing land supply has not been confirmed through a recently adopted plan or an annual position statement and therefore the latest available evidence should be used. As above, paragraph 68-007 of the PPG also states that *"robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions"*. It also states that the "current" planning status of a site is one example of the

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<sup>8</sup> PINS refs: 2197532 and 2197529 – appendix **EP1A**

<sup>9</sup> PINS ref: 3227970 – appendix **EP1B**

<sup>10</sup> Paragraph: 004 Reference ID: 68-004-20190722: *"How can an authority demonstrate a 5 year supply of deliverable housing sites?"*

type of evidence that could be used to support the inclusion of category b) sites. Therefore, the latest available evidence should be used.

- 3.46 In an appeal regarding land on the east side of Green Road, Woolpit<sup>11</sup>, the Inspector found Mid Suffolk Council's approach in publishing its AMR and then retrospectively seeking evidence to justify its position "wholly inadequate". Paragraph 70 of the appeal decision states:

*"the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published."*

- 3.47 However, evidence can post date the base date. This is because many authorities publish their position statement long after the base date. In South Gloucestershire for example, the position statement was published in December 2021, almost 9 months after the base date. In an appeal regarding land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands (Milton Keynes)<sup>12</sup>, the Secretary of State agreed with Inspector Gilbert-Woolridge that the latest available evidence should be used when considering deliverability. Paragraph 12 of the Secretary of State's decision letter dated 25<sup>th</sup> June 2020 states:

*"For the reasons given at IR12.8-12.12 the Secretary of State agrees with the Inspector that it is acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019 (IR12.11)".*

- 3.48 Similarly, in a decision regarding land off Darnhall School Lane, Winsford<sup>13</sup>, the Secretary of State agreed with Inspector Middleton that it is appropriate to take into account information received after the base date if it affects sites included in the supply<sup>14</sup>.

- 3.49 This means for example that sites with outline planning permission at the base date can be included in the five year supply even if there was no clear evidence at the time the position statement was published but an application for reserved matters has since been approved. It

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<sup>11</sup> PINS ref: 3194926 – appendix **EP1C**

<sup>12</sup> PINS ref: 3169314 – appendix **EP1D**

<sup>13</sup> PINS ref: 2212671 – appendix **EP1E**

<sup>14</sup> Paragraph 344 of the Inspector's Report and paragraph 15 of the Decision Letter.

also means the latest position can be taken into account where sites have not progressed as the Council's trajectory claimed at the time the position statement was published.

3.50 In the Audlem Road appeal<sup>15</sup>, the Secretary of State removed from Cheshire East Council's supply;

*"a site where there is no application and the written agreement indicates an application submission date of August 2019 which has not been forthcoming, with no other evidence of progress". (paragraph 21 of the Decision Letter dated 15<sup>th</sup> July 2020)*

3.51 Cheshire East Council's Housing Monitoring Update (HMU) had a base date of 31<sup>st</sup> March 2019 and was published in November 2019. Representations by both parties on the HMU were received with the final comments received on 12<sup>th</sup> February 2020 (DL paragraph 7). Therefore, whilst the written evidence for this site explained a planning application would be made on this site in August 2019 because the application was not forthcoming by the time the decision was made and no other evidence of progress had been provided, the Secretary of State removed the site from the supply.

### **The form and value of the evidence**

3.52 In the Woburn Sands appeal decision referred to above, the Secretary of State agreed with the Inspector that a proforma can, in principle, provide clear evidence of a site's deliverability (please see paragraph 12 of the decision letter and paragraphs 12.13 to 12.15 of the Inspector's Report). However, the evidential value of the written information is dependent on its content. The Secretary of State and Inspectors have concluded that it is not simply sufficient for Councils to provide agreement from landowners and promoters that their intention is to bring sites forward. The evidence needs to provide a realistic prospect that housing will be delivered on the site within five years.

3.53 For example, in allowing an appeal for 120 dwellings at land east of Gleneagles Way, Hatfield Peverel<sup>16</sup>, the Secretary of State found Braintree Council could not demonstrate a five year housing land supply.

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<sup>15</sup> PINS refs: 2197532 and 2197529 – appendix **EP1A**

<sup>16</sup> PINS ref: 3180729 – c appendix **EP1F**

3.54 Braintree Council claimed that it could demonstrate a 5.29 year supply. In determining the appeal, the Secretary of State concluded that the Council could only demonstrate a 4.15 year supply. The reason for this is set out in paragraph 41 of the decision letter (page 7), which states:

*“Having reviewed the housing trajectory published on 11 April, the Secretary of State considers that the evidence provided to support some of the claimed supply in respect of sites with outline planning permission of 10 dwellings or more, and sites without planning permission do not meet the requirement in the Framework Glossary definition of “deliverable” that there be clear evidence that housing completions will begin on site within five years. He has therefore removed ten sites from the housing trajectory”*

3.55 The ten removed sites are listed in a table provided at Annex D on page 24 of the Secretary of State’s decision letter. Of the ten sites removed from Braintree’s supply, 9 had outline planning permission and the remaining site was an allocated site with a hybrid planning application pending determination. For these sites, Braintree Council had submitted completed forms and emails from landowners, developers and their agents providing the timescales for the submission of reserved matters applications and anticipated build rates. However, the Secretary of State removed these sites because he did not consider they met the definition of “deliverable” as set out in the Framework. It is of note that the Secretary of State did not remove any of the sites with outline planning permission for major development where a reserved matters application had been made.

3.56 This is relevant because the proformas Braintree provided are very similar to those used by South Gloucestershire Council in previous versions of its AMR. As set out in the introduction, should the Council produce any evidence to support the inclusion of the disputed sites and their build rates, months after its position statement was published, I respectfully request the opportunity to comment.

3.57 As part of its case in seeking to defend an appeal against its decision to refuse to grant outline planning permission for up to 140 no. dwellings at land off Popes Lane, Sturry<sup>17</sup>, Canterbury City Council claimed that it could demonstrate a 6.72 year supply. For there to be a shortfall in the supply, Canterbury Council claimed that some 1,654 dwellings (out of 6,455 dwellings) would have to be removed from the “deliverable” supply.

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<sup>17</sup> PINS ref: 3216104 – appendix **EP1G**

3.58 The Inspector however found that the Council could not demonstrate a five year housing land supply. The Inspector concluded that the deliverable supply was 4,644 dwellings, which equates to 4.8 years. The reason why the Inspector concluded that the deliverable supply was 1,811 dwellings (28%) less than the Council claimed was because he found that 10 sites should be removed from the supply because:

*“there is insufficient clear evidence to show that they meet the NPPF’s definition of deliverable. Sites which are not deliverable cannot be counted as part of the supply for the purposes of meeting the 5-year requirement.”* (paragraph 23)

3.59 In this case, Canterbury Council had provided statements of common ground between the Council and the developer or landowner to support the inclusion of several of the disputed sites. However, the Inspector found that the statements of common ground did not demonstrate that the development prospect was realistic. Paragraph 23 of the appeal decision states:

*“For a number of the disputed sites, the Council’s evidence is founded on site-specific SCGs which have been agreed with the developer or landowner of the site in question. I appreciate that the PPG refers to SCGs as an admissible type of evidence, and I have had full regard to that advice. But nevertheless, the evidential value of any particular SCG in this context is dependent on its content. In a number of cases, the SCGs produced by the Council primarily record the developer’s or landowner’s stated intentions. Without any further detail, as to the means by which infrastructure requirements or other likely obstacles are to be overcome, and the timescales involved, this type of SCG does not seem to me to demonstrate that the development prospect is realistic. In addition, most of the site-specific SCGs are undated, thus leaving some uncertainty as to whether they represent the most up-to-date position.”*

3.60 Similarly, as part of its case in seeking to defend an appeal made by Parkes Ltd against its decision to refuse to grant outline planning permission for up to 53 dwellings at land to the south of Cox Green Road, Rudgwick<sup>18</sup>, Waverley Council claimed it could demonstrate a supply of 5,708 dwellings, which equated to just under 5.2 years against its housing requirement and buffer.

3.61 The Inspector concluded that the supply should be reduced by 928 dwellings and therefore that Waverley Council could only demonstrate a “deliverable” supply of 4.3 years. The reasons why the Inspector considered the supply should be reduced are set out in paragraphs 10 to 27 of the appeal decision. I note that whilst Waverley Council’s assumptions of delivery on a site at Dunsfold Park relied on estimated numbers of delivery from a pro-forma returned by the site’s lead developer, the Inspector however considered that the details contained within it were “scant”.

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<sup>18</sup> PINS ref: 3227970 – appendix **EP1B**

There was no explanation as to how the timings of delivery could be achieved including the intended timescales for submitting and approving reserved matters, applications of discharge of conditions, site preparation and installing infrastructure. The Inspector therefore did not include the site.

- 3.62 In an appeal for up to 181 dwellings at land at Caddywell Lane / Burwood Lane, Great Torrington, Devon<sup>19</sup>, Inspector Harold Stephens concluded that Torridge Council could not demonstrate a five year housing land supply. Paragraphs 56 and 57 of the appeal decision state:

*"56. I have also had regard to the updated PPG advice published on 22 July 2019 on 'Housing supply and delivery' including the section that provides guidance on '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 indicates 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.*

*57. 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 the 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" (my emphasis)*

- 3.63 Similarly, in a recent appeal decision dated 25<sup>th</sup> June 2021 regarding an appeal made by Senior Living (Sonning Comon) Ltd and Investfront Ltd against the decision of South Oxfordshire District Council to refuse to grant planning permission for a care village of up to 133 units at Little Sparrows, Sonning Common, Oxfordshire<sup>20</sup>, Inspector Harold Stephens found that South Oxfordshire could not demonstrate a deliverable supply because it had not provided the

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<sup>19</sup> PINS ref: 3238460 – appendix **EP1H**

<sup>20</sup> PINS ref: 3265861 – appendix **EP1I**



necessary clear evidence. Paragraphs 20 and 21 of the appeal decision reflect paragraphs 56 and 57 of the Great Torrington appeal decision above.

- 3.64 In summary, the above appeal decisions found that sites with outline planning permission for major development and allocated sites without planning permission should not be included in the deliverable supply where the respective Councils had failed to provide the clear evidence required. They are relevant because in this case, South Gloucestershire Council has chosen not to publish any site specific evidence for the inclusion of any of the sites which are within category b) of the definition of deliverable.

### **Build rates**

- 3.65 There has been much debate on lead in times and delivery rates. In their latest Insight report (November 2021), "Feeding the Pipeline" Lichfields (**Appendix EP5**), commissioned by the Land Promoters and Developers Federation (LPDF) and Home Builders Federation (HBF), have undertaken research into the pipeline of sites for housing set against what might be needed to achieve the Government target of 300,000 homes per annum across England. Lichfield's advise:

*"Increasing the number of 'outlets' – the active sites from which homes are completed – and doing so with a wide variety of different sites, is key to increasing output, with each housebuilder outlet delivering on average 45 homes each year."*

- 3.66 Lichfield's stark conclusion is that for every district in England a further 4-5 medium sites a year or 4-5 larger sites over the next 5 years (or 1-2 medium sites per annum or 1-2 large sites over the next 5 years and 12 or 13 smaller sites per annum) is needed to achieve Government policy on housing delivery over and above the usual number of permissions granted each year. With regard to the pipeline of developers and the rate of delivery they note that:

*"Housebuilders in buoyant conditions may be able to increase build out rates from their existing pipelines, and this might be welcomed. However, it would still necessitate more implementable planning permissions coming through the system to both increase outlets (alongside those existing outlets delivering more quickly) as well as to top-up already short pipelines that would otherwise be exhausted more quickly. Quite simply, without adding more permissions, there is no business rationale for housebuilders to build-out from their pipelines more quickly as the risks associated with topping up their pipeline in time would not be compatible with business resilience."*

- 3.67 Lichfields previous Insight report in February 2020 'Start to Finish' (**CD1.13**) considered what factors affect the build-out rates of large-scale housing sites. They outlined four key conclusions. First that



large sites >500 homes can take up to 5 years from validation of an outline application to first completions, with 3 years from the grant of outline permission to the same point. Second, that lead in times are getting longer. Third, that large greenfield sites of 2,000+ can deliver more quickly than smaller sites. Fourth, that more outlets on a site has a positive impact on delivery.

- 3.68 Significantly, Lichfields found (analysing 17 sites) that the lead in time from planning approval (outline approval) to delivery for large 1,000-1,499 sites was 2.4 years (obtaining reserved matters approvals, discharge of conditions and infrastructure delivery to enable first completions) (and 3.5 years post 2008). The average annual build out rate on large 1,000-1,499 sites was 107dpa. It also found that for sites over 2,000 dwellings, it took 2.6 years from outline planning permission to the delivery of units and the average build rate on these sites was 160 dwellings per annum. Lichfields analysis confirmed that having more outlets operating at the same time will on average have a positive impact on build-out rates, however, there are limits to this, likely to be due to additional capacity from the outlets themselves as well as competition for buyers.

## 4. Housing Delivery in South Gloucestershire

### Housing Delivery against the adopted housing requirement

4.1 As set out in section 2 of my proof of evidence, the adopted housing requirement is 28,355 dwellings over the period 2006 to 2027. This equates to around 1,350 no. dwellings per annum (i.e.  $28,355 / 21 \text{ years} = 1,350.28$ ). However, over the first 7 years of the plan period (2006 to 2013) only 5,810 no. dwellings were completed<sup>21</sup> against a requirement over the same period of 9,450 dwellings (i.e.  $1,350 \times 7 = 9,450$ ). This is shown in the following table:

**Table 4.1 – Net housing completions in South Gloucestershire 2006 to 2013**

Year	Annual requirement	Net completions	Surplus / shortfall	Cumulative
2006/07	1,350	689	-661	-661
2007/08	1,350	1,003	-347	-1,008
2008/09	1,350	916	-434	-1,442
2009/10	1,350	742	-608	-2,050
2010/11	1,350	714	-636	-2,686
2011/12	1,350	923	-427	-3,113
2012/13	1,350	823	-527	-3,640
<b>Total</b>	<b>9,450</b>	<b>5,810</b>	<b>-3,640</b>	

4.2 Therefore, the remaining 22,545 dwellings needed to be delivered over the period 2013 and 2027. Paragraph 10.8 of the Core Strategy states:

*“The Council will seek to achieve an annualised rate of housing delivery over the 14 year plan period 2013 – 2027. This equates to 1,610 dwellings per annum.”*

4.3 The following table sets out the net completions over the plan period from 2013 to 2021. As can be seen in this table, at 31<sup>st</sup> March 2021 there is a very significant shortfall against the adopted housing requirement, which equates to 1,484 no. dwellings.

<sup>21</sup> Core Strategy – paragraphs 1.25, 4.4 and 10.8 and the table within policy CS15

**Table 4.2 – Net housing completions in South Gloucestershire 2013 to 2021**

Year	Annual requirement	Net completions	Surplus / shortfall	Cumulative
2013/14	1,610	1,095	-515	-515
2014/15	1,610	1,224	-386	-901
2015/16	1,610	1,107	-503	-1,404
2016/17	1,610	1,630	20	-1,384
2017/18	1,610	1,599	-11	-1,395
2018/19	1,610	1,573	-37	-1,432
2019/20	1,610	1,518	-92	-1,524
2020/21	1,610	1,650	40	-1,484
<b>Total</b>	<b>12,880</b>	<b>11,396</b>	<b>-1,484</b>	

- 4.4 The plan-led adopted housing requirement of 28,355 no. dwellings will not be met in the plan period by 2027. This is because even on the figures set out within the Council's housing trajectory (which I dispute) 9,968 dwellings would be built between 2021 and 2027. Therefore, even on the Council's figures only 27,174 no. dwellings would be delivered in the plan period (i.e. 9,968 + 5,810 + 11,396 = 27,174), a shortfall against the adopted housing requirement of **1,181 dwellings**.

### The Housing Delivery Test

- 4.5 The Housing Delivery Test (HDT) is defined on page 67 of the Framework as follows:

*"Housing Delivery Test: Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November."*

- 4.6 The following implications apply where the HDT results confirm delivery falls below specific thresholds.
- 4.7 Firstly, as explained in footnote 8 of the Framework, the tilted balance to the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework applies where the HDT indicates that the delivery of housing was "substantially below" i.e., less than 75% of the housing requirement over the previous three years.
- 4.8 Secondly, paragraph 74 and footnote 41 of the Framework explain that where the HDT result is below 85%, the 20% buffer will apply for purposes of calculating the five year housing land supply.

4.9 Thirdly, Paragraph 76 of the Framework explains that where the HDT result is below 95%, the local planning authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years.

4.10 Guidance on the Housing Delivery Test is then provided in paragraphs 68-036 to 68-054 of the PPG, which should be read alongside the Housing Delivery Test measurement rule book.

4.11 The HDT Measurement Rule Book (July 2018) explains that HDT is calculated as a percentage of net homes delivered against the “number of homes required”. Paragraph 12 then explains that where the latest adopted housing requirement figure is less than five years old, or has been reviewed and does not need updating, the figure used will be the lower of:

*“EITHER the latest adopted housing requirement, including any unmet need from neighbouring authorities which forms part of that adopted housing requirement. This requirement will be the stepped housing requirement (or the annual average requirement where there is no stepped requirement)...*

*OR the minimum annual local housing need figure (and any need from neighbouring authorities which it has been agreed should be planned for, and which has been tested at examination) for that authority calculated with a base date of 1<sup>st</sup> April each year”*

4.12 Paragraph 14 of the rulebook explains that where the latest adopted housing requirement is over five years old, unless the strategic policies have been reviewed and found not to require updating, the figure used for areas with a Local Plan will be the minimum annual local housing need figure. This applies in South Gloucestershire because the plan is more than five years old.

4.13 The transitional arrangements set out in paragraphs 21 and 22 and footnote 18 of the HDT Measurement Rule Book explain that:

*“Household projections will be used in the Housing Delivery Test calculation for financial years up to and including financial year 2017-18, as the standard methodology for the minimum annual local housing need figure did not apply prior to this date. After this date the minimum annual local housing need figure will be used.”*

4.14 The HDT results for 2021 were published on 14<sup>th</sup> January 2022. The 2021 result for South Gloucestershire is summarised in the table below:

**Table 4.3 – Published 2021 Housing Delivery Test Results**

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

4.15 As can be seen from the table above, South Gloucestershire delivered 4,755 new homes over the last three years against the “number of homes required” over the same period of 3,578 dwellings. This results in a HDT measurement of 133% and means that the HDT has been passed. However, it is worth noting that none of the requirement figures for 2018-19 to 2020-21 are the adopted housing requirement, which the Council is seeking to meet:

- The 1,366 figure for 2018-19 is the local housing need using the standard method at that time, because the plan was more than five years old;
- The 1,272 figure for 2019-20 is the local housing need minus 1/12 due to any impact the Covid-19 pandemic would have on build rates in that year; and
- The 940 figure for 2020-21 is the local housing need minus 4/12 due to any impact the Covid-19 pandemic would have on build rates in that year.

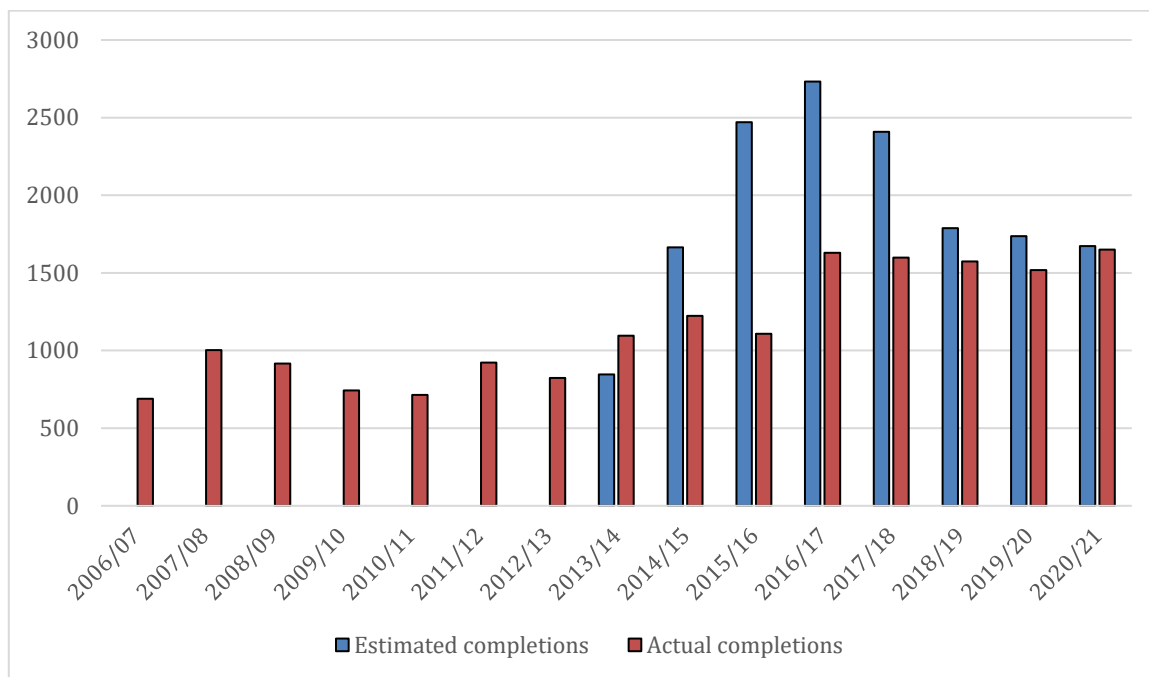
## 5. Housing trajectories

5.1 South Gloucestershire Council has a very poor record of predicting housing delivery. The trajectory on page 87 of the Core Strategy claims that 21,131 no. dwellings would have been completed between 1<sup>st</sup> April 2006 and 31<sup>st</sup> March 2021, whereas as shown in tables 4.1 and 4.2 above, only 17,206 dwellings were delivered in the same period. This is shown in the following table and chart.

**Table 5.1 – South Gloucestershire’s Housing Trajectory at 31st March 2013 as set out in the Core Strategy compared to actual delivery**

	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21
Total Estimated	846	1,665	2,470	2,733	2,409	1,789	1,737	1,672
Actual	1,095	1,224	1,107	1,630	1,599	1,573	1,518	1,650
Difference (dwellings)	<b>249</b>	<b>-441</b>	<b>-1,363</b>	<b>-1,103</b>	<b>-810</b>	<b>-216</b>	<b>-219</b>	<b>-22</b>

**Chart 5.1 – South Gloucestershire’s Housing Trajectory at 31st March 2013 as set out in the Core Strategy compared to actual delivery**

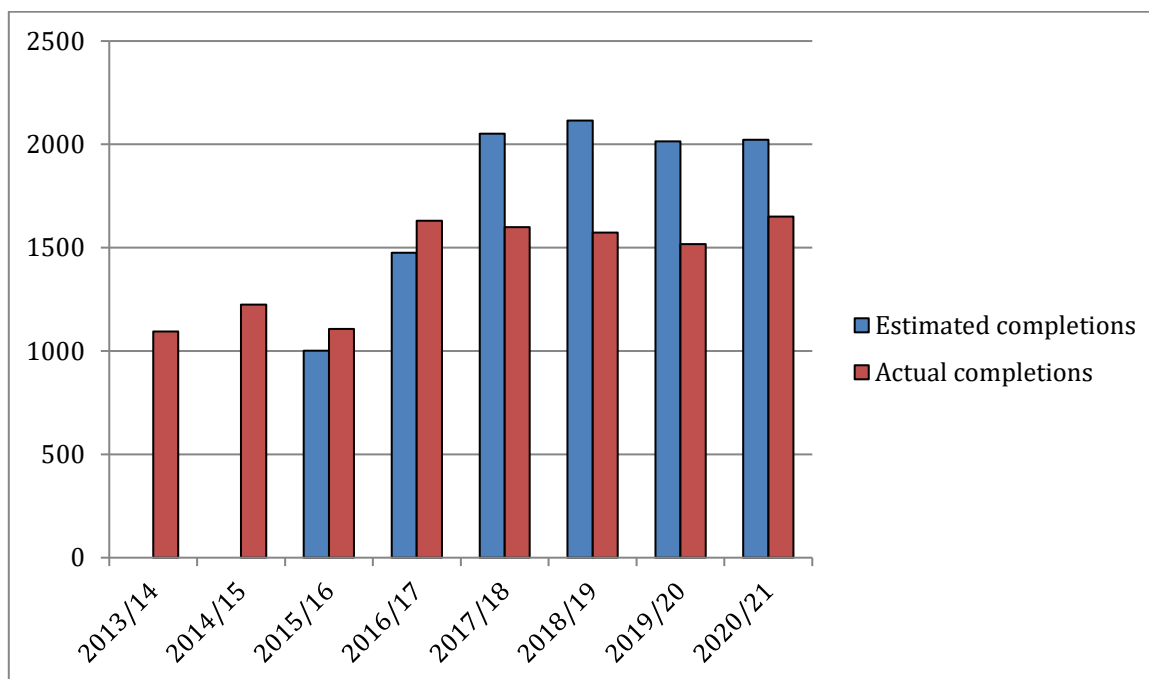


5.2 This trend has continued in each of the trajectories in the Council's Authority Monitoring Reports (AMRs). The Council has usually under estimated delivery in the first year and then in each trajectory significantly over estimated delivery in the subsequent years. the Council's trajectories in the AMRs each estimate housing delivery in some years of over 2,000 dwellings, only for the actual dwellings to be significantly less than 2,000 dwellings in each year. This is shown in the following tables and charts, which show the position recorded in the 2015 to 2018 AMRs.

**Table 5.2 – South Gloucestershire's Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2015 compared to actual delivery**

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Total Estimated	1,001	1,476	2,052	2,115	2,015	1,761
Actual	1,107	1,630	1,599	1,573	1,518	1,650
Difference (dwellings)	<b>106</b>	<b>154</b>	<b>-453</b>	<b>-542</b>	<b>-497</b>	<b>-111</b>

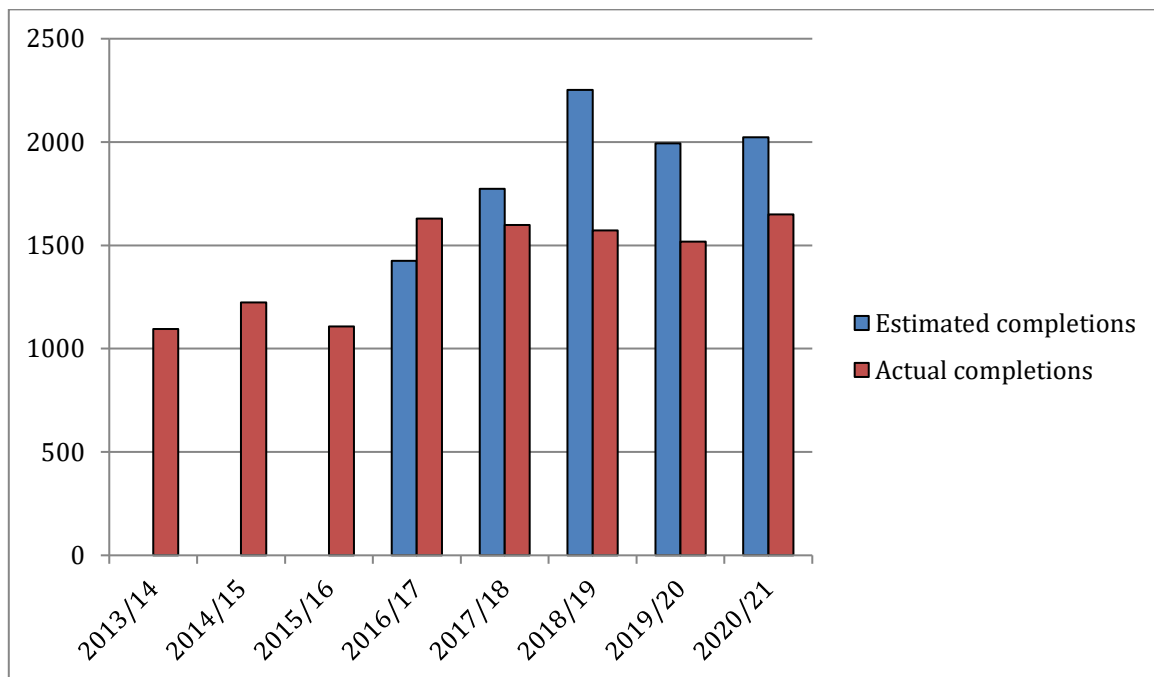
**Chart 5.2 – South Gloucestershire's Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2015 compared to actual delivery**



**Table 5.3 – South Gloucestershire’s Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2016 compared to actual delivery**

	2016/17	2017/18	2018/19	2019/20	2020/21
Total Estimated	1,425	1,774	2,252	1,994	2,023
Actual	1,630	1,599	1,573	1,518	1,650
Difference (dwellings)	<b>205</b>	<b>-175</b>	<b>-679</b>	<b>-476</b>	<b>-373</b>

**Chart 5.3 – South Gloucestershire’s Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2016 compared to actual delivery**

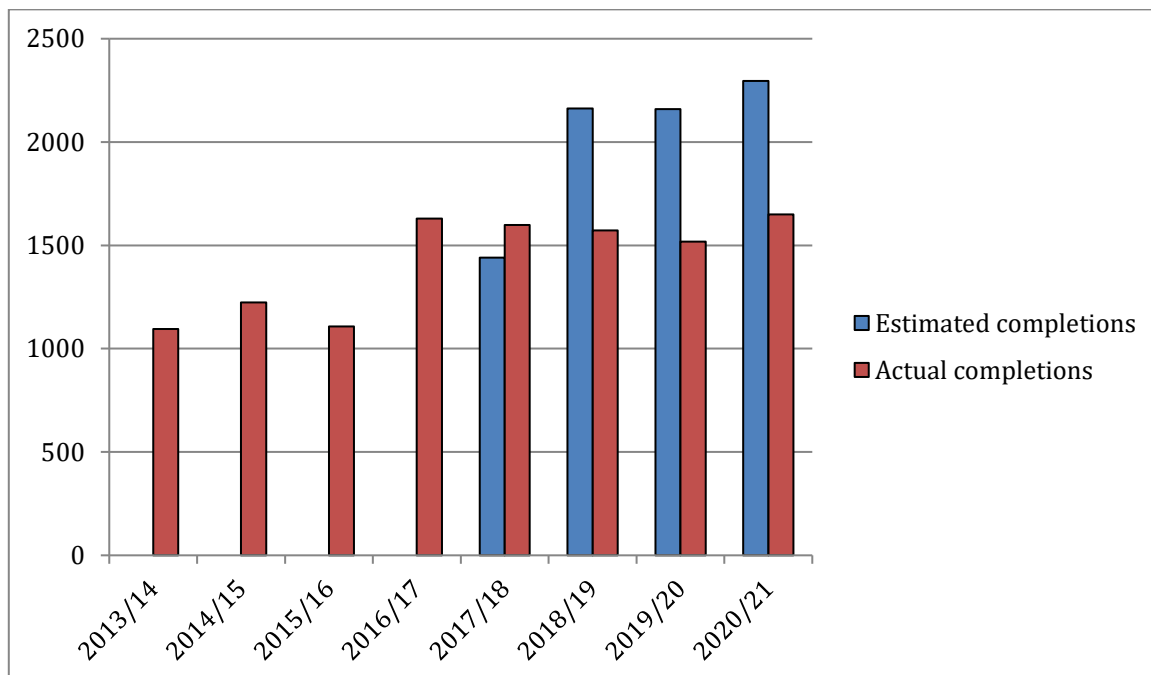




**Table 5.4 – South Gloucestershire’s Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2017 compared to actual delivery**

	2017/18	2018/19	2019/20	2020/21
Total Estimated	1,441	2,163	2,160	2,296
Actual	1,599	1,573	1,518	1,650
Difference (dwellings)	<b>158</b>	<b>-590</b>	<b>-642</b>	<b>-646</b>

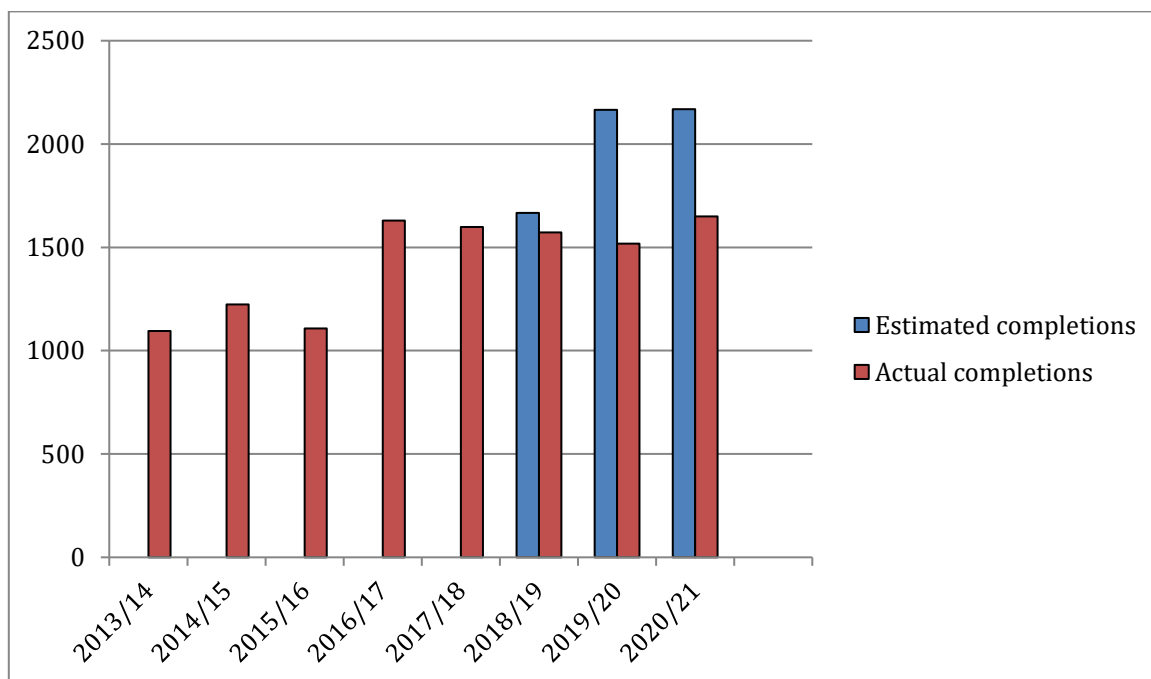
**Chart 5.4 – South Gloucestershire’s Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2017 compared to actual delivery**



**Table 5.5 – South Gloucestershire’s Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2018 compared to actual delivery**

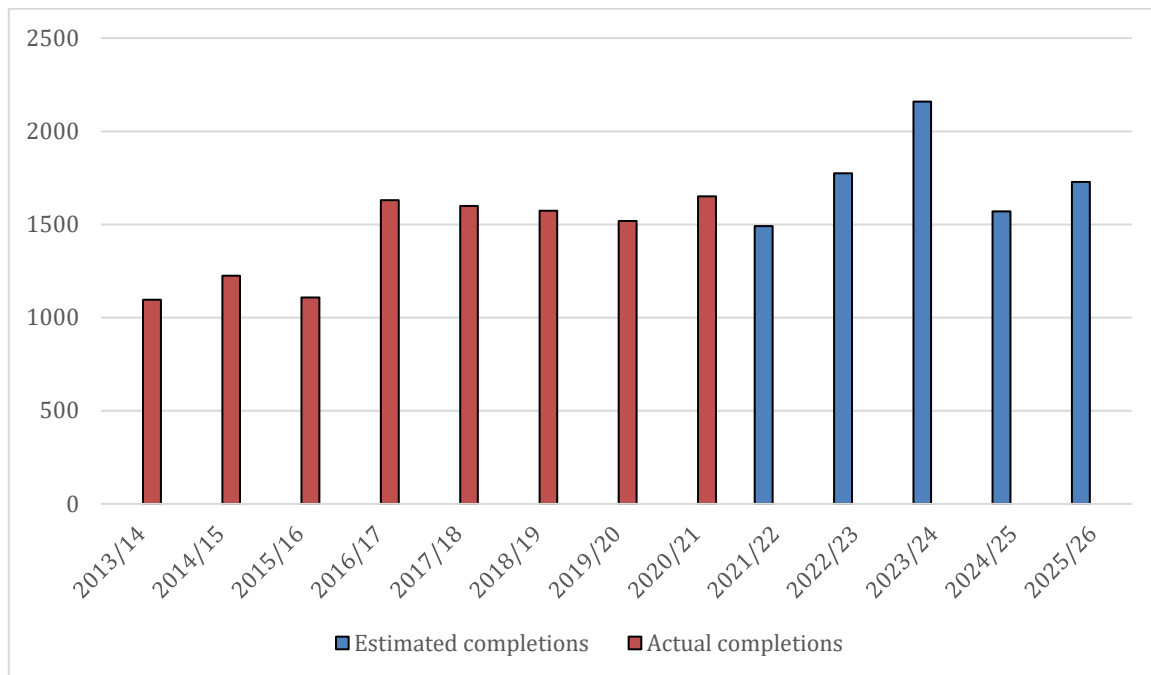
	2018/19	2019/20	2020/21
Total Estimated	1,667	2,165	2,168
Actual	1,573	1,518	1,650
Difference (dwellings)	<b>-94</b>	<b>-647</b>	<b>-518</b>

**Chart 5.5 – South Gloucestershire’s Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2018 compared to actual delivery**



5.3 The Council's latest trajectory (dated December 2021) again shows completions will in excess of 2,000 dwellings in 2023/24. This is shown in the following chart.

**Chart 5.6 – South Gloucestershire’s Housing Trajectory of Estimated Dwelling Completions at 31<sup>st</sup> March 2021 compared to actual delivery 2013-21**



## **6. Assessment of the Council's housing supply**

6.1 My assessment of the Council's five year housing land supply is based on five key stages:

1. Identifying the base date and five year period;
2. Identifying the housing requirement;
3. Identifying the past over-supply or shortfall;
4. Identifying how the past over-supply or shortfall should be addressed;
5. Applying the appropriate buffer; and
6. Identifying a Realistic and Deliverable Supply.

6.2 Each stage is addressed below.

## 7. Stage 1: Identifying the base date and five year period

- 7.1 The base date is the start date for the five year period for which both the requirement and supply should relate.
- 7.2 The Council's current housing land supply position statement has a base date of 1<sup>st</sup> April 2021 and a five year period of 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2026. I have assessed the supply at 1<sup>st</sup> April 2021 as that remains the most up to date position.
- 7.3 The Council should not attempt to include any new sites, which are not already within its schedule of sites. This would effectively mean changing the base date to beyond 1<sup>st</sup> April 2021. Within this context, there have been several appeal decisions, which have found such an approach to be inappropriate.
- 7.4 A relatively recent example is dated 22<sup>nd</sup> March 2021 and relates to an appeal made by Wates Developments Ltd against the decision of Tonbridge & Malling Borough Council to refuse to grant outline planning permission for up to 250 no. dwellings at land west of Winterfield Lane, East Malling<sup>22</sup>. In that case, the Tonbridge & Malling Council sought to rely on the inclusion of sites that had become "deliverable" since the base date. The Inspector disagreed. Paragraph 9 of the appeal decision states:

*"Whilst I see merit in using information that becomes available after the base date to inform deliverability, I note that the Inspector in Woburn Sands was referring solely to sites that were already identified in the housing supply at the base date, in line with the approach taken in Woolpit. Indeed, he noted that to do otherwise would skew the housing supply. I share this view. An assessment of housing supply which introduces new sites would only be accurate if it also took account of lapsed sites, completions and other factors which might reduce sites at that point in time. The Council have not been in a position to supply all of this information and have not reviewed the phasing of extant permissions or indeed all of the permissions granted subsequent to the base date. I therefore have no confidence that the Council's approach would provide an accurate assessment of the actual state of supply in the district and I must therefore rely instead on the Council's previous position as of 1st April 2019 as a starting point."*

- 7.5 Reference is made to the decision in relation to an appeal made by Wavendon Properties Ltd against the decision of Milton Keynes Council to refuse to grant outline planning permission for a

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<sup>22</sup> PINS ref: 3256877 – appendix EP1J

mixed use development including up to 203 dwellings at land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands<sup>23</sup>. In that appeal, the Secretary of State agreed with Inspector Gilbert-Wooldridge that whilst evidence which post-dated the base date was acceptable, this was only in relation to sites already in the schedule of sites. New sites should not be added after the base date<sup>24</sup>.

7.6 Similarly, in an appeal made by the Darnhall Estate against the decision of Cheshire West and Chester Council to refuse to grant residential development for up to 184 dwellings at land off Darnhall School Lane, Winsford<sup>25</sup>, the Secretary of State agreed with Inspector Middleton that it would be inappropriate for new sites to be included after the base date and that their insertion should await the next full review of the housing land supply position<sup>26</sup>.

7.7 In allowing an appeal for up to 150 dwellings at a site on Bath Road, Corsham, Inspector Prentis stated at paragraph 53 of the appeal decision<sup>27</sup>:

*"Finally, I note that since the Inquiry the Council has permitted housing development on two sites at or near Corsham, amounting to 152 dwellings. However, it would not be appropriate simply to add that figure to the supply – that would be tantamount to changing the base date of the HLS exercise. Moreover, some of these units are already accounted for in the HLS figures. The Council and the appellant have agreed that the correct base date for this appeal is 1 April 2014. If any later base date were used it would be necessary to review all the elements of the HLS exercise".*

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<sup>23</sup> PINS ref: 3169314 – appendix **EP1D**

<sup>24</sup> Please see DL paragraph 12 and IR paragraph 12.12

<sup>25</sup> PINS ref: 2212671 – appendix **EP1E**

<sup>26</sup> Please see DL paragraph 15 and IR paragraph 344

<sup>27</sup> PINS ref: 2222641 – appendix **EP1K**

## 8. Stage 2: Identifying the housing requirement

8.1 As I have set out in section 3 of my proof of evidence, paragraph 74 of the Framework states that the five year housing land supply should be measured against the housing requirement set out in adopted strategic policies or against the local housing need where the strategic policies are more than five years old.

### **What is the housing requirement for South Gloucestershire set out in adopted strategic policies?**

8.2 Policy CS15 of the Core Strategy: “*Distribution of Housing*” explains that between 2006 and 2027 28,355 new homes will be delivered (i.e. 1,350 dwellings per annum). The policy explains that between 2006 and 2013, 5,810 new dwellings had been completed, meaning that 22,545 new homes are required between 2013 and 2027 (i.e. 1,610 dwellings per annum). The adopted, planned housing requirement is therefore **1,610 dwellings** per annum.

### **What is the local housing need for South Gloucestershire using the standard method?**

8.3 Paragraph 2a-004 of the PPG<sup>28</sup> explains how local housing need is currently calculated. There are four steps. The first step calculates the average annual household growth over a 10 year period using the 2014-based household projections. The second step then makes an adjustment to take account of affordability. The third step provides a cap of 40% above the projected household growth in step one. The fourth step then applies an uplift to the 20 largest cities and urban centres.

8.4 The standard method results in a local housing need figure of 1,353 dwellings per annum in South Gloucestershire, as shown in the table below. It is of note that this is significantly lower than the adopted housing requirement of 1,610 dwellings per annum.

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<sup>28</sup> Paragraph: 004 Reference ID: 2a-004-20201216: “*What is the standard method for assessing local housing need?*”

**Table 8.1: Local Housing Need for South Gloucestershire**

	Step 1	Step 2	Step 3	Step 4	
	Projected annual average household growth 2021-31	Adjustment factor	Should the cap be applied?	Should the city uplift be applied?	Local housing need
South Gloucestershire	1,077.4	1.256	No	No	1,353

### Which figure should be used for calculating the five year housing land supply against?

- 8.5 The strategic policies in the South Gloucestershire Core Strategy (adopted December 2013) are more than five years old. The five year housing land supply should therefore be measured against the local housing need as the policies within the Core Strategy have not been reviewed.
- 8.6 It is of note that against the adopted plan-led housing requirement the Council would not be able to demonstrate a deliverable five year housing land supply even using its supply figure. This is because the adopted housing requirement includes the significant shortfall against the adopted housing requirement since 2013. Even using the Liverpool method to address the shortfall against the remainder of the plan period, the Council would only be able to demonstrate a **4.47 year** figure as shown in the following table:

**Table 8.2 – South Gloucestershire's Five year Housing Land Supply against the adopted housing requirement**

	Requirement	
A	Adopted housing requirement 2006-27	28,355
B	Completions 2006-21 (5,810 + 11,396)	17,206
C	Remaining requirement (A-B)	11,149
D	Annual requirement (C / 6 years)	1,858
E	Five year housing land supply to be demonstrated (D X 5 + 5%)	9,755
F	Annual average requirement plus buffer (E / 5 years)	1,951
	<b>Supply</b>	
G	Claimed Supply to 31 <sup>st</sup> March 2026	8,724
H	Supply in years (G / F)	<b>4.47</b>
I	Shortfall against the five year requirement plus 5% buffer (G – E)	<b>-1,031</b>



## 9. Stage 3: Identifying the past shortfall or over-supply

9.1 As set out in table 4.2 above, there is a significant past shortfall against the adopted housing requirement of **1,484 dwellings**.

## 10. Stage 4: Identifying how the past shortfall should be addressed

10.1 As I have set out in section 8 of my proof of evidence, the Council's five year housing land supply is to be measured against the local housing need using the standard method. Paragraph 68-031 of the PPG<sup>29</sup>: "How can past shortfalls in housing completions against planned requirements be addressed?" states:

*"Where shortfalls in housing completions have been identified against planned requirements, strategic policy-making authorities may consider what factors might have led to this and whether there are any measures that the authority can take, either alone or jointly with other authorities, which may counter the trend. Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure. Under-delivery may need to be considered where the plan being prepared is part way through its proposed plan period, and delivery falls below the housing requirement level set out in the emerging relevant strategic policies for housing.*

*Where relevant, strategic policy-makers will need to consider the recommendations from the local authority's action plan prepared as a result of past under-delivery, as confirmed by the Housing Delivery Test.*

*The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgfield approach), then the appropriate buffer should be applied. If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.*

*Where strategic policy-making authorities are unable to address past shortfalls over a 5 year period due to their scale, they may need to reconsider their approach to bringing land forward and the assumptions which they make. For example, by considering developers' past performance on delivery; reducing*

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<sup>29</sup> Paragraph: 031 Reference ID: 68-031-20190722: "How can past shortfalls in housing completions against planned requirements be addressed?"

*the length of time a permission is valid; re-prioritising reserve sites which are 'ready to go'; delivering development directly or through arms' length organisations; or sub-dividing major sites where appropriate, and where it can be demonstrated that this would not be detrimental to the quality or deliverability of a scheme."* (my emphasis)

- 10.2 As in this case 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 as part of the affordability ratio under step 2 as highlighted in this part of the PPG.

## 11. Stage 5: Applying the appropriate buffer

11.1 Paragraph 74 of the Framework states:

*“The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- 5% to ensure choice and competition in the market for land; or*
- 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.”*

11.2 Footnote 41 of the Framework explains that from November 2018 “significant under delivery” of housing will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

11.3 As set out in section 4 of my proof of evidence above, the HDT was passed in South Gloucestershire and therefore the 5% buffer applies.

11.4 The following table sets out the five year housing supply which needs to be demonstrated at 1<sup>st</sup> April 2021 against local housing need plus 5% buffer.

**Table 11.1 – Five year housing requirement plus buffer at 1<sup>st</sup> April 2021**

	<b>Requirement</b>	
A	Annual Local Housing Need	1,353
B	Five year requirement (A X 5 years)	6,765
C	5% buffer (5% of B)	338
D	Total supply to be demonstrated (B + C)	7,103
E	Annual average requirement to be demonstrated (D / 5)	1,420

## 12. Stage 6: Identifying a Realistic and Deliverable Supply

12.1 The Council's housing land supply position statement claims that, at 1<sup>st</sup> April 2021, the Council has a deliverable supply of 8,724 dwellings. This is reflected in the Council's housing trajectory as follows:

**Table 12.1 – South Gloucestershire's Claimed Five Year Housing Land Supply at 1<sup>st</sup> April 2021**

2021/22	2022/23	2023/24	2024/25	2025/26	Total
1,491	1,775	2,160	1,570	1,728	8,724

12.2 In section 3 of my proof of evidence, I have set out the definition of deliverable as set out in the current Framework and how this compares to the previous definition of deliverable as set out in the 2012 Framework and associated guidance. I also referred to several appeal decisions where the Secretary of State and Inspectors have considered the definition of deliverable and the clear evidence required to include sites within category b) of the definition of deliverable.

12.3 The Council's housing trajectory includes a column called "Deliverability Information". This provides a link to a document for each site dated 8<sup>th</sup> December 2021. For category a) sites, the link for each site simply provides the following wording:

*"As outlined in Annex 2 of the 2019 Nation Planning Policy Framework, all sites that have detailed planning permission should be considered deliverable until permission expires. As there are no known constraints impacting delivery on this site it is considered to be deliverable within the next five year period."*

12.4 An example is provided at appendix **EP2**. No evidence has been provided by the Council for any of these category a) sites to demonstrate how the lead-in times and build rates have been determined. This is surprising for two reasons. Firstly, because as I discuss in subsequent sections of my proof of evidence, some of the very large sites have failed to deliver in accordance with each of the Council's housing trajectories in previous years. As I set out in section 4 of my proof of evidence, the Council has a very poor record of predicting housing delivery. Secondly, the Council's previous housing trajectories have included some information in relation to how the lead-in times and build rates have been determined. The Council has therefore deliberately chosen not to either collate or publish this information for its current position.

12.5 For category b) sites, the link for each site simply provides the following wording:

*“As outlined in Paragraph 7, Reference ID: 68-007-20190722 of the 2019 National Planning Policy Guidance major sites which have made clear progress towards or gained outline, full, or reserved matters planning status, can be considered as having evidence to demonstrate deliverability”*

12.6 An example is provided at appendix **EP3**. I discuss the disputed sites in the subsequent sections of my proof of evidence below. However, from the outset in my view the above wording is not “clear evidence” of deliverability. As I have set out in section 3 of my proof of evidence, the Secretary of State and Inspectors have:

- removed category b) sites from the deliverable supply where no evidence of deliverability has been provided; and
- concluded that the evidential value of the written information is dependent on its content. Category b) sites have been removed from the deliverable supply where written evidence is “scant” in detail. A realistic assessment of all factors concerning delivery should be considered.

12.7 It is of note that the base date of the Council's position statement is 31<sup>st</sup> March 2021 and therefore the Council had almost 9 months to seek and then publish all the evidence it has used to inform the trajectory. The Council has chosen not to either seek this information and / or publish it with its position statement.

12.8 Following the request to do so in the Inspector's note of the Case Management Conference, on 11th February 2021 I provided the Council with a list of disputed sites (Appendix **EP4**). Should the Council now produce evidence to support the inclusion of those disputed sites and their build rates almost 2 months after the trajectory was published, I respectfully request the opportunity to comment on it and the appropriateness of the Council's approach in publishing its housing land supply position and then seeking to retrospectively justify it after publication.

12.9 I now set out my assessment of the Council's deliverable five year supply.

## 13. Student Accommodation

13.1 Paragraph 68-034 of the PPG<sup>30</sup> states:

*“All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority’s housing land supply based on:*

- *the amount of accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use); 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.*

*This will need to be applied to both communal establishments and to multi bedroom self-contained student flats. Several units of purpose-built student accommodation may be needed to replace a house which may have accommodated several students.*

*Authorities will need to base their calculations on the average number of students living in student only accommodation, using the published census data, and take steps to avoid double-counting. The exception to this approach is studio flats designed for students, graduates or young professionals, which can be counted on a one for one basis. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that fully functions as an independent dwelling.”*

13.2 The Council's housing trajectory includes 2 sites for student accommodation:

- Ref: 0251 – 270 dwellings at the University of West of England – Phase 1 (18 studio & 882 cluster) – LPA ref: P20/21983/F; and
- Ref: 0252 – 37 dwellings at Block B Cheswick Village (36 studio & 3 cluster).

13.3 For both sites, the evidence provided by the Council along with the trajectory is as follows:

*“As outlined in Annex 2 of the 2019 Nation Planning Policy Framework, all sites that have detailed planning permission should be considered deliverable until permission expires. As there are no known constraints impacting delivery on this site it is considered to be deliverable within the next five year period.”*

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<sup>30</sup> Paragraph: 034 Reference ID: 68-034-20190722: “How can authorities count student housing in the housing land supply?”

- 13.4 The Council claims that the development of these 2 sites will release 307 homes currently occupied by students in South Gloucestershire into the market. I disagree. The new student units would effectively accommodate additional students of the University of West of England rather than release homes currently occupied by students into the market.
- 13.5 According to the Higher Education Statistics Agency (HESA), student numbers of the University of West of England are increasing and have already increased from 9,635 in 2014/15 to 10,880 in 2019/20. Whilst the number of part-time students has not significantly changed each year, the number of full-time students (i.e. those more likely to require accommodation) has increased each year from 20,390 in 2014/15 to 24,340 in 2019/20 as shown in the following table:

**Table 13.1: Increase in student numbers at the University of West of England**

Year	Part-time	Full-time	Total
2014/15	6,280	20,390	26,670
2015/16	7,330	20,385	27,715
2016/17	6,680	21,200	27,880
2017/18	7,090	21,700	28,790
2018/19	7,500	22,060	29,555
2019/20	6,345	24,340	30,680

- 13.6 Similarly, the Council's Taxbase records show an increase in total dwellings occupied by students between October 2010 and October 2020 i.e. both class M (halls of residence) and class N (dwellings occupied by students). Had new purpose built student accommodation such as the 396 student bedrooms completed in 2014/15 (ref: 0159a) resulted in the release of houses previously occupied by students into the market then the total number of properties occupied by students would have remained the same. Instead they have increased because of an increasing student population as shown in the following table:

**Table 13.2: Class M and Class N Properties in South Gloucestershire October 2010 to October 2020**

Year	Class M Properties	Class N Properties	Total
October 2010	369	335	704
October 2011	369	322	691
October 2012	369	267	636
October 2013	369	334	703
October 2014	369	376	745
October 2015	406	341	747
October 2016	406	378	784
October 2017	456	380	836
October 2018	489	424	913
October 2019	489	465	954
October 2020	489	490	979
October 2021	489	530	1,019

- 13.7 Even if purpose built student accommodation did release homes currently occupied into the open market, the Council would need to demonstrate that these homes are in South Gloucestershire and not neighbouring Bristol.
- 13.8 In a case in relation to Land at Home Farm, Church Hill, Pinhoe, Exeter<sup>31</sup>, the Inspector concluded that student accommodation should not be included as part of the housing land supply. Comparisons can be made with the situation in South Gloucestershire. Paragraph 47 of the appeal decision states:

*“Where the student population is relatively stable, and the number of general market dwellings occupied by students declines as a consequence of the provision of student accommodation, I consider the inclusion of such accommodation as part of the housing supply would be consistent with the guidance within the PPG. However, within Exeter, due to the considerable increase in the number of students relative to the provision of purpose-built student accommodation, there has not been a reduction in the general market dwellings occupied by students. On the contrary, there has been a significant increase. I acknowledge that this situation may change in the future should the delivery of student accommodation significantly increase in the size of the student population. However, that is not the case at present and there is no evidence to show that the provision of student accommodation has released general market housing within Exeter. Therefore the inclusion of purpose-built*

<sup>31</sup> PINS ref: 2215771 – appendix EP1L



*student accommodation as part of the housing supply is not consistent with the advice at paragraph 3/38 of the PPG”*

13.9 The Council in that case challenged the decision in the High Court but was unsuccessful.

13.10 Similarly, in the Darnhall case in Cheshire West and Chester (appendix **EP1E**), the Inspector and the Secretary of State agreed with my evidence that the Council should not include student completions in its housing land supply calculations because new purpose built student accommodation would effectively be occupied by an increasing student population in Chester.

Paragraphs 346 to 350 of the Inspector's Report state:

*“346. CW&CLP P1 assessed the anticipated student population expected to be residing in the District when the FOAHN was established. The accommodation needs of students was included within the overall housing target with the exception of those living in halls of residence (CD13.10). If the number of resident students overall, including those living in halls of residence, has remained approximately the same since 2011, then this is a reasonable approach to take [IR 238].*

*347. However, this does not appear to have happened. Whilst overall student numbers seem to have changed little (+75), the number of full-time students at the University of Chester appears to have grown (by about 25%), whilst there has been a similar numerical decline in part-time student numbers. It is a well recognised fact, supported by research on behalf of the University of Chester) in this instance, that part-time students are more likely to be from the local area and to live at home than are full-time students, many of which will have moved from other parts of the country and require accommodation. If this has happened on a significant scale (the Appellant suggests an increase of 2,265 full-time students since 2010), then account of it should be taken in the calculations [IR 69, 108-109 & 238-40].*

*348. To count purpose built self-contained student accommodation, as a part of the supply, when such accommodation is likely to be meeting the needs of a growing number of full-time students, rather than the more constant numbers that were planned for, is not appropriate. In these circumstances, the dedicated student schemes [SR 144], whilst increasing the overall housing stock with self-contained units, would be unlikely to release accommodation into the wider housing market, such as freeing up some of that currently occupied by students in the Garden Quarter of Chester. Most of the units would be soaked up by some of the increasing numbers of students. Other students may also need to occupy open market homes such as HMOs [IR 107-111 & 243].*

*349. The Council refers to the multiplicity of University sites, some of which are outside of the district and to the opening of a new campus at Shrewsbury but there is no comprehensive assessment of the changes in student numbers and their locations since 2010. Given the attention paid to this at the previous Inquiries into this appeal and also at the Inquiries into the Nether Peover and*

*Tattenhall Appeals and the findings of previous Inspectors against the Council, in this regard, I find this surprising. In the circumstances I agree with the Appellant that all of the 430 student units in the Council's supply should be removed [IR 107-112,238, 241 & 242].*

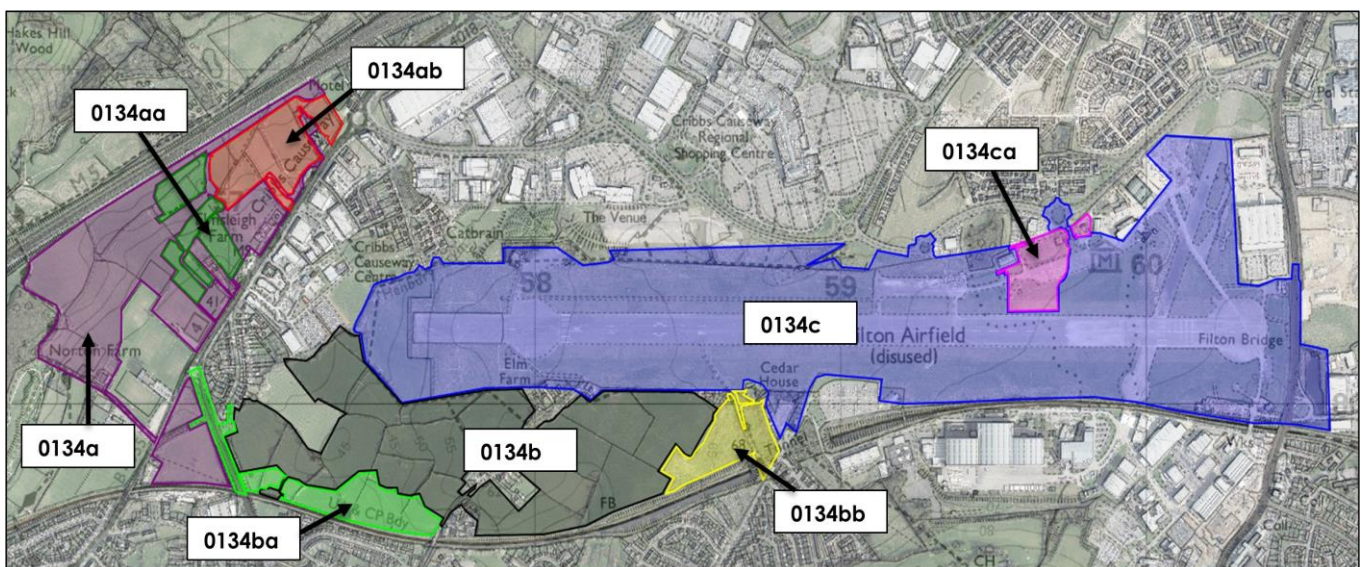
*350. 630 student units are included in the pre-2018 completion figures and have contributed to the surplus. Without a demonstration on the part of the Council that these were adding to overall housing supply, as envisaged in the LP and not simply meeting the needs of a growing student population, then they should also be discounted [IR 60-61 & 244]."*

13.11 For these reasons, student accommodation should not be included in the supply. Therefore, **307 dwellings** should be removed from the Council's supply.

## 14. Cribbs / Patchway New Neighbourhood

### Background

14.1 Policy CS26 of the Core Strategy: “Cribbs / Patchway New Neighbourhood” explains that a major mixed use development is planned on 480 ha of land at Cribbs Causeway, Patchway and Filton. The policy states that provision will be made for approximately 5,700 dwellings in new mixed use communities. A location plan is shown below with the various parcels also shown:



### Housing trajectories

14.2 As set out in policy CS15, the Core Strategy considered that 5,700 dwellings would be delivered at the Cribbs / Patchway New Neighbourhood between 2006 and 2027, with:

- 1,265 no. dwellings delivered between 2013-14 and 2017-18;
- 2,400 no. dwellings delivered between 2018-19 and 2022-23; and
- 2,035 no. dwellings between 2023-24 and 2026-27.

14.3 Therefore, by the base date (31<sup>st</sup> March 2021), the Core Strategy had assumed that 2,705 no. dwellings would have been delivered at this site (i.e. 1,265 no. dwellings between 2013-14 and 2017-18 and 1,440 no. dwellings between 2018-19 and 2020-21). However, no dwellings had been

delivered at this site. The site will not deliver in full in the plan period and this is one of the reasons why the adopted housing requirement will not be met.

14.4 Even the Council's own trajectory (which I dispute) only considers that only 1,789 no. dwellings will be delivered in the plan period:

- 1,484 no. dwellings between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2026; and
- 305 no. dwellings between 1<sup>st</sup> April 2026 and 31<sup>st</sup> March 2027.

14.5 The Council has predicted different quantities of development at this site over a five year period in its Authority Monitoring Reports ranging from 558 no. dwellings to 1,380 no. dwellings:

- 2016 AMR – 1,080 no. dwellings in the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2021;
- 2017 AMR – 1,380 no. dwellings in the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2022;
- 2018 AMR – 1,113 no. dwellings in the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2023;
- 2019 AMR – 558 no. dwellings in the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2024; and
- 2020 AMR – 868 no. dwellings in the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021.

14.6 Despite this and the fact that 0 dwellings had been completed at the base date, the Council's latest position claims that 1,484 no. dwellings should be considered deliverable over the five year period to 31<sup>st</sup> March 2026 on 8 parcels as shown in the following table:

**Table 14.1 – Council's Trajectory for sites at Cribbs / Patchway**

Parcel reference	Planning reference	Site name	Projected completions					5 year total
			21/22	22/23	23/24	24/25	25/26	
0134a	PT14/0565/O	Cribbs/Patchway NN - West of A4018 Haw wood	0	0	0	16	45	<b>61</b>
0134aa	P21/04349/RM	Land At Cribbs Causeway (Berwick Green / Haw Wood)	0	37	46	42	37	<b>162</b>
0134ab	P21/04748/RM	Parcels 14-19 Land At Cribbs Causeway (Berwick Green / Haw Wood)	0	74	93	68	9	<b>244</b>
0134b	PT12/1930/O	Cribbs/Patchway NN - Wyke Beck Rd/Fishpool Hill	0	0	0	0	100	<b>100</b>
0134ba	P21/05421/RM	Land At Wyck Beck Road And Fishpool Hill	0	30	72	72	61	<b>235</b>
0134bb	PT15/4165/F	Cribbs/Patchway NN - Charlton Common	0	0	20	30	30	<b>80</b>
0134c	PT14/3867/O	Cribbs/Patchway - Former Filton Airfield YTL (PT14/3867/O)	0	0	0	70	230	<b>300</b>
0134ca	PT18/5892/RM	Parcels RO3 and RO4 - Former Filton Airfield YTL	45	95	162	0	0	<b>302</b>
<b>Total</b>			45	236	393	298	512	<b>1,484</b>

## Assessment

### 0134a - Cribbs/Patchway NN - West of A4018 Haw wood

**Capacity = 498 dwellings, Council's 5YHLS = 61 dwellings**

14.7 The site has outline planning permission for a mixed-use development comprising up to 1,000 dwellings and a mixed-use local centre (LPA ref: 14/0565/O<sup>32</sup>). The following applications for reserved matters have been made:

- Parcel 134aa – 258 no. dwellings (LPA ref: 21/04349/RM); and
- Parcel 134ab – 244 no. dwellings (LPA ref: 21/04748/RM).

14.8 These parcels are discussed below. The remaining 498 no. dwellings are parcel 0134a. No further reserved matters applications have been made for housing at parcel 134a and therefore it is unclear why the Council considers that 61 no. dwellings should be considered deliverable. I note

<sup>32</sup> The decision notice is appended at **EP6A**

from the outline planning permission that all applications for reserved matters must be made within 7 years of the date of the permission i.e. 26<sup>th</sup> January 2028. The Council has not provided any evidence for the inclusion of this parcel. **61 dwellings** should be removed.

### **0134aa - Land at Cribbs Causeway (Berwick Green / Haw Wood)**

**Capacity = 258 dwellings, Council's 5YHLS = 162 dwellings**

14.9 At the base date, the site only had outline planning permission (LPA ref: 14/0565/O – discussed above). Therefore, the onus is on the Council to provide clear evidence for the inclusion of this site in the deliverable supply. After the base date, on 2<sup>nd</sup> July 2021, a reserved matters application for 258 no. dwellings was made by Bellway Homes (LPA ref: 21/04349/RM). It is still pending determination almost 8 months after being made valid. The Council's website states that the determination deadline was 1<sup>st</sup> October 2021 – almost 5 months ago. The latest position is that revised plans were submitted on 26<sup>th</sup> February 2022.

14.10 I accept that this part of the site is deliverable. However, I have extended the lead-in time by 1 year to allow for the reserved matters application to be determined, applications for the determination of pre-commencement conditions to be submitted and approved, a start on site to be made, infrastructure put in place and dwellings to be delivered. This results in a deduction of **37 dwellings** in the five year supply.

### **0134ab – Parcels 14-19 Land At Cribbs Causeway (Berwick Green / Haw Wood)**

**Capacity = 244 dwellings, Council's 5YHLS = 244 dwellings**

14.11 At the base date, the site only had outline planning permission (LPA ref: 14/0565/O – discussed above). Therefore, the onus is on the Council to provide clear evidence for the inclusion of this site in the deliverable supply. After the base date, on 15<sup>th</sup> July 2021, a reserved matters application for 244 no. dwellings was made by Taylor Wimpey (LPA ref: 21/04748/RM). It is still pending determination over 7 months after being made valid. The Council's website states that the determination deadline was 14<sup>th</sup> October 2021 – more than 4 months ago. The latest documents on the Council's website were published in September 2021 – almost 6 months ago.

14.12 The application for reserved matters is subject to several objections from statutory consultees, including the Crime Prevention Officer, Urban Design Officer (Appendix **EP6B**) and Landscape Officer.



14.13 The Crime Prevention Officer's consultation response states that the proposal is not acceptable in its current format for 8 reasons, stating that:

*"this application does not meet the safety and security requirements of the National Planning Policy Framework or the South Gloucestershire Core Strategy."*

14.14 The Council's Urban Design Officer's response (EP6B) states that:

*"The proposals currently fail to meet the requirements of the codes, CS1, the NPPF and NDG. There is also a clear reduction in the quality/aspirations of the outline and what is being proposed. These R/Ms should therefore be refused unless changes are forthcoming."*

14.15 Therefore, it is clear that the application is not capable of being approved in its current format.

14.16 As the Council has not provided any evidence, it is unknown whether amendments to the proposal are being made and whether these objections can be overcome. The Council has not provided "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin in the five year period. Therefore, **244 dwellings** should be deducted from the Council's supply.

### **Parcel 0134b - Cribbs/Patchway NN - Wyke Beck Rd/Fishpool Hill**

**Capacity = 865 dwellings, Council's 5YHLS = 100 dwellings**

14.17 An outline planning application for a mixed-use development comprising up to 1,100 dwellings, a local centre and a primary school was submitted on 01 June 2012 and was pending determination at the base date (ref: 12/1930/O). The application was considered at planning committee on 27 March 2014 where it was recommended for approval subject to the signing of a Section 106 Agreement. The application was returned to committee on multiple occasions in 2014, 2015 and 2018, to seek time extensions for the applicant to enter into a S106 Agreement. At the base date, the S106 had still not been signed and therefore the site did not have planning permission. On 16 July 2020, the S106 Agreement was signed and the application was approved, some 8 years after its submission<sup>33</sup>.

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<sup>33</sup> The decision notice is appended at **EP6C**

14.18 A reserved matters application for the creation of road infrastructure (referred to as Phase 1) was then submitted on 29 July 2020 (ref: 20/13719/RM) and was pending determination at the base date.

14.19 A reserved matters application for 235 dwellings was also submitted in August 2021 and is discussed below (site: 0134ba). No further applications for reserved matters for housing has been made in respect of this parcel of the site and therefore it is unclear why the Council considers that 100 no. dwellings should be considered deliverable. I note from the outline planning permission (appendix **EP6C**) that all applications for reserved matters must be made within 5 years of the date of the permission i.e. 16<sup>th</sup> July 2025. The Council has not provided any evidence for the inclusion of this parcel and therefore **100 dwellings** should be removed.

### **0134ba - Land at Wyke Beck Road and Fishpool Hill**

**Capacity = 235 dwellings, Council's 5YHLS = 235 dwellings**

14.20 At the base date, the site only had outline planning permission (LPA ref: 12/1930/O – discussed above). Therefore, the onus is on the Council to provide clear evidence for the inclusion of this site in the deliverable supply. After the base date, on 20<sup>th</sup> August 2021, a reserved matters application for 235 no. dwellings was made by Persimmon Homes (LPA ref: 21/05421/RM). It is still pending determination over 6 months after being made valid. The Council's website states that the determination deadline was 19<sup>th</sup> November 2021 – more than 3 months ago. The latest documents on the Council's website were published in September 2021 – almost 6 months ago.

14.21 I accept that the site is deliverable. However, I have extended the lead-in time by 1 year to allow for the reserved matters application to be determined, applications for the determination of pre-commencement conditions to be submitted and approved, a start on site to be made, infrastructure put in place and dwellings to be delivered. This results in a deduction of **61 dwellings** in the five year supply.

### **0134bb - Cribbs/Patchway NN - Charlton Common**

**Capacity = 80 dwellings, Council's 5YHLS = 80 dwellings**

14.22 This site has full planning permission (LPA ref: 15/4165/F) and the developer (Redrow) has applied to discharge the pre-commencement conditions. I therefore accept that this is deliverable.



## **0134c - Cribbs/Patchway - Former Filton Airfield YTL**

### **Capacity = 1,977 dwellings, Council's 5YHLS = 300 dwellings**

14.23 At the base date, the site had outline planning permission for a mixed-use development comprising 2,675 dwellings, employment land, a hotel, railway station, secondary school, 2 primary schools, 2 children's nurseries and a community centre incorporating a library, doctor's surgery, dental surgery, care home, retail units and offices (ref: 14/3867/O). The application was submitted on 06 October 2014 and approved on 01 March 2018<sup>34</sup>.

14.24 At the base date, the wider site had reserved matters consent for 292 dwellings, which are included separately in the supply (ref: 0134ca).

14.25 The Council provided evidence in respect of its previous housing supply position, dated 09 February 2021, which stated that:

*"The applicant is considering a fresh outline in order to better incorporate the parcel with the new arena. A planning performance agreement (PPA) has been implemented to ensure this will be a 2 year programme maximum and therefore we have taken a cautious approach with numbers only in year 5 of the housing trajectory."*

14.26 However, no such evidence has been provided in respect of the Council's current supply position. The evidence in respect of this site, dated 16<sup>th</sup> December 2021, simply states that: "major sites which have made clear progress towards or gained outline, full, or reserved matters planning status, can be considered as having evidence to demonstrate deliverability."

14.27 Whilst no evidence has been provided to suggest that progress is being made towards the submission of either a fresh outline application or a reserved matters application, I note that an application for an EIA Scoping Opinion was made in December 2021 (LPA ref: P21/033/SCO) for the following:

*"Mixed use development on 141.7 ha of land comprising: residential development for up to 6,500 dwellings; Student Accommodation up to 50,000 sqm (Sui Generis); Business Office and Research development up to 270,000 sqm (Use Class E); General Industry up to 55,000sqm (Class B2); 3 no. Hotels (Use Class C1); Extra Care accommodation up to 600 units (Use Class C2); Education provision to include a Secondary School (8.31ha), 2no. Primary Schools (total 5ha), 2no. Childrens Nurseries (total 0.8ha) and up to 55,000sqm of further education buildings (Use Class E and F1); Community facilities (Use Class E, F1*

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<sup>34</sup> A copy of the decision notice is appended at **EP6D**

*and F2); Other E use class and Sui Generis development inclusive of nightclubs, public house and other drinking establishments, and hot food takeaway together with; supporting infrastructure and facilities including demolition, ground works and remediation, highways and parking, utilities, landscaping, sustainable urban drainage system, water basins and public open space. Outline application including access, with all other matters reserved."*

14.28 Therefore, the evidence indicates that a new outline planning application is to be made. A copy of the Council's response to the EIA Scoping Opinion is appended at **EP6E**.

14.29 Reserved matters applications for 292 dwellings have been approved on part of the site, which is under construction and is discussed below (LPA ref: 0134ca). No further applications for reserved matters for housing have been made in respect of this parcel of the site and therefore it is unclear why the Council considers that 300 no. dwellings should be considered deliverable. I note from the outline planning permission that all applications for reserved matters must be made within 15 years of the date of the permission i.e. 1<sup>st</sup> March 2033. The Council has not provided any evidence for the inclusion of this parcel and therefore **300 dwellings** should be removed.

### **0134ca - Parcels RO3 and RO4 - Former Filton Airfield YTL**

**Capacity = 302 dwellings, Council's 5YHLS = 302 dwellings**

14.30 This parcel has detailed planning consent for 292 dwellings (LPA refs: 18/5892/RM and 20/10471/RM) and is under construction. I accept this site is deliverable and do not challenge the build rate because the permission includes a number of apartment blocks. However, **10 dwellings** should be removed because the site has permission for 292 dwellings, not 302.

## Summary

14.31 In summary, I conclude that there is only clear evidence that 671 no. dwellings are deliverable. In total, 813 no. dwellings should be removed from the Council's supply in relation to land at Cribbs / Patchway New Neighbourhood as shown in the following table.

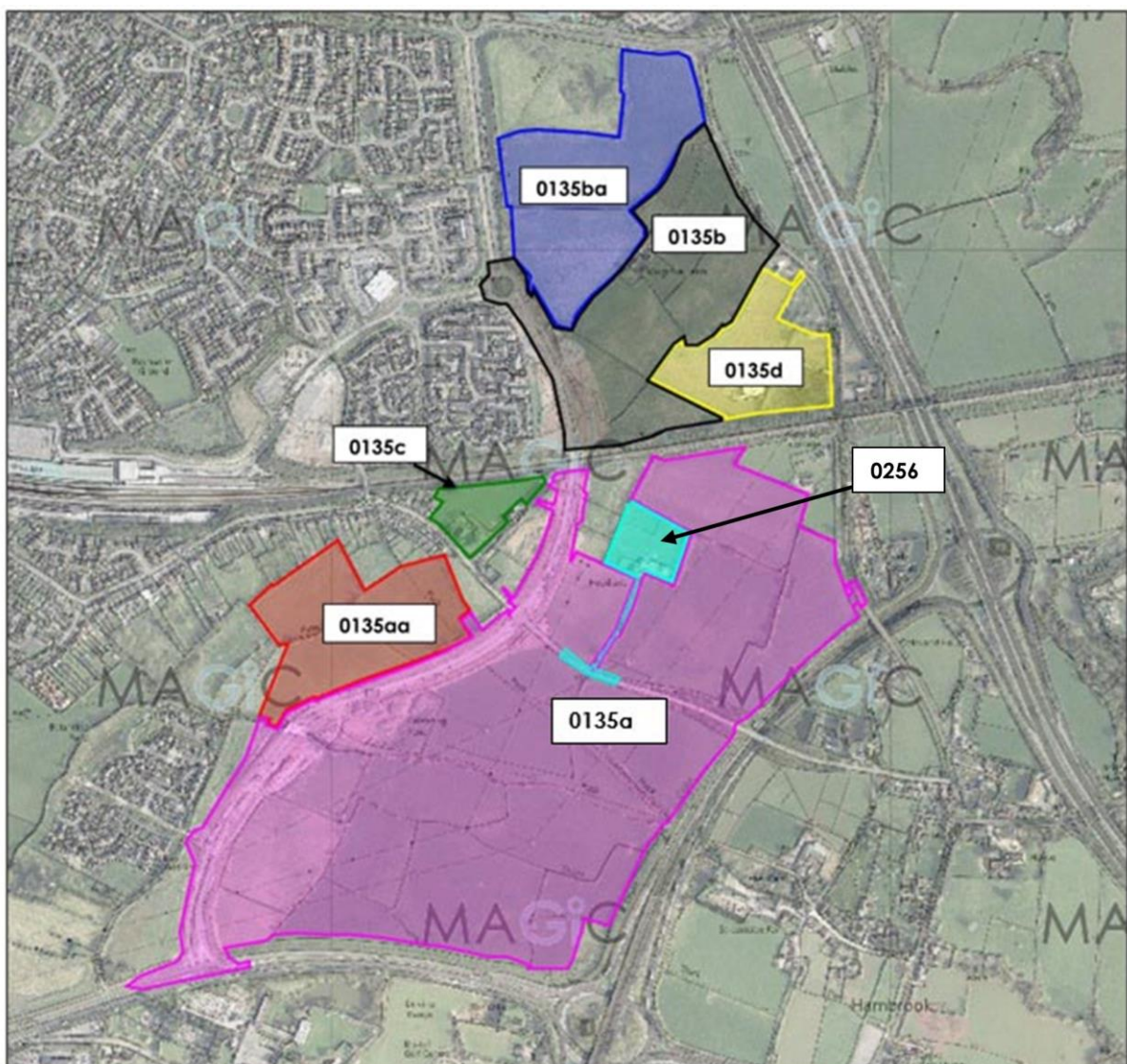
**Table 14.2 – Summary of deductions at Cribbs / Patchway**

Parcel reference	Planning reference	Site name	Council	Appellant	Difference
0134a	PT14/0565/O	Cribbs/Patchway NN - West of A4018 Haw wood	61	0	-61
0134aa	P21/04349/RM	Land At Cribbs Causeway (Berwick Green / Haw Wood)	162	125	-37
0134ab	P21/04748/RM	Parcels 14-19 Land At Cribbs Causeway (Berwick Green / Haw Wood)	244	0	-244
0134b	PT12/1930/O	Cribbs/Patchway NN - Wyke Beck Rd/Fishpool Hill	100	0	-100
0134ba	P21/05421/RM	Land At Wyck Beck Road And Fishpool Hill	235	174	-61
0134bb	PT15/4165/F	Cribbs/Patchway NN - Charlton Common	80	80	0
0134c	PT14/3867/O	Cribbs/Patchway - Former Filton Airfield YTL (PT14/3867/O)	300	0	-300
0134ca	PT18/5892/RM	Parcels RO3 and RO4 - Former Filton Airfield YTL	302	292	-10
<b>Total</b>			<b>1,484</b>	<b>671</b>	<b>-813</b>

## 15. Land East of Harry Stoke New Neighbourhood

### Background

15.1 Policy CS27 of the Core Strategy: “East of Harry Stoke New Neighbourhood” explains that a major mixed use development is planned on land to the east of Harry Stoke extending south from Winterbourne Road to the A4174 Avon Ring Road. The policy states that provision will be made for approximately 2,000 dwellings in a new mixed use community. A location plan is shown below with the various parcels also shown:



## Housing trajectories

- 15.2 As set out in policy CS15, the Core Strategy considered that 2,000 dwellings would be delivered at land east of Harry Stoke between 2006 and 2027, with:
- 370 no. dwellings delivered between 2013-14 and 2017-18;
  - 900 no. dwellings delivered between 2018-19 and 2022-23; and
  - 740 no. dwellings between 2023-24 and 2026-27.
- 15.3 Therefore, by the base date (31<sup>st</sup> March 2021), the Core Strategy had assumed that 910 no. dwellings would have been delivered at this site (i.e. 370 no. dwellings between 2013-14 and 2017-18 and 540 no. dwellings between 2018-19 and 2020-21). However, only 23 no. dwellings had been delivered at this site (RLS ref: 0135c). The site will not deliver in full in the plan period and this is one of the reasons why the adopted housing requirement will not be met.
- 15.4 Even the Council's own trajectory (which I dispute) only considers that only 860 no. dwellings will be delivered in the plan period:
- 23 no. dwellings completed by 31<sup>st</sup> March 2021;
  - 591 no. dwellings between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2026; and
  - 246 no. dwellings between 1<sup>st</sup> April 2026 and 31<sup>st</sup> March 2027.
- 15.5 The Council has predicted different quantities of development at this site over a five year period in its Authority Monitoring Reports ranging from 145 no. dwellings to 785 no. dwellings:
- 2016 AMR – 150 no. dwellings in the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2021;
  - 2017 AMR – 663 no. dwellings in the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2022;
  - 2018 AMR – 785 no. dwellings in the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2023;
  - 2019 AMR – 145 no. dwellings in the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2024; and
  - 2020 AMR – 516 no. dwellings in the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021.
- 15.6 The latest position claims that 696 no. dwellings should be considered deliverable over the five year period to 31<sup>st</sup> March 2026 as shown in the following table:

**Table 15.1 – Council's Trajectory at land east of Harry Stoke**

Parcel reference	Planning reference	Site name	Projected completions					5 year total
			21/22	22/23	23/24	24/25	25/26	
0135a	PT16/4782/O	New Neighbourhood – East of Harry Stoke – Crest (South of railway)	0	0	0	0	55	<b>55</b>
0135aa	P20/17975/RM	New Neighbourhood - East of Harry Stoke - Crest [South of railway] (PT16/4782/O)	0	16	65	56	5	<b>142</b>
0256	P21/05128/F	The Hoodlands, Hambrook Lane, Hambrook	0	0	0	25	25	<b>50</b>
0135b	PT16/4928/O	New Neighbourhood - East of Harry Stoke - Council Land [North of railway]	0	0	0	50	50	<b>100</b>
0135ba	P20/03681/F	New Neighbourhood - East of Harry Stoke - Wain Homes [North of railway]	0	36	36	36	42	<b>150</b>
0135c	PT16/6182/F	New Neighbourhood - East of Harry Stoke - Engie formerly Keepmoat [Hambrook Ln/Curtis Ln]	12	34	0	0	0	<b>46</b>
0135d	PT17/5873/O	New Neighbourhood - East of Harry Stoke [Land off Old Gloucester Road, Hambrook]	0	0	0	0	53	<b>53</b>
0135da	No reference	New Neighbourhood - East of Harry Stoke [Residual Land]	0	0	0	50	50	<b>100</b>
<b>Total</b>			12	86	101	217	280	<b>696</b>

## Assessment

### Land to the south of the railway

- 15.7 Parcel 0135c has full planning permission for 69 no. net dwellings (LPA ref: PT16/6182/F). It is under construction by Engie Regeneration / Clarion Housing. 23 no. dwellings were delivered in 2020/21. I agree that the remaining 46 no. dwellings are deliverable and should be included in the deliverable supply.



15.8 Outline planning permission for a mixed-use development comprising up to 1,290 dwellings including an extra-care facility, community facilities and a mixed-use local centre was granted on 3<sup>rd</sup> March 2020 (LPA ref: 16/4782/O)<sup>35</sup>. This relates to parcels 0135a, 0135aa and 135da.

15.9 At the base date (31<sup>st</sup> March 2021) an application for the reserved matters for parcel 0135aa had been made by Crest Nicholson (in October 2020) and was pending determination (LPA ref: P20/17975/RM). The application was eventually approved 11 months later on 22<sup>nd</sup> September 2021 subject to conditions, including conditions 1, which prevented the construction of dwellings beyond damp proof course until samples of materials had been submitted. An application to discharge this condition was made on 7<sup>th</sup> December 2021 and is still pending determination (LPA ref: DOC21/00387). The Council's evidence for this parcel dated 8<sup>th</sup> December 2021 simply states:

*“As outlined in Annex 2 of the 2019 Nation Planning Policy Framework, all sites that have detailed planning permission should be considered deliverable until permission expires. As there are no known constraints impacting delivery on this site it is considered to be deliverable within the next five year period.”*

15.10 Whilst at the base date, the site was clearly a category b) site with the onus firmly on the Council to provide the clear evidence to demonstrate deliverability, I agree that this part of the site (i.e. 0135aa) is deliverable.

15.11 In terms of parcels 0135a and 0135da, reserved matters applications have not been submitted. The Council has not provided any clear evidence that these parts of the site are deliverable and therefore it is not known why the Council considers that 100 no. dwellings should be considered deliverable with 50 no. dwellings in year 4 and 50 no. dwellings in year 5 on parcel 0135da and 55 dwellings in year 5 on parcel 0135a. The only evidence the Council has provided for 0135a states:

*“As outlined in Paragraph 7, Reference ID: 68-007-20190722 of the 2019 National Planning Policy Guidance major sites which have made clear progress towards or gained outline, full, or reserved matters planning status, can be considered as having evidence to demonstrate deliverability.”*

15.12 This is not clear evidence. I note that the outline planning permission does not require the submission of applications for reserved matters for 10 years from the permission i.e. by 3<sup>rd</sup> March

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<sup>35</sup> A copy of the decision notice is appended at **EP7A**.

2030. These parcels should not be included in the deliverable supply. This results in a deduction of **155 dwellings**.

15.13 In relation to parcel 0256, a full planning application for 50 no. dwellings was submitted by Hoodlands (Harry Stoke) Ltd in July 2021 (LPA ref: 21/05128/F). It is still pending determination almost 7 months later. It is subject to an objection from the housing enabler officer, urban design officer and concerns from the Local Lead Flood Authority (LLFA) in relation to the relationship between this site and 0135a. The latest correspondence on the Council's website explains that an extension of time is agreed and that "significant revision" are going to be made. The onus is on the Council to provide the clear evidence of deliverability at this site and how it relates to the wider site. There is no clear evidence that housing completions will begin on this site within the five year period. It should be removed, resulting in a deduction of **50 dwellings**.

#### **Land to the north of the railway**

15.14 A hybrid application for 327 no. dwellings and a primary and nursery was approved on 30<sup>th</sup> October 2019 with 150 no. dwellings granted full planning permission and 177 no. dwellings granted outline planning permission (LPA ref: PT16/4928/O)<sup>36</sup>. This relates to parcels 0135b and 0135ba.

15.15 A separate full planning application was made by Wainhomes for 150 no. dwellings at parcel 0135ba and this was pending determination at the base date (LPA ref: P20/03681/F). It was approved after the base date on 18<sup>th</sup> June 2021. I agree that site 0135ba is deliverable.

15.16 In terms of parcel 0135b, the Council has not provided any clear evidence for the inclusion of this part of the site. It only has outline planning permission for 177 no. dwellings. The onus is on the Council to provide clear evidence that housing completions will begin on this part of the site within five years. However, I note that condition 3 of the outline permission allows for applications for the reserved matters within this part of the site within 10 years of October 2019. It states:

*"All applications for the approval of the reserved matters shall be submitted to the Local Planning Authority before the expiration of 10 years from the date of this permission"*

15.17 Condition 5 of the permission requires a phasing plan to be submitted before the approval of reserved matters. This condition has not been discharged. Parcel 0135b is not deliverable

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<sup>36</sup> A copy of the decision notice is appended at **EP7B**



because it only has outline planning permission and the Council has not provided any evidence for the inclusion in the five year supply. Therefore, **100 dwellings** should be removed.

15.18 In relation to parcel 0135d, this part of the site only has outline planning permission for 158 no. dwellings (LPA ref: PT17/5873/O)<sup>37</sup>. The outline planning permission was approved on 5<sup>th</sup> October 2020. The applicant was Castel Ltd. A reserved matters application has not been made since then. The only evidence published by the Council in support of this site states:

*“As outlined in Paragraph 7, Reference ID: 68-007-20190722 of the 2019 National Planning Policy Guidance major sites which have made clear progress towards or gained outline, full, or reserved matters planning status, can be considered as having evidence to demonstrate deliverability”.*

15.19 This is not clear evidence to support the inclusion of this site. It is not known who the developer is or why the Council considers that 53 no. dwellings should be considered deliverable. Therefore, **53 dwellings** should be removed.

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<sup>37</sup> A copy of the decision notice is appended at **EP7C**

## Summary

15.20 In summary, I conclude that there is only clear evidence that 338 no. dwellings are deliverable.

In total, 358 no. dwellings should be removed from the land east of Harry Stoke New Neighbourhood.

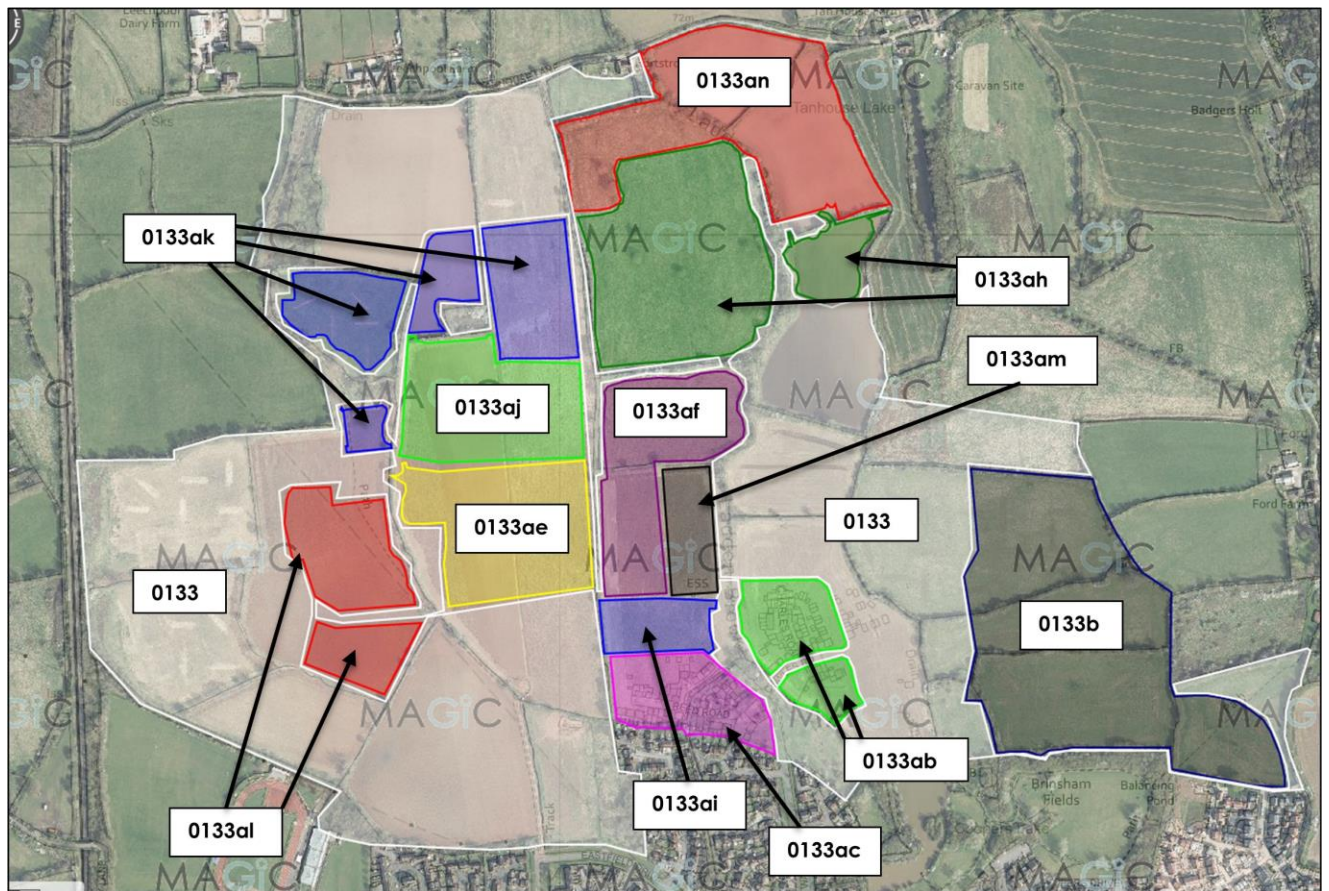
**Table 15.2 – Deductions at land east of Harry Stoke**

Parcel reference	Planning reference	Site name	Council	Appellant	Difference
0135a	PT16/4782/O	New Neighbourhood – East of Harry Stoke – Crest (South of railway)	55	0	-55
0135aa	P20/17975/RM	New Neighbourhood - East of Harry Stoke - Crest [South of railway] (PT16/4782/O)	142	142	0
0256	P21/05128/F	The Hoodlands, Hambrook Lane, Hambrook	50	0	-50
0135b	PT16/4928/O	New Neighbourhood - East of Harry Stoke - Council Land [North of railway]	100	0	-100
0135ba	P20/03681/F	New Neighbourhood - East of Harry Stoke - Wain Homes [North of railway]	150	150	0
0135c	PT16/6182/F	New Neighbourhood - East of Harry Stoke - Engie formerly Keepmoat [Hambrook Ln/Curtis Ln]	46	46	0
0135d	PT17/5873/O	New Neighbourhood - East of Harry Stoke [Land off Old Gloucester Road, Hambrook]	53	0	-53
0135da	No reference	New Neighbourhood - East of Harry Stoke [Residual Land]	100	0	-100
<b>Total</b>			<b>696</b>	<b>338</b>	<b>-358</b>

## 16. Land at North Yate

### Background

16.1 Policy CS31 of the Core Strategy: “North Yate New Neighbourhood” explains that a new neighbourhood of up to 3,000 dwellings with 2,700 dwellings in the plan period is proposed at North Yate. A location is shown below, which includes the various parcels:



16.2 The site is known as “Ladden Garden Village”. Most parcels are controlled by Barratt / David Wilson Homes. However, Taylor Wimpey has control of parcel 0133al (157 dwellings) and Bellway has control of parcel 0133b (247 dwellings).

### Housing trajectories

16.3 As set out in policy CS15, the Core Strategy considered that 2,700 dwellings would be delivered at the new neighbourhood at Yate between 2006 and 2027, with:

- 795 no. dwellings delivered between 2013-14 and 2017-18;
- 1,090 no. dwellings delivered between 2018-19 and 2022-23; and
- 815 no. dwellings between 2023-24 and 2026-27.

16.4 It is relevant that the Core Strategy does not consider that all 3,000 dwellings would be delivered in the plan period. As above, the Core Strategy considered a build rate of around 218 dwellings per year (i.e.  $1,090 / 5 \text{ years} = 218$ ). As I explain below, the Council now applies a build rate to this site, which is significantly more than the Core Strategy considered was realistic.

16.5 By the base date (31<sup>st</sup> March 2021), the Core Strategy had assumed that 1,449 no. dwellings would have been delivered at this site (i.e. 795 no. dwellings between 2013-14 and 2017-18 and 654 no. dwellings between 2018-19 and 2020-21). However, only 648 no. dwellings had been delivered at this site by the base date. The site will not deliver 2,700 no. dwellings in the plan period and this is one of the reasons why the adopted housing requirement will not be met.

16.6 The Council has predicted different quantities of development at this site over a five year period in its previous Authority Monitoring Reports ranging from 696 no. dwellings to 1,102 no. dwellings:

- 2016 AMR – 779 no. dwellings in the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2021;
- 2017 AMR – 696 no. dwellings in the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2022;
- 2018 AMR – 741 no. dwellings in the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2023;
- 2019 AMR – 1,036 no. dwellings in the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2024; and
- 2020 AMR – 1,102 no. dwellings in the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021.

16.7 The latest position now claims that 1,487 no. dwellings should be considered deliverable over the five year period to 31<sup>st</sup> March 2026 as shown in the following table:

**Table 16.1 – Council's trajectory for land at north Yate**

Parcel reference	Planning reference	Site name	Projected completions					5 year total
			21/22	22/23	23/24	24/25	25/26	
0133	PK12/1913/O	Land at North Yate (PK12/1913/O) Barratt/DWH				100	100	<b>200</b>
0133ab	PK17/5388/RM	Land at North Yate - Barratt PL23a, PL23c	9					<b>9</b>
0133ac	PK17/5389/RM	Land at North Yate - DWH PL14d, PL22	10					<b>10</b>
0133ae	PK18/1723/RM	Land at North Yate - Barratt PL12b, PL13b	34					<b>34</b>
0133af	PK18/3185/RM	Land at North Yate - DWH PL15a, 16a, 16b	31	25	25	25		<b>106</b>
0133ah	P19/2525/RM	Land at North Yate, PL17a, 17b, 18a, 18b & 21	29	100	50	50		<b>229</b>
0133ai	P19/14361/RM	Land at North Yate - Barratt PL14e		48				<b>48</b>
0133aj	P19/12246/RM	Land at North Yate - PL12a, PL13a	60	71	24			<b>155</b>
0133ak	P20/16804/RM	Land at North Yate - PL7, 8, 9 & 11	23	40	40	40	40	<b>183</b>
0133al	P21/02473/RM	Land at North Yate - PL15c and PL16	17	35	35	35	35	<b>157</b>
0133b	P19/11377/RM	Land at North Yate - Bellway PL24, 25, 26 & 27	58	87	102			<b>247</b>
0133am	P21/04892/RM	North Yate - Land at Ladden Garden Village				9		<b>9</b>
0133an	P21/03161/RM	North Yate - PL19, 20, 28 and 29				50	50	<b>100</b>
<b>Total</b>			271	406	276	309	225	<b>1,487</b>

16.8 As can be seen from the above table, the build rates now proposed by the Council at this site far exceed those set out in policy CS15 of the Core Strategy of 218 no. dwellings per annum or 1,090 dwellings over a five year period. They also far exceed those build rates actually experienced at the site by the same housebuilders (Barratt and David Wilson Homes) as shown in the following table:

**Table 16.2 – Build rates experienced at land at north Yate**

Parcel reference	Site name	Projected completions						
		14/15	15/16	16/17	17/18	18/19	19/20	20/21
0133a	Land at North Yate (PK13/1185/RM) - Peg Hill	6	75	108	46			
0133ad	Land at North Yate - Barratt PL23b, PL23d, PL23e						28	45
0133ag	Land at North Yate - Barratt PL22					2	3	2
0133ab	Land at North Yate - Barratt PL23a, PL23c					14	46	8
0133ac	Land at North Yate - DWH PL14d, PL22					25	41	7
0133ae	Land at North Yate - Barratt PL12b, PL13b						73	119
		<b>6</b>	<b>75</b>	<b>108</b>	<b>46</b>	<b>41</b>	<b>191</b>	<b>181</b>

16.9 The build rates proposed by the Council also far exceed the average build rate in the Lichfield's Study: "Start to Finish", which was 160 dwellings for sites of over 2,000 dwellings (CD1.13).

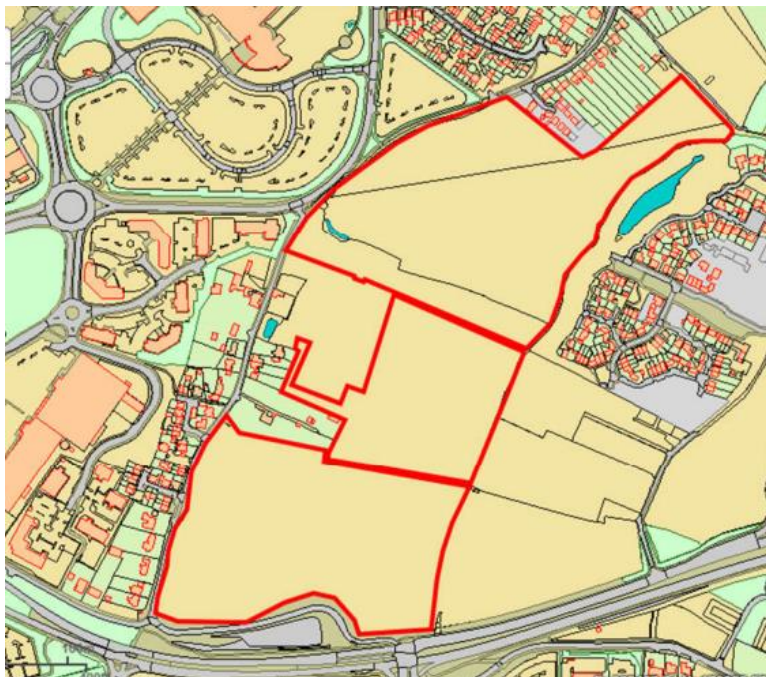
16.10 I have applied an average build rate of 191 no. dwellings as this is the highest build rate which has been experienced at this site by the same developers and actually experienced at the site based on empirical evidence. This means that 955 no. dwellings should be considered deliverable over the five year period, a deduction of **532 dwellings** in the Council's five year supply.



## 17. Land at Harry Stoke

### 0021b – Land at Harry Stoke, Stoke Gifford – Crest & Sovereign & Linden Homes

**Capacity = 763 dwellings, Council's 5YHLS = 605 dwellings**



17.1 At the base date, the site had detailed planning consent for 763 dwellings (ref: 17/5810/RM). Outline planning permission was initially refused by the Council in January 2007, however the Secretary of State approved permission at appeal on 19 December 2007 (ref: 06/1001/O). A reserved matters application for 763 dwellings was submitted on 18 December 2017 and approved on 11 October 2019.

17.2 Only 10 no. dwellings were delivered at the site in 2020/21. The Council's trajectory states that the site will deliver as follows:

**Table 17.1 – Council's Trajectory for Land at Harry Stoke**

2021/22	2022/23	2023/24	2024/25	2025/26	Total
150	120	120	120	95	605

17.3 The site is under construction and is deliverable in the five year period. However, I consider that the projected build rate is unrealistic.

17.4 Linden Homes' website states that it will deliver 112 homes at Harry Stoke. The remaining dwellings are to be delivered by Crest Nicholson. I have included the 112 dwellings by Linden in the five year period and I have applied a build rate of 52 dwellings per annum for the Crest Nicholson part of the site. This is because that was the actual average build rate experienced by the same builder on the first part of the wider site to the east (LPA ref: 0021a) as shown as follows:

**Table 17.2 – Actual build rates experienced at Harry Stoke**

<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Total</b>	<b>Average<sup>38</sup></b>
54	68	35	9	166	52.3

17.5 Therefore, only 372 dwellings should be considered deliverable in the five year period and **233 dwellings** should be deducted from the Council's supply.

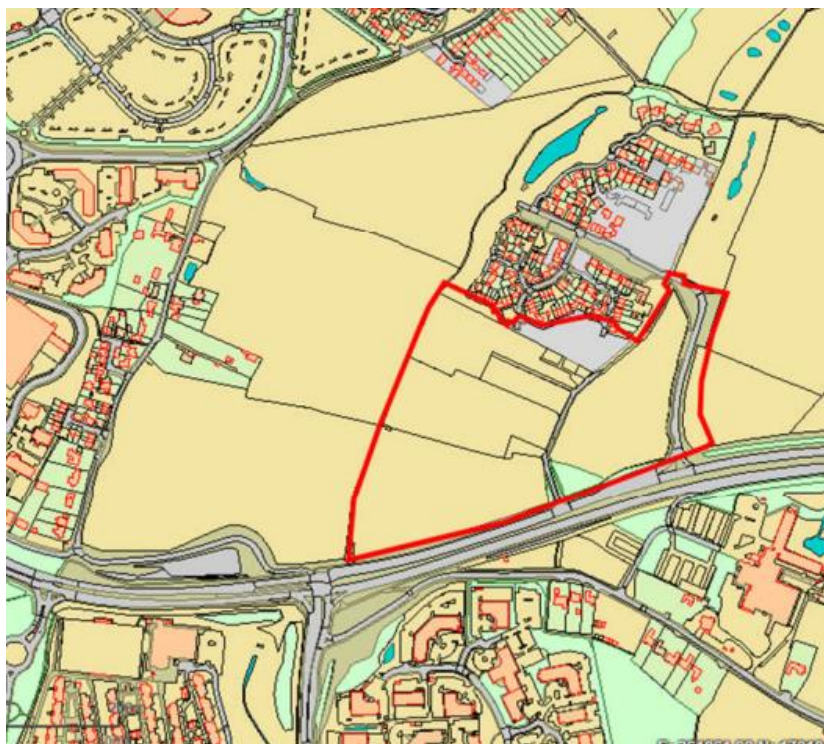
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<sup>38</sup> Average taken from full years 2013/14 to 2016/17



## 0021c – Land at Harry Stoke

**Capacity = 263 dwellings, Council's 5YHLS = 125 dwellings**



17.6 At the base date, the site had outline planning permission for 1,200 dwellings. Permission was initially refused by the Council in January 2007, however the Secretary of State approved planning permission at appeal on 19 December 2007 (ref: 06/1001/O)<sup>39</sup>. The outline planning permission required all applications to be made within 10 years of the permission i.e. by 19<sup>th</sup> December 2017.

17.7 A reserved matters application for 263 dwellings was submitted on 18 December 2017, some 10 years later, and was still pending determination at the base date (ref: 17/5847/RM). The application for reserved matters was made just before the outline permission expired.

<sup>39</sup> A copy of the decision notice is appended at **EP8A**

### **Current planning status**

17.8 As above, outline planning permission was granted on 19 December 2007. To date, the reserved matters application which was submitted in December 2017 is still pending determination, over 4 years later.

### **Firm progress towards the submission of an application**

17.9 As above, the reserved matters application for 263 dwellings has been pending for over 4 years. No evidence has been provided to suggest that progress is being made towards the submission of a further reserved matters application.

### **Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?**

17.10 No evidence has been provided.

### **Firm progress with site assessment work**

17.11 No evidence has been provided by the Council. Some site assessment work has been undertaken as part of the pending reserved matters application.

### **Clear, relevant information about viability, ownership constraints or infrastructure provision?**

17.12 The Council's evidence in respect of the previous housing land supply position<sup>40</sup> stated that the site is "subject to some constraints", namely the need for underground electricity pylons to be installed across the site. The evidence stated that the work is scheduled to take place in 2022. However, no evidence was provided to clarify how long this process will take. Further, no information was provided detailing the other constraints referred to by the Council.

17.13 No evidence has been provided in respect of the current supply position. The Council's evidence simply states: "As there are no known constraints impacting delivery on this site it is considered to be deliverable within the next five year period". This appears to contradict the previous evidence in respect of this site.

### **Summary**

17.14 At the base date, the site had outline planning permission for 1,200 dwellings. A reserved matters application was submitted in December 2017 and is still pending determination, over 4 years later.

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<sup>40</sup> Appended at **EP8B**

No evidence has been provided to suggest that progress is being made towards the determination of the reserved matters application. This is a further parcel of a wider site with permission for 763 dwellings. That site is currently being delivered and is included in the deliverable supply as set out above.

17.15 There is no evidence to demonstrate the extent to which the site constraints will delay progress on the site. As such, the Council has not provided "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on this site in the five year period. Therefore, **125 dwellings** should be deducted from the Council's supply.

## 18. Other sites

### 0226 – Watermore Junior School, Lower Stone Close

Capacity = 27 dwellings, Council's 5YHLS = 27 dwellings



18.1 At the base date, the site had outline planning permission for 27 dwellings and full planning permission for a new primary school (ref: 18/0930/R30). A reserved matters application for 5 dwellings was submitted on 27 September 2019 and approved on 15 June 2020 (ref: 19/13690/RM).

#### **Current planning status**

18.2 As above, a reserved matters application for 5 dwellings was approved on 15 June 2020. No further applications for reserved matters for residential development have been made to date.

#### **Firm progress towards the submission of an application**

18.3 There is no evidence to suggest that progress is being made towards the submission of a further reserved matters application for further residential development.

**Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?**

18.4 No evidence has been provided.

**Firm progress with site assessment work**

18.5 No evidence has been provided.

**Clear, relevant information about viability, ownership constraints or infrastructure provision?**

18.6 No evidence has been provided.

**Summary**

- 18.7 At the base date, the site had outline planning permission for 27 dwellings and reserved matters consent for 5 dwellings. Therefore, 5 dwellings are considered to be deliverable in the five year period. However, no further reserved matters application has been made. There is no evidence to suggest that progress is being made towards the submission of a reserved matters application.
- 18.8 The Council has not provided "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the remainder of the site in the five year period. Therefore, **22 dwellings** should be deducted from the Council's supply.



## 0227 – Cleve Park, Thornbury – Care Home

**Capacity = 14 dwellings, Council's 5YHLS = 14 dwellings**



18.9 At the base date, the wider site had outline planning permission for 350 dwellings, including 14 self-build dwellings, and the development of a 70-unit care facility approved at appeal (ref: 16/3565/O). A reserved matters application for 336 dwellings was submitted on 01 May 2020 and was pending determination at the base date. 125 of these dwellings are included in the supply separately and are not contested. At the base date, an application for reserved matters had not been made in respect of the care home.

### **Current planning status**

18.10 As above, the site has outline planning permission for 350 dwellings and a 70-bed care home. Reserved matters consent for 336 dwellings was subsequently obtained in October 2021, however no reserved matters application has been made in respect of the care home.

### **Firm progress towards the submission of an application**

18.11 No evidence has been provided. The link simply provides a link to the following statement dated 16<sup>th</sup> December 2021:

*"As outlined in Paragraph 7, Reference ID: 68-007-20190722 of the 2019 National Planning Policy Guidance major sites which have made clear progress towards or gained outline, full, or reserved matters planning status, can be considered as having evidence to demonstrate deliverability."*

**Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?**

18.12 No evidence has been provided.

**Firm progress with site assessment work**

18.13 No evidence has been provided.

**Clear, relevant information about viability, ownership constraints or infrastructure provision?**

18.14 No evidence has been provided.

**Summary**

18.15 At the base date, the site outline planning permission for 350 dwellings and a 70-bed care home. Reserved matters consent for 336 dwellings was subsequently obtained in October 2021, however a reserved matters application has not been made in respect of the care home. No evidence has been provided to suggest that progress is being made towards the submission of a reserved matters application. The Council has not provided "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site in the five year period. Therefore, **14 dwellings** should be deducted from the Council's supply.

## 0234 – Land east of Cedar Lodge

**Capacity = 29 dwellings, Council's 5YHLS = 29 dwellings**



18.16 At the base date, the site did not have planning permission. A full planning application for 32 dwellings was submitted on 17 March 2017 however this was withdrawn on 26 June 2020 (ref: 17/1209/F). An outline planning application for 29 dwellings was subsequently submitted on 25 October 2019 and was pending determination at the base date (ref: 19/15643/O).

### **Current planning status**

18.17 As above, an outline planning application for 29 dwellings was submitted on 25 October 2019 and was pending determination at the base date. This was subsequently approved on 15 October 2021. An application for reserved matters has not been submitted to date.

### **Firm progress towards the submission of an application**

18.18 No evidence has been provided.

### **Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?**

18.19 No evidence has been provided.



**Firm progress with site assessment work**

18.20 No evidence has been provided.

**Clear, relevant information about viability, ownership constraints or infrastructure provision?**

18.21 No evidence has been provided.

**Summary**

18.22 As above, the site has outline planning permission for 29 dwellings. No evidence has been provided to suggest that progress is being made towards the submission of a reserved matters application. The Council has not provided “clear evidence” of the type referred to in paragraph 68-007 of the PPG that the site will deliver within the next five years. Therefore, **29 dwellings** should be deducted from the Council's supply.



18.26 The Conservation Officer's comments, dated 17 November 2021, state that:

*"Unless the proposed detailed layout is revised to reflect the scale of planting agreed, which I sure you will recall was secured after significant negotiation and ultimately formed in part the basis for approval, then we are clearly in a non-compliance situation and the potential harm to the setting of the two designated heritage assets would exceed that considered and approved at outline stage..."*

*As submitted there would have to be an objection on the grounds of lack of compliance and potential greater impact on setting and accordingly the significance of the relevant designated heritage assets."*

18.27 Therefore, it is clear that in its current format, the application is not capable of approval.

**Firm progress towards the submission of an application**

18.28 As above, a reserved matters application is pending determination.

**Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?**

18.29 No evidence has been provided.

**Firm progress with site assessment work**

18.30 It is assumed that relevant site assessment work has been undertaken with regards to the pending reserved matters application.

**Clear, relevant information about viability, ownership constraints or infrastructure provision?**

18.31 No evidence has been provided.

**Summary**

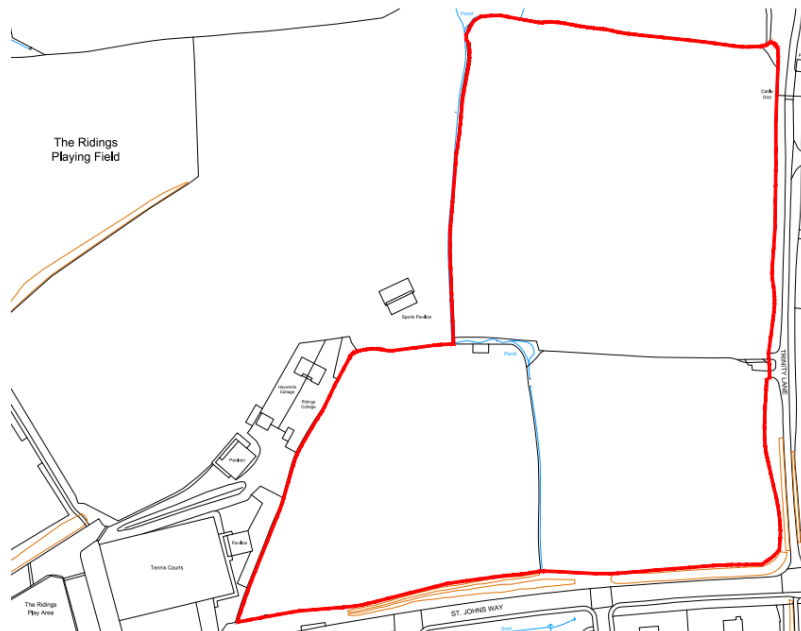
18.32 At the base date, the site did not have planning permission. Outline consent was subsequently granted in September 2021 and a reserved matters application is currently pending determination.

18.33 However, the pending reserved matters application is subject to several objections from statutory consultees, as detailed above, who have determined that the application should be refused unless changes are made.

18.34 As the Council has not provided any evidence, it is unknown whether amendments to the proposal are being made. As such, the Council has not provided “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on this the site in the five year period. Therefore, **69 dwellings** should be deducted from the Council's supply.

## 0248 – Land west of Trinity Lane

**Capacity = 90 dwellings, Council's 5YHLS = 60 dwellings**



18.35 At the base date, the site did not have planning permission. A full planning application for 90 dwellings was submitted on 15 July 2020 by Cotswold Homes and was pending determination at the base date (ref: 20/12395/F).

### **Current planning status**

18.36 The site does not have planning permission. A full planning application was submitted in July 2020 and is still pending determination, 1.5 years later.

### **Firm progress towards the submission of an application**

18.37 As above, a full planning application is pending determination.

### **Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?**

18.38 No evidence has been provided.

### **Firm progress with site assessment work**

18.39 It is assumed that relevant site assessment work has been undertaken with regards to the pending planning application.

### **Clear, relevant information about viability, ownership constraints or infrastructure provision?**

18.40 No evidence has been provided.

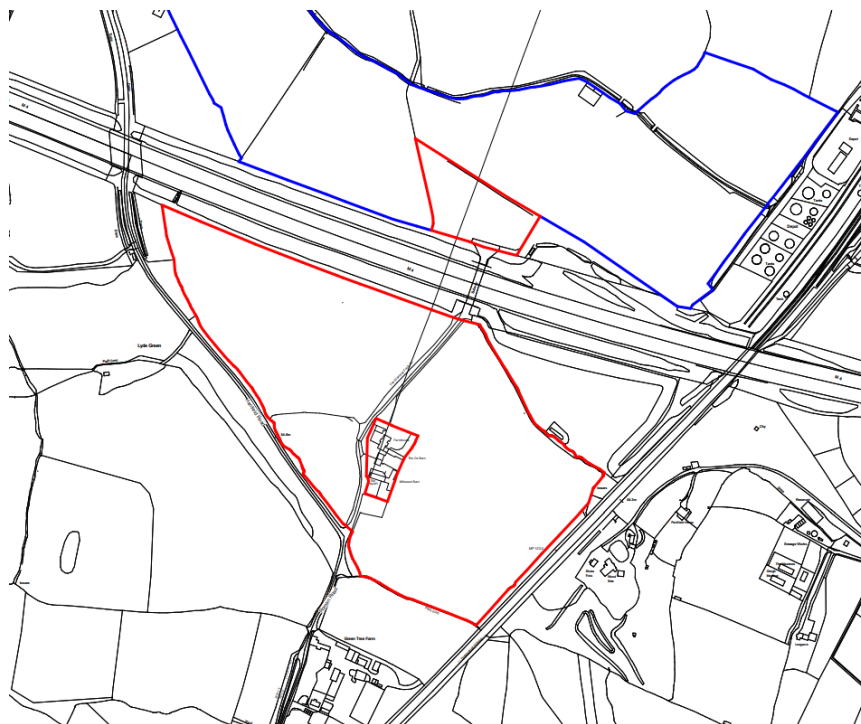
### **Summary**

18.41 At the base date, the site did not have planning permission, nor has it been obtained to date. A full planning application for 90 dwellings was submitted in July 2020 and is still pending determination, 1.5 years later. It is unknown whether the application will be approved.

18.42 As such, the Council has not provided "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on this site in the five year period. Therefore, **60 dwellings** should be deducted from the Council's supply.

## 0036ca – Land at Lyde Green Farm – Edward Ware Homes

Capacity = 398 dwellings, Council's 5YHLS = 50 dwellings

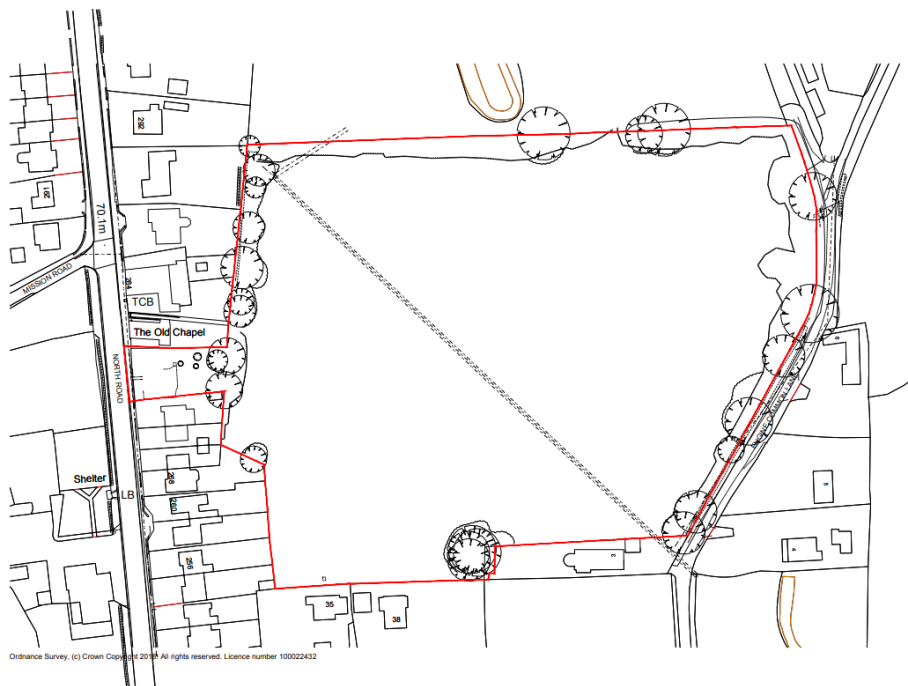


18.43 Just before the base date, the site had full planning permission for 393 dwellings (ref: 19/1275/F). However, this planning consent was subsequently quashed on 16<sup>th</sup> March 2021. Therefore, the site does not have planning permission at the base date. The Council agreed to support the quashing of the consent in March 2021 to enable the application to be redetermined. However, the application has not been redetermined, some 11 months later. It is subject to objections. The latest documents on the Council's website are dated May 2021.

18.44 The onus is on the Council to provide clear evidence that this site is deliverable. However, despite the planning history above, the Council has not provided any evidence. Therefore, **50 dwellings** should be deducted from the supply.

## 0250a – Land east of North Road, Yate

Capacity = 84 dwellings, Council's 5YHLS = 84 dwellings

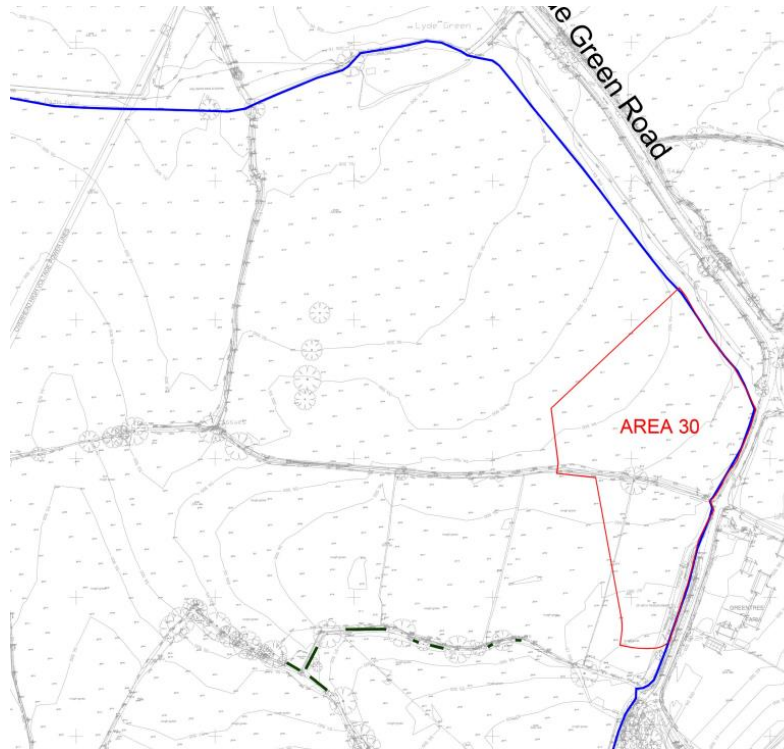


18.45 At the base date, the site did not have planning consent. An outline planning application for the demolition of 1 dwelling and the erection of 89 dwellings was submitted on 11 December 2020 and was pending determination at the base date (ref: 20/24044/O). A reserved matters application for the demolition of 1 dwelling and the erection of 84 dwellings was then submitted on 01 June 2021 by Newland Homes. The application is currently pending determination. As the reserved matters application is for 83 net dwellings, **1 dwelling** should be removed.



## 0036az – Parcel 30 Emersons Green

Capacity = 68 dwellings, Council's 5YHLS = 68 dwellings



18.46 At the base date, the wider site had outline planning permission for an urban extension of up to 2,550 dwellings (ref: 04/1965/O). Subsequently, a reserved matters application for 63 dwellings was submitted by Persimmon Homes on 15 September 2021 and is pending determination. There is no evidence to suggest that any further reserved matters applications will be made in respect of Parcel 30. Therefore, **5 dwellings** should be deducted from the supply.

## 19. Summary of deductions

19.1 The following table provides a summary of the deductions I have made from the Council's supply figure of 8,724 dwellings.

**Table 19.1 – Summary of deductions made to the Council's supply**

Ref:	Planning ref:	Site	Council's 5YHLS	Appellant's 5YHLS	Difference
0251	P20/21983/F	UoWE – Phase 1	270	0	270
0252	P20/10080F	Block B Cheswick Village	37	0	37
0134a	PT14/0565/O	Cribbs/Patchway NN - West of A4018 Haw wood	61	0	61
0134b	PT12/1930/O	Cribbs/Patchway NN - Wyke Beck Rd/Fishpool Hill	100	0	100
0134c	PT14/3867/O	Cribbs/Patchway - Former Filton Airfield YTL (PT14/3867/O)	300	0	300
0134ca	PT18/5892/RM	Parcels RO3 and RO4 - Former Filton Airfield YTL	302	292	10
0134aa	P21/04349/RM	Land At Cribbs Causeway (Berwick Green / Haw Wood)	162	125	37
0134ab	P21/04748/RM	Parcels 14-19 Land At Cribbs Causeway (Berwick Green / Haw Wood)	244	0	244
0134ba	P21/05421/RM	Land At Wyck Beck Road And Fishpool Hill	235	174	61
0135a	PT16/4782/O	New Neighbourhood – East of Harry Stoke – Crest (South of railway)	55	0	55
0135b	PT16/4928/O	New Neighbourhood - East of Harry Stoke - Council Land [North of railway]	100	0	100
0135d	PT17/5873/O	New Neighbourhood - East of Harry Stoke [Land off Old Gloucester Road, Hambrook]	53	0	53
0135da	No reference	New Neighbourhood - East of Harry Stoke [Residual Land]	100	0	100
0256	21/05128/F	The Hoodlands, Hambrook Lane	50	0	50
0133 – 0133an	Various	Land at North Yate	1,487	951	532
0021b	17/5810/RM	Land at Harry Stoke, Stoke Gifford – Crest & Sovereign & Linden	605	372	233
0021c	06/1001/O	Land at Harry Stoke	125	0	125
0226	18/0930/R30 19/13690/RM	Watermore Junior School, Lower Stone Close	27	5	22

<b>Ref:</b>	<b>Planning ref:</b>	<b>Site</b>	<b>Council's 5YHLS</b>	<b>Appellant's 5YHLS</b>	<b>Difference</b>
0227	16/3565/O	Cleve Park, Thornbury – Care Home	14	0	14
0234	19/15643/O	Land east of Cedar Lodge	29	0	29
0247a	19/8659/O 21/06953/RM	Land at Crossways, Morton Way, Thornbury	69	0	69
0248	20/12395/F	Land west of Trinity Lane	60	0	60
0036c	19/1275/F	Land at Lyde Green Farm	50	0	50
0036az	21/06187/RM	Parcel 30 Emersons Green	68	63	5
0250a	20/24044/O	Land east of North Road, Yate	84	83	1
		<b>Total</b>	<b>4,687</b>	<b>2,065</b>	<b>2,618</b>

19.2 I therefore conclude that the deliverable housing land supply at 31<sup>st</sup> March 2021 is 6,106 dwellings (i.e. 8,724 – 2,618 = 6,106 dwellings).

## 20. South Gloucestershire's Five Year Housing Land Supply at 31<sup>st</sup> March 2021

20.1 I conclude that the deliverable supply at 31<sup>st</sup> March 2021 is 6,106 dwellings (i.e. 8,724 – 2,618 = 6,106). Against the local housing need and a 5% buffer, this equates to **4.3 years** as shown in the following table:

**Table 20.1 – South Gloucestershire's Five Year Housing Land Supply at 1<sup>st</sup> April 2021**

	<b>Requirement</b>	<b>Council</b>	<b>Appellant</b>
A	Annual local housing need		1,353
B	Five year requirement (A X 5 years)		6,765
C	Five year housing land supply to be demonstrated (B + 5%)		7,103
D	Annual average requirement plus buffer (C / 5 years)		1,420.5
	<b>Supply</b>		
E	Supply to 31 <sup>st</sup> March 2026	8,724	6,106
F	Supply in years (E / D)	<b>6.14</b>	<b>4.3</b>
G	Surplus / Shortfall against the five year requirement plus 5% buffer (E – C)	<b>1,621</b>	<b>-997</b>

20.2 The implications of this are addressed by Mr Matthews.

## 21. Affordable Housing

### Affordable housing need in South Gloucestershire

#### Affordable housing need set out in the adopted Development Plan

21.1 As I have set out in section 2 of my proof of evidence, at the time the Core Strategy was prepared, the latest assessment of housing need was set out in the West of England (WoE) Strategic Housing Market Assessment (SHMA), May 2009. The 2009 SHMA concluded that there was an average annual need for **903 new affordable housing units over the period 2009 to 2021** (paragraph 10.29 of the Core Strategy, provided above).

21.2 Paragraph 145 of the Core Strategy Inspector's Report (CD1.2) states:

*"Annual requirements for affordable housing identified in the HMA [EB15] comfortably exceed the number being built with no realistic means of addressing overall deficiencies in supply. Instead policy CS18 proposes that 35% of new dwellings should be affordable. This would apply to sites with a minimum capacity of 10 units in urban areas and five in rural locations. The successful application of this policy would deliver a modest number of units. The Council believes this level of provision can be supported by the development industry despite warnings in its Economic Viability Assessments [EB16 & EB16/1] that economic conditions may affect the viability of some schemes, a view endorsed by several housebuilders."* (my emphasis)

#### Latest assessment of affordable housing need in South Gloucestershire

21.3 The latest assessment of affordable housing need in South Gloucestershire is set out in the West of England Local Housing Needs Assessment (ORS, September 2021). This document forms part of the evidence base for the West of England Spatial Development Strategy. The document and the assumptions made within it will be subject to examination during the examination of the Spatial Development Strategy. Nevertheless, I provide comment on it below.

#### Current unmet need for affordable housing

21.4 In terms of the current unmet need for affordable housing, the Local Housing Needs Assessment states that based on a detailed review of both the past trends and current estimates, 1,886 households in South Gloucestershire are currently living in unsuitable housing and are unable to afford their own housing. The 1,886 figure comprises of the following:

**Table 21.1 – Current gross unmet need for affordable housing**

	<b>Homeless households in priority need</b>	<b>Gross need</b>
A	Currently in temporary accommodation in communal establishments (bed and breakfast or hostels)	14
B	Currently in temporary accommodation in market housing (Private sector leased or Private landlord)	61
C	Currently in temporary accommodation in affordable housing (Local Authority or RSL stock)	4
D	Households accepted as homeless but without temporary accommodation provided	3
	<b>Concealed households</b>	
E	Growth in concealed families with family representatives aged under 55	306
	<b>Overcrowding based on the bedroom standard</b>	
F	Households living in overcrowded private rented housing	433
G	Households living in overcrowded social rented housing	757
	<b>Other households living in unsuitable housing that cannot afford their own home</b>	
H	People who need to move on medical or welfare grounds, including grounds relating to a disability	295
I	People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)	13
	<b>Total</b>	<b>1,886</b>

21.5 The Local Housing Needs Assessment explains that of the 1,886, 786 currently occupy affordable housing that does not meet the current householders' needs, mainly due to overcrowding. The Local Housing Needs Assessment considers that if suitable housing is provided for these households, this will enable them to vacate their existing affordable housing property, which can be subsequently allocated to another, smaller household in need of housing.

21.6 The Local Housing Needs Assessment therefore concludes that in its view there is a net current affordable housing need of 1,100 households (1,886 – 786 = 1,100). It does state however, that depending on property types and size of households in need, a higher number of new homes may be needed to ensure there is no overcrowding.

21.7 The Local Housing Needs Assessment then explains that providing the net current affordable housing need for 1,100 households will release back into the market (mainly in the private rented sector) the dwellings currently occupied by a total of 777 households. This is because 323

households are homeless or concealed and therefore do not release dwellings li.e. rows A+D+E in the above table).

### Projected Future Need of Households Unable to Afford

21.8 The Local Housing Needs Assessment then assesses the future affordable housing need between 2020 and 2035. It concludes that the annual average future affordable housing need in South Gloucestershire is 218. This is calculated as follows:

**Table 21.2 – Projected Future Affordable Housing Need 2020-35**

	<b>Future affordable housing need 2020-35</b>
Newly forming households	489
Households migrating into the area	817
<b>Subtotal</b>	<b>1,305</b>
Household dissolutions following death	-333
Households migrating out of the area	-773
<b>Subtotal</b>	<b>-1,096</b>
Existing households falling into need	286
Existing households climbing out of need	-277
<b>Subtotal</b>	<b>9</b>
Annual Average (1,305 – 1,096 +9)	<b>218</b>
Future affordable housing need 2020-35	<b>3,272</b>

### Needs of Households Aspiring to Homeownership

21.9 The Local Housing Needs Assessment then calculates the number of households currently living in the private rented sector and paying their own rent that aspire to home ownership. For South Gloucestershire, this is 8,279 as summarised below:

**Table 21.3 - Needs of Households Aspiring to Homeownership**

<b>Household type</b>	<b>Households</b>
Single person	2,721
Couple without children	2,107
Families with child(ren)	2,560
Other households	891
<b>Total</b>	<b>8,279</b>

21.10 In addition, paragraph 5.64 of the Local Housing Needs Assessment then considers the new households that are projected to form over the 15 year period. In South Gloucestershire, this is calculated as 5,803 households (a net annual need of 387 per year).

**Identifying the Overall Affordable Housing Need**

21.11 The Local Housing Needs Assessment then brings together the information on unmet need for affordable housing in 2020 together with the future need for affordable housing and those aspiring to home ownership arising over the 15-year period 2020-35. For South Gloucestershire, this equates to an overall affordable housing need of 18,455 (an annual need of 1,230). This is summarised in the following table:

**Table 21.4 - Overall Affordable Housing Need in South Gloucestershire 2020-35**

	Affordable Housing Need		Overall Affordable Housing Need
	Households unable to afford	Households Aspiring to home ownership	
Current Housing Need in 2020	1,100	8,279	9,379
Future Housing Need 2020-35	3,272	5,803	9,076
Total housing need	4,372	14,082	18,455
<b>Average</b>			<b>1,230</b>

21.12 On this basis, across the West of England Combined Area, the Local Housing Need Assessment concludes that the affordable housing need is 93,693 households over the 15 year period 2020 to 2035.

21.13 The Local Housing Need Assessment continues by considering the extent to which households who aspire to home ownership but cannot afford to buy their own home could plausibly afford affordable homeownership products if they were provided. This will be considered in detail during the examination of the Spatial Development Strategy. Nevertheless, the Local Housing Need Assessment essentially removes from the 14,082 figure above:

- 1,245 households which ORS consider are able to afford market home ownership;
  - 7,254 households which ORS consider are unable to afford 60% of a newbuild LQ property;
- and



- 3,935 households which ORS consider have savings of less than £5,000.

21.14 This results in 1,648 households from aspiring households able to access affordable home ownership (i.e. 14,082 – 1,245 – 7,254 – 3,935). As above, these issues will be considered through the examination of the West of England Spatial Development Strategy. However, even on the basis that the 1,648 household figure is correct, the total affordable housing need for South Gloucestershire set out in the Local Housing Need Assessment is 6,020 households i.e. (4,372 households unable to afford + 1,648 aspiring households). This would equate to 401 households over the 15 year period 2020 to 2035.

21.15 The Local Housing Need Assessment then seeks to disaggregate the minimum local housing need figure of 1,412 dwellings per annum for South Gloucestershire (at 1<sup>st</sup> April 2020). In total, the Local Housing Need over a 15 year period is 21,180 (i.e. 1,412 X 15 = 21,180). The Local Housing Need Assessment disaggregates this and concludes that the affordable housing need is 6,165 dwellings and the market housing need is 15,016 dwellings. On an annual basis, this would equate to 411 affordable dwellings per annum.

### Housing Register (Housing Waiting List)

21.16 Whilst affordable housing need is set out in the adopted Development Plan and in the evidence base for the emerging West of England Spatial Development Strategy, it is also important to consider the number of households on the Council's housing register. These are real households waiting for a home who have registered on the Council's waiting list.

21.17 There are **over 4,000 households** on the Council's waiting list ("HomeChoice"). The Government's Live Table 600 identifies the numbers of households on local authorities' waiting list by District. This confirms that for the last 4 years, there have been around 4,000 households on the waiting list:

**Table 21.5 – Number of households on the Council's Housing Register 2018-21**

Year	2018	2019	2020	2021
Number of households on the Council's waiting list	3,909	3,804	4,024	4,059

21.18 4,059 is a significant number of households on the Council's waiting list. It would take over 13 years for the waiting list to be reduced based on the net average affordable housing net planning gain minus demolitions of 304 completed per year in South Gloucestershire over 2006 to 2021 as set out in table 21.5 below. This assumes that no new applicants would be added to the register in that time. It is also of note that the number of households on the register have remained at 4,000 despite higher than average completions of affordable housing over the last 3 years.

21.19 The Government also provides Local Authority Housing Statistics based on data returns. This confirms that applicants to the waiting list need to be resident in South Gloucestershire for 2 years. The Local Authority Housing Statistics provides further information in relation to those households on the Council's waiting list as I show in the following table:

**Table 21.6 – Additional information in relation to the Council's Housing Register 2018-21**

<b>Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Number of households on the Council's waiting list	3,909	3,804	4,024	4,059
Number of households in a reasonable preference category	1,894	1,943	1,974	2,028
People who are homeless as defined by the Housing Act 1996	223	169	81	55
Owed a duty by any local housing authority or are occupying accommodation secured by any such authority under the Act	62	55	220	229
People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions	1,324	1,381	1,299	1,327
People who need to move on medical or welfare grounds, including grounds relating to a disability	270	295	310	339
People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).	7	13	6	4

21.20 As can be seen from the table above, the number of those within a reasonable preference category has increased each year over the past 4 years. This includes people who are homeless, people owed certain homeless duties, people occupying insanitary or overcrowded housing, people who need to move on medical or welfare grounds and people who need to move to avoid hardship.

21.21 The Council is not optimistic that it will address the needs of those households on its waiting list.

The Council's website (Appendix **EP9**) explains what the HomeChoice service is and states:

*"Applicants for social housing are prioritised by placing them in one of four categories, which makes it easy for people to see their level of priority. There is a high demand for housing in the district and a shortage of suitable properties, which means that applicants can wait a long time before they bid successfully. Most people who apply to us will never receive an offer of housing, even if they are in a higher category. Because of this, our housing system offers advice and information on other housing options, and enables you to complete our Housing Options Wizard to see which of these are suitable for you."* (my emphasis).

21.22 Under "Frequently Asked Questions", the Council's website (Appendix **EP10**) states:

*"What other options are there for housing?"*

*There is a severe shortage of homes in the South Gloucestershire area. Most applicants on the Housing Register will have to wait a long time for re-housing and many will not be re-housed at all. Depending on your circumstances you may wish to consider other options such as renting in the private sector, and we can give you information on how to do this and what the legal requirements are.* (my emphasis)

### **Affordable Housing Delivery in South Gloucestershire**

21.23 On 3<sup>rd</sup> February 2022, the Appellant asked the Council to provide the net completions of affordable housing each year over the plan period and explained that this should be net of demolitions and other losses including through Right to Buy. The Council responded on 9<sup>th</sup> February 2022 (Appendix **EP11**). The Council's response explained that since the start of the plan period in 2006 and 2021 there had been 4,913 gross affordable homes delivered or 4,719 net affordable housing completions delivered through net planning gain. In terms of right to buy, the Council's response stated:

*"Any RTB sales that may have occurred during the plan period are not measured through planning net gain. The Council does not hold data about any RTB sales or other stock losses that may have occurred during the plan period apart from loss through demolition. However, it should be noted that if any loss from current stock is being considered then consideration should also be taken of any return to use of vacant stock and of turnover rates in existing stock."*

21.24 The Council's response also explained that there had been 158 affordable homes demolished between 2006 and 2021. The following table summarises the information provided by the Council in relation to completions since the base date of the Core Strategy.

**Table 21.7 – Affordable housing completions in South Gloucestershire 2006 – 2021**

Year	Gross Affordable Housing Completions	Affordable Housing Net Planning Gain	Affordable Housing Demolitions	Affordable Housing Net Planning Gain minus demolitions
2006/07	75	49	0	49
2007/08	215	192	0	192
2008/09	291	249	0	249
2009/10	281	257	0	257
2010/11	340	329	0	329
2011/12	269	244	0	244
2012/13	223	220	0	220
2013/14	298	290	0	290
2014/15	326	325	-61	264
2015/16	263	262	-6	256
2016/17	360	351	-31	320
2017/18	368	352	-40	312
2018/19	636	632	-18	614
2019/20	565	565	0	565
2020/21	403	402	-2	400
<b>Total</b>	<b>4,913</b>	<b>4,719</b>	<b>-158</b>	<b>4,561</b>
<b>Average</b>	<b>328</b>	<b>315</b>	<b>-10.5</b>	<b>304</b>

21.25 As can be seen from table 21.7 above, despite completions of 614 affordable homes in 2018/19, 565 affordable homes in 2019/20 and 400 affordable homes in 2020/21, the number of households on the Council's housing register has increased and is over 4,000.

21.26 The following table shows the gross affordable housing completions as a percentage of the total gross housing completions over the plan period from 2006 to 2021

**Table 21.8 – Affordable housing completions in South Gloucestershire 2006 – 2021**

Year	Gross Housing Completions	Gross Affordable Housing Completions	Affordable Housing as a % of gross overall housing
2006/07	773	75	10%
2007/08	1,108	215	19%
2008/09	984	291	30%
2009/10	780	281	36%
2010/11	762	340	45%
2011/12	957	269	28%
2012/13	885	223	25%
2013/14	1,123	298	27%
2014/15	1,325	326	25%
2015/16	1,150	263	23%
2016/17	1,692	360	21%
2017/18	1,664	368	22%
2018/19	1,619	636	39%
2019/20	1,518	565	37%
2020/21	1,650	403	24%
<b>Total</b>	<b>17,990</b>	<b>4,913</b>	<b>27%</b>
<b>Average</b>	<b>1,199</b>	<b>328</b>	

21.27 This is shown in the following chart:

**Chart 21.1 – Affordable housing completions in South Gloucestershire 2006 – 2021**



## Affordable housing delivery compared to the need identified in the Core Strategy

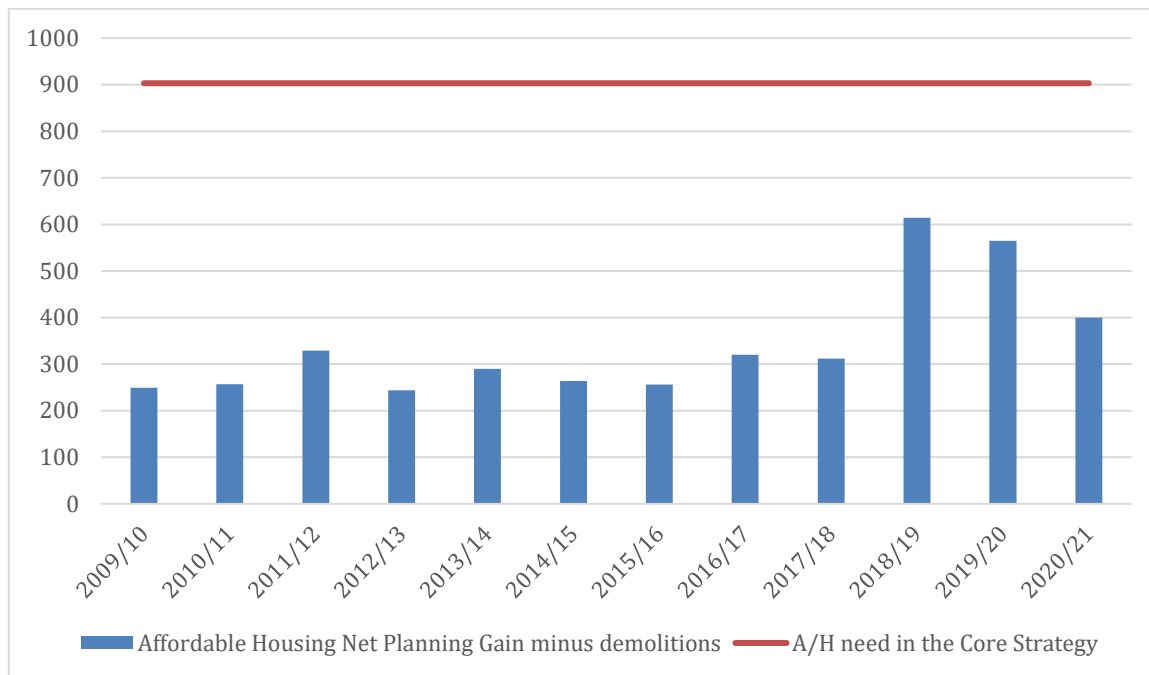
21.28 As above, the Core Strategy identified an average annual need for 903 new affordable housing units over the period 2009 to 2021. Against this, there has been a significant shortfall of 6,736 affordable homes as shown in the following table. This does not include any other losses through right to buy.

**Table 21.9 – Affordable housing completions in South Gloucestershire against the need identified in the Core Strategy 2009-21**

Year	A/H need in the Core Strategy	Affordable Housing Net Planning Gain minus demolitions	Surplus / Shortfall	Cumulative
2009/10	903	249	-654	-654
2010/11	903	257	-646	-1,300
2011/12	903	329	-574	-1,874
2012/13	903	244	-659	-2,533
2013/14	903	290	-613	-3,146
2014/15	903	264	-639	-3,785
2015/16	903	256	-647	-4,432
2016/17	903	320	-583	-5,015
2017/18	903	312	-591	-5,606
2018/19	903	614	-289	-5,895
2019/20	903	565	-338	-6,233
2020/21	903	400	-503	-6,736
<b>Total</b>	<b>10,836</b>	<b>4,100</b>	<b>-6,736</b>	

21.29 This is shown in the following chart.

**Chart 21.2 – Affordable housing completions in South Gloucestershire compared to the need in the Core Strategy 2009 – 2021**



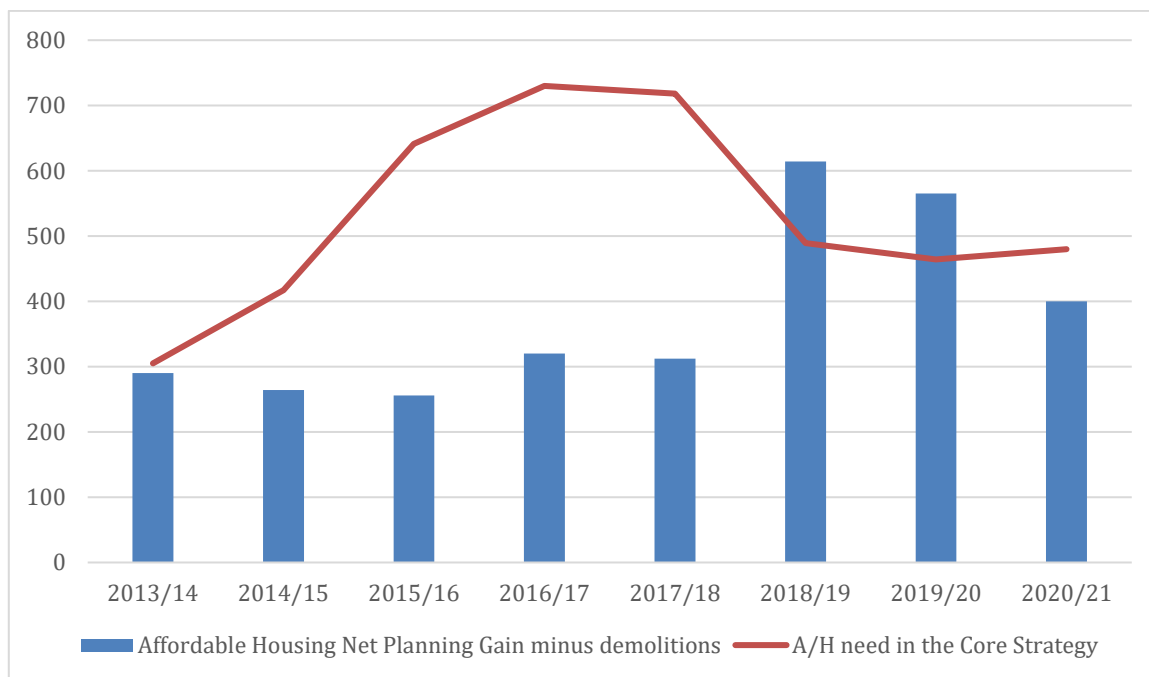
21.30 The trajectory set out on page 87 of the Core Strategy considers that 4,244 affordable homes would have been completed between 2013 and 2021. However, only 3,021 affordable homes were completed over the same period, resulting in a shortfall even against the trajectory of over 1,200 affordable homes. This does not include any other losses through right to buy. This is shown in the following table.

**Table 21.10 – Affordable housing completions in South Gloucestershire in South Gloucestershire 2013 to 2021 against the trajectory in the Core Strategy**

Year	Core Strategy Trajectory	Affordable Housing Net Planning Gain minus demolitions	Surplus / Shortfall	Cumulative
2013/14	305	290	-15	-15
2014/15	417	264	-153	-168
2015/16	641	256	-385	-553
2016/17	730	320	-410	-963
2017/18	718	312	-406	-1,369
2018/19	489	614	125	-1,244
2019/20	464	565	101	-1,143
2020/21	480	400	-80	-1,223
<b>Total</b>	<b>4,244</b>	<b>3,021</b>	<b>-1,223</b>	

21.31 This is shown in the following chart.

**Chart 21.3 – Affordable housing completions in South Gloucestershire compared to the trajectory in the Core Strategy 2013 – 2021**



**Affordable housing delivery compared to the need identified in the Local Housing Need Assessment**

21.32 As above, the Local Housing Need Assessment identifies an annual affordable housing need of 1,230. Against this, there is already a shortfall of 830 as shown in the following table.

**Table 21.11 – Affordable housing completions in South Gloucestershire in South Gloucestershire 2020 to 2021 against the need identified in the Local Housing Need Assessment**

Year	A/H need as set out in the Local Housing Need Assessment	Affordable Housing Net Planning Gain minus demolitions	Surplus / Shortfall	Cumulative
2020/21	1,230	400	-830	-830
<b>Total</b>	<b>1,230</b>	<b>400</b>	<b>-830</b>	



21.33 As above, the Local Housing Need Assessment reduces the households from aspiring households to those which it considers are able to access affordable home ownership resulting in an affordable housing need of 401 households per year from 2020 to 2035, which the completions in 2020/21 was below by 1 dwelling.

21.34 Also as set out in the Local Housing Need Assessment and discussed above, if the local housing need is disaggregated in the way set out in the Local Housing Need Assessment, then there is a need for 411 affordable dwellings per annum from 2020 to 2035, which the completions in 2020/21 were below by 1 dwelling.

21.35 As above, these figures will be examined through the emerging Local Plan examination. However, it is also relevant that the number of households is increasing and remains over 4,000.

### **Right to Buy Losses**

21.36 The Government's Right to Buy scheme affects the net addition to affordable housing stock. The Government's latest data contained in Table 691 confirms that there have been 136,492 right to buy sales in England between quarter 1 in 2006/07 and quarter 4 in 2020/21.

21.37 According to the Government's Statistical Release, South Gloucestershire is a non-stock holding authority because it has transferred its stock to Private Registered Providers (i.e. Merlin Housing Association). In its request on 3<sup>rd</sup> February 2022, the Appellant had asked the Council to provide information on right to buy losses, but this was not provided. I have asked the Council again through a Freedom of Information request for the data in relation to right to buy losses (Appendix **EP12**). However, in the absence of data on right to buy, the completion figures in the tables above must be considered as maximum as they do not include losses through Right to Buy.

### **Future Affordable Housing Supply in South Gloucestershire**

21.38 The Council's response to the Appellant (Appendix **EP11**) provides the Council's affordable housing projections for five years from 31<sup>st</sup> March 2021 based on its housing trajectory are set out below.

**Table 21.12 – Affordable housing projections based on the Council's trajectory**

<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>Total</b>
608	584	493	412	405	2,502

21.39 However, for the reasons set out in my proof of evidence, I do not consider that the Council's trajectory is realistic. It includes sites that are not deliverable and unrealistic build rates on other sites. Against the five year deliverable supply I have identified of 6,106 dwellings, I have only identified 1,569 affordable homes over the same five year period. This is set out in Appendix **EP13**.

21.40 The Council's figure of 2,502 dwellings equates to an average of around 500 affordable dwellings per annum. My figure of 1,569 affordable homes equates to 314 affordable dwellings per annum, which I note is similar to the average affordable housing net planning gain minus demolitions of 304 as set out in table 21.5 above. Both the Council's figure and my figure are significantly lower than the affordable housing need of 1,230 households as set out in table 21.4 above.

21.41 My affordable housing figure is also significantly lower than the 401 households per annum the Local Housing Need Assessment considers the need is once it has reduced the households from aspiring households to those which it considers are able to access affordable home ownership resulting in an affordable housing need and the 411 affordable dwellings the Local Housing Need Assessment considers are needed by disaggregating the local housing need.

### **Summary in relation to affordable housing need and supply**

21.42 The adopted Development Plan identifies an acute annual need for **903 affordable homes** over the period 2009 to 2021. The Council has failed to address this need. It has not been met in any year between 2009 and 2021. Indeed, there was a shortfall of **6,736 affordable homes** against the need identified in the adopted Development Plan by 2021.

21.43 The Core Strategy Inspector recognised that the affordable housing need would be met but accepted the Council's position that 35% of new homes on large sites would be affordable. However, my evidence confirms that only 27% of gross new homes delivered were affordable over the plan period to date.

21.44 The latest assessment of affordable housing need is set out in the West of England Local Housing Needs Assessment (ORS, September 2021). Whilst this document and the assumptions within it will be examined as part of the West of England Spatial Plan, it identifies an affordable housing need for South Gloucestershire over the period 2020-35 of **18,455 households**. This equates to **1,230 households per year**.

21.45 Notwithstanding the identified need in the development plan and the evidence base for the emerging plan, there are **4,059 households** on the Council's Housing Register. These are real households waiting for a home who have registered on the Council's waiting list. The waiting list has included around 4,000 households for the last 4 years and has increased since 2019, despite higher than average completion rates of affordable homes over the past three years. Based on past completion rates, it would take 13 years for the waiting list to be addressed – even if no further applicants joined the list. Of those currently waiting, 2,028 are in a reasonable preference category. However, the Council recognises that there is a “**severe shortage of homes**” in South Gloucestershire and those on the waiting list will have to wait a long time and “**many will not be re-housed at all**”.

21.46 Only 400 affordable homes were delivered in 2020/21 and the Council's claimed forward supply of affordable housing over the next five years based on its trajectory is 2,502. I dispute the Council's trajectory and have identified a forward affordable housing supply of 1,569 affordable homes over the next five years, an annual average of **314 affordable homes per annum**. On either figure, there would be a significant shortfall against the need identified in the the West of England Local Housing Needs Assessment and those on the waiting list.

21.47 The completion and supply figures do not include actual losses or expected losses of affordable homes through right to buy. Whilst I have asked the Council for this information, in the absence of the information, the figures should be treated as maximums.

21.48 The implications of these findings and the weight to be afforded to the affordable homes proposed in the appeal proposal are addressed by Mr Matthews.

## 22. Conclusions

22.1 I provide the following conclusions:

- Firstly that the Council cannot demonstrate a deliverable five year housing land supply in accordance with the Framework. I have concluded that the deliverable five year housing land supply is 6,106 dwellings, which against the local housing need and a 5% buffer equates to **4.3 years**. This represents a shortfall against the local housing need and a 5% buffer of **997 dwellings**.
- Secondly that plan period housing requirement to 2027 will not be met. Even on the Council's figure there would be a shortfall of **1,181 dwellings**.
- Thirdly that there is a significant affordable housing need which is not going to be met by the supply.

22.2 The implications of my conclusions are addressed by Mr Matthews.

## 23. Appendices

- EP1A – Audlem Road, Nantwich appeal decision
- EP1B – Cox Green Road, Surrey appeal decision
- EP1C – Woolpit appeal decision
- EP1D - Woburn Sands, Milton Keynes appeal decision
- EP1E – Darnhall School Lane appeal decision
- EP1F – Gleneagles Way, Hatfield Peveril appeal decision
- EP1G – Popes Lane, Sturry appeal decision
- EP1H – Great Torrington appeal decision
- EP1I – Sonning Common appeal decision
- EP1J – Winterfield Lane, East Malling appeal decision
- EP1K – Bath Road, Corsham appeal decision
- EP1L – Pinhoe appeal decision
  
- EP2 – Example proforma for category a) site
  
- EP3 – Example proforma for category b) site
  
- EP4 – Note re disputed sites
  
- EP5 – Lichfield's "Feeding the Pipeline"
  
- EP6 – Information in relation to Cribbs / Patchway
  
- EP7 – Information in relation to land east of Harry Stoke
  
- EP8 – Information in relation to land at Harry Stoke
  
- EP9 – Extract from Council's website re: Homechoice
  
- EP10 - Extract from Council's website re: Frequently Asked Questions re: Homechoice
  
- EP11 – Council's response to Appellant re: affordable housing
  
- EP12 – Freedom of Information Request re: affordable housing
  
- EP13 – Appellant's affordable housing 5 year trajectory