



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL BY DAVID WILSON HOMES LIMITED

OUTLINE APPLICATION FOR UP TO 150 DWELLINGS, TOGETHER
WITH NEW OPEN SPACE, LANDSCAPING, AND DRAINAGE
INFRASTRUCTURE, WITH ALL MATTERS RESERVED EXCEPT FOR
ACCESS

(AS AMENDED TO INCLUDE PROPOSED JUNCTION IMPROVEMENT
WORKS AT BARKBY ROAD CROSS ROADS, RECEIVED 20/05/2022)

BARKBY ROAD, QUENIBOROUGH

PLANNING APPLICATION REF: P/20/2380/2

APPEAL REFERENCE: APP/X2410/W/23/3316574

CHARNWOOD BOROUGH COUNCIL

PROOF OF EVIDENCE
(Housing Land Supply)

1. Personal

- 1.1 My name is Michael Hopkins. I have a Bachelors Degree in Ecology, a Masters Degree in Landscape Development and Planning and a Doctorate in Urban Morphology and Ecology, and am an Affiliate Member of the Royal Town Planning Institute. I am currently employed as a Principal Planning Officer and have worked in the Local Plans Team at Charnwood Borough Council since June 2019. Previously I worked for the Borough Council in various governance roles, including as Deputy Monitoring Officer, and have been continuously employed by the Borough Council since September 2003.
- 1.2 The evidence that I have prepared and provided for this appeal in this Proof of Evidence is true and has been prepared and is given in accordance with the Royal Town Planning Institute's Code of Professional Conduct. I can confirm that the opinions expressed are my professional opinions.

2. Introduction

- 2.1 This document sets out the Council's approach to calculating the need for housing and the available supply of housing land to meet that need. It provides details of the relevant national policy and guidance and explains how this has been followed (sections 4 and 5). The document also provides information about the emerging replacement Local Plan in order to highlight some differences in how housing need has been calculated for the purposes of the new Local Plan (section 6). It remains a matter for the Local Plan Inspectors whether the plan is sound or not.
- 2.2 The Council is still in the process of preparing its housing land supply position as of 1st April 2023 and this proof is therefore incomplete in terms of actual numbers. It is anticipated that the position will be a supply of approximately 4 years. The Council is working towards being in a position to publish the new position by the end of May 2023 and intends to provide an updated proof of evidence at the same time. Items that remain to be updated are marked 'TBC' in the text.

3. Development Plan Background

- 3.1 The adopted Local Plan for Charnwood is made up of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) and the saved policies from the Borough of Charnwood Local Plan (2004). The Core Strategy was adopted on 9th November 2015 and is therefore more than five years old.
- 3.2 The replacement Charnwood Local Plan 2021-37 is well advanced. Following consultation in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) Regulations 2012, the draft plan was submitted to the Secretary of State for examination on 3rd December 2021. Examination hearing sessions took place between June 2022 and February 2023 and have been concluded.

3.3 The Council's most recent Local Development Scheme was published in April 2023 and sets out an expected adoption date for the new Local Plan of September 2023, based on receiving the Inspectors' report in July 2023. The Council is currently waiting to hear from the Inspectors regarding the next steps. This has been delayed by the Planning Inspectorate's moratorium on correspondence relating to local plans in the pre-election period. It is therefore likely that adoption would be later in 2023 than indicated in the Local Development Scheme but is still expected to be before the end of the year.

4. Policy and Guidance on the Five Year Housing Land Supply

National Planning Policy Framework (NPPF)

4.1 Paragraph 74 of the NPPF states (with relevant footnotes):

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old³⁹.

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

- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan⁴⁰, to account for any fluctuations in the market during that year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply⁴¹.”

³⁹ Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

⁴⁰ For the purposes of paragraphs 74b and 75 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October in the same year.

⁴¹ This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

4.2 The NPPF glossary provides the following definition of what can be considered a deliverable site.

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

Planning Practice Guidance

4.3 Further guidance is provided in the Planning Practice Guidance as follows:

“What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

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

“Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;

- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

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

Paragraph: 007 Reference ID: 68-007-20190722”

- 4.4 In terms of plan making, the Planning Practice Guidance states that “strategic policies should identify a 5 year housing land supply from the intended date of adoption of the plan”. (Paragraph: 004 Reference ID: 68-004-20190722)

Consultation on Changes to the NPPF

- 4.5 In December 2022 the Government began a consultation on proposed changes to the NPPF, including a tracked changes version of proposed amendments (Core Document CD 8.21) which ran until 2nd March 2023. Should the proposed changes in relation to planning for housing be implemented they would have a significant effect on how the housing land supply is calculated, when a five year supply of housing land is required to be demonstrated and when a four year supply of housing land is required to be demonstrated. At this time the proposed changes do not carry any weight.

5. Calculating the Five Year Housing Land Supply Position at 1st April 2023

Number of Homes Required

- 5.1 In accordance with paragraph 74 of the NPPF, as the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) is more than five years old the Borough’s five year housing supply requirement is provided by the local housing need calculated using the standard method. For 2023/24 this is 1,105 homes per year.
- 5.2 The Planning Practice Guidance states that where the standard method for assessing local housing need is used there is no need to consider past under delivery in establishing the local housing need figure. This is because the standard method already factors in past under delivery as part of the affordability ratio part of the calculation (Paragraph 031 Reference ID: 68-031-20190722).

5.3 In accordance with paragraph 74 of the NPPF, the appropriate buffer to add to this figure is 5%. The Council's most recent Housing Delivery Test result is for 2021 (data released January 2022) and was 145% and the Council is not seeking to produce an annual position statement.

5.4 The resulting calculation is as follows:

	Housing supply position as at 1st April 2023	Total
a	Annual housing requirement	1,105
b	Number of dwellings required for five years 1 April 2023 to 31 March 2028 (1,105 x five years).	5,525
c	5% buffer (rounded up) to ensure choice and competition in the market for land (National Planning Policy Framework paragraph 74 a).	277
d	Total number of dwellings required for five years 1 April 2023 to 31 March 2028 (b + c)	5,802

Process for Identifying Supply of Deliverable Sites

5.5 The process used for identifying deliverable sites is as follows using a cut-off date of 31st March 2023. Any new permissions granted on and since 1st April 2023 are not included in this assessment.

- (i) identify outstanding outline and detailed planning permissions, and appeals allowed and planning approvals subject to the signing of a Section 106 agreement, on sites of less than 10 homes
- (ii) identify other outstanding detailed planning permissions, and appeals for detailed permission allowed and detailed planning approvals subject to the signing of a Section 106 agreement,
- (iii) exclude from groups i and ii those sites where there is evidence that there is not a reasonable prospect of delivery within the next five years
- (iv) identify other outstanding outline planning permissions, and appeals for outline permission allowed and outline planning approvals subject to the signing of a Section 106 agreement, on sites of 10 homes or more
- (v) obtain evidence from site promoters regarding the delivery of sites in group iv and exclude from group iv those sites where evidence does not demonstrate a reasonable prospect of delivery within the next five years
- (vi) identify outstanding planning permissions that will result in a loss of homes within the next five years.

5.6 In accordance with the Planning Practice Guidance (paragraphs 034 Reference ID: 68-034-20190722 and 035 Reference ID: 68-035-20190722) the Council has included accommodation for students and older people in the calculation of supply. These sites are set out below and the yield of equivalent homes has been calculated as follows:

Site	Bedspaces	Conversion Rate	Equivalent Homes
TBC			
TBC			
TBC			

5.7 The Council has not included any Brownfield Register sites or an allowance for windfalls in the calculation of supply. The Council considered the deliverability of each site separately at steps iii and v and has therefore not applied a general lapse rate to all sites.

Obtaining Supporting Evidence

5.8 In order to provide evidence of deliverability, the developers of all major development sites with planning permission (i.e., permission for 10 or more homes) were contacted and asked to provide information about lead in times and build out rates. This information was supplemented by similar information collected in relation to proposed housing allocations for the Charnwood Local Plan 2021-2037 examination and evidence of past performance for lead in times and build out rates for sites of particular sizes.

5.9 For major development sites with detailed permission and where no further information was provided by developers, the delivery rates were identified using past delivery performance on that particular site where construction had begun. For those major development sites with detailed permission where construction work had not started, any information provided by promoters and the general assumptions for lead in times and build out rates for sites of that size were applied.

5.10 For major development sites with outline permission the same approach was used as for major development sites with detailed permission except that where no information was provided from developers the sites were not considered to meet the definition of deliverable.

5.11 The evidence for lead in times, i.e., the period from when a site was granted permission to the start of construction of the first plot on site, and build out rates for major development was submitted to the local plan examination as part of the Council's matters statements. The relevant tables are included in Appendix A.

5.12 For sites with planning permission which do not involve major development (i.e., on sites with less than 10 homes), the general assumptions for lead in times and build out rates which have been used are three years from the decision date when a site was granted permission (this applied only for sites where construction work has not started) for lead in times and 5 homes per year for build out rates.

Supply of Deliverable Sites

5.13 The sites that have been identified and the projected housing delivery trajectory are set out in Appendix B. This includes all the sites identified in steps i, ii and iv, with those excluding from being considered as deliverable in steps iii and v shown as providing no homes between 1st April 2023 and 31st March 2028. The corresponding position from 1st April 2022 is a Core Document (CD 8.22).

5.14 The resulting calculation is as follows:

Housing supply position as at 1st April 2023	Total
Outstanding planning permissions on sites of less than 10 homes	TBC
Other outstanding detailed planning permissions (excluding those sites where there is not a reasonable prospect of delivery within the next five years)	TBC
Other outstanding outline planning permissions (excluding those sites where evidence does not demonstrate a reasonable prospect of delivery within the next five years)	TBC
Outstanding planning permissions that will result in a loss of homes over the next five years	TBC
Estimated supply of deliverable sites for five years from 1st April 2023 to 31st March 2028	TBC

5.15 Comparing the supply of deliverable of homes against the requirement figure, including buffer, gives a housing land supply of TBC years as shown below.

	Housing supply position as at 1st April 2023	Total
a	Annual housing requirement	1,105
b	Number of dwellings required for five years 1 April 2023 to 31 March 2028 (1,105 x five years).	5,525
c	5% buffer (rounded) to ensure choice and competition in the market for land (National Planning Policy Framework paragraph 74 a).	277
d	Total number of dwellings required for five years 1 April 2023 to 31 March 2028 (b + c)	5,802
e	Estimated supply of deliverable sites for five years from 1st April 2023 to 31st March 2028 (taken from table above)	TBC
f	Surplus over requirement (e - d).	TBC
g	Annual housing target (d divided by five years) (rounded).	TBC
h	Number of years supply (e divided by g)	TBC

6. Emerging Local Plan

- 6.1 As set out in section 2, the following section provides information on how the issues of housing need and housing land supply were considered during the examination of the new Local Plan. At this stage it is only possible to explain the current position and to indicate that the Council is seeking to move to a position of having a five year supply of housing land by the end of 2023. It is, however, for the two Inspectors examining the plan to conclude whether it is sound on the basis that a five year supply of housing land can be demonstrated on adoption of the plan.
- 6.2 The submission draft of the Charnwood Local Plan 2021-37 used the standard method to calculate the local housing need. Using the figures published in 2021, this produced a local housing need of 1,111 homes per year (17,776 homes over the plan period). In accordance with paragraph 008 Reference ID: 2a-008-20190220 of the Planning Practice guidance this figure can be used for two years from the date of submission of the plan, in this case December 2021.
- 6.3 During the course of the examination it was proposed that the Borough's housing need should be increased to incorporate its apportionment of Leicester's unmet need for housing identified in the Leicester and Leicestershire Housing and Economic Needs Assessment June 2022 (Core Documents CD5.16 and CD5.17) and the Leicester and Leicestershire Authorities Statement of Common Ground Relating to Housing and Employment Land Needs June 2022 (Core Document CD5.15). These identified that the apportionment to Charnwood should be 78 homes per year.
- 6.4 The scale of that unmet need and its apportionment were considered at hearing sessions held on 25th and 26th October 2022. The Inspectors concluded that the examination would proceed on the basis of the Housing and Economic Needs Assessment and the Statement of Common Ground. As a result, the local housing need for the purposes of the local plan is 1,189 homes per year (19,024 homes over the plan period).
- 6.5 The local plan examination hearing sessions concluded with three weeks of hearings in February 2023 which included sessions on Assessment of Housing Need, the Housing Requirement and Mix and Choice of Housing (8th February), Urban Area Policies, Site Selection, Sustainable Urban Extensions and Housing Site Allocations (14th, 15th and 16th February) and Housing Land Supply (16th and 17th February). The Council is currently waiting to receive a letter from the Inspectors setting out the next steps. That letter is expected during the week commencing 22nd May 2023.

7. Conclusion

- 7.1 The Council's housing land supply position as at 1st April 2023 is TBC years.

7.2 The Charnwood Local Plan 2021-37 is currently being examined. In order to be found sound the plan would have to demonstrate that there would be a five year supply of housing land on its adoption. Should the Inspectors conclude that the plan can be made sound through main modifications, it is anticipated that adoption would be before the end of 2023.

Michael Hopkins
23rd May 2023

APPENDIX A – Extract from Local Plan Examination Matter 7 Statement Regarding Lead In Times and Delivery Rates

7.1.2 The first table sets out recent performance for the delivery of housing sites of different sizes in Charnwood. It shows that there is no significant impact arising from the size of development on delivery when the outline and reserved matters route is used. Adding on 6 months to move from first starts on dwellings to first completions would give an overall time from submission of an outline planning application to first completions of approximately 42 months.

Site Size	Avg. Time from submission to Outline permission	Avg. Time from outline permission to Reserved Matters Permission	Average Site preparation ground works	Avg. Time from Outline submission to first dwelling start	Average build out rates per annum	Average sales outlets
10- 50 dwellings	16 months	16 months	7 months	39 months	24	1
51- 200 dwellings	14 months	14 months	7 months	35 months	36	1
201+ dwellings	10 months	23 months	3 months	36 months	48	1

7.1.3 The second table, below, provides a comparison with housing proposals the subject of applications for full planning permission.

Site Size	Avg. Time from submission to Detail only permission	Average Site preparation ground works	Avg. Time from Detail submission to first dwelling start	Average build out rates per annum	Average sales outlets
10- 50 dwellings	13 months	4 months	17 months	24	1
51- 200 dwellings	13 months	13 months	26 months	36	1
201+ dwellings	N/A	N/A	N/A	N/A	N/A