

LAND TO THE NORTH OF DROITWICH SPA

PROOF OF EVIDENCE ON HOUSING NEED AND SUPPLY

On behalf of Beechcroft Land Limited

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Contents.

1. EXECUTIVE SUMMARY.....	1
2. BACKGROUND	6
3. INTRODUCTION	7
4. DELIVERY TO DATE.....	9
5. HOUSING DELIVERY TEST	12
6. PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT	14
7. THE SWDPR	16
8. AFFORDABLE HOUSING NEEDS.....	19
9. CONCLUSIONS	21



1. EXECUTIVE SUMMARY

Matters of Agreement

- 1.1. The parties have worked collaboratively and as is evident from the Housing SoCG agreement has been reached on the matters which are material.
- 1.2. In light of these agreed matters, I understand that the parties are agreed that the provision of housing arising from the appeal proposals should be afforded substantial weight and that developments that do not comply with Policy SWDP2 will need to be allowed to respond to housing needs as referenced in paragraph 2.23 of the Housing SoCG, although the merits of each individual proposal will need to be weighed in the appropriate planning balance.

Points raised by the LPA

- 1.3. Notwithstanding the above, the Council has raised five propositions which they consider temper the weight afforded to the provision of housing albeit that the Council still affords substantial weight to the provision of housing. It is therefore unlikely that these five propositions will be material, but in order to be comprehensive these are briefly addressed within this Proof of Evidence.
- 1.4. The five propositions of the Council omit certain considerations and once they are assessed in the round, the available evidence suggests that it would be entirely inappropriate to temper the weight afforded to the provision of housing and if anything, the weight should be increased.

Propositions 1 and 2 – the record of delivery

- 1.5. The first two propositions of the Council appear to suggest that as the minimum adopted housing requirement and the minimum 'requirement' of the Housing Delivery Test have been exceeded, the weight afforded to the provision of housing should be tempered from that which would arise on the basis of a 3.52 or 3.68yls elsewhere. This is incorrect, as previous levels of housing delivery are already factored into the minimum local housing need of the standard method and so are already taken into account in the 3.52 or 3.68yls. To reduce or increase the weight afforded on this basis would be to incorrectly take into account a material consideration twice.



- 1.6. Furthermore, the parties are agreed that the adopted minimum housing requirement and by extension the minimum 'requirement' of the Housing Delivery Test are significantly below the minimum local housing need. As such the exceedance against these provides no indication that housing needs have been met and provides no justification for tempering the weight afforded to the provision of housing.
- 1.7. Notwithstanding the previous levels of delivery and in part because of the previous levels of delivery, the parties are agreed that there is either a significant or substantial shortfall of housing against the minimum local housing need over the current five-year period. This is the appropriate consideration to weigh in the planning balance in accordance with the *Hallam Land Judgment*.

Proposition 3 – the presumption in favour of sustainable development

- 1.8. The third proposition of the Council is that as the presumption in favour of sustainable development is engaged owing to the 5YLS shortfall, the 5YLS position will improve and as such the weight afforded to the provision of housing should be tempered. This is an entirely self-defeating proposition as it would suggest that the weight afforded to any 5YLS shortfall would necessarily be reduced owing to the consequences of a 5YLS shortfall.
- 1.9. Furthermore, the suggestion that the 5YLS position will improve in this area as a result of the application of the presumption in favour of sustainable development is unsupported by any evidence and even if this were the case the parties are agreed that the Council is unlikely to be able to demonstrate a 5YLS at least until the SWDPR is adopted.
- 1.10. As such, it would be expected that the provision of housing would be afforded greater weight in accordance with the *Hallam Land Judgment* owing to the agreed likely persistence of a shortfall. It would certainly be inappropriate to temper the weight afforded to the provision of housing in this context.

Proposition 4 – the SWDPR

- 1.11. The fourth proposition of the Council is that the weight afforded to the provision of housing should be tempered as the SWDPR provides a plan-led solution which will exceed the full objectively assessed need for housing according to the Council.

- 1.12. The parties are agreed that the SWDPR should be afforded only limited weight and accordingly any reliance placed upon this to remedy the existing situation should be limited as a starting point.
- 1.13. Furthermore, the evidence of the Council in support of the SWDPR demonstrates that the currently drafted SWDPR will not meet affordable housing needs by a substantial margin (with a shortfall of at least 6,680 homes) and as such the emerging SWDPR does not accord with national policy or national guidance and will not meet the full objectively assessed need for housing as suggested by the Council. This is one of the reasons why the SWDPR should be afforded only limited weight.
- 1.14. As a result, even if the SWDPR was found to be sound without modification, there would remain a substantial unmet need for affordable housing, which would again suggest that the weight afforded to proposals which respond to this need including the appeal proposals should if anything be increased rather than tempered.
- 1.15. Additionally, the SWDPR will not be adopted for some time to come, and only limited weight can be afforded to this. As such, there is and will remain no reliable plan-led solution to address the current shortfalls for some time even if the SWDPR proposed to meet housing needs (including affordable housing needs) in full.

Proposition 5 – affordable housing needs

- 1.16. The final proposition of the Council relies upon the adopted affordable housing requirement having been exceeded across the plan period to date to suggest that the weight afforded to the provision of housing should be tempered. This however takes no account of the consistency of the adopted affordable housing requirement with current national policy, the existing need for affordable housing, or whether affordable housing needs will be met in the future.
- 1.17. The adopted affordable housing requirement was based on the previous definition of affordable housing and so does not reflect the need for affordable housing as defined by current national policy. Indeed, the evidence of the Council to the SWDPR demonstrates that the adopted affordable housing requirement for 367 affordable homes per annum is substantially lower than the latest assessment which identifies a need for 906 affordable homes per annum into the future. Accordingly, whilst the adopted affordable housing



requirement may have been exceeded this provides no indication that affordable housing needs have been met.

1.18. Indeed, precisely the opposite has occurred. There are now 13,683 households with an unmet need for an affordable home across the plan area according to the evidence-base of the Council and a need to deliver 906 affordable homes per annum in the future, which the emerging SWDPR will fall substantially short of delivering (by at least 6,680 affordable homes).

1.19. Accordingly, it would be entirely inappropriate to temper the weight afforded to the provision of housing in this context. The only reasonable approach would be to afford greater weight.

Balancing these material considerations

1.20. When the propositions raised by the Council are considered in the round in light of all of the available evidence, it would clearly be inappropriate to temper the weight afforded to the provision of housing, and if anything given these additional material considerations it would be appropriate to increase the weight afforded, particularly owing to:

- i. The agreed extent of the current shortfall as set out in paragraph 2.14 of the Housing SoCG.
- ii. The agreed position that a 5YLS shortfall is likely to persist until at least the SWDPR is adopted as set out in paragraph 2319 of the Housing SoCG.
- iii. The already evident worsening 5YLS position as set out in paragraph 2.18 of the Housing SoCG.
- iv. The fact that there is a significantly greater need for housing as a minimum than that provided for by the Development Plan as set out in paragraph 2.10 of the Housing SoCG.
- v. The existing unmet need for 13,683 affordable homes across the plan area.
- vi. The substantial increase in the need for affordable housing (906 per annum) compared to that identified by and responded to in the adopted Development Plan (367 per annum).



- vii. The fact that according to the evidence of the Council, the emerging SWDPR without modification will be insufficient in addressing the need for affordable housing by a substantial margin with a shortfall of at least 6,680 affordable homes.



2. BACKGROUND

- 2.1. My name is Neil Tiley. I am an associate member of the Royal Town Planning Institute and have worked in the private sector for over 8 years. I currently hold the position of Senior Director having previously been a Director, an Associate Director and before that a Principal Planner at Pegasus Group.
- 2.2. Prior to this I was employed in Local Government for 11 years, including as a Planning Manager at Wiltshire Council for 5 years; as a Senior Planner at Wiltshire County Council for 2 years; as the Demographer at Wiltshire County Council for 2 years; and as a Senior Research Assistant responsible for monitoring and analysing housing completions and undertaking demographic modelling for 2 years.
- 2.3. I have a wealth of experience in assessing housing land supply, having been responsible for the production of such assessments and acting as an expert witness at the majority of housing land supply appeals in Wiltshire over the period 2009 to 2014. I have continued to regularly act as an expert witness dealing specifically with housing need and supply matters for Pegasus Group.
- 2.4. The evidence which I have prepared and provide for this appeal (APP/H1840/W/22/3305934) is true and has been prepared and is given in accordance with the guidance of my professional institution irrespective of by whom I am instructed, and I confirm that the opinions expressed are my true and professional opinions.

3. INTRODUCTION

- 3.1. This Proof of Evidence relates to a planning appeal for the demolition of existing stables and the erection of up to 102 dwellings, new vehicular and pedestrian access, and associated works at Land to the North of Droitwich Spa.

Context

- 3.2. In light of numerous appeal decisions, the Council accepted that a five-year land supply (5YLS) was unable to be demonstrated for the period 2021–26.
- 3.3. An updated assessment covering the period 2022–27 was then published, which concluded that a 5YLS was able to be demonstrated contrary to the expectations of the Council¹. However, I alerted the Council to the fact that this assessment contained a significant mathematical error which once corrected resulted in a 4.11-year land supply (y1s) rather than the 5.22y1s identified in the assessment. This error was acknowledged, and the updated assessment was withdrawn.
- 3.4. The Council have since worked to reassess the deliverable supply and an updated assessment is expected in the coming weeks. However, for the purposes of this appeal, the Council has helpfully shared a provisional draft of the updated assessment and the parties are agreed that this should be used for the purposes of this appeal in paragraph 2.13 of the Statement of Common Ground on Housing Need and Supply (subsequently referred to as the Housing SoCG).

Matters of Agreement

- 3.5. The parties have worked collaboratively and as is evident from the Housing SoCG agreement has been reached on the matters which are material.
- 3.6. In light of these agreed matters, I understand that the parties are agreed that the provision of housing arising from the appeal proposals should be afforded substantial weight and that developments that do not comply with Policy SWDP2 will need to be allowed to respond to

¹ The Council indicated to the Inspector at the Land and Stables to the West of Ivy Lane, Bretforton appeal that it was anticipated that a 5YLS would not be restored and as such did not propose to defend that appeal (subject to securing planning obligations).

housing needs as referenced in paragraph 2.23 of the Housing SoCG, although the merits of each individual proposal will need to be weighed in the appropriate planning balance.

Matters of Clarification

- 3.7. It should be noted that whilst consensus has been reached on the material matters, there remains one matter which is not agreed, namely the appropriate area of assessment. I consider that the 5YLS should be assessed in accordance with the Development Plan as required by the PPG (68-028) such that there is a 3.52y/ls for the purposes of paragraph 74 of the NPPF. However, the Council has consistently argued contrary to the Development Plan, the PPG and the consistent findings of s78 Inspectors that the 5YLS should be assessed across the entire plan area. South Worcestershire Councils have now changed their position and have set this out to another appeal², such that the Councils now assess the 5YLS across individual districts which remains inconsistent with the Development Plan, the PPG and the consistent findings of s78 Inspectors and results in a 3.68y/ls. Accordingly, assuming that the Council adopt a consistent position for the purposes of this appeal, the respective positions of the parties are that there is either a 3.52y/ls or a 3.68y/ls rather than the 3.52y/ls to 3.94y/ls identified in the paragraphs 4.10, 4.11 and 4.22 of the Proof of Evidence of Mr Instone. As the resultant positions are not materially different, I do not however propose to engage in this matter.
- 3.8. Since the Housing SoCG was agreed, I have however been provided a copy of Mr Instone's Proof of Evidence which raises a number of material considerations in paragraph 4.23 which are said to temper the weight to be afforded to the provision of housing. A brief response is considered necessary to provide some balance to these suggested material considerations. This Proof of Evidence is therefore focussed solely on these matters.

² The South Worcestershire Councils (including Wychavon District Council) have agreed to assess on a district basis according to the interim statement to another appeal included as an Appendix to this Proof.

4. DELIVERY TO DATE

4.1. The first point raised by Mr Instone is that:

“As set out in the Council’s Five Year Housing Land Supply Report September 2021 (core document 4.12), from the outset of the plan period in 1 April 2006 to 31 March 2021 there have been 19,492 total dwelling completions across South Worcestershire. This is significantly above the cumulative annual requirement for completions from 2006 which amount to 16,580 dwellings. This represents an ‘over-delivery’ of 2,921 dwellings (17.6%) against the cumulative annual requirement. I do not provide evidence on the counting of ‘over-delivery’ in 5-year housing land supply methodologies but it is a material consideration in the determination of this appeal that over the plan period to 2021 there has been an ‘over-delivery’ of 2,921 dwellings. Put simply, these are an additional 2,921 actual homes that have been delivered and are meeting the housing needs of local people over the plan period to date.”

4.2. Whilst it is true that the adopted housing requirement across South Worcestershire has been exceeded across the plan period to date, this does not serve to temper the weight afforded to the provision of housing for numerous reasons.

4.3. Firstly, the parties are agreed that the adopted housing requirement is significantly below the minimum local housing need as set out in paragraph 2.10 of the Housing SoCG, and so the exceedance against the adopted housing requirement provides no indication that housing needs have been met as would be required to provide for sustainable development according to paragraphs 7 and 8b of the NPPF. This measure does not therefore provide any indication that the weight afforded to the provision of housing should be tempered.

4.4. Secondly, previous levels of housing delivery are already accounted for in the standard method which is used to assess the 5YLS. Indeed, had fewer homes been delivered previously, then housing would now be less affordable, and the minimum local housing need of the standard method would be greater such that the 5YLS position would be lower. The 5YLS is therefore only as high as it is as a direct result of the previous levels of delivery. As such this consideration is already taken into account within the 5YLS calculation and cannot be used to temper the weight to be afforded to that 5YLS calculation as that would result in the same consideration being taken into account twice.

4.5. Thirdly, whilst it would be right to suggest that to date the policies of the Development Plan have been effective in exceeding the minimum housing requirement (which itself is significantly lower than the minimum need for housing), the policies are now wholly

ineffective in meeting the minimum housing need into the future as demonstrated by the 5YLS position. The supply of the Development Plan which was formulated on the basis of a housing requirement that was significantly too low has now been proved to be insufficient by a significant/substantial margin, such that it will be necessary to complement this supply through the development management process on sites that do not accord with Policy SWDP2. Accordingly, as would normally be the case in the context of a 5YLS shortfall it would be appropriate to reduce the weight afforded to any conflict with the Development Plan policies.

4.6. Furthermore, this proposition of the Council was comprehensively addressed in the recent Land at (OS 8349 4918), Old Hills, Callow End, Worcestershire appeal decision which has been released since Mr Instone prepared his Proof of Evidence. The Inspector concludes in paragraph 75 of this decision that:

“All of this leads me to a finding that there is no compelling evidence that the demonstrated over-provision of housing against the targets of the adopted plan should increase the weight to be attached to proposal’s conflict with Policy SWDP 2. Taking all of the above matters into account, I afford the conflict with Policy SWDP 2 moderate weight in my assessment.”

4.7. In summary, the record of delivery to date should not temper the weight afforded to the provision of housing owing to the fact that:

- i. the exceedance against a housing requirement which is significantly too low to meet the needs of households provides no indication that housing needs are being met as would be necessary to temper the weight afforded,
- ii. the record of delivery is already accounted for within the 5YLS calculation and to take account of this again as a separate material consideration would clearly not be appropriate,
- iii. the 5YLS is greater than it would be as a direct result of previous levels of delivery but notwithstanding this there remains a significant or substantial shortfall against the minimum housing need over the next five years as reflected in the 5YLS position,
- iv. the previous delivery of housing does not address this significant or substantial shortfall against the minimum housing need and so should not temper the weight afforded, and



- v. in this context, a recent s78 appeal decision in South Worcestershire has found the proposition of the Council to be misplaced.

5. HOUSING DELIVERY TEST

5.1. The second point raised by Mr Instone is that:

“With regard to more recent past delivery, the latest Housing Delivery Test measurements were published by the Department for Levelling Up, Housing and Communities on Friday 14 January 2022 (core document 10.1). This identifies that of the 3,281 homes required in the 2018–2021 period, 5,100 dwellings were delivered, giving the South Worcestershire Councils a joint HDT measurement for 2021 of 155%. This ‘over-delivery’ in housing within a shorter term 3 years period is also a material consideration. Actual homes have been delivered over and above the total number of homes that are required over the 3-year period and are meeting the housing needs of local people. Over both the shorter term and longer term timeframes, the number of homes delivered have exceeded the numbers required.”

5.2. This again seeks to temper the weight afforded to the provision of housing on the basis that previous levels of delivery have exceeded certain benchmarks and as such many of the points raised in the previous section are equally applicable here.

5.3. Firstly, the latest HDT results cover the period 2018–21 and are assessed against the adopted housing requirement for almost the entirety of this period³ which the parties are agreed is significantly below the minimum housing need. Furthermore, the HDT results include material adjustments⁴ to take account of the effects of the pandemic for 2019/20 and 2020/21 and as such are being assessed against a ‘requirement’ which is materially lower than the adopted housing requirement which itself is significantly less than the minimum local housing need. Accordingly, the HDT results provide no indication that housing needs have been met and should not temper the weight afforded to the provision of housing.

5.4. Secondly, as above, the levels of delivery over the period 2018–21 are already accounted for in the minimum local housing need of the standard method and the resultant HDT results already inform the buffer applied within the 5YLS calculations. To take account of these factors which are already accounted for within the 5YLS position again would clearly not be appropriate.

³ i.e. from 1st April 2018 to 25th February 2021 when the SWDP became more than five years old, and for the remaining 3 days against the minimum local housing need of the standard method.

⁴ These were reduced by 8% in 2019/20 and 33% in 2020/21.

- 5.5. Thirdly, as above, the parties are agreed that the Council has a significant or substantial 5YLS shortfall notwithstanding the previous levels of delivery. The fact that homes have been delivered and occupied provides no respite for those households unable to access the housing they need in the forthcoming five years and as such should not temper the weight afforded.
- 5.6. The HDT results were also taken into account in the recent Callow End appeal decision and formed part of the evidence that the Council responded to in paragraph 75 of the decision (quoted in the preceding section).
- 5.7. In summary, the HDT results should not temper the weight afforded to the provision of housing for the same reasons as identified in the previous section.

6. PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

6.1. The third point raised by Mr Instone is that:

“As set out in the Council’s Statement of Case, the Council has recently accepted that it cannot demonstrate a five-year supply of housing sites at the current time. Planning applications for housing developments are therefore currently being determined in accordance with paragraph 11d of the NPPF...

For instance, at the Council’s most recent planning committee on the 10th November 2022, in accordance with the Officer’s recommendation in the committee report (core document 10.2) the committee resolved to permit (the draft committee minutes are provided at core document 10.3) planning application reference 21/O2562/FUL for the Demolition of Outbuildings and the Development of 52 Dwellings, Public Open Space and Associated Infrastructure. This demonstrates that the members of the planning committee are in fact now responding positively to the need to apply the ‘tilted balance’.

These planning permissions which are being determined in accordance with tilted balance represent an uplift in the future supply of housing over and above the spatial strategy in the adopted Development Plan. Each of these planning permissions will of course need to be subject to the ‘deliverable’ test in context of footnote 8 and Annex 2 of the NPPF at the appropriate time for the purposes of the Council’s future Five Year Housing Land Supply Statements. However, notwithstanding this fact, these permissions will contribute to an uplift in future housing supply.” (emphasis added)

6.2. It is true that the presumption in favour of sustainable development is engaged and that as such planning permissions may be granted that otherwise would not have been, as is necessary to respond to the significant or substantial shortfall in the supply of housing to provide the minimum level of housing needed to provide for sustainable development.

6.3. However, it would be entirely self-defeating to temper the weight afforded to a 5YLS shortfall owing to the consequences of a 5YLS shortfall as Mr Instone proposes. In effect, Mr Instone is suggesting that there is a lesser need for housing as a direct result of the significant or substantial need for housing. Furthermore, Mr Instone draws two conclusions which are underlined above which would benefit from some clarification.

6.4. Firstly, as Mr Instone sets out, it is true that such permissions will represent an uplift over and above the spatial strategy in the adopted Development Plan. However, this must be viewed in the context that the adopted Development Plan falls significantly short of meeting the minimum need for housing. Therefore, notwithstanding this ‘uplift’ the policies of the

Development Plan will remain ineffective in meeting housing needs as is evident from the current absence of a 5YLS and the agreed position in paragraph 2.19 of the subsequently agreed SoCG that the Council is likely to remain unable to demonstrate a 5YLS at least until the SWDPR is adopted.

- 6.5. Secondly, whilst it is true that the consequence of the application of the presumption in favour of sustainable development is that the 5YLS in the future is likely to be greater than it would otherwise have been in the absence of such approvals, this does not mean that the 5YLS position will necessarily improve from the current position.
- 6.6. Indeed, the parties are now agreed that the Council is likely to remain unable to demonstrate a 5YLS at least until the SWDPR is adopted in paragraph 2.19 of the Housing SoCG and there is no evidence to suggest that the 5YLS will improve. In this context, it is and will remain necessary to allow additional planning applications and appeals to respond to the minimum local housing needs and to provide for sustainable development.
- 6.7. In summary, it would be incorrect and circular to temper the weight afforded to the 5YLS shortfall owing to the consequences of a 5YLS shortfall. Furthermore, the parties are agreed that there will remain a need for additional housing to restore a 5YLS at least until such time as the SWDPR is adopted and accordingly it would not be appropriate to temper the weight afforded to the provision of housing as the evidence suggests that a shortfall will persist. Indeed, in accordance with the *Hallam Land Judgment*, given that it is agreed that a shortfall is likely to persist it would be appropriate to afford greater weight.

7. THE SWDPR

7.1. The fourth point raised by Mr Instone is that:

“The SWDPR is progressing and the Regulation 19 Plan is currently subject to consultation. Emerging Policy SWDPR O2 identifies that the Standard Method Housing Requirement Output for the development plan period 2021–2041 is 25,860 dwellings and the total housing requirement is 26,360. Taking account of Outstanding Deliverable SWDP Allocations (as of March 2021), commitments (as at March 2021 with a 5% lapse rate) and contributions from Windfall Allowance, Table 1 of the SWDPR identifies an emerging Net Housing Requirement of 11,000 dwellings. Against this Net Housing Requirement, the Emerging SWDPR identifies 13,240 units of Proposed New Housing Allocations. These emerging allocations represent a surplus of 2,240 dwellings (20.4%) over and above the Total Housing Requirement up to 2041. It is accepted that the emerging SWDPR will be subject to consultations and an Examination in Public and the SWDPR and the Emerging Plan can only be afforded limited weight in the decision-making at the current time.

However, it is a material consideration in the determination of this current appeal, that there is plan-led strategy which is being positively prepared to meet, and indeed exceed, the area’s objectively assessed housing needs.”

7.2. It is surprising that Mr Instone sets such great stall on the emerging SWDPR as to temper the weight afforded to the provision of housing, given that Mr Instone acknowledges that the SWDPR should only be afforded limited weight. The obvious consequence of this is that the weight afforded to the SWDPR in remedying the current position is limited and should not be relied upon to any great (or even moderate) extent.

7.3. Nevertheless, even if sufficient weight were to be afforded to the SWDPR the proposition of Mr Instone would be misplaced for at least two reasons.

7.4. Firstly, the Council suggest that the SWDPR will be submitted for examination in early 2023 and then adopted in October 2023. This is unrealistic to say the least. By way of example, the adopted SWDP was submitted for examination in May 2013 and was adopted almost three years later in February 2016. In any event, there will be no plan-led remedy to addressing the significant or substantial unmet need for housing for at least almost a year but realistically 2 or 3 years. In such circumstances, in the absence of any plan-led solution that can be afforded any more than limited weight for some time, it would not be appropriate to temper the weight afforded to the provision of housing in my opinion.



- 7.5. Secondly, Mr Instone suggests that the SWDPR will exceed the area's objectively assessed housing needs. This is simply incorrect.
- 7.6. The proposed housing requirement of Policy SWDPRO2 reflects the minimum local housing need of the standard method with an additional allowance of 500 homes to contribute to the unmet needs of neighbouring Tewkesbury Borough. The proposed housing requirement does not however take any account of the need for affordable housing.
- 7.7. It can be calculated from Policy SWDPRO2 that the SWDPR identifies housing commitments and proposes allocations sufficient to deliver 28,600 homes. Emerging Policy SWDPR18 proposes that between 20% and 40% of the homes delivered will be provided as affordable housing. Therefore, even assuming that every scheme is able to deliver a policy-compliant level of affordable housing, the SWDPR will deliver somewhere between 5,720 and 11,440 affordable homes.
- 7.8. Paragraph 4.28 of the Malvern Hills, Worcester City and Wychavon Strategic Housing Market Assessment 2021 Update (subsequently referred to as the SHMA) identifies a net need for 906 affordable homes per annum, which equates to 18,120 affordable homes over the plan period. Accordingly, even if every home was delivered on a greenfield site or five or more homes and so was required to provide 40% affordable housing which would result in the delivery of 11,440 affordable homes, the SWDPR would provide 6,680 fewer affordable homes than are needed. In reality the shortfall will be substantially greater.
- 7.9. The proposed strategic policies of the SWDPR therefore fall a very long way short of making sufficient provision for housing including affordable housing as required by paragraph 20a of the NPPF. In such circumstances, the PPG (2a-024) sets out that:

“An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.”

- 7.10. The available evidence therefore demonstrates that:
- i. the emerging SWDPR does not meet the full objectively assessed need for housing as suggested by Mr Instone,
 - ii. the emerging SWDPR does not comply with paragraph 20a of the NPPF,



iii. a substantial amount of additional housing will be required to better respond to the need for affordable housing within the plan area than proposed by the SWDPR.

7.11. This is one of many considerations which bear upon the weight to be afforded to the SWDPR.

7.12. It would plainly be incorrect to temper the weight to be afforded to the provision of housing owing to the emerging SWDPR which the parties are agreed should be afforded limited weight, which will not be adopted for some time to come, which does not even propose to address the full objectively assessed need for housing (including affordable housing), which does not comply with national policy and which is likely to be the subject of substantial objections, all of which will remain to be resolved either prior to submission or through the course of the examination.

7.13. Furthermore, even if the proposed housing requirement were to be found sound without modification such that it would then be afforded full weight, there would remain a substantial unmet need for affordable housing (of in excess of 6,680 homes) which could only be addressed through the approval of housing developments that would not comply with the SWDPR and as such the weight afforded to the provision of housing arising from such developments would be heightened.

7.14. In summary, the parties are agreed that the SWDPR should only be afforded limited weight and as such this should not materially temper the weight afforded to the provision of housing even if it offered a timely plan-led remedy to the current position and it proposed to meet the full objectively assessed need for housing. However, in reality, the adoption of the SWDPR remains a distance off and provides no remedy to the shortfall in the interim, and in any event the SWDPR does not propose to meet the full objectively assessed needs contrary to national policy such that even were it to be afforded sufficient weight there would remain a demonstrable and substantial need for additional housing to address the substantial shortfall of affordable housing. In this context, it would be inappropriate to temper the weight afforded to the provision of housing at all.

8. AFFORDABLE HOUSING NEEDS

8.1. The final point raised by Mr Instone is that:

“Table P.4 in Appendix 1 at page 54 of the South Worcestershire Council’s Annual Monitoring Report dated March 2021 (core document 4.17) shows the number of affordable housing completions by area in the 2019/20 period and since the start plan period 2006/07. The Table shows that there were 2,441 affordable housing completions from the start of the plan period in 2006/2007 until the 2019/2020 annual monitoring year in the Wychavon sub-area (excluding the Wychavon Wider Worcester Sub-Area). Whilst there is no annual target for the delivery of affordable housing in the adopted SWDP, if the affordable housing required in policy 4b (i) of policy SWDP 3 for Wychavon excluding the Wider Worcester Sub-Area is annualised (3,300/24) this would provide an annual ‘requirement’ figure of 137.5 dwellings, which over the 14 years would generate a pro-rata affordable housing ‘requirement’ of 1,918 dwellings. The 2,441 affordable housing completions therefore represent an ‘over-delivery’ of 523 affordable dwellings from the start of the plan period to the 2019–2020 monitoring year. Therefore, over the plan period, the number of affordable homes delivered have exceeded the numbers ‘required’. Again, put simply, these are an additional 523 actual affordable homes that have been delivered and are meeting the housing needs of local people over the plan period to date.”

8.2. As with the first two propositions, this is entirely reliant upon previous delivery and pays no regard to the fact that there is no evidence that (in this case) affordable housing needs will be met in the future.

8.3. Furthermore, whilst the requirement within the adopted Development Plan may have been exceeded, this does not necessarily indicate that affordable housing needs have been met. This is particularly the case given that the policy requirement was formulated on the basis of the definition of an affordable home at the time it was prepared, which has since been expanded to include low-cost market housing and starter homes and as such the number of households now falling with the assessment of affordable housing need will be greater.

8.4. The fact that the adopted policy requirement falls short of reflecting the current need for affordable housing is evident from the fact that the policy requirement sought the net delivery of 8,800 affordable homes across the period 2006–30 or 367 per annum, whereas the latest SHMA identifies a net need for 906 affordable homes per annum. Therefore, the evidence in South Worcestershire clearly demonstrates that notwithstanding the exceedance of the policy requirement, there is now a far greater need for affordable housing.



- 8.5. Indeed, on page 120 the latest SHMA suggests that notwithstanding the exceedance of the policy requirement there are currently 13,863 households in need of affordable housing in the plan area.
- 8.6. In such circumstances, given the existing substantial unmet need for affordable housing and the substantial unmet need for affordable housing into the future, it would not be appropriate to temper the weight afforded to the provision of housing on this basis as Mr Instone seeks to do. Indeed, it would be appropriate to do precisely the opposite.

9. CONCLUSIONS

- 9.1. The parties have worked collaboratively, and all of the material issues have been agreed within the Housing SoCG.

Points raised by the LPA

- 9.2. Notwithstanding the above, the Council has raised five propositions which they consider temper the weight afforded to the provision of housing albeit that the Council still affords substantial weight to the provision of housing. It is therefore unlikely that these five propositions will be material, but in order to be comprehensive these are briefly addressed within this Proof of Evidence.
- 9.3. The five propositions of the Council omit certain considerations and once they are assessed in the round, the available evidence suggests that it would be entirely inappropriate to temper the weight afforded to the provision of housing and if anything, the weight should be increased.

Propositions 1 and 2 – the record of delivery

- 9.4. The first two propositions of the Council appear to suggest that as the minimum adopted housing requirement and the minimum 'requirement' of the Housing Delivery Test have been exceeded, the weight afforded to the provision of housing should be tempered from that which would arise on the basis of a 3.52 or 3.68y/ls elsewhere. This is incorrect, as previous levels of housing delivery are already factored into the minimum local housing need of the standard method and so are already taken into account in the 3.52 or 3.68y/ls. To reduce or increase the weight afforded on this basis would be to incorrectly take into account a material consideration twice.
- 9.5. Furthermore, the parties are agreed that the adopted minimum housing requirement and by extension the minimum 'requirement' of the Housing Delivery Test are significantly below the minimum local housing need. As such the exceedance against these provides no indication that housing needs have been met and provides no justification for tempering the weight afforded to the provision of housing.
- 9.6. Notwithstanding the previous levels of delivery and in part because of the previous levels of delivery, the parties are agreed that there is either a significant or substantial shortfall of

housing against the minimum local housing need over the current five-year period. This is the appropriate consideration to weigh in the planning balance in accordance with the *Hallam Land Judgment*.

Proposition 3 – the presumption in favour of sustainable development

- 9.7. The third proposition of the Council is that as the presumption in favour of sustainable development is engaged owing to the 5YLS shortfall, the 5YLS position will improve and as such the weight afforded to the provision of housing should be tempered. This is an entirely circular proposition as it would suggest that the weight afforded to any 5YLS shortfall would necessarily be reduced owing to the consequences of a 5YLS shortfall.
- 9.8. Furthermore, the suggestion that the 5YLS position will improve in this area as a result of the application of the presumption in favour of sustainable development is unsupported by any evidence and even if this were the case the parties are agreed that the Council is unlikely to be able to demonstrate a 5YLS at least until the SWDPR is adopted.
- 9.9. As such, it would be expected that the provision of housing would be afforded greater weight in accordance with the *Hallam Land Judgment* owing to the agreed likely persistence of a shortfall. It would certainly be inappropriate to temper the weight afforded to the provision of housing in this context.

Proposition 4 – the SWDPR

- 9.10. The fourth proposition of the Council is that the weight afforded to the provision of housing should be tempered as the SWDPR provides a plan-led solution which will exceed the full objectively assessed need for housing according to the Council.
- 9.11. The parties are agreed that the SWDPR should be afforded only limited weight and accordingly any reliance placed upon this to remedy the existing situation should be limited as a starting point.
- 9.12. Furthermore, the evidence of the Council in support of the SWDPR demonstrates that the currently drafted SWDPR will not meet affordable housing needs by a substantial margin (with a shortfall of at least 6,680 homes) and as such the emerging SWDPR does not accord with national policy or national guidance and will not meet the full objectively assessed need for housing as suggested by the Council. This is one of the reasons why the SWDPR should be afforded only limited weight.

- 9.13. As a result, even if the SWDPR was found to be sound without modification, there would remain a substantial unmet need for affordable housing, which would again suggest that the weight afforded to proposals which respond to this need including the appeal proposals should if anything be increased rather than tempered.
- 9.14. Additionally, the SWDPR will not be adopted for some time to come, and only limited weight can be afforded to this. As such, there is and will remain no reliable plan-led solution to address the current shortfalls for some time even if the SWDPR proposed to meet housing needs (including affordable housing needs) in full.

Proposition 5 – affordable housing needs

- 9.15. The final proposition of the Council relies upon the adopted affordable housing requirement having been exceeded across the plan period to date to suggest that the weight afforded to the provision of housing should be tempered. This however takes no account of the consistency of the adopted affordable housing requirement with current national policy, the existing need for affordable housing, or whether affordable housing needs will be met in the future.
- 9.16. The adopted affordable housing requirement was based on the previous definition of affordable housing and so does not reflect the need for affordable housing as defined by current national policy. Indeed, the evidence of the Council to the SWDPR demonstrates that the adopted affordable housing requirement for 367 affordable homes per annum is substantially lower than the latest assessment which identifies a need for 906 affordable homes per annum into the future. Accordingly, whilst the adopted affordable housing requirement may have been exceeded this provides no indication that affordable housing needs have been met.
- 9.17. Indeed, precisely the opposite has occurred. There are now 13,683 households with an unmet need for an affordable home across the plan area according to the evidence-base of the Council and a need to deliver 906 affordable homes per annum in the future, which the emerging SWDPR will fall substantially short of delivering (by at least 6,680 affordable homes).
- 9.18. Accordingly, it would be entirely inappropriate to temper the weight afforded to the provision of housing in this context. The only reasonable approach would to be afford greater weight.

Balancing these material considerations

9.19. When the propositions raised by the Council are considered in the round in light of all of the available evidence, it would clearly be inappropriate to temper the weight afforded to the provision of housing, and if anything given these additional material considerations it would be appropriate to increase the weight afforded, particularly owing to:

- viii. The agreed extent of the current shortfall as set out in paragraph 2.14 of the Housing SoCG.
- ix. The agreed position that a 5YLS shortfall is likely to persist until at least the SWDPR is adopted as set out in paragraph 2.19 of the Housing SoCG.
- x. The already evident worsening 5YLS position as set out in paragraph 2.18 of the Housing SoCG.
- xi. The fact that there is a significantly greater need for housing as a minimum than that provided for by the Development Plan as set out in paragraph 2.10 of the Housing SoCG.
- xii. The existing unmet need for 13,683 affordable homes across the plan area.
- xiii. The substantial increase in the need for affordable housing (906 per annum) compared to that identified by and responded to in the adopted Development Plan (367 per annum).

The fact that according to the evidence of the Council, the emerging SWDPR without modification will be insufficient in addressing the need for affordable housing by a substantial margin with a shortfall of at least 6,680 affordable homes.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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