

Statement of Case re: Five Year Housing Land Supply

For Formula Land Ltd | 22-537

Residential development of up to 300 dwellings - Land at Orchard Farm, north of
Defford Road, Pershore (LPA ref: W/23/02112/OUT)



Project: 22-537
Site Address: Wychavon Five Year Housing Land Supply, tba
Client: Formula Land Ltd
Date: 14 June 2024
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1. Introduction

- 1.1 This statement of case in relation to Five Year Housing Land Supply (5YHLS) is submitted on behalf of Formula Land Ltd (the Appellant) in relation to their appeal against the failure of Wychavon District Council to determine within the relevant timescales an outline planning application for:

“the demolition of existing farmhouse, agricultural buildings and structures, the erection of a phased development of up to 300 residential dwellings (Use Class C3) and associated public open space, drainage, infrastructure and engineering works with all matters reserved except access.”

At land at Orchard Farm, north of Defford Road, Pershore (LPA ref: W/23/02112/OUT). It should be read alongside the general statement of case prepared by Savills, which addresses all other planning matters.

- 1.2 The Appellant reserves the right to submit further material should any further reasons for refusal or objections be received.

Qualifications

- 1.3 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and a postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am a Director of Emery Planning, based in Macclesfield, Cheshire.
- 1.4 I have extensive experience in dealing with housing supply matters and have prepared and presented evidence relating to five year housing land supply calculations at several Local Plan examinations and over 60 public inquiries across the country.
- 1.5 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.
- 1.6 I will provide a proof of evidence on housing land supply, a summary proof of evidence and a set of appendices. I also intend to refer to several core documents. I will work with the Council on a Statement of Common Ground (SoCG) in relation to housing land supply.



2. Planning policy context

- 2.1 This section of our statement sets out the relevant planning policy context in terms of housing land supply, which I will refer to in evidence.
- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration, which I will discuss in evidence.

Development plan context

Existing development plan

- 2.3 The existing development plan comprises the South Worcestershire Development Plan (February 2016).

Emerging development plan

- 2.4 The South Worcestershire Councils started a review of the South Worcestershire Development Plan (SWDP) in late 2017 however the process has been subject to several delays. The latest update on the emerging plan will be provided.

Other material considerations

National planning policy and guidance

The National Planning Policy Framework (“the Framework”)

- 2.5 The Framework was published in March 2012. It was revised in July 2018, February 2019, July 2021, September 2023, 19th December 2023 and most recently on 20th December 2023.
- 2.6 The relevant sections of the current Framework in relation to my evidence will be:
- Footnote 8 which explains that the tilted balance to the presumption in favour of sustainable development applies where a) a local planning authority cannot demonstrate a 5YHLS (or 4YHLS if applicable as set out in paragraph 226 or b) where the Housing Delivery Test result is less than 75%;
 - Section 5: Delivering a sufficient supply of homes, including:



- Paragraph 60, which refers to the Government’s objective of significantly boosting the supply of homes;
 - Paragraph 61, which explains that the minimum number of homes needed should be informed by a local housing need calculated using the standard method set out in the PPG. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area;
 - Paragraph 72, in relation to an allowance for windfall sites;
 - Paragraph 75, which states that strategic policies should include a trajectory illustrating the expected rate of delivery over the plan period. It states that local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies;
 - Paragraph 76, which states that local planning authorities are not required to demonstrate a 5YHLS where a) the adopted plan is less than five years old and the adopted plan identified a 5YHLS of specific, deliverable sites at the time the examination concluded. Transitional arrangements set out in footnotes 40 and 79 explain that this applies for applications made on or after 20th December 2023;
 - Paragraph 77, which explains that the requirement to demonstrate a 5YHLS (or in some circumstances a 4YHLS) is a *minimum* requirement and explains that the supply should be measured against either the housing requirement set out in adopted strategic policies, or the local housing need where the strategic policies are more than five years old. Footnote 42 explains that if the adopted housing requirement has been reviewed and found not to require updating, it should still be used. Footnote 42 also explains that where the local housing need is used it should be calculated using the standard method set out in the PPG. Paragraph 77 and footnote 43 also explain that a 20% buffer should apply where the latest HDT result is less than 75%. Finally, paragraph 77 of the Framework states that the PPG provides further information on calculating housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed;
 - Paragraph 78, which explains the circumstances in which a 5YHLS can be confirmed through an annual position statement; and
 - Paragraph 79, in relation to Housing Delivery Test Action Plans and the policy consequences for failing the HDT.
- Annex 1: Implementation, including:
 - Paragraph 226, which explains the circumstances when a local planning authority only has to demonstrate a 4YHLS i.e. where an authority has an emerging local plan that has either been submitted for examination or has reached regulation 18 or 19 stage and includes both a policies map and proposed allocations towards meeting housing need.
 - Annex 2: Glossary, including:
 - The definition of “deliverable” on page 69; and



- The definition of “windfall sites” on page 76.

Planning Practice Guidance (PPG)

2.7 The PPG was first published in March 2014 and was most recently updated on 05 February 2024 to reflect the revised Framework. The relevant chapters of the PPG in relation to my evidence are:

- Chapter 2a - Housing and economic needs assessment;
- Chapter 3 – Housing and economic land availability assessments; and
- Chapter 68 – Housing supply and delivery.

South Worcestershire Five Year Housing Land Supply Report December 2023

2.8 Reference will be made to the South Worcestershire Five Year Housing Land Supply Report, which sets out a separate 5YHLS calculation for Malvern Hills, Worcester and Wychavon. It was published in December 2023 and claims that at 1st April 2023, Wychavon DC had a deliverable supply of 1,355 dwellings, which against the local housing need (as set out in the report) and a 5% buffer equates to 2.65 years.

Addendum to the South Worcestershire Five Year Housing Land Supply Report April 2024

2.9 Reference will also be made to an addendum to the housing land supply report published in April 2024 which reflects on the latest changes to the Framework.

Kempsey appeal decision

2.10 Reference will also be made to a an appeal decision regarding land south of Post Office Lane, Kempsey (Malvern Hills)¹. This appeal was considered by way of a public inquiry, which took place in April and May 2023. It considered how 5YHLS should be calculated in South Worcestershire.

¹ PINS ref: 3313440 – 14th August 2023



3. Statement of case re: 5YHLS

- 3.1 The Council's current housing land supply statement (published December 2023) has a base date of 1st April 2023. This is over 14 months ago and therefore the Appellant will seek to agree with the Council the base date for calculating the five year housing land supply.
- 3.2 The Appellant agrees that because the strategic policies in the Council's Local Plan are more than five years old, the five year housing land supply should be measured against the local housing need calculated using the standard method set out in the Planning Practice Guidance (PPG). At 1st April 2023, this is 488 dwellings.
- 3.3 The Appellant agrees that the 20% buffer should apply as set out in paragraphs 77 and 79 of the Framework.
- 3.4 Whilst the Council accepts it cannot demonstrate a 5 year housing land supply (or a 4 year housing land supply), the Appellant will provide its own assessment of the Council's deliverable supply with reference to the following points relating to methodology:
- The definition of "deliverable" and how this differs from the definition in the 2012 Framework;
 - The clear evidence required for the inclusion of category b) sites in the definition of deliverable;
 - The application of realistic build rates and lead-in times; and
 - The compelling evidence required for the inclusion of a windfall allowance.
- 3.5 For the reasons set out above, the Appellant will demonstrate that the Council cannot demonstrate a deliverable four or five year housing land supply in accordance with paragraph 77 of the Framework.
- 3.6 The implication of this will be addressed in the evidence of Michael Davies.



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