EXAMINATION IN PUBLIC OF
Knowsley Borough Council Local Plan Submission Core Strategy
Hearing Statement in respect of Matter 3 Housing Provision
On behalf of Amalcroft Properties Limited
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1 Introduction

1.1 This Statement has been prepared by Gerald Eve LLP (Gerald Eve) on behalf of Amalcroft Properties Limited (“Amlacroft”). It provides representations in relation to Matter 3 – Housing Provision (Policy CS3 of the Draft Submission Core Strategy).

1.2 The Statement specifically focuses on the following matters identified in the Inspector’s Issues, Options and Questions paper;

- Matter 3.2 – Housing Requirement and backlog; and
- Matter 3.5 – Reasoning behind the Council’s housing target;

1.3 The Statement identifies where the Plan is considered unsound as currently drafted, which tests of soundness (NPPF, paragraph 182) it fails and why. It should be read in conjunction with earlier representations submitted in respect of the draft Plan, as well as the Hearing Statement that has been submitted on behalf of Amalcroft in respect of other Matters subject to Examination, in particular Matter 5 Green Belt.

1.4 The final Section of the Statement identifies the detailed changes considered necessary to make the Plan sound.
2 What Part of the Core Strategy is Unsound?

2.1 The following elements of draft policy CS3 of the Core Strategy are considered to be unsound:

1. The methodology the Council has used to calculate its housing target over the plan period (2010 – 2028) is not based on objectively assessed needs and as such the resultant housing target of 8100 dwellings (450 dwellings per annum) is too low by a significant margin;

2. The Council has not provided local compelling circumstances to justify lower levels of provision (in accordance with paragraph 14, NPPF);

3. In their proposed requirement, although the Council has acknowledged the backlog of housing delivery from previous years, the backlog figure has been spread across the whole plan period (18 years) rather than added to the 5 year requirement. This is contrary to current planning practice, emerging guidance (NPPG) and previous Inspectors decisions which have established that the backlog should be added to the five year requirement (i.e. Sedgefield approach).

4. In addition to the above, in the event that the Council’s proposed provision (8,100 over the Plan period) is found to be sufficient (which we dispute) the Council has still calculated their initial 5 year requirement incorrectly because:

   • The 5 year requirement does not include a 20% buffer as advised by National Planning Policy Framework (paragraph 47);

   • The backlog of housing from 2010-2013 has not been included in the Council’s 5 year provision.
3 Matter 3 – Housing Provision

3.1 This section is set out utilising the Inspector’s specific questions as a framework.

Question 3.2: What are the full objectively assessed needs for market and affordable housing for the Borough, and how have they been derived? Does the evidence base give a clear understanding of these needs – can the major differences between the SHMA and recent population and household projections be reconciled? Should the Regional Strategy backlog since 2003 be included?

National Planning Policy Framework (NPPF)

3.2 Paragraph 47 of NPPF identifies a clear policy objective which is:

“to boost significantly the supply of housing” (emphasis added)

3.3 Paragraph 159 of National Planning Policy Framework (NPPF) sets out that local planning authorities should have a clear understanding of housing needs in their area. They should:

• Prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries; and

• Prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

Draft Core Strategy Policy CS3

3.4 Draft Core Strategy Policy CS3 sets out that provision will be made for 8,100 dwellings to be delivered in Knowsley between 2010 and 2028, at an annual average of 450 dwellings per annum.

3.5 The way that the Council has calculated the housing target for the Plan period is not based on objectively assessed needs. The methodology that the Council has used is set out in paragraph 9.9.3 of the Council’s Technical Report Planning for Housing Growth (July 2013) and is based on the following calculations:

• Projected baseline household growth of 241dpa (CLG 2011 Housing projections); plus

• the additional rate required to meet the backlog i.e. 104dpa (only accounting for backlog from 2003 – 2010); plus

• an additional flexibility to re-balance the housing market.
3.6 Household projections are produced by Communities and Local Government (CLG). The latest 2011 based projections were published on 9 April 2013 and are ‘interim’ (they only go to 2021).

3.7 Whilst it is acknowledged that household projections can be used as a starting point when assessing housing needs (evolving guidance NPPG) it is also important to factor in objective assessed needs and a full account of market and economic signals.

3.8 Projections also have some limitations which include the following:

- They do not fully take into account all the implications of the Census, and use previous assumptions relating to fertility, mortality and migration.
- Because they only cover a 10 year period, “they are of limited value for strategic planning purposes in relation to plan periods extending beyond 2021” (Ten key principles for owning your housing number, Finding your objectively assessed needs, prepared by the Planning Advisory Service, see Appendix A of this Statement).

3.9 All projections are trend based and are based on what has occurred over the past five years. They therefore simply identify what would happen in the future if the key factors such as, birth and death rate, number of migrants, household formation rate and number of people not living in households, continued at the same rate. They do not take account of any changes in policy that national or local government is trying to implement.

3.10 In addition, “caution should be applied if the trends experienced in the past five years reflect a period of particular economic decline” (Ten key principles for owning your housing numbers, Finding your objectively assessed needs, prepared by the Planning Advisory Service, Appendix A of this Statement).

3.11 In light of the above, using projections based on a recessionary trend (as in this case) is likely to lead to concealed households not being catered for and an underestimate of the true level of household change. This is particularly important as paragraph 47 of NPPF is clear that local policies should “boost significantly the supply of housing”.

3.12 The Council’s methodology takes into account household projections only. It should also take full account of market and economic signals and local objectively assessed needs as set out in paragraph 159 of NPPF.

**Strategic Housing Market Assessment (SHMA) (2010)**

3.13 The Council published its SHMA in 2010. The key objectives of the SHMA were to enable the Council to understand the nature and level of housing demand and need within the Borough and provide a robust and credible assessment of the Knowsley housing market.
3.14 Paragraph 159 of NPPF sets out that:

“Local authorities should have a clear understanding of housing needs in their area. They should (inter alia):

- Prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:
  - Meets housing and population projections taking account of migration and demographic change;
  - Addresses the need for all types of housing including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and
  - Caters for housing demand and the scale of housing supply necessary to meet this demand”.

3.15 In addition, paragraph 158 of NPPF is clear that:

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”

3.16 The Council has undertaken a SHMA which indicates that if the demand for new housing is to be met then 1048 dwellings would need to be delivered in Knowsley per annum (Table 7.3 Planning for Housing growth – Technical Report).

3.17 However, as set out above, the draft Core Strategy is only proposing to deliver 450 dwellings per annum and as such it is clear that the proposed housing provision is significantly less than the housing needs identified by the SHMA.

3.18 Paragraph 14 of NPPF states that:

“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change unless:

- 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”.

3.19 The difference between the requirement identified in the SHMA (1,048 dwellings per annum) and the level of housing proposed by draft Core Strategy Policy CS3 (450 dwellings per
(annum) is such that it is considered that there would have to be an overwhelming case to justify such a low level of provision, for example constraints on environmental and/or infrastructure capacity grounds.

3.20 The Council has not provided sufficient justification to warrant lower levels of growth and as such the draft Core Strategy policy is unsound as it is not consistent with national policy.

Under Delivery / Backlog

3.21 There is a need to ensure that any shortfall that has arisen in the supply of housing in previous years relative to Development Plan targets is identified and added to the requirement identified over the plan period as set out in a guidance prepared by the Planning Advisory Service: Ten key principles for owning your housing number – finding your objectively assessed needs (Appendix A of this Statement).

3.22 The document sets out that there are two ways the backlog can be addressed, namely the “Liverpool” and “Sedgefield” methods:

- The “Liverpool approach” is to seek to meet this backlog over the whole plan period. It is also known as the residual approach.
- The “Sedgefield approach” is to front load the provision of this backlog within the first five years.

3.23 There is no adopted guidance which sets out the preferred approach, however the “Sedgefield approach is more closely aligned with the requirements of the NPPF and the need to boost significantly the supply of housing and remedy the unsatisfactory consequences of persistent under delivery” (Ten key principles for owning your housing number, Finding your objectively assessed need).

3.24 In addition, the Government has recently launched the website National Planning Practice Guidance (NPPG) to support the NPPF and make it more accessible. The site is currently in Beta for testing but it does provide a clear indication of the Government’s intentions in relation to dealing with past under supply of housing. NPPG states that:

“Local planning authorities should aim to deal with any under-supply within the first five years of the plan period where possible” (Section 5 of NPPG)

3.25 A number of appeal decisions also confirm this approach. We refer to an appeal decision at Thundersely in Essex (APP/M1520/A/12/2177157) which provides further clarification on the issue of addressing past undersupply (see the relevant extract from that Appeal at Appendix B of this Statement).

3.26 Paragraph 317 of the appeal decision states:

“the backlog represents needs which are already urgent, having been unmet during the period when they arose, and will become more so as time goes on. I can
therefore see no proper reason why the whole of the backlog should not be added to the 5-year requirement, following the so-called ‘Sedgefield’ method.”

3.27 We also refer to a further appeal at Daux Avenue, Billinghurst, West Sussex (APP/Z3825/A/12/2183078) in which the Inspector also found in favour of the Sedgefield Approach (see Appendix C of this Statement).

3.28 The Council acknowledges that there is a considerable backlog that has occurred from a lack of delivery of housing to meet the previous Regional Strategy target (Table 7.1, Planning for Housing Growth – Technical Report).

3.29 The identified backlog from 2003/04 – 2009/10 accounts for 1,867 dwellings and the identified backlog from 2009/10 – 2012/13 is 743 (Source Table 7.1, Page 122, Planning for Housing Growth – Technical Report). This identified backlog must be addressed and added to the housing requirement as set out in the above appeal decisions.

3.30 The Council has sought to spread the figure arising from the backlog across the whole plan period. However, this is incorrect and not in accordance with numerous appeal decisions as set out above in which the Inspector has found in favour of the ‘Sedgefield’ approach of dealing with the entire backlog within the next 5 years rather than spreading the backlog over the whole plan period.

3.31 The Plan is unsound as is currently stands as it is not positively prepared as the Council has not properly assessed the unmet need (NPPF, paragraph 182 bullet point 1).

**Five Year Housing Supply**

3.32 Notwithstanding the above it is also considered that the 5 year housing requirement has been calculated incorrectly by the Council.

3.33 The Council’s opinion of the 5 year requirement is set out in Table 3.12 of the Council’s Housing Position Statement (July 2013) and is set out below:

<table>
<thead>
<tr>
<th>Site Type</th>
<th>Plan Period Supply (dwellings)</th>
<th>Total (0 – 15 years)</th>
<th>16+ Years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-5 Year</td>
<td>6-10 Year</td>
<td>11-15 Year</td>
</tr>
<tr>
<td>SHLAA Sites (risk assessed)</td>
<td>941</td>
<td>858</td>
<td>0</td>
</tr>
<tr>
<td>Commitments and Allocations (risk assessed)</td>
<td>2076</td>
<td>1334</td>
<td>472</td>
</tr>
<tr>
<td>Total (risk assessed)</td>
<td>3017</td>
<td>2192</td>
<td>472</td>
</tr>
<tr>
<td>5 Year Requirement</td>
<td>2,250</td>
<td>2,250</td>
<td>2,250</td>
</tr>
<tr>
<td>+ 5% Buffer</td>
<td>2,363</td>
<td>2,250</td>
<td>2,250</td>
</tr>
<tr>
<td>+ 20% Buffer</td>
<td>2,700</td>
<td>2,250</td>
<td>2,250</td>
</tr>
<tr>
<td>Potential over / under supply</td>
<td>767</td>
<td>-58</td>
<td>-1778</td>
</tr>
<tr>
<td>Over Supply at +5% and 20%</td>
<td>654 / 317</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
3.34 The Council’s stated total deliverable supply for years 0 – 5 equates to 3,017 units. This has been formulated by the Council using a risk assessment to equate for site specific constraints related to delivery. The 5 year requirement, calculated using the proposed annual target of 450 dwellings per annum is shown to be 2,250 (5 x 450). The Council has used this figure to establish its current supply of housing land, suggested at 6.7 years (i.e. 3,017 / 450 = 6.7). This is incorrect for the reasons set out below.

3.35 In regard to the 20 per cent buffer for past under delivery NPPF states:

“To boost significantly the supply of housing, local planning authorities should inter alia identify and update annually a supply of specific deliverable sites sufficient to provide 5 years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the plan supply and to ensure choice and competition in the market for land.” (NPPF, Paragraph 47)

3.36 The Council acknowledges (Table 7.1 Planning for Housing Growth – Technical Report) that there has been a significant under delivery of housing over previous years. It must therefore follow that the Council’s 5 year requirement is 2,700 units which allows for the 20 per cent buffer (2,250 plus 20 per cent).

3.37 The Council has not added a 20% buffer to their 5 year requirement (see Table 3.12 of the Housing Provision Statement, July 2013) and as such the plan is unsound as it is not consistent with paragraph 47 of NPPF set out above.

3.38 In addition to the 20 per cent buffer required in this instance, it is also necessary to carry over any under supply in housing delivery, which is to be delivered accordingly during the first five years of the Local Plan period (i.e. the Sedgefield approach – as set out above).

3.39 The table below illustrates how we consider that the Council should calculate the five year requirement, based on their own calculated requirement of 450 dpa (which we dispute). We have looked at three scenarios as set out below:

1. 5 year requirement based on an annual requirement of 450 dpa;

2. 5 year requirement based on an annual requirement of 346 dpa (450 - backlog of 104 dpa). We have used this scenario because the backlog should be added to the five year requirement not spread over the Plan period as the Council has done in this case (Sedgefield approach); and

3. 5 year requirement based on an annual requirement of 1048 dpa (SHMA, 2010)
### Council's requirement of 450 dpa

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Calculation</th>
<th>Council's requirement of 346 dpa (450 – 104 dpa (backlog))</th>
<th>Council's requirement of 1048 dpa (based on SHMA, 2010)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 year requirement</td>
<td>(5 x 450) 2,250</td>
<td>(5 x 346) 1,730</td>
<td>(5 x 1048) 5,240</td>
</tr>
<tr>
<td>Include 20% buffer</td>
<td>(+450) 2,700</td>
<td>(+346) 2,076</td>
<td>(+1048) 6,288</td>
</tr>
<tr>
<td>Acknowledged under supply</td>
<td>743</td>
<td>2,610</td>
<td>2,610</td>
</tr>
<tr>
<td>(backlog from 2010-2013)</td>
<td></td>
<td>(total backlog from 2003 - 2013)</td>
<td>(total backlog from 2003 – 2013)</td>
</tr>
<tr>
<td><strong>Total requirement of years 0 – 5</strong></td>
<td>3,443</td>
<td>4,686</td>
<td>8,898</td>
</tr>
<tr>
<td><strong>Required annual average delivery (per annum)</strong></td>
<td>689</td>
<td>938</td>
<td>1,780</td>
</tr>
<tr>
<td><strong>The total deliverable supply for years 0 - 5</strong></td>
<td>3,017</td>
<td>3,017</td>
<td>3,017</td>
</tr>
<tr>
<td><strong>Under supply for years 0-5</strong></td>
<td>-426</td>
<td>-1,669</td>
<td>-5,881</td>
</tr>
<tr>
<td><strong>Equivalent supply in years (against total requirement)</strong></td>
<td>4.4 years</td>
<td>3.2 years</td>
<td>1.7 years</td>
</tr>
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</table>

3.40 The above table demonstrates that based upon the Council's own methodology (450 dwellings per annum) there is a **4.4 year** supply of housing land over the 5 year Plan period against the total requirement.

3.41 Based on the requirement of 346 dwellings per annum (450 minus backlog which should not have been spread over the whole plan period) the Council can only demonstrate a **3.2 year** supply.

3.42 Based on the requirement of 1048 dwellings per annum identified in the Council's SHMA (2010) the Council can only demonstrate a **1.7 year** supply of housing over the 5 year Plan period against the total requirement.

3.43 In summary, even under the most favourable scenario (scenario 1) the Council cannot currently demonstrate a 5 year supply as stated in the draft Local Plan.

3.44 It is therefore considered to fail the tests of soundness as set out in the subsequent section of this Statement.
Question 3.5: What exactly is the reasoning behind the selection of the 8,100 dwelling target? If it is not based on fully meeting objectively assessed needs:

a) Should the dwelling target be increased to meet the assessed needs?

b) Or alternatively, has the scope for neighbouring authorities in the housing market area to accommodate all or part of the unmet needs being fully explored.

c) Or alternatively, are there compelling local circumstances which justify lower levels of provision? In particular, is there credible evidence of constraints on environmental and/or infrastructure capacity grounds to warrant lower levels of growth?

3.45 Based on the information provided above it is considered that the target should be increased significantly in order to meet the assessed needs of the SHMA.

3.46 We have not seen any evidence to suggest that the Council has fully explored the scope for neighbouring authorities to accommodate all or part of the unmet needs.

3.47 As set out above we do not consider that the Council has provided appropriate justification to warrant lower levels of growth.

Tests of Soundness

3.48 Policy CS3 does not meet the tests of soundness set out in paragraph 182 of NPPF as:

- **Positively planned** – the Plan is not positively prepared as it would not bring forward sufficient housing development to meet objectively assessed needs. The basic requirement of demonstrating 5 year supply has not been demonstrated.

- **Justified** - the justification of the methodology for calculating the housing requirement both over the whole plan period and also the first 5 years is considered to be flawed and is not the most appropriate strategy by virtue of under assessing need and demand.

- **Effective** – the Plan would not be effective as the housing requirement has not been calculated correctly and as such not enough land will be brought forward particularly in the first five years (and including previously unmet housing need and demand).

- **Consistent with National Policy** – a key thrust of NPPF is to ‘boost significantly the supply of housing’ (paragraph 47). A lower provision of housing both over the plan period and within the first five years of the plan which is based on a flawed methodology will not boost overall housing delivery or sustainable development.
4 What are the changes necessary to make the plan sound?

4.1 In summary, the Plan should be based on a housing requirement which has been objectively assessed and based on the demographic and socio-economic needs of Knowsley. Whilst it is acknowledged that draft guidance suggests population projections are a starting point the Council should also include objectively assessed needs and this should start with the findings of an up to date SHMA. Policy CS3 should then set out clearly how the provision is to be made in light of the SHMA requirement.

4.2 If the identified requirement cannot be met then the Council must clearly demonstrate why it cannot be met (paragraph 14, NPPF). The Plan should explain these reasons in detail in order to be considered sound and in accordance with national policy.

4.3 Based on our assessment of the Council’s methodology, the housing requirement over the Plan period should be increased significantly in light of Knowsley’s objectively assessed needs.

4.4 In the event that the Council’s requirement of 8,100 dwellings over the Plan period is accepted (which we dispute) it is also considered that the five year requirement has been calculated incorrectly by the Council and is not in accordance with national policy. These changes are likely to require significant amendment to Core Strategy as currently drafted. At the very least; the 5 year requirement should be amended to include:
   
   - a 20 per cent buffer to the annual housing target as set out in paragraph 47, NPPF; and
   - the identified backlog of housing delivery from previous years (1867 from the period 2003 – 2010 plus 743 from 2010 – 2013).

4.5 If the above 5 year requirement calculation is amended then the Council cannot demonstrate a 5 year supply of housing and the Core Strategy should be amended to acknowledge this.
Appendix A

TEN KEY PRINCIPLES OF OWNING YOUR HOUSING NUMBER, FINDING YOUR OBJECTIVELY ASSESSED NEEDS, PREPARED BY PLANNING ADVISORY SERVICE
Ten key principles for owning your housing number-finding your objectively assessed needs
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Introduction

PAS thinks that the ten key principles necessary for you to own your housing number are:

- Understanding and calculating ‘objectively assessed need’ by
  - Using up to date and proportionate evidence
  - Working across the housing market area and including affordable housing
- Translating the objectively assessed requirement into a figure to be provided in the plan
- Dealing with unmet requirement and cross boundary issues
- Using the SHLAA as a key piece of evidence
  - Ensuring a deliverable supply of sites
- Dealing with the issue of backlog or shortfall
- Determining whether there should be a 5% or 20% flexibility allowance
- Continuously monitoring to assess performance and identify changes.

1. Understanding and calculating ‘objectively assessed need’

The NPPF requires local planning authorities to meet the full objectively assessed needs for housing. It uses the term ‘need’ throughout the document, however, as this term is usually associated with affordable housing we think it is more useful to think of it as demand, or more accurately the objectively assessed requirement.

The aim is to establish this requirement through a comprehensive understanding of what is required to address demographic change. In doing so you also need to understand the implications of achievable economic potential in the area and how your population will change over time. It is important that an appropriate methodology which considers all the relevant information is undertaken at the right stage. This will ensure that policy issues are not included in the setting of the requirement. Supply, or a criteria based approach, must also not be confused with the requirement.
The fundamental principles to guide your approach are:

- agree the plan period
- establish the appropriate functional area for consideration
- use up to date demographic evidence to understand how the population has changed in the past and what the components of change (births, deaths, migration) are that have contributed to this
- understand what the most up to date projections (population and household) are saying will happen over the plan period, explore the differences between different projections, past information and the census data
- does the evidence justify the development of different scenarios, i.e. using the long term trend or varying migration assumptions (which must be based on evidence)
- benchmark the scenarios against the economic growth ambitions and population that will be required to deliver the number of jobs required
- test the implications of the scenarios in terms of population and households, making clear what assumptions have been applied
- understand what the affordable need and market demand information is showing
- set out the likely range of housing requirement and test the appropriate mix of housing in terms of tenure, type and size that would be required as a result.

The most recent projections are the best starting point in understanding the requirement. This is supported by inspectors who have examined recent core strategies. As part of this it is useful to understand what the demographic information is showing about past trends, because these are used to project the future population and household growth rates. There are various information sources that allow you to interrogate this information, but the most accessible is the ‘What Homes Where’ tool which demonstrates the different components of population growth, ie births, deaths and migration, and how these have changed over time (see http://www.howmanyhomes.org/5.html). Understanding whether these trends are robust allows for ‘blips’ to be considered and explained and possibly different assumptions made, such as longer term trends to be analysed.

The variation of assumptions is an area where authorities are vulnerable to challenge; any decision to change assumptions must be transparent and based on evidence. A method which uses a ‘black box’ approach is at risk of being unexplainable and unreliable. It is important to understand the sensitivity of assumptions to minor adjustments. This is particularly the case in relation to household size assumptions where small adjustments can have big consequences for the number of houses to be provided.
Having considered the demographic trends and projections, you should think about testing any employment-led ones. This allows cross reference and corroboration and ensures integration in line with the NPPF between the housing and employment strategies. There is a direct link between the creation of new jobs and the creation of new homes, but any method must include an element of demand generated from the existing population.

Remember that uncertainty exists: there is no single right answer to exactly what your requirement is. The exact figure is a matter of judgement. A useful approach may be to consider a range of appropriate and justified scenarios and understand how they corroborate each other. This ensures that all relevant information is considered and that integration between the different sources is explored. But make sure the different scenarios you are testing are credible, in particular that the scenarios are capable of being brought about by the local plan. For example a ‘zero migration’ scenario is not achievable because you cannot stop migration occurring so using this as a scenario will have limited value if it is included as part of the requirement range.

NPPF paragraph 159 requires that you carry out a SHMA. The SHMA is a useful, and the most appropriate vehicle for exploring what the objectively assessed requirement is. However, it can be supported by a housing background paper or requirement report. In general you should use the evidence to set out and test a number of appropriate scenarios. This then provides a range of figures which represent the likely requirement in terms of scale and mix over the plan period. This should meet the requirements set out in the NPPF.

You might want to commission an independent study (although this isn’t necessary). If you are going to commission work to establish the objectively assessed requirement, make sure that you understand the issues enough for the work to be specifically tailored to your needs and the issues that your HMA has. Any independent study should address the key aspects of the demographic projections, affordable housing issues and economic factors and make clear how these are translated into appropriate scenarios to be tested. Delegating all responsibility to a consultant is unlikely to be efficient because you have to explain it to members and translate it into a provision taking account of all the other evidence.

So, you should:

• set out the questions you want answers to
• work closely with them to understand the best methodology, the appropriate data sources and limitations, and relevant assumptions to be applied
• explore relevant scenarios appropriate to your area, not necessarily importing standard approaches
• ensure you understand exactly how the calculations work and what assumptions are included.

If you don’t know of a local supplier to do this for you, you can access the PAS supplier framework and use one of the consultants on that.

Contact pas@local.gov.uk for more information.
2. Using up to date and proportionate evidence

In setting out the objectively assessed requirement, you must use the most recent up to date information. Useful sources of information include:

**What Homes Where**
This is a very useful interactive web based tool which allows you to understand and explore the characteristics of population and how and why it has changed over time, and in the future. It currently uses the 2008 based projections, but is being updated with the revised census information or more recent interim data. This is available at: http://www.howmanyhomes.org/5.html. The companion guide is at http://www.howmanyhomes.org/resources/LHRA_Guidance_7-3.pdf

**Choice of Assumptions in Forecasting Housing Requirements**
This assumptions report produced in March 2013 by Cambridge Centre for Housing and Planning Research provides detailed information on the legitimacy of using alternative assumptions. It is available at: http://www.howmanyhomes.org/resources/Choice_of_Assumptions.pdf

**Mid-year estimates**
The raw data behind the ‘What Homes Where’ tool is included within the mid-year estimates. These set out the different components of change (births, deaths and migration) which have made up the historic population growth. The Mid 2002 – 2010 estimates of the usually resident population as at 30 June of the reference year have been revised in light of the 2011 Census.


**Projections**
All projections are trend based rolling forward what has occurred over the past five years. They therefore simply identify what would happen in the future if the key factors such as, birth and death rate, number of migrants, household formation rate and number of people not living in households, continued at the same rates. It is important to note that projections therefore do not take account of any changes in policy that national or local government is trying to implement.

In addition caution should be applied if the trends experienced in the past five years reflect a period of particular economic decline or likewise economic buoyancy. Projecting forward a recessionary trend may lead to concealed households not being catered for and an underestimate of the true level of household change. It is also important to understand how this may impact on any economic recovery and growth ambitions that the council have. Examine the trends and projections in relation to household representation rates, age structure and household type to see how they compare with the current position as identified in the Census.

**Population projections**
These are produced by ONS and are updated every two years. The latest 2011 based projections were published in September 2012 and are ‘interim’ (they only go to 2021). They use the Census based mid 2011 population data, although they do not fully take into account all the implications of the Census, and use previous assumptions relating to fertility, mortality and migration.
Because they only cover a 10 year period, they are of limited value for strategic planning purposes in relation to plan periods extending beyond 2021. The next full set covering 25 years is expected in September 2014.

Available at:

Household projections
These are produced by CLG and use the data from the population projections within the model. The latest 2011 based projections were published on 9 April 2013 and are also ‘interim’, going to 2021 because they follow the population projections.

Available at:

Census 2011
The Census taken on 27th March 2011 represents the most up to date set of information about an authority. It allows comparison with previous information and particularly the 2001 Census data. A considerable amount of 2011 Census information is now available, including age, sex and household information as well as key and quick statistics. It is particularly useful to understand the age structure of your population as well as the types of household that exist. The next release from the summer onwards is likely to include detailed themed and local characteristics and specialist data such as flows and alternative population base.

There are various sources of this information including:


http://www.nomisweb.co.uk/census/2011/qs601ew

Census Interactive topics

Neighbourhood statistics
http://www.neighbourhood.statistics.gov.uk/dissemination/

Nomis – official labour market statistics
This is a web-based database of labour market statistics run by the University of Durham on behalf of the Office for National Statistics. It contains an extensive range of government statistical information on the UK labour market including Employment, Unemployment, Earnings, Labour Force Survey and Jobcentre Plus vacancies. A range of summary and detailed statistics is freely available, although detailed Annual Business Inquiry (ABI) and Business Register and Employment Survey (BRES) is only available with an account and paid notice. It also contains considerable information on the 2011 Census.

http://www.nomisweb.co.uk/
3. Working across the housing market area and including affordable housing

There is no up to date guidance available which sets out how a SHMA should be done although some may be forthcoming following the Taylor review of planning guidance.

In summary, our view is that a SHMA should:

- be up to date
- be prepared across the whole of the relevant housing market area
- involve all interested parties across the council
- include an explicit assessment of affordable housing need
- provide an understanding of market demand

You should understand evidence for the whole area, namely the appropriate constituent local authorities as well as the different local housing market areas that exist. This should be set out at the outset on a robust basis. It should be a reflection of the functional areas that exist and not just use for convenience, the past structures that existed. While the information may not be as easily available for the housing market area, compared with that available on an individual authority basis, there are considerable risks of working alone to assess the affordable and market housing needs. Inspectors in a number of Core Strategy examinations including Rushcliffe (http://corestrategy.rushcliffe.gov.uk/) and Coventry (http://www.coventry.gov.uk/info/2000870/core_strategy_examination_in_public_2012/1707/coventry_core_strategy_examination_in_public_2012) have criticised authorities for not having or taking adequate account of accurate and up to date information available for the whole housing market area.

Demand is the same as what we have termed requirement. Within the requirement there is an element of affordable housing need. In terms of affordable housing need and demand are different because what might be demanded may not be the same as what it needed. There is a duty on the authority to meet need and there is now more flexibility to match up those in need with the housing stock available. In terms of open market housing demand and need are driven by what can be afforded and there is a choice about how this need is met.

Affordable housing should be a fundamental part of the SHMA. The calculation of affordable need should be identified separately, using a wider range of data sources and surveys and historical information. It could include a comprehensive analysis of affordable housing need using a variety of sources and surveys as necessary. This will ensure that it represents a bottom up assessment of all affordable housing need. It should provide evidence of the level, type, and tenure of housing and undertake further detailed analysis as required. This could include detailed affordable housing needs assessments, analysis of affordability and consideration of specific sectors of population such as older people.

The SHMA should involve others by taking a corporate approach working across the council, with key partners, stakeholders, registered providers. Addressing local housing need will support the whole of the council’s strategy on housing and provide a basis for informing strategies across the council and continuous monitoring.
4. Translating the objectively assessed requirement into a figure to be provided in the plan

Having come up with a corroborated and justified range which represents the objectively assessed requirement from the scenarios tested, you should develop realistic options about how this requirement could be met.

In the process of translating this requirement into the provision for the plan all other evidence needs to be considered. The evidence primarily includes the SHLAA and supply side information, taking account of deliverability, viability and constraints, including:

- what sites are deliverable - suitable, available now, achievable and viable
- what level of development has previously been achieved and what is the market capacity within the area
- what are the views of developers, ie rates per site (or per sales outlet where the site is large and contains different areas to be built out)
- what infrastructure is required and how will this be funded
- what viability constraints exist
- what environmental designations exist

An assessment of the supply side evidence will demonstrate the deliverable level of supply. The decision about how to meet this requirement is more straightforward if the supply of sites equals or exceeds your requirement.

In developing options about how the requirement is to be met you should take into account the council’s policies and objectives (but these must not be included in the setting of the requirement). Suffolk Coastal Core Strategy was explicitly criticised by the Inspector for including policy judgements within their calculation of the requirement (http://www.suffolkcoastal.gov.uk/yourdistrict/planning/review/corestrategy/examination/).

In developing options you’ll have to decide whether some figures within the requirement range are more appropriate than others. These options should be justified taking into account the evidence as well as all the policies and objectives to be achieved over the plan period. Don’t be tempted to gravitate towards the lowest figure in the range if it is at odds with the wider strategy within the local plan. Any options will need to be realistically driven by the plan and should be tested by the sustainability appraisal. This should fully set out the implications of each option and of the provision figure that is eventually chosen.
It is essential to ensure consistency across and integration between the council’s planning and corporate policies and objectives, and the provision of housing to be made in the plan. Specific objectives that could be considered, and may influence the option chosen include:

- the level of contribution to affordable housing you are seeking to make, subject to viability assessment
- the ambition to achieve x jobs or x% economic growth
- improvements in out-commuting rates
- the role of settlements
- environmental protection and other policy issues such as green belt

Corroboration, consistency and integration will ensure a joined up strategy and be more likely to deliver a good and sound plan. For example consideration of the long term demographic and economic led projections may reveal that they are producing a similar level of housing requirement. If this will ensure you meet your objective of achieving x jobs over the plan period as well as addressing the high level of affordable need that exists, then there is a consistent set of evidence which integrates your strategy together and can be justified.

Conversely it is inappropriate and perverse for a strategy which seeks to increase jobs across the district to be accompanied by a low level of housing based on demographic projections with low migration trends. This is because the ambition for new jobs is only likely to be achieved by the in-migration of economically active people. Likewise a corporate strategy which seeks to address the high affordable housing need is unlikely to be delivered by a very low level of housing provision.

After considering the options about how to deliver what is required and meet your policy objectives, and having undertaken a sustainability appraisal, make a decision about the most appropriate way forward and set a provision figure within the plan.

If you decide on a figure which is less than your requirement you will have to address any unmet requirement by approaching other authorities within your housing market area. Any decision to fall short of the objectively assessed requirement must be clearly justified. This will be rigorously scrutinised prior to, and during examination where you will be required to defend the approach set out in the plan and particularly how it relates to the evidence base.
5. Dealing with unmet requirements and cross boundary issues

The NPPF at paragraph 82 states that a local plan should be positively prepared and meet the ‘objectively assessed development requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development’.

There are considerable negative implications of not providing enough housing within a housing market area. These include, among others, house price rises and an increase in unaffordability. This also impacts on the economy in terms of lack of available housing supply constraining the ability of employers to attract the employees they require.

If there are legitimate reasons why you are unable to meet your provision, you will have to look towards your neighbours to see whether they can accommodate some of your unmet need. It is entirely inappropriate to ask your neighbours to accommodate housing on land with the same capacity constraints or environmental designations that you have dismissed.

Given that the requirement and need information has been collected on the basis of a robust definition of what the housing market area is, it follows that all the identified requirement that exists within the area should be met within that housing market area. Not doing so is likely to lead to displaced demand, and also present considerable risks in relation to the duty to cooperate and the soundness test.

Consequently, the key issue is whether any other authority within the HMA can meet their own requirement as well as the remainder of yours. This process requires dialogue and effective cross boundary working. If the SHMA has been prepared covering the whole HMA and therefore across boundaries, relationships will have already been established. This means that you will be aware of the scale of need and its distribution over the whole area and to individual local authorities.

Proper discussions at an early stage are essential and valuable in understanding the supply side constraints and policy objectives that exist. This allows a distribution strategy to be put in place which reflects all the evidence that exists. In this way the SHMA can be complemented by a further housing and policy distribution topic paper for the HMA which provides a detailed consideration of how any unmet need is addressed.

We have produced 10 golden rules for effective strategic planning as well as a number of case studies. See http://www.pas.gov.uk/pas/core/page.do?pageId=2133734. We aim to add to these, in due course, to set out the implications of dealing with unmet requirements, and identify the keys lessons learnt and any good practice that emerges.
6. Using the SHLAA as a separate key piece of evidence

The housing supply is not the same as the objectively assessed requirement. It is a different set of evidence. Inspectors have made this clear in advice on core strategies, particularly in relation to Rother, East Hampshire, Ryedale, BANES, and Dacorum.

The SHLAA is an essential piece of evidence which provides consistent and comparable up to date information on the availability, suitability and deliverability of sites. It allows authorities to understand what sites are theoretically available for allocation, what sites have permission and to provide detailed information on past development which can be used to inform windfall calculations. Essentially it allows information to be compiled to inform decisions about how you are going to deliver your requirement. As with the SHMA, there is expected to be some guidance on carrying out a SHLAA coming out of the Taylor Review.

As a key part of the SHLAA and plan-making it is essential to understand how your supply will be delivered over time and to inform the development of a trajectory to ensure that a deliverable supply meets the objectively assessed requirement. It can specifically be used to inform the five year land supply calculations.

An essential part of the process of a robust SHLAA is the involvement of developers in the process. This ensures developers are the key source of information to help with assessing supply and the trajectory. Registered providers can also provide useful information in relation to the delivery of affordable housing. Developer workshops can be used to understand:

- market areas
- land and house prices
- likely build rates
- the market for different types of houses

Developing an on-going relationship and conversation with the development industry provides valuable information and agreement which can be used within the plan and referred to in evidence for the examination, and then implementation.
7. Ensuring a deliverable supply of sites

The NPPF states that local planning authorities should be able to demonstrate a five-year housing land supply (a supply of deliverable land for housing). Without this there is a presumption in favour of giving planning permission to applications for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need to provide new housing. Paragraph 49 of the NPPF is clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate that five year supply of deliverable sites (APP/Q3305/A/12/2188030 http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.5319014&NAME=/DECISION.pdf).

This approach has been upheld at numerous appeals where policies such as settlement boundaries and employment allocations have been outweighed by the need to meet immediate housing need and secure an adequate supply of housing land. The Secretary of State in a recent recovered appeal on 14 May 2013 gave considerable weight to paragraph 14 of the NPPF stating that it was ‘inescapably influential in the context of the Framework as a whole’. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/199127/Called-in_decision_-_Melton_Road__Barrow_upon_Soar__Leicestershire__-__residential_development__ref_2173673__13_May_2013__pdf) (APP/X2410/A/12/2173673)

It is important to count the right sites and make the right assumptions. Recent appeals support the NPPF and emphasise that sites should be available now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development should be viable. The Engine Common appeal (APP/P0119/A/12/2186546) in April 2013 has clarified that this ‘does not mean that sites without planning permission should be excluded from a calculation of supply figures’. http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.5284539&NAME=/Decision%20Letter.pdf

Assessing deliverability is not an exact science. However, it is important that assumptions relating to development rates ie number built per site / sales outlet per annum are in line with current realistic completion rates and that the development industry agree with them. In addition it is important to allow long enough lead in times between sites getting permission and delivering houses.

In relation to windfalls any assumptions and calculations of a windfall rate should:
- be based on past data
- be cleaned of any sources appearing elsewhere in the supply
- contain no double counting of sites with permission in the first few years
- reflect the current policy context

Given the new policy that allows for the conversion of offices to residential it is suggested that completion rates include this as a separate category so that accurate monitoring can be undertaken to demonstrate the extent to which this is contributing to the supply of housing within your area.

Further information is available on the PAS website at ‘why does my council need a five year land supply’ (http://www.pas.gov.uk/pas/core/page.do?pageld=2784777)
8. Dealing with the issue of backlog or shortfall

Backlog or shortfall is defined as underprovision that has accrued against previous development plan target.

The dates of the plan period are fundamental to the calculation of whether there has been a shortfall against the requirement that was in place over that period. One way of avoiding this issue and a common sense approach is to ensure the plan is based on up to date information, such as the projections and SHMA. In this way the objectively assessed requirement should take account of all need that exists and set a new requirement which effectively removes the issue to be addressed within the figures. Regular monitoring and updating to reflect the up to date position ensures that any unmet need is reflected.

However, this is dependent on using a robust methodology to set your objectively assessed requirement. There is much discussion over whether up to date projections adequately address the issue of shortfall and two schools of thought exist: The first view is that household projections take into account unmet need, and therefore there is no need to try and ‘make up’ any past shortfall in housing provision, as the shortfall is reflected in future household projections.

The second is that because there has been a lack of suitable accommodation, households have not formed which means that the trends on which the projections are based do not reflect the real need. This creates a ‘pent-up demand’ for housing, which should be measured or estimated, and added on to household projections.”

If there is a backlog of housing that has accrued against the requirement, there are two ways this can be addressed. These are known as the ‘Liverpool’ and ‘Sedgefield’ methods:

- The ‘Liverpool approach’ is to seek to meet this backlog over the whole plan period. It is also known as the residual approach.
- The ‘Sedgefield approach’ is to front load the provision of this backlog within the first five years.

There is no guidance or advice which sets out the preferred approach. However, the ‘Sedgefield approach’ is more closely aligned with the requirements of the NPPF and the need to boost significantly the supply of housing and remedy the unsatisfactory consequences of persistent under delivery. Inspector’s decisions in relation to S78 appeals confirm their preference for this approach.

APP/H1840/A/12/2171339 [Link]
APP/Z3825/A/12/2183078 [Link]
APP/PO119/A/12/2186546 [Link]
9. Determining whether there should be a 5% or 20% flexibility allowance

The NPPF requires authorities to provide an additional buffer of at least 5% to ensure choice and competition in the market for land and seek to provide a genuine margin of adequate supply. This buffer is not an additional amount on top of the total provision, rather it is moved forward from later in the plan period. This principle goes to the heart of flexibility in relation to the objectively assessed need (Para 14 of the NPPF) and ensures that there is less reliance on every single housing unit within the trajectory to be delivered.

A decision needs to be made as to whether the 5% buffer needs to be increased to 20%. This is required when there has been a persistent record of under delivery. Calculations should be based on an analysis of completions against previous requirement using data representative of the whole economic cycle, which may be from the last 10 years. Accurate monitoring of completion rates is essential to provide this information and should be provided in the AMR.

10. Continuously monitoring to assess performance and identify changes

It is essential to use up to date information to set the requirement and assess supply and delivery. A range of different sources of information are available and should be regularly considered to assess what implications they might have. Regular monitoring of information allows for the review of assumptions and assessment of achievement against key objectives.

The key questions to be answered include:

- are the sites you expected to come forward delivering as many as predicted?
- are you achieving the expected number of jobs?
- are the assumptions you used still accurate?
- has unemployment reduced?
- what is the average household size?
- do you need more information – specific survey?
Information that is updated annually includes:

- mid-year estimates – births, deaths and migration
- BRES (Business Register and Employment Survey) - employment figures
- annual population survey – unemployment and economic activity rates

It is useful to understand your existing housing stock and how this relates to the type and mix of housing that is required in the future. Monitoring sites that come forward through planning permissions and completions is essential in order to ensure a continuous supply of available and deliverable sites. Completions information should respond to the current policy context. For example it should identify conversions from offices to residential, to ensure adequate information is provided on which to assess the performance of policy objectives. It is also necessary to identify the delivery of affordable units separately so that this can be easily monitored.

Population and household projections are updated every 2 years, alternately, therefore allowing an assessment of change to be made annually.

These sources allow you to consider how migration levels, employment growth, unemployment and economic activity rates compare with any assumptions that were made in the objectively assessed requirement.

In addition they allow you to identify performance in delivering a supply of houses to meet the requirement. Consideration of information across a range of topics allows for the identification of any areas which are not achieving what was expected. This highlights areas for action and points to changes that may be required to the plan, or to the associated council strategies.

July 2013
This document was written for PAS by Peter Brett Associates
Report to the Secretary of State for Communities and Local Government

by John Felgate BA (Hons), MA, MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 20 February 2013

TOWN AND COUNTRY PLANNING ACT 1990

CASTLE POINT BOROUGH COUNCIL

APPEAL BY FOX LAND AND PROPERTY LIMITED
Relating to
LAND OFF GLEBELANDS, THUNDERSLEY, ESSEX

Inquiry held on 11-14 and 18-19 December 2012
Land off Glebelands, Thundersley, Essex, SS7 5TN
File Ref(s): APP/M1520/A/12/2177157
295. Any impacts on neighbouring properties due to the positioning or heights of any new buildings would need to be considered at the reserved matters stage.

296. Again, on the evidence before me, none of these issues justify a refusal of permission.

**Housing Land Supply [81-97, 135-173]**

[See Annex 6 for tabulation of Inspector’s calculations discussed in this section]

**Base date for calculations**

297. In the Council’s figures\(^{182}\), the base date for the requirement figure is taken to be 1 April 2012, but the supply figure is updated to 31 October. I agree with the appellants that mixing the base dates in this way is unsatisfactory and confusing [144-146]. A single base date should therefore be used throughout.

298. Since it appears that the information for 31 October exists, albeit not in any published or audited form, it would be unfair to the Council not to allow that information to be used. I have therefore adopted his as the common base date, for the purposes of presenting my conclusions on this issue.

**Past performance, 2001-12**

299. It is agreed that in the EEP, Castle Point’s housing requirement was 200 per annum. For the 11 complete years to the end of March 2012, that amounts to 2,200 dwellings.

300. If the base date is moved to 31 October, the period is lengthened by seven months. Seven months at 200 per annum is approximately 117 units. The overall requirement for 1 April 2001 – 31 October 2012 is therefore increased to 2,317.

**Completions claimed by the Council**

301. The figure accepted by the Council for completions up to March 2012 is 1,623 dwellings [136 and Footnote 104]. Completions for April – October 2012 are shown as 48 dwellings [97]. For the period as a whole therefore, the total number of completions claimed by the Council is 1,671 dwellings.

**The Kings Park caravans**

302. The Council’s completions figures include around 504 notional new dwellings at Kings Park Caravan Site [93, 140]. This reflects the replacement of older caravans with newer ones and the trend towards permanent occupancy. However, it is questionable whether counting these as housing completions is within the spirit of what the NPPF seeks to achieve in terms of national housing policies.

303. I appreciate that the changes that have occurred at that site might have taken up some of the District’s housing need. But that does not necessarily mean that

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\(^{182}\) Doc. CP-ID2 (Council’s revised land supply table)
the households now occupying caravans\textsuperscript{183} would have chosen that type of accommodation, in preference to bricks-and-mortar; there is certainly no evidence to that effect. Neither does any effort seem to have been made to see whether the gain at Kings Park has been offset by any other changes in the use of the District’s housing stock, such as the possible loss of permanent dwellings to holiday homes.

304. There also seems to be considerable uncertainty as to the numbers of units involved, and their timing. The existence of the CLU suggests that the change of some units to year-round occupation must go back long before 2001, and therefore occurred before the start of the relevant period [93, 141]. If that is so, it is difficult to justify including these in the post-2001 completions.

305. The main purpose of assessing the 5-year supply is, as stated in the NPPF’s paragraph 47, to boost the supply of new housing. At Kings Park, no houses have been built at all. I would agree that the issues raised might well be relevant in the context of a local plan examination, where the target is still to be decided. But in my view, they have no place in the present appeal.

306. I therefore conclude that the 504 caravans at Kings Park should be deleted from the Council’s completions figures, reducing the total actual completions to 1,167 dwellings.

\textit{Shortfall during 2001-12}

307. Comparing the 1,167 completions against the requirement of 2,317, it appears that the true shortfall during 2001-12 was in the order of 1,150 dwellings (just under 50\% of the requirement).

\textit{5-year requirement for 2012-17}

\textit{Basic requirement}

308. The Council and appellants both agree that the housing requirement for the purposes of the calculations should be based on a starting point of 200 dwellings per annum [41, 81, 135]. I see no reason to disagree.

309. In adopting that figure, I do not in any way endorse it as a basis for the proposed new local plan, nor do I mean to anticipate the outcome of that process. I simply acknowledge that in the case of Castle Point, this is the only figure to have been adopted in any statutory development plan at any time within the last decade, albeit that the plan in question, the EEP, has now been revoked.

310. The starting figure for calculating the requirement is therefore 200 x 5, or 1,000 dwellings.

\textit{The 20\% buffer}

311. In addition, there is no dispute between the parties that the additional 20\% buffer, for persistent under-delivery, should be applied in accordance with paragraph 47 of the Framework [84]. Again, I agree. Even if the shortfall up to

\textsuperscript{183} Although the Council argue that these are modern ‘park homes’, which offer an acceptable standard of accommodation for permanent occupation, they must nevertheless meet the definition of a ‘caravan’ to accord with the site’s lawful use as a caravan park.
2012 were only 577 units, as the Council suggest, that would justify the application of the buffer. The reality, as outlined above, is that the shortfall is almost twice that much.

312. Adding 20% to the initial 1,000 raises the requirement to 1,200 dwellings.

Making up the backlog

313. The shortfall from 2001-12 represents the number of houses that needed to be built to meet the needs arising during that time, but were not delivered. That number therefore represents the backlog of households whose needs were not met.

314. There is no evidence that those needs have gone away, or been met elsewhere. It is difficult therefore not to agree with the appellants, that this is likely to mean more households either becoming homeless, or living in overcrowded or unsuitable accommodation [136]. In Castle Point, that may include households moving into caravans. Even if these problems have not yet manifested themselves in Castle Point (although there is no evidence that they have not), it seems likely that they must occur somewhere, even if that is in surrounding Districts or elsewhere in the region.

315. It therefore seems to me that to leave the backlog untouched would be simply storing up more problems for the future, and contributing to a worsening of the serious housing shortage that is well-known to exist at national level, as well as locally. It follows that, for the purposes of the present appeal, the requirement side of the calculation should be adjusted, to take account of the under-provision in the previous period.

316. I accept that the NPPF is silent on this point. But national policy cannot cover every eventuality. Nothing in the NPPF precludes taking account of past shortfalls where that approach is appropriate in the circumstances. The 20% buffer does not serve the same purpose, because the buffer is not an addition to the overall housing requirement, but is simply brought forward from later in the plan period.

317. In some circumstances it might be appropriate to allow the process of catching-up with the backlog to be spread over the whole of the remaining plan period [138]. But in Castle Point, since the EEP is now revoked, there is no remaining plan period, and nor will there be until a new LP is in place. And in any event, the backlog represents needs which are already urgent, having been unmet during the period when they arose, and will become more so as time goes on. I can therefore see no proper reason why the whole of the backlog should not be added to the 5-year requirement, following the so-called ‘Sedgefield’ method [139].

318. I accept that it is unnecessary to add a further 20% buffer to the backlog, as well as to the basic requirement. But even without that further adjustment, the addition of the backlog of 1,150 dwellings increases the requirement from 1,200 to 2,350 units.

Overall 5-year requirement figure

319. Although this figure of 2,350 does not coincide exactly with any of the various alternatives put forward by either the appellants or the Council, that is not unduly surprising, given the number of variables involved. It is within the range
of those aired at the inquiry, and some way below the appellants' highest figure of 3,097 [149].

320. I appreciate that the Council feels strongly that in Castle Point the constraints on further development are so severe that there is no point in increasing the requirement beyond 1,200 [82-83]. But that is another argument that can only be properly tested at a local plan examination. For the purposes of the present appeal, the correct approach in my view is to carry out the assessment fully and objectively, without prejudging the outcome.

321. I also understand the Council's view that with the advent of localism, authorities expect to have greater freedom to set their own housing targets [85]. But the NPPF still requires local plans to meet in full their objectively assessed housing needs.

322. I note the appellants' submissions with regard to the current demographic forecasts, and what these might mean for future housing requirements [147-149]. But that again is more properly a matter for the new local plan.

323. For the reasons already outlined, and in the light of all the above matters, I conclude that the requirement figure for the purposes of assessing the 5-year forward supply should be 2,350 dwellings.

The forward supply

324. The Council claims a land supply of 1,285 dwellings [90]. However, 48 of these were already completed before 31 October, and it is now more appropriate to include these in the completions figure [301]. Without these, the remaining sites in the Council's land supply table come to 1,237 units.

325. Even if all of these were accepted, the maximum that this would amount to against a requirement for 2,350 dwellings would be 2.6 years' supply. However, the Council's true position is in my view a good deal worse than this.

326. The four sites at Felstead Road/Catherine Road, London Road, Brickfields and Castle View School [88, 91-92, 153, 160-161] are all in the Green Belt. Together, these account for 273 dwellings out of the Council's forward supply figure. None of these sites has planning permission, and none are allocated for development in an adopted, or even a draft development plan. The Council's resolution to include these sites as allocations in the forthcoming local plan, carries very little weight, because as yet no draft plan has appeared, and no consultation has taken place regarding these sites. I appreciate that some of the sites in this group are partly previously developed, but even so, it seems to me that there is a long way to go before any of these four sites can be regarded as deliverable. These sites should therefore all be deleted, reducing the Council's supply figure by 273 units.

327. The proposed development at Thorneby Caravan Site [96-97, 154-158] also has no planning permission. Although the site has previously been safeguarded for long-term development, there are evidently still a number of issues to be overcome, including flood risk, access, possible off-site highway works, the relocation of existing occupiers, and the scheme's overall viability, to name but a few. These appear to be substantial issues, and there is no evidence that they are likely to be overcome quickly enough to contribute to the 5-year land supply.
The site therefore cannot be regarded as deliverable. This deletes another 300 dwellings from the Council’s supply.

328. The three sites referred to collectively as Hadleigh Town Centre [88, 164] are shown in the SHLAA\(^{184}\) as having a timescale of 5-10 years, and the Point Road Industrial Estate is shown as 10-15 years. The SHLAA is less than a year old, and carries significant weight. No evidence has been produced to suggest that these forecast timescales are wrong. Although the Point Road site now has a resolution to grant permission, it is reasonable to surmise that there may be viability issues on a site with an existing commercial use such as this. None of these sites has planning permission, and none has been shown to be likely to be deliverable. In total, this removes a further 217 units from the supply.

329. With regard to the additional 78 units at Kings Park [95, 159], this figure again relates to some additional static caravans, which are said to be proposed by the site operator, within the existing site area. Many of the considerations regarding caravans discussed above apply equally to these proposed units. Even though some caravans may end up filling the role of permanent dwellings, nothing in the NPPF suggests that this is the kind of outcome that national policies seek to promote. In any event, no evidence has been produced to substantiate the claim that these units are proposed at all. And since it appears that no planning permission is required for them, there will be no sure way of verifying whether they are in fact provided. These 78 units should therefore be excluded from the supply figures.

330. With regard to the land at Scrub Lane [88, 163], as a relatively small site, with no evidence of any problematic issues, it may well be that this site could come forward and be developed within the 5 years. That being so, I agree that the lack of an existing planning permission on this site does not necessarily mean that the site could not be included in the land supply, provided that there was a reasonable prospect of development. However, the site has been identified as a potential development site since 1998, and has not come forward in that time. Even now, no planning application appears to have been made, and so there is no real evidence of any intention to develop, or any firm interest in doing so. In the circumstances, there is not sufficient evidence of deliverability. I therefore discount this site too, with the loss of a further 36 units from the Council’s supply.

331. In addition, the Council’s claimed supply on ‘other sites’\(^{185}\) includes a number of smaller sites, including several single dwelling plots, again all without planning permission, and some without any application having been made, or any other indication of intent or interest on the part of the owner. There is no proper evidence to justify the inclusion of these sites. However, given their small individual sizes, it is not unrealistic to think that some of them could come forward within 5 years. In any event, the contribution from this source is small, totalling about 38 units, and for the purposes of the present exercise, I propose to allow these to stand. I also propose to accept the sites at Kiln Road [87, 163] and Park Chase, which are both said to have resolutions to grant, subject to legal

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\(^{184}\) Doc. FLP/CD28.2 (SHLAA, 2012)

\(^{185}\) Doc. CP-ID2 (Council’s land supply table)
agreements, and therefore could have a reasonable prospect of delivery; these latter two total 175 units.

332. In total, the sites that should be deleted from the supply, for the reasons set out above, amount to 904 dwellings. Out of the claimed supply of 1,237, this leaves only 333 units as the realistic, deliverable supply.

Number of years' supply

333. Even against the Council's suggested target of 1,200 dwellings, 333 units would represent no more than 1.4 years' supply. Measured against what I believe to be the more robust requirement figure of 2,350 dwellings, 333 units equates to only 0.7 years' worth.

334. These years' supply figures are a little higher than those suggested by the appellants, and therefore very slightly more favourable to the Council. But they still represent a very significant shortfall against the NPPF's requirement for a 5-year forward supply.

Overall conclusions on land supply and housing delivery

335. In the 11 years up to 2012, actual housing delivery in Castle Point reached barely half of the EEP requirement. Although the EEP has now been revoked, this under-delivery occurred while that document was part of the statutory development plan. It was also a period in which PPG3 strongly encouraged house building, and the 5-year supply requirement was introduced. Up to about 2008, there was also a strong housing market nationally. Despite these factors, housing delivery in Castle Point was very low.

336. There is no evidence that the shortfall during this period was in any way due to developers failing to implement on sites where planning permission was in place. If that were the case, it is likely that there would still be a long list of sites with unimplemented or lapsed permissions. In fact, the Council's land supply table shows that, as of 31 October 2012, sites with existing permissions amounted to only 33 units. This suggests that the problems have been due much more to a lack of sites coming through the planning system.

337. It is difficult to escape the conclusion that this must be related to the lack of any up-to-date or adopted local plans, or relevant DPDs, since 2001. The lack of housing delivery in 2001-12 therefore seems to reflect a failure in terms of planning, rather than any failure of the housing market.

338. Looking ahead, the existing supply of deliverable sites falls a long way short of 5 years. Even if permissions are granted soon on some of the larger sites that have been identified by the Council, which is by no means certain, many of those sites will still have other constraints to overcome. And even if all of those sites were to be developed, they would not come close to meeting the District's current needs, once the backlog is taken into account.

339. Although the Council has made a start on its new LP, the current programme for adoption looks somewhat optimistic, especially in the light of the Council's experience with the now aborted CS. It is therefore likely to be some years before any sites are allocated in an adopted LP. Given the current lack of forward supply, there seems a high risk that the under-delivery that occurred throughout 2001-12 will be repeated throughout the next five years and beyond.
340. The Council’s choices for any new allocations are heavily restricted by the Borough’s settlement pattern, the relative lack of suitable undeveloped land, and the flood risk issues on Canvey Island. The Council accepts that some land will have to be released from the GB, and this is acknowledged in the Council’s resolution in December 2012. Apart from its GB status, the present appeal site has no overriding constraints, and is one where development could start quickly in order to fill what appears to be a very large gap in the land supply before other sites start to be ready.

Affordable housing [98-101, 211-217]

Viability of 35% affordable housing

341. The Council’s concern is essentially that, in offering 35% affordable housing, the appellants may be taking an over-optimistic view of what the development can support financially, and as a result, the balance of the scheme’s pros and cons may be distorted.

342. However, there is little evidence to support the Council’s doubts. The Council refer to discussions with other developers about other schemes [99], but are unable to reveal any details for reasons of confidentiality. I have no doubts at all that the need for confidentiality in such matters is genuine. However, in the absence of any hard information at all, the Council’s evidence on these discussions adds up to very little.

343. The Council also refer to the Viability Report\(^{186}\), which studied the residual land values generated by developments in a range of different housing market scenarios [100, 217]. I agree that this report gives some grounds for concern about the general effect of affordable housing on development viability. However, the appeal site is a greenfield site, where development costs are likely to be amongst the lowest. In any event, the Viability Report is dated March 2009 and is therefore now nearly 4 years out of date, during a period in which the property market has undergone considerable turbulence. This significantly reduces the weight that can be given to it.

344. In the appeal scheme, the 35% affordable provision is secured by the undertaking [18]. If the appellants or their successors wished to alter that figure, after permission had been granted, it would be necessary to seek release from the obligation, or a variation to it. Any application in that respect would be made in the first instance to the Council. There is an appeal procedure, but the Council would be a party to any such appeal. The developer would therefore not be in a position to reduce the 35% requirement unilaterally.

345. Furthermore, the figure of 35% is evidently derived from the policy requirement specified in the EEP [99], up until its recent revocation. That link to planning policy, albeit one no longer in force, gives the 35% figure added legitimacy.

346. In all the circumstances, I can see no particular reason to doubt that 35% affordable housing can be delivered.

\(^{186}\) Doc. CP·CD2 (Affordable Housing Viability Report)
Appendix C

APPEAL DECISION (APP/Z3825/A/12/2183078)
The Planning Inspectorate

Appeal Decision

Inquiry opened on 26 February 2013

by A D Robinson  BA (Hons) DipTP MRTP

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

Decision date: 18 April 2013

Appeal Ref: APP/Z3825/A/12/2183078
Land east of Daux Avenue, Billingshurst, West Sussex RH14 9SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bellway Homes (South East) Limited against the decision of Horsham District Council.
- The application Ref DC/11/2385, dated 7 November 2011, was refused by notice dated 23 March 2012.
- The development proposed is the erection of 46 dwellings with associated access, car parking and landscaping.

Procedural Matters

1. The inquiry sat on 26, 27 and 28 February in the Council Chamber of the Council Offices at Park North, North Street, Horsham. An accompanied visit to the site and its surroundings was undertaken in the morning of 28 February.

2. When initially submitted, the planning application was for 49 dwellings but during the Council’s consideration of the application it was amended to be for a development of 46 dwellings. The Council’s formal consideration of the application was on the basis of 46 dwellings and I have dealt with the appeal on the same basis.

3. At the inquiry a draft version of a Unilateral Undertaking was submitted for discussion. However, it was clear that some tying up of legal ends would need to be made before a final version of the Undertaking could be produced. Accordingly, I gave the appellant time after the close of the inquiry for the final version of the Undertaking to be submitted. The signed version of the Unilateral Undertaking dated 5 March was received by me on 7 March.

Decision

4. The appeal is allowed and planning permission is granted for the erection of 46 dwellings with associated access, car parking and landscaping on land east of Daux Avenue, Billingshurst, West Sussex in accordance with the terms of the application, Ref DC/11/2385, dated 7 November 2011 and subject to the schedule of conditions set out in the attached Annex.

Main Issues

5. The main issues in this appeal are:

   (i) The effect of the proposed development on the character and appearance of the area;
(ii) Whether adequate contributions are being offered to ensure that the proposed development can be properly supported by local services; and

(iii) If any harm is found on the above issues, whether there are any other material considerations that would outweigh the harm.

Reasons

(i) Effect on character and appearance of the area

6. The appeal site comprises a narrow rectangular area of permanent grazing which lies on the eastern edge of the built-up area of Billingshurst. The built-up area is of mixed character in the vicinity of the site. The southern part of the western boundary of the site adjoins a residential area comprising a mix of house types but mainly dormer bungalows and bungalows in the immediate vicinity of the appeal site. This residential area is served by Daux Avenue and a series of cul-de-sacs, including Rosier Way close to the western boundary of the site. The remaining part of the western boundary of the site adjoins an industrial estate served by Daux Road. The industrial estate comprises a mix of large and small steel framed buildings, although immediately adjacent to the site are a couple of large buildings.

7. The short southern boundary of the site adjoins a large expanse of mature woodland. This woodland extends for a considerable distance to the west and east. To the west it is known as Daux Wood and to the east as Rosier Wood, although it is not easy to the eye to discern where one ends and the other begins. Daux and Rosier Woods are Ancient Woodland. The long eastern boundary of the site adjoins several fields of permanent pasture, whilst the short northern boundary is marked by the Billingshurst to Horsham railway line. Beyond the railway line are further fields although there is also a small business estate based on Rosier House to the north-east.

8. Vehicular access to the site is from the end of Daux Avenue. There are two public footpaths around the edge of the site. One of these runs along the length of western edge of the site between the site and the boundary of properties on Daux Avenue and Rosier Way. To the south this footpath extends through Daux and Rosier Woods. The other runs from west to east along the northern edge of the site where it adjoins the railway line and then along part of the eastern boundary of the site before running in an easterly direction across adjoining farmland.

9. The site is bisected by the narrow, winding and tree lined course of the Par Brook. The proposal is to erect houses within the area of the site to the south of the stream, that is, the part of the site adjoining the residential properties on Daux Avenue and Rosier Way. The proposal also provides for the development of the area to the north of Par Brook, that is, the part of the site adjacent to the industrial estate and the railway line, as public open space.

10. The current proposal also includes a buffer strip generally some 15 metres wide but extending to up to 18 metres in width between the proposed housing and the Ancient Woodland. The buffer zone is to be planted and managed. In a previous appeal decision for residential development of 55 dwellings on this site (Appeal Ref APP/Z3825/A/10/2143426) the Inspector was of the view that in the light of uncertainty over the boundary of the Ancient Woodland she was unable to conclude that the buffer strip of 15 metres was wide enough to
protect the Ancient Woodland and thus landscape character and biodiversity might be put at risk. The Inspector rightfully concluded that ‘the protection of Ancient Woodland is important, once lost it cannot be recreated’.

11. In the current appeal, the increased width of the buffer zone provides greater certainty that the Ancient Woodland can be protected from the proposed development both during construction operations and in the longer term. Accordingly, I am satisfied that the proposal does not pose a risk to Daux and Rosier Woods. In coming to this view, I note that there is no objection as to the effect of the proposal on the Ancient Woodland from Natural England, the statutory body charged with the protection and conservation of habitats, or from West Sussex County Council’s Ecologist and Arboricultural Officer. Although one of the reasons for refusal in the current appeal refers to harm to the ‘landscape and visual character of the area’ this is a reference to the impact upon the rural landscape generally and not a specific one relating to the impact upon the Ancient Woodland. This was borne out by the evidence given by the Council at the inquiry. It formed no part of the Council’s case that the proposed development would affect the Ancient Woodland.

12. The site lies outside of the built-up area of Billingshurst. As such, the proposal is contrary to Policy DC1 of the Council’s adopted General Development Control Policies document (hereafter referred to as the GDCPD) which seeks to restrict development outside built-up areas to certain categories of development. The erection of 46 dwellings does not come within any of these categories. This was also a conclusion reached by the Inspector in the previous appeal.

13. In respect of the effect of the proposed development upon the countryside, it is necessary to define what characterises the character and appearance of the countryside and then to assess how the development would impinge upon this tract of countryside.

14. The current use of the site as permanent grazing and the presence of the woodland to the south, the adjoining farm land to the east and the expanse of farmland beyond the railway line to the north clearly places the site in the countryside. The countryside to the east of Billingshurst is typical of the countryside generally associated with The Weald. It is gently undulating with Daux and Rosier Woods occupying higher ground with the site sloping down towards Par Brook and then rising on the far side of the stream to an elevated point in the farmland to the north of the railway line around Little Daux Farm. The countryside to the east of Billingshurst enjoys no landscape designation.

15. Unlike the expanse of farmland to the north of the railway line, which has an open and exposed character, the countryside to the south of the railway line has a more enclosed and intimate character. In part, this is because of the backdrop provided by the Ancient Woodland which dominates the immediate landscape and also cuts off longer distance views across the countryside to the south. It is also because of the thick and well-established hedgerows which enclose the patchwork of small fields south of the railway line. These hedgerows, which contain numerous trees, filter or limit views from one field to the next.

16. The proposal would lead to the loss of permanent grazing and the introduction of dwellings and other buildings, domestic gardens, roads and parking areas and lighting would cumulatively alter the nature of the site so that it would no longer read as part of the countryside around this part of Billingshurst. This
was also the view of the Inspector in the previous appeal. As such, the proposal would be contrary to local policies that seek to protect the countryside, such as GDCPD Policy DC2 and Policies CP1 and CP15 of the Council’s adopted Core Strategy (hereafter referred to as the CS).

17. However, I also share the assessment of the previous Inspector that the degree that the proposal would breach local countryside policies depends upon the extent that the development would impinge upon or be harmful to the countryside. This in turn depends upon a number of factors. These include whether the development would be unduly visible or conspicuous and whether the development would result in the loss of important landscape assets, that is, features which contribute to the quality of the rural landscape. The previous Inspector also identified as a factor the degree to which the development would integrate with the edge of the built-up area of Billingshurst. I shall deal with this separately after assessing the impact of the development upon the countryside.

18. Looking first at the likely visibility of the development, the site is to be physically well contained by hedgerows and trees. Even in winter with the leaves off trees and hedgerow plants, the dense intertwined nest of twigs and branches provides an effective filter of views. The proposed development would give rise to relatively little tree loss and the appeal scheme provides for the retention, protection and reinforcing of the hedgerows surrounding the site. The Landscape and Biodiversity Management Strategy would afford longer term protection and management of the hedgerows. These are matters which can be secured by conditions. Within this envelope of hedgerows and trees, the proposed development would not be conspicuous or unduly visible.

19. There was some discussion at the inquiry about views of the site. The site is not prominent. The surrounding enclosed and intimate landscape provides only short distance views from public vantage points. There are no long distance views of the site. I looked at the site from the three public vantage points identified by the Council. The furthest vantage point is from the footpath leading to Little Daux Farm to the north of the railway line (the Council’s viewpoint C). From here the development would be glimpsed through a number of intervening hedgerows and trees, and particularly the vegetation along Par Brook. The intervening vegetation even in winter would filter much of the detail of the development. In addition, the development would be seen against the dense backdrop of Daux and Rosier Woods.

20. From the closest viewpoint just to the south of the pedestrian crossing over the railway line (the Council’s viewpoint B), the development would again be glimpsed through the vegetation along Par Brook and against the backdrop of the Ancient Woodland which sits on rising ground above the site. From the footpath alongside the stream in the next field to the east (the Council’s viewpoint A), views of the site would be filtered in winter and masked to a large degree in summer by a very wide hedgerow along the eastern boundary of the site. Again, the development would be viewed against the backdrop of Daux and Rosier Woods. From none of the viewpoints identified by the Council would the proposed development be seen as conspicuous within this tract of countryside.

21. Turning to whether the proposed development would lead to the loss of important landscape features, the landscape character of this expanse of countryside owes much to the backdrop of Ancient Woodland, the network of
well established hedgerows and the presence of numerous hedgerow trees. I have already dealt with the protection that the proposal offers to the Ancient Woodland, a matter which through uncertainty as to the position of the edge of the Ancient Woodland and the efficacy of the buffer zone then on offer led the previous Inspector to express concern about the possible loss of tress.

22. The proposed development would lead to minimal loss of hedgerows around the site. As already mentioned, the development offers a high degree of protection and enhancement of hedgerows. A particular feature of note is the proposal to use an open mesh like fence close to hedgerows. This is to enable hedgerow plants to grow through the fence and for the fence to be assimilated into the hedgerow. The erection of more solid fencing could cause damage to hedgerow plants as well as giving the development a more suburban appearance.

23. As for trees, the proposed development would inevitably result in some trees being felled, but the loss of trees would not significantly affect the degree of screening that the trees presently provide. The current scheme differs from the scheme considered at the previous appeal in that there has been an adjustment in the position of the car park in the south-west corner of the site to reduce pressure on adjoining trees. There has also been an adjustment to the housing layout to reduce the pressure from householders to fell or lop trees in the south-east corner of the site.

24. In respect of both visual impact and the loss of important landscape assets, I do not consider that the proposed development would impinge upon or be harmful to the character and appearance of the countryside to any significant or serious extent. Accordingly, whilst there would be some conflict with local policy seeking to protect the countryside, the extent of the breach would be limited.

25. In respect of the integration of the proposed development with the adjacent part of Billingshurst, much was made at the inquiry of the bungalows along the part of Daux Avenue closest to the site and also in Rosier Way. Some suggested that the proposed houses would be out of kilter with these bungalows. In addition to the bungalows, there are also many dormer bungalows within this part of Daux Avenue and in Rosier Way which, with their large dormers within the roof, are not very different in scale and proportions from many modern two storey houses. At the far end of Daux Avenue there is a more diverse mix of dwelling types and the Parish Plan makes the point that Billingshurst is characterised by a range of house types and size. There is nothing either in the area near to the site or in Billingshurst generally to suggest that the proposed houses would be out of place.

26. I consider that the proposed development would integrate well with the nearest part of Billingshurst. The retention of the hedgerow between the site and the dwellings in Rosier Way and the physical separation of the proposed dwellings from the closest existing ones would ensure that the proposed development would not physically dominate existing properties or lead to overlooking or other amenity problems for those living in these properties.

27. Given the small size of the proposed development and the enclosed, almost self contained nature of the site, I do not consider that the number of new houses being proposed would have anything more than the most limited effect upon the character of Billingshurst.
28. I conclude on this issue that given the position of the site outside of the built-up area of Billingshurst, the proposal would be contrary to GDCPD Policy DC1 which seeks to limit the types of development outside of built-up areas. I also conclude that the change in the nature of the site from permanent pasture to residential development would conflict with GDCPD Policy DC2 and CS Policies CP1 and CP15 which seek to protect the countryside. However, the harm to the countryside and the conflict with the policies which seek to safeguard the countryside would be of a low order because of the limited visual impact of the proposed development and the very limited loss of landscape features of local importance that would occur.

(ii) Whether adequate contributions are being offered to local services

29. The proposed development would increase the number of households in this part of Billingshurst. This would put additional pressure on local services and facilities. To meet the cost to the public purse of the extra pressure placed on local services, a draft Unilateral Undertaking was submitted at the inquiry by the appellant and a final, signed version of the Undertaking was submitted after the close of the inquiry. The Undertaking provides for financial contributions to be made to both the Council and West Sussex County Council in respect of work required to cater for the additional demand made on local services as a result of the development.

30. The Undertaking makes contributions towards primary and secondary schools that any children from the proposed development might be expected to attend. Contributions are also to be made towards various highways and transport improvements, including improvements to lighting and pedestrian facilities on the A29 which residents from the developments may be expected to use, improvements to public transport and the provision of a footway from Daux Road to Rosier Farm to provide both existing residents and occupants of the development with better access to the countryside.

31. Other contributions include payments towards the maintenance of the landscape buffer zones around the development and the public open space to be provided in the northern part of the site and the provision of improvements to fire service provision. The latter is in the form of additional fire hydrants in this part of Billingshurst and improved water supply to the hydrants.

32. There is no disagreement between the parties about the amount of the above contributions or what the contributions are to be spent on. To my mind, these contributions satisfy the statutory tests for the appropriateness of provisions made in Agreements and Undertakings as set out in the Community Infrastructure Levy Regulations 2010 (hereafter called the CIL Regs) and conform to CS policy CP13 and the Council’s Planning Obligations Supplementary Planning Document (hereafter called the SPD).

33. However, there was some debate at the inquiry as to the size of the contribution to be made under the heading of “Community Facilities Contribution”. The Council was initially seeking a sum of money to go towards a number of projects that Billingshurst Parish Council has in mind. In my view, an Undertaking or Agreement should not be used to satisfy a shopping list; it is in place to resolve difficulties that are likely to arise if a development goes ahead. In other words, there has to be a direct connection or link between the development and what the money is to be spent on. To require a financial contribution to be spent on a list of projects which may have little or no direct
link with the development would be unreasonable and contrary to the tests in the CIL Regs. The final version of the Undertaking submitted after the inquiry makes provision under the heading of “Community Facilities Contribution” just for the re-surfacing of and provision of lighting in Daux Avenue immediately adjacent to the site. These improvements to Daux Avenue were included within the Agreement submitted for the previous appeal. The improvements to the nearest length of Daux Avenue, which provides the sole vehicular access to the site, are required if the development is to be properly and safely served. As such, the local improvements to Daux Avenue meet the tests set out in the CIL Regs.

34. The Undertaking also sets out the mechanism for the provision of affordable housing within the proposed development. The level of affordable housing and the type of affordable housing, both affordable rented units and shared ownership units, is agreed between the parties and is in conformity with CS Policy CP12 which is concerned with meeting the District’s housing needs.

35. I conclude on this issue that adequate contributions are in place to ensure that the proposed development can be properly supported by local services. As such, the proposal complies with CS Policies CP12 and 13 and the Council’s SPD on Planning Obligations. The nature and scale of contributions also satisfies the tests set out in the CIL Regs.

(iii) Whether there are other material considerations which would outweigh any harm identified in the assessment of the former issues

36. Although I find that adequate contributions are in place to meet the demands of the development on local services, there would be conflict with local policy in respect of development taking place outside of the built-up area and protecting the countryside from development. However, I acknowledge that the harm to the countryside would be of a low order. Given that there is some harm in respect of the first issue, I need to go on to consider whether there are other material considerations which would outweigh this harm.

37. I start with the arguments put to me during the inquiry as to the housing supply situation in the District. The context for considering housing supply is paragraph 47 of the National Planning Policy Framework (hereafter referred to as the Framework) which requires planning authorities to identify and update annually a supply of deliverable sites sufficient to five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. The Council accepts that there is not a five year supply of housing on deliverable sites in the District.

38. The Council argues that with the recent revocation of the regional spatial strategy for the South East, the South East Plan (hereafter referred to as the SEP), the housing requirement should be derived from the adopted CS. The implication is quite clear. As the CS has a lower housing requirement than the SEP this would lead to a much lower shortfall in the housing supply in the District. I reject this argument. Although the SEP has been revoked, its housing requirement figures are the most recent figures that have been tested through an examination process. Just because a regional spatial strategy has been revoked does not necessarily mean that the evidence base which underpinned its policies is no longer applicable.
39. In this case, it is clear that the evidence base for the CS housing provision figures is considerably older than the evidence base used in the SEP for its housing requirement figures. The CS housing requirement figures are based upon the West Sussex Structure Plan which in turn was based on the much earlier Regional Planning Guidance 9 dating from 2001. Thus, the examination of the CS took place in the context of regional planning guidance which was superseded with the issuing of the SEP. The examination of the CS also took place in the context of much older national planning policy than even the immediate precursor to the Framework. The CS housing requirement figures are based on out of date evidence and reflect an older regional and national policy regime.

40. Paragraph 4.31 of the CS says that it is intended that its housing requirement figures should be reviewed when the SEP was published. This is an indication that the authors of the CS recognised the need to revisit the housing requirement figures in the light of the more up to date evidential basis to be provided by the SEP. Pending such a review, CS Policy CP4 says that additional land for housing would be identified in an allocations or other Development Plan Document. I am not aware of a review being published. Nor am I aware of a document being issued which identifies additional housing sites. The result is that by not reviewing the housing requirement figures in the CS and by not identifying further housing sites, the Council is relying on out of date figures and ignoring more up to date, tested evidence.

41. The Council argues that the shortfall in housing land supply should be made up over the lifetime of the development plan; the so called “residual approach” rather than use the so called “Sedgefield Approach” where the shortfall is addressed within five years. I come down strongly on the side of adopting the Sedgefield approach. In the first place, and most importantly of all, there is a need to address the housing shortfall as a matter of urgency. To postpone dealing fully with the problem would delay meeting the legitimate aspirations of households and communities to have the homes that they require.

42. Second, without the imperative of having to meet the requirement for homes now and in the short term there would no certainty that the Council would ever deal with the shortfall. In this respect, I note that the Council has failed to review the CS housing requirement figures when the SEP was published and it has failed to bring forward any Development Plan Document which identifies additional sites. Third, at appeal the Secretary of State and Inspectors have expressed support for the Sedgefield approach. To adopt the Sedgefield appeal in this case is to be consistent with the approach taken by others at appeal.

43. The Council suggests that the Sedgefield approach may not be the most appropriate approach in this case where the Council is reliant on two large strategic sites to deliver much of its housing supply. The Council has known for some time that these sites were not going to delivery as initially anticipated. Armed with the knowledge that the strategic sites were not going to bring forward the number of dwellings within the expected timescale, what should have happened is that the Council should have identified other sites to ensure that its housing requirement could be still met. Having much of its housing supply in two strategic sites is not a reason not to apply the Sedgefield approach.

44. The appellant’s figures for the housing requirement situation in the District adopting the Sedgefield approach were not disputed by the Council at the
inquiry. They are as follows. As at March 2012, the historic shortfall amounted to just over 2,320 dwellings. When the SEP average annual requirement of 650 dwellings for the next five years is added to the shortfall this gives a requirement figure of just over 5,570 dwellings. With the addition of the 5% buffer set out in the Framework, the requirement rises to almost 5,740 dwellings. Against this requirement, it is common ground that there are almost 3,330 dwellings on the supply side. Subtracting the supply figure from the requirement gives a shortfall of 2,410 dwellings. This represents a very substantial shortfall.

45. Adopting the Sedgefield approach, these figures point to the need for a step change in the approach of the Council to the supply of housing sites within the District. More housing land needs to be identified which is capable of being developed within the next five years if the shortfall is to be successfully tackled. The proposed development on the appeal site would make a modest but valuable contribution to dealing with the shortfall. As such, I give the contribution of the site to meeting the District’s housing land requirements very substantial weight.

46. The Council poses the question whether there is any real difference between position taken on housing provision in previous national policy on housing provision which formed the backdrop to the previous appeal and the stance taken by the Framework which forms the context for considering this matter in the current appeal. I consider that there is an added degree of urgency in the Framework with its addition of a 5% buffer. This is reflective of the years of poor performance in the provision of new housing.

47. The Council makes the point that the release of housing land on appeal sits uneasily with the Government’s commitment to letting local communities have their say on planning matters. The resolution of this tension involves the Council carrying out an urgent and robust review of the housing requirement figures in the CS and for local communities and individuals to be fully involved in the debate as to the location and scale of new housing sites that are to come forward if up to date housing requirement figures are to be met.

48. Turning to other material considerations to be taken into account in this case, there is no disagreement that there is a substantial shortfall in the provision of affordable housing in the District. This is borne out by the Strategic Housing Market Assessment Update produced by consultants for a number of local authorities in the County, including the Council. The appellant estimates that only about 33 net affordable housing units are being delivered each year within the District. This is not in dispute. In this context, the provision of 18 affordable housing units within the proposed development would mark a significant increase in the number of affordable housing units coming forward. This represents a benefit to be accorded substantial weight.

49. In addition, the proposed development would have some important economic and financial benefits. The construction of the development would generate jobs. The expenditure by the occupants of the development in local shops would put money into the local economy thereby indirectly supporting retail and service jobs. As a result of the development, it is estimated that the Council would receive about £350,000 of New Homes Bonus, whilst the County Council would receive about £87,000. At a time when local authority budgets are under pressure, this additional source of funding ought to be welcome. In
my view, the economic and financial benefits which would flow from the development are to be accorded weight.

50. The proposed development would also give rise to some recreational and ecological benefits. The proposal provides new public open space in the northern part of the site. The proposal would also give rise to some ecological enhancements, including the cutting back of the vegetation that is threatening to choke Par Brook and constructing a new footbridge over the stream as well as reinforcing and managing the hedgerows and trees around the site. These benefits should also be given weight.

51. I conclude on this issue that the contribution that the proposed development would make to tackling the serious and substantial shortfall in the housing land supply and the need for more affordable housing would by themselves more than outweigh the harm that I have identified in the first issue, that is, the lower order of impact upon the countryside and the development of land outside of the built-up area. The other benefits that would accrue from the development in respect of employment, public open space and ecological enhancement are added in favour of the development.

52. The benefits that would flow from the development, especially the contribution that the development would make to meeting the shortfall in housing supply and the shortfall in the supply of affordable house, when compared to the limited harm to the countryside and the limited conflict with the development represent a compelling case for allowing the appeal.

Other Matters

53. A number of local residents were concerned at the additional traffic that would use the local highway network as a result of this development. However, there is no objection to the proposal from the local highway authority. Local residents also referred to the impact of the development on wildlife. Whilst I have little doubt that those living close to the site place a value the wildlife interest provided by the site, the site enjoys no nature conservation designation and the Council has not refused planning permission on the grounds of loss of habitats or harm to protected species. Through the retention, reinforcement and maintenance of hedgerows and trees and the enhancement of Par Brook, the proposal would ensure that the more significant habitats within the site are kept and improved. Neither these nor any of the other matters raised at the inquiry and in the written representations alter my view that the appeal should be allowed.

Conditions

54. The Council and appellant have jointly put forward suggested conditions in the event that the appeal is allowed. These were discussed at the inquiry. As I said at the inquiry, the acceptability of any condition depends upon whether it meets the tests set out in Circular 11/95 "The Use of Conditions in Planning Permissions". These tests include the condition being necessary, relevant to the development being proposed, relevant to planning and reasonable in all other respects. I have considered the suggested conditions against these tests.

55. I shall deal first of all with the suggested conditions which I reject because I am not convinced that they are needed. In the first place, I see no need for a condition requiring an archaeological investigation to be undertaken before
development commences. There is little to suggest that the site is of archaeological interest or of there being archaeological finds within the immediate locality. Second, the site has never been built on but has always been used as farmland. In these circumstances, the possibility of ground contamination being encountered is so remote that I can see no reason to have a condition which would require measures to be taken if contamination was found.

56. There is a disagreement between the Council and the appellant as to period in which development should commence. The Council prefers to see an eighteen months period on the basis that if it is being argued that the development is needed to meet a housing supply shortfall then the development should begin as a matter of urgency. The Council points out in three other cases, Inspectors have accepted a shorter period than the standard three years. I am not persuaded in this case. There is an application with the County Council for the appeal site to be given town or village green status. This matter could take some time to resolve. The standard three years for the commencement of development would provide a reasonable time frame in which this matter could be resolved.

57. Of the other suggested conditions, I consider that they are necessary, relevant to the proposed development and meet the other tests of Circular 11/95. Accordingly, I intend to attach them to the planning permission although I have amended the suggested wording of the conditions in the interests of clarity and enforceability.

58. As the submitted plans and drawings define the nature and extent of the development being proposed, I am attaching a condition identifying these plans and drawings. As no finished levels of the development in relation to a nearby datum point have been submitted, I am requiring such details to be submitted for approval. To ensure that the development blends into its surroundings, I am requiring details of external materials and external lighting to be submitted for approval. As security lighting and other sources of external lighting have the potential for making the development conspicuous when seen from the adjacent countryside, I am withdrawing permitted development rights for householders to subsequently install external lighting.

59. To ensure that the enclosure of the site and individual dwellings is in keeping with the development’s surroundings and particularly is of a design that enables hedgerows around the site to grow through and encompass any fencing, I am requiring details of means of enclosure to submitted for approval and for permitted development rights for householders to subsequently erect walls and fences to be withdrawn. To ensure that the development blends in with its surroundings and that features of nature conservation interest are respected, I am imposing a raft of conditions in respect of landscaping, protection of trees and the submission of mitigation measures for certain protected species and their habitats. However, I have not extended the latter to include Great Crested Newts. There is no evidence that this species is found on or near the site. There are no ponds or other bodies of still water on the site and the submitted Ecological Assessment indicates that the nearest that Great Crested Newts have been found to the site is many hundreds of metres away. With these conditions, I am requiring the provision of advisory information or guidance to future occupants of the development as to how they
can limit their impact upon wildlife in the area and especially the adjacent Ancient Woodland.

60. To ensure that the development can be safely and properly serviced by road, I am attaching a raft of conditions to the planning permission requiring the submission of details of improvements to be made within highway limits to the roads leading to the site, for provision to be made within the development for dwellings to be served by roads and for parking and cycling provision to be made. With these conditions, I am requiring a Travel Plan to be provided to give future occupants of the development information on travelling by other means of transport than the car.

61. In the interests of sustainability with particular emphasis on conserving energy and encouraging waste recycling, I am requiring the development to meet Level 3 of the Code for Sustainable Homes and for facilities to be provided for the storage of recycling and refuse bins. As no details of foul or surface water drainage have been submitted, I am requiring details to be submitted for approval. I am also imposing conditions requiring the development of the site to be carried out in such a way that it complies with the submitted Flood Risk Assessment and that details of the bridges spanning the watercourse through the site are submitted for approval. The bridges should have a single clear span of Par Brook so as to provide no impediment to the flow of the watercourse and to allow mammals unimpaired movement along the watercourse.

62. Finally, to safeguard the amenity of those living nearby and especially those living along the main access road to the site, I am imposing conditions limiting the hours when the development of the site can take place and also requiring the submission of a construction management plan which includes details such as dust suppression measures, wheel cleaning measures, the parking arrangements for contractor's vehicles and the location of any temporary site buildings. However, I have excluded a requirement for the routeing of construction traffic to be agreed. I am not convinced that it is possible in this instance to take enforceable measures to restrict the movement of traffic on the public highway.

Conclusions

63. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Alan D Robinson
Inspector
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Martin Edwards
Of Counsel. Instructed by the Solicitor to Horsham District Council
He called:
Mrs Sally Stallan
Chartered Town Planner and Principal Planning Officer in Strategic Planning with the Council
Mr Matthew Bright
Chartered Member of the Landscape Institute and Landscape Architect with the Council
Mrs Hazel Corke
Planner and Team Leader for Development Management with the Council for the southern half of the Council’s area

FOR THE APPELLANT:

Miss Mary Cook
Of Counsel. Instructed by Mr Whittington of Savills UK
She called:
Mr Timothy Goodwin
Member of the Institute of Ecology and Environmental Management and the Institution of Environmental Sciences. Director of Ecology Solutions, Ecological Consultants
Mr Matthew Chard
Chartered Member of the Landscape Institute and Partner of Barton Willmore LLP, the specialist landscape and environmental group of the Barton Willmore Partnership, Architectural, Planning and Environmental Consultants
Mr David Whittington
Chartered Town Planner and Associate Director of Savills UK, Real Estate Consultants

OTHER PARTIES/INTERESTED PERSONS:

Mrs Susie Duffy
10 Rosier Way, Billingshurst
Mr Andrew Tullett
63 Daux Avenue, Billingshurst
Mrs Beverley Bell
Clerk to Billingshurst Parish Council
Mrs Lesley Wilding
26 Carpenters, Billingshurst. Although a Parish Councillor, Mrs Wilding made it clear at the inquiry that she was speaking as a local resident
Mr Kenneth Longhurst
Briar Patch, Marringdean Road, Billingshurst
Mrs Susan Mariner
42 Daux Avenue, Billingshurst
Mr David Hart
5 Rosier Way, Billingshurst

DOCUMENTS SUBMITTED DURING INQUIRY

1 Attendance sheets for the inquiry
2 Council’s letter of notification
3 Miss Cook’s opening submissions on behalf of the appellant
4 Secretary of State’s decision and Inspector’s report into appeal for residential development at Highfield Farm, Tetbury, Gloucestershire (APP/F1610/A/11/2165778). Submitted by Miss Cook
Five year housing land calculation against South East Plan requirement. Submitted by Miss Cook

Mr Tullet’s statement to the inquiry

Mrs Duffy’s statement to the inquiry, together with series of historic maps of Billingshurst showing trees and hedgerows in the area around the appeal site

Mrs Bell’s statement to the inquiry

Mrs Wilding’s statement to the inquiry

Mrs Mariner’s statement to the inquiry

Department of Communities and Local Government document “New Homes Bonus: final scheme design”. Submitted by Miss Cook

New Homes Bonus Calculator for appeal proposal. Submitted by Miss Cook

E-mail dated 25 February 2013 to Mr Bright with attachments of the Landscape Institute Advice Note on use of photography in landscape and visual assessment and existing and proposed image from viewpoint 3. Submitted by Mr Edwards

Minute on Illustrative Montage Methodology and series of Mr Chard’s montages. Submitted by Miss Cook

Mr Longhurst’s statement to the inquiry

Draft Unilateral Undertaking. Submitted by Miss Cook

E-mail dated 25 February 2013 from Mrs Corke to Mr Whittington regarding Parish Council’s request for funding for schemes based on the Parish Plan

Billingshurst Parish Plan for 2008 to 2013. Submitted by Mr Edwards

GL Hearn study of locally generated housing needs in Horsham District. Submitted by Miss Cook

GVA Grimley report update of the strategic housing market assessment for Horsham, Crawley and Mid Sussex Districts. Submitted by Miss Cook

Five year housing land calculation against South East Plan and Core Strategy requirements. Submitted by Miss Cook

Mr Edwards’s closing submissions on behalf of the Council

Miss Cook’s closing submissions on behalf of the appellant

DOCUMENT SUBMITTED AFTER INQUIRY

Signed Final Version of the Unilateral Undertaking dated 5 March 2013
ANNEX

Schedule of conditions in respect of planning permission granted for the erection of 46 dwellings with associated access, car parking and landscaping on land east of Daux Avenue, Billingshurst, West Sussex.

Commencement of Development

1) The development hereby permitted shall begin not later than three years from the date of this decision.

Drawings and Plans

2) The development hereby permitted shall be carried out in accordance with the following approved plans:
   Drawing No 0913/P/101 Location Plan
   Drawing No 0913/P/102C Site Plan
   Drawing No 0913/P/103 Floor and Elevation Plan for Plots 1 to 4
   Drawing No 0913/P/104A Floor and Elevation Plan for Plots 5 and 6
   Drawing No 0913/P/105A Ground and First Floor Plans for Plots 7 to 17
   Drawing No 0913/P/106A Second Floor and Roof Plans for Plots 7 to 17
   Drawing No 0913/P/107A Elevation Plan for Plots 7 to 17
   Drawing No 0913/P/108 Floor and Elevation Plan for Plots 18 and 19
   Drawing No 0913/P/109 Floor and Elevation Plan for Plot 20
   Drawing No 0913/P/110 Floor Plan for Plots 21 to 25
   Drawing No 0913/P/111 Elevation Plan for Plots 21 to 25
   Drawing No 0913/P/112 Floor and Elevation Plan for Plots 45 and 47
   Drawing No 0913/P/113 Floor and Elevation Plan for Plots 27, 31 and 44
   Drawing No 0913/P/114 Floor and Elevation Plan for Plots 32 and 33
   Drawing No 0913/P/115 Floor and Elevation Plan for Plot 49
   Drawing No 0913/P/116 Floor and Elevation Plan for Plot 35 to 37
   Drawing No 0913/P/117 Floor and Elevation Plan for Plots 38 and 39
   Drawing No 0913/P/118 Floor and Elevation Plan for Plot 34
   Drawing No 0913/P/119 Floor and Elevation Plan for Plots 26, 46 and 48
   Drawing No 0913/P/120 Floor Plan for Plots 28 to 30
   Drawing No 0913/P/121 Elevation Plan for Plots 28 to 30
   Drawing No 0913/P/122 Floor and Elevation Plan for Plots 42 and 43
   Drawing No 0913/P/123A Private House Roof Plans
   Drawing No 0913/P/124 Private House Roof Plans
   Drawing No 0913/P/125 Affordable House Roof Plans
   Drawing No 0913/P/126 Single Garage Floor and Elevation Plan
   Drawing No 0913/P/127 Cycle Store and Sheds
Drawing No 0913/P/128 Enclosure Plan
Drawing No 0913/P/129A Street Scene AA
Drawing No 0913/P/130A Street Scene BB
Drawing No 0913/P/201 Street Scenes CC and DD
Drawing No 0913/P/132A Street Scenes EE, FF and GG
Drawing No 0913/P/133 Floor and Elevation Plan for Plots 40 and 41
Drawing No 0913/P/200 Long Sections AA and BB
Drawing No SJA TL 9104/02 E Tree Locations
Drawing No SJA TPP 9104/03 A Tree Protection Plan
Drawing No 2199-GMP-01 E Landscape Strategy Plan
Drawing No 2199-PP-01/02 J Planting Proposals

**Floor Levels**

3) Before development commences finished floor levels of the development in relation to a nearby datum point shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**External Materials**

4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**External Lighting**

5) No development shall take place until details of any external lighting to be installed at or within the site, including measures to prevent light spillage onto the adjacent hedgerows and Ancient Woodland, have been submitted to and approved in writing by the local planning authority. Any external lighting shall be installed in accordance with the approved details and any directional hoods shall be retained permanently.

6) Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no external security lighting shall be affixed to any dwelling, or as a freestanding lighting features within any residential garden area.

**Means of Enclosure**

7) No development shall take place until details of screen walls and/or fences, broadly in accordance with Drawing No 0913/P/102C (Site Plan), have been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied and no buildings brought into use until such screen walls and/or fences associated with them have been erected. Thereafter, the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and
re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

**Landscaping, Trees and Nature Conservation**

9) No development shall take place until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall be submitted concurrently as a complete scheme, unless otherwise agreed with the local planning authority, and shall comprise:

- A detailed plan and specification for top soil stripping, storage and re-use on the site in accordance with recognised codes of best practice;
- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers;
- Tree pit and staking/underground guying details;
- A written hard and soft specification (National Building Specification compliant) of planting (including ground preparation, cultivation and other operations associated with plant and grass establishment);
- Existing and proposed levels, contours and cross/long sections for all earthworks;
- Details of hard surfacing materials such as layout, colour, size, texture, coursing and levels; and
- Details of minor artefacts and structures such as location, size and colour and type of street furniture, play equipment, signage, refuse units and lighting columns and lanterns.

The approved scheme shall be implemented in full accordance with these details. Planting shall be carried out according to a timetable to be submitted to and approved in writing with the local planning authority prior to commencement of the development.

Any plants which within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.

10) No development shall take place which may affect dormice, common lizards, slow worms or grass snakes and their habitats until a detailed mitigation strategy (based upon current up-to-date survey findings following good practice) is in place and which has previously been submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved strategy.

11) Prior to commencement of development, an updated Landscape and Biodiversity Management Strategy to reflect the details approved pursuant to Conditions 9 and 10 above shall be submitted to and approved in writing by the local planning authority. The Strategy shall accord with the management principles established by the Landscape and Biodiversity Management Strategy that has already been submitted as part of the planning application. The updated Landscape and Biodiversity Management Strategy shall be carried out as approved.
12) No development or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

- All required arboricultural works, including permitted tree felling and surgery operations and above ground vegetation clearance within such areas set out for development as indicated on the approved Drawing SJA TPP 9104/03 Revision A (Tree Protection Plan) to be completed and cleared away; and

- All trees and hedgerows on the site identified for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 9 of BS 5837 'Trees in Relation to Construction' (2012). Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and no materials, equipment or machinery shall be stored within them in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such zone that seepage or displacement of those materials and substances could cause them to enter a zone. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the local planning authority.

13) Prior to the occupation of the first dwelling hereby permitted, details of guidance for residents on how to limit their impact on the surrounding ecology including the adjacent Ancient Woodland, shall be submitted to and approved in writing by the local planning authority. The guidance shall take the form of leaflets to be given to the first occupants of each of dwelling, display boards to be erected in and around the development and other means as may be agreed. The submitted details shall also include a timetable for the provision of the approved guidance. The guidance shall be provided in accordance with the approved timetable.

Roads, Parking and Travel

14) No dwellings shall be occupied until the road(s) serving that/those dwelling(s) have been constructed, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority.

15) No dwellings shall be occupied until the car parking space(s) for those dwellings have been constructed in accordance with the approved site plan. This space shall thereafter be retained at all times for its designated use.

16) The dwellings hereby permitted shall not be occupied until covered secure cycle parking spaces have been provided in accordance with the approved drawings.

17) No dwelling hereby permitted shall be occupied until such time as a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be based on the objectives and
measures set out in the approved Transport Assessment (dated November 2011). The development shall be operated in accordance with the approved details.

18) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for improvements to the eastern end of Daux Avenue to integrate the layout of the development hereby permitted with the existing highway (both carriageway and footway) including the removal of the turning head and the retention of the vehicular crossover to the property at No 63 Daux Avenue or other such scheme that may be agreed within the areas of adopted highway or in the developer’s ownership. The approved scheme shall be implemented prior to the occupation of the first dwelling hereby permitted.

19) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the improvement of the junction between Natts Lane, Lower Station Road, Daux Avenue and Marringdean Road in accordance with the scheme shown within the approved Transport Assessment (dated November 2011) or other such scheme as may be agreed within the areas of adopted highway. The scheme shall be implemented prior to the occupation of the twentieth dwelling hereby permitted.

**Code for Sustainable Homes**

20) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

**Refuse/Recycling**

21) The dwellings hereby permitted shall not be occupied and the buildings not be used until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority.

**Drainage and Flood Risk**

22) No development shall take place until details of the proposed means of foul sewage disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

23) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of:

- The raising of the ground levels to the rear gardens of plots 1, 5 and 6 as shown on approved Drawing No 0913/P/102C (Site Layout) to prevent them from flooding up to a 1 in 100 year flood event (including climate change), through the provision of flood compensation at a different location;
• How the scheme shall be maintained and managed after completion; and
• Flood flow routes through the development during exceedance events (that is, those greater than that for which the system is designed).

24) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (dated November 2011) and the following mitigation measures detailed within the Flood Risk Assessment:

• Limiting the surface water run-off generated by the 1 in 100 year critical storm plus 30% for climate change so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
• Provision of compensatory flood storage on/or in the vicinity of the site to a 1 in 100 year occurrence to allow for climate change if back gardens are to be raised (as mentioned on page 13 of the Flood Risk Assessment);
• Demonstration within the Flood Risk Assessment that the improvement/protection and maintenance of existing flood defences will be provided; and
• Finished floor levels to be set 900mm above the modelled flood plain (as mentioned on page 14 of the Flood Risk Assessment).

25) Prior to the commencement of development of plots 5, 6 and 8 a scheme for the provision and management of an 8 metre wide buffer zone measured from the top of the bank alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme. The scheme shall include:

• Plans showing the extent and layout of the buffer zone;
• Details of the planting scheme within the buffer zone;
• Details demonstrating how the buffer zone is to be protected during the course of development and managed/maintained over the longer term.

26) No development shall be carried out until details of all bridges proposed on site have been submitted to and approved in writing by the local planning authority. The bridges shall be constructed before the first dwelling hereby permitted is occupied in accordance with the approved details. The submitted details shall include the following:

• All bridges shall be clear spanning structures with the abutments set back from the watercourse on both banks to provide a bank width of a minimum of two metres beneath the bridge; and
• All bridges shall be a minimum of one metre from the bank top of the watercourse to provide an unobstructed corridor to allow the movements of otters and other animals.
Hours of Construction and Construction Management Plan

27) No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Monday to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays.

28) No works shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, the prevention of pollution of waterways, the provision of temporary drainage measures, details of wheel washing, delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process.