



W/23/02112/OUT: Orchard Farm, Pershore

Planning Statement Addendum: Revised NPPF (published 19th December 2023)

Background

A revised version of the National Planning Policy Framework (NPPF) was published on 19th December 2023. We set out below the implications of the revised NPPF for the determination of application W/23/02112/OUT at Orchard Farm, Pershore.

The majority of the amendments to the NPPF are of limited relevance to the determination of the application. However, the changes to the 5 year housing land supply requirement and subsequent impact on the practical application of paragraph 11d are relevant to this application, which has been progressed on the basis of Wychavon District Council's (WDC) inability to demonstrate a 5 year housing land supply. Accordingly, we set out below Formula Land's position on the implications of the changes for the determination of this application.

The Presumption in Favour of Sustainable Development

It is noted that the content of paragraph 11 has not been amended in the revised NPPF. However, revised footnote 8 sets out scenarios where the development plan policies which are most important for determining applications are considered to be 'out-of-date':

'This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.' (Savills emphasis).

The new provisions contained within paragraphs 76 and 226 are discussed in further detail below.

Paragraph 76

Paragraph 76 states that LPAs are not required to demonstrate a 5 year housing land supply if the following criteria apply:

'a) their adopted plan is less than five years old; and

b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.'

As the adopted South Worcestershire Development Plan was adopted in 2016, WDC does not benefit from the provisions of paragraph 76. Additionally, footnote 79 makes clear that the provisions of paragraph 76 'should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework'. Therefore, the provisions of paragraph 226 must be considered as set out in footnote 8.

Paragraph 226

Paragraph 226 states the following:

'From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific



deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.' (Savills emphasis).

The emerging South Worcestershire Development Plan Review was submitted for Examination in September 2023. Therefore, the provisions within paragraph 226 apply to WDC, which is henceforth only required to demonstrate a 4 year housing land supply.

Updated WDC 5YHLS Position Statement, December 2023

In December 2023, WDC published an updated 5YHLS position which stated that WDC can currently demonstrate a 2.65 year housing land supply. This falls below the new 4 year requirement set out in the revised NPPF. Accordingly, under the unamended provisions of paragraph 11d, and for the reasons set out in Section 6.5 of our Planning Statement (October 2023), we consider that the tilted balance remains engaged as the most important policies in the development plan are still considered to be out-of-date, owing to the lack of a 4 year housing land supply.

Conclusions

Overall, it is considered that the position set out in Sections 6.2 – 6.7 of our Planning Statement (October 2023) is still relevant given that WDC are unable to demonstrate a 4 year housing land supply, as required by the revised NPPF. Therefore, it is considered that the revisions made to the NPPF in December 2023 do not represent material changes which are of relevance to the determination of this application.