

LAND AT PURTON ROAD, SWINDON

HOUSING LAND SUPPLY APPENDIX TO THE STATEMENT OF CASE

ON BEHALF OF BEEHCROFT LAND LIMITED

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PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

1. INTRODUCTION

1.1 This Appendix to the Statement of Case sets out the Appellant's position on various housing need and land supply matters which are material to the determination of the appeal.

1.2 These matters include:

- 1) The implications of the Council's inability to demonstrate a five-year land supply for the purposes of paragraph 73 of the NPPF;
- 2) The extent of the five-year land supply shortfall;
- 3) The period over which the Council will remain unable to demonstrate a five-year land supply;
- 4) The ability of the Council to demonstrate a five-year land supply against the adopted housing requirement which is material to the weight afforded to policies and to the distribution of the need for additional housing;
- 5) The weight afforded to a five-year land supply shortfall by other decision-takers on the basis of either party's position;
- 6) The balance of affordable housing need and supply; and
- 7) The real-world effects of the housing and affordable housing land supply position.

1.3 It is the Appellant's intention to seek agreement on these matters through the preparation of a Statement of Common Ground.

2. THE IMPLICATIONS OF THE COUNCIL'S FIVE-YEAR LAND SUPPLY POSITION

2.1 The adopted housing requirement of the Wiltshire Core Strategy is now more than five-years old such that for the purposes of paragraph 73 of the NPPF the five-year land supply is assessed against the minimum local housing need identified by the standard method.

2.2 The Council acknowledges that it is currently unable to demonstrate a five-year land supply against the minimum local housing need. Footnote 7 and paragraph 11d of the NPPF are therefore engaged such that:

- the policies which are most important for determining the appeal are to be considered to be out-of-date; and
- planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits¹.

¹ Providing the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal.

3. THE EXTENT OF THE FIVE-YEAR LAND SUPPLY SHORTFALL

Introduction

- 3.1 As set out in paragraphs 51 and 52 of the Court of Appeal Judgment of *Hallam Land Management Ltd vs the Secretary of State for Communities and Local Government et al* [2017] EWCA 2865 (Admin), both the extent of the shortfall and the length of time this is likely to persist may be material to both the weight afforded to restrictive policies and to the benefits arising from the provision of additional housing.
- 3.2 The Council currently identify a **4.56 year land supply** across Wiltshire over the period 2019-24 with **a shortfall of 928 homes**, based on a five-year requirement for 10,533 homes and a deliverable supply of 9,605 homes.

The five-year requirement

- 3.3 The Council's latest assessment of the five-year land supply covers the period 2019-24. It is therefore necessary to calculate the minimum local housing need in 2019 to ensure that the deliverable supply over the subsequent five-years responds to the requirement at the base-date.
- 3.4 The standard method for determining the local housing need is calculated using the projected average household growth over 10 consecutive years² with an affordability uplift applied based on the median workplace based house price to income ratio from the preceding calendar year³ and in some cases a cap is applicable⁴.
- 3.5 The projected average household growth over the period 2019-29 in Wiltshire was 1,497.2 households per annum. In 2018, the median workplace based affordability ratio in Wiltshire was 9.82 which produces for an affordability uplift of 36.4%. This provides for a minimum local housing need for 2,041.8 homes per annum from 2019 onwards.

² As set out in the PPG (2a-004).

³ As set out in paragraphs 12 and 15 of the Housing Delivery Test: Measurement Rule Book.

⁴ But not in Wiltshire as the uncapped minimum local housing need is marginally below the adopted housing requirement.

- 3.6 Over a five-year period this would equate to a need for 10,209 homes. Once the 5% buffer required by paragraph 73 of the NPPF is applied this results in a five-year requirement for 10,719 homes.
- 3.7 The Council however identify a five-year requirement for only 10,533 homes owing to the fact that as is evident from Table 2b of the December 2020 Housing Land Supply Statement the standard method has been calculated for 2020⁵ rather than for 2019.
- 3.8 This means that the Council has assessed the supply over the period 2019-24 against the housing need which applied in 2020. Such an approach is not only illogical it does not accord with the PPG (68-003) which requires that:

"The purpose of the 5 year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement set out in adopted strategic policies for the next 5 years. Where strategic policies are more than 5 years old, or have been reviewed and found in need of updating, local housing need calculated using the standard method should be used in place of the housing requirement." (emphasis added)

- 3.9 The PPG (68-031) also identifies that the standard method factors in past delivery and so the standard method that applied in 2020 already takes account of the levels of delivery in 2019/20 according to national guidance. It would therefore be perverse to assess the supply over the period 2019-24 which includes the supply in 2019/20 against a requirement which is informed by the supply in 2019/20.
- 3.10 Against the five-year requirement which applied at the base-date namely 10,719 homes, the deliverable supply identified by the Council of 9,605 homes would equate to a **4.48 year land supply** with a **shortfall of 1,114 homes**.

The deliverable supply

- 3.11 As the Council accepts that it is unable to demonstrate a five-year land supply, it is not considered necessary to undertake a comprehensive review of the deliverable supply for the purpose of this appeal. However, based on a high-level review of

⁵ As it is based on the average household growth from 2020-30 rather than 2019-29.

some of the sites in Wiltshire⁶, it is clearly the case that at least some are either not deliverable or at least not as deliverable as the Council assume. A few examples are considered below.

- 3.12 Land at Empress Way, Ludgershall, East HMA – this site is allocated in the Wiltshire Housing Site Allocations Plan (WHSAP). In support of the examination, the site promoters agreed a Statement of Common Ground (SoCG) with the Council which the Council rely upon as providing clear evidence.
- 3.13 The SoCG however relied upon the adoption of the WHSAP in Q3 of 2019, the submission of a planning application at that time, and determination of the application and discharge of conditions within a 4-6 month window. On this basis, it suggested that 40 completions would be achieved in 2021. This trajectory was never realistic, and this has proved to be the case. The WHSAP was not adopted until February 2020 (c.6 months later than anticipated), a full planning application was then submitted in August 2020 (c.1 year later than anticipated), the application has still not been determined in June 2021 (c.17 months later than anticipated) and as a result there are no applications for the discharge of conditions. The evidence upon which the Council rely has therefore been superseded by events such that it no longer provides clear evidence that completions will be achieved⁷.
- 3.14 Furthermore, the full planning application remains subject to objections from a range of statutory consultees including in relation to urban design and highways. The highways response even goes so far as to recommend refusal on highways grounds alone. In light of this, the site demonstrably does not offer a suitable location for the proposed development such that it is not deliverable according to the NPPF and there remain significant barriers to the development of this site. As such, this site should not be considered deliverable.

The removal of this site reduces the deliverable supply of the Council by 40 homes.

⁶ It should be acknowledged that whilst I have not undertaken a comprehensive review of the deliverable supply for the purposes of this appeal, I reserve my right to do so for any future appeals.

⁷ In accordance with the findings of the Secretary of State in paragraph 21 of the recovered appeal decision at Land off Audlem Road/Broad Lane, Stapeley (ref: 2197532).

3.15 Former Wiltshire College, Chippenham, North and West HMA – this site benefits from full planning permission for the demolition of the existing buildings and the erection of a 140 unit extra care facility. The Council suggest that the applicant will develop this site and that they intend to start work in the summer of 2020.

3.16 No work has been commenced as of 11th June 2021 and there are no signs of forthcoming work. The original building remains in place and has yet to be demolished. In the absence of any progress on the ground, including the absence of any progress towards the substantial demolition, remediation and pre-commencement works that will be required to bring this site forward, it is not considered that there is a realistic prospect of this being delivered by April 2024. Furthermore, as planning permission will lapse on 27th June 2021, from that point onwards, the NPPF indicates that such sites should no longer be considered deliverable.

The removal of this site reduces the deliverable supply of the Council by 140 homes.

3.17 Rowden Park, Chippenham, North and West HMA – this site benefited from two reserved matters approvals at the base-date. The Council's trajectory on the first of these (N18.1383) assumes that the first 10 homes will be built this year, 2021/22.

3.18 No work has however been commenced as of 11th June 2021 and there are no signs of forthcoming work. There are no site notices, no fencing has been erected, no groundworks have been undertaken and no construction traffic was on-site. Given the absence of any progress on the ground, there is no realistic prospect of the Council's trajectory being achieved. However, given that this site does benefit from detailed consent and should be considered deliverable providing there is a realistic prospect of delivery, it is optimistically assumed that if developers got on-site today, the first completions could be achieved in mid-2022/23 with a fair wind. In accordance with the position of the Council, it is assumed that this site could then deliver 15 homes per annum in 2022/23 and 30 per annum thereafter 2023/24.

3.19 On the second reserved matters approval (N17.8786) the Council's trajectory assumes that the first 10 completions would be achieved by April 2021 and a further 40 completions would be achieved by April 2022.

- 3.20 However, as of 11th June 2021, only 2 show homes have been completed. The remaining homes are not even under construction although groundworks are well progressed. It is therefore apparent that this site has been delayed from that anticipated by the Council and there is not a realistic prospect of the Council's trajectory being achieved. Nevertheless, there remains a realistic prospect of 35 homes being achieved this year and 40 per annum thereafter, such that the entire 114 homes could be built within the five-year period as assumed by the Council.
- 3.21 The remainder of this strategic development was subject to outline planning permission at the base-date. The Council include 16 homes in 2023/24 on the basis that the developers of the two reserved matters approvals above will continue to deliver later phases. However, not only is there no clear evidence that this will be the case as would be required by the NPPF, but it is also the case that as a result of the evident delays on the elements of the site with reserved matters approvals, even if (as is likely) the developers then move onto later phases, this will be beyond the five-year period.

The evident delay on this site reduces the deliverable supply of the Council by 41 homes.

- 3.22 Quemerford House and Mill, Calne, North and West HMA – this site was allocated in the North Wiltshire Local Plan which was adopted in June 2006. It gained full planning permission for the erection of a terrace of 3 dwellings in November 2007 upon which the Council consider that a technical commencement was achieved. However, even assuming that the site was technically commenced, no further progress has been forthcoming in the subsequent decade and there is no suggestion that development will be forthcoming.
- 3.23 There is a significant record of non-implementation on this site which the PPG (3-019) indicates should be taken into account when assessing whether this site remains available for development now. As there is no indication of any change in circumstance which suggests that development will be forthcoming, this site is not considered to be deliverable.

The removal of this site reduces the deliverable supply of the Council by 3 homes.

- 3.24 Station Road, Westbury, North and West HMA – this site was allocated in the West Wiltshire District Local Plan 1st Alteration which was adopted in June 2004. It subsequently gained full planning permission in July 2019. The Council’s trajectory assumes that the first 35 homes will be completed by 31st March 2022 based on a trajectory provided by the developers in 2017.
- 3.25 The evidence of the Council is clearly dated and the weight to be afforded to this should be determined in this context. Furthermore, having visited the site on 11th June 2021, groundworks are underway, but no construction has commenced. Based on the progress to date there is no prospect that completions will be achieved this year although it is likely that 35 completions will be achieved in 2022/23 and again in 2023/24.

The evident delay on this site reduces the deliverable supply of the Council by 17 homes.

- 3.26 Land East of A361, Trowbridge, North and West HMA – this site is allocated in the WHSAP. The trajectory of the Council relies upon the SoCG agreed as part of the examination. This SoCG relied upon the submission of an outline planning application in August 2019, the grant of outline planning permission in December 2019 and then allowed 18 months until the first completion in the summer of 2021. However, the outline planning application was only submitted in January 2020 (c.5 months later than assumed), and planning permission has still not been granted in June 2021 (at least c.19 months later than assumed). The evidence upon which the Council rely therefore no longer provides clear evidence that completions will be achieved within five-years⁸. The outline planning application also remains subject to significant objections from a wide range of statutory consultees including in relation to archaeology, heritage, drainage, ecology and flood risk.
- 3.27 As a result, the site cannot be considered suitable for the development proposed until and unless these objections are able to be resolved, and the evidence upon which the Council relies is clearly now outdated. In the light of these objections and the absence of any clear evidence as to how these can or will be resolved, or any

⁸ In accordance with the findings of the Secretary of State in paragraph 21 of the recovered appeal decision at Land off Audlem Road/Broad Lane, Stapeley (ref: 2197532).

clear evidence as to when the development will be brought forward in light of these objections, this site should not be considered deliverable.

The removal of this site reduces the deliverable supply of the Council by 50 homes.

3.28 Land East of Farrells Field, Yatton Keynell, North and West HMA - this site is allocated in the WHSAP. The trajectory of the Council relies upon the SoCG agreed as part of the examination which indicated that the first 10 homes would be delivered in 2020. However, a full planning application was not submitted until March 2020 and this remains subject to a holding objection in respect of the landscape impacts arising from the proposed development and other statutory consultees have raised concerns about the potential ecological impact of the proposed development.

3.29 The evidence upon which the Council rely identifies a trajectory which has not been achieved and can no longer be relied upon as providing clear evidence that completions will be achieved within five-years⁹. Furthermore, there is no evidence to demonstrate that the landscape and ecological impacts will be appropriately addressed. At present, in light of the outstanding objection, it cannot be concluded that the site offers a suitable location for the development proposed and so it cannot be considered to be deliverable.

The removal of this site reduces the deliverable supply of the Council by 30 homes.

3.30 Land immediately to the South and West of Archers Gate, Amesbury, South HMA – the first part of this development benefits from outline planning permission and reserved matters approvals and is largely complete. However, the development has been delayed from that envisaged by the Council who assume that the remaining homes would all have been built out in 2019/20. On 11th June 2021, a few homes remained under-construction.

3.31 The second part of this development benefited from outline planning permission at the base-date and has since gained reserved matters approval. The Council assume

⁹ In accordance with the findings of the Secretary of State in paragraph 21 of the recovered appeal decision at Land off Audlem Road/Broad Lane, Stapeley (ref: 2197532).

that this would deliver 60 homes in 2020/21, 90 in 2021/22 and 2022/23 and 59 in 2023/24. On 11th June 2021 however, only 9 homes had been completed and so the trajectory of the Council has already not been achieved. The accesses have been constructed and an additional 26 homes were under construction, but no works had been commenced across the remainder of the site.

- 3.32 The site is in the control of two developers, but only one of these is currently active on the site. Assuming that each developer delivers 45 homes per annum in accordance with the trajectory of the Council and that the second developer commences development immediately and achieves the first completion in mid-2022/23, this site could potentially deliver 203 homes within the five-year period. However, this is highly optimistic given the progress to date.

The evident delay on this site reduces the deliverable supply of the Council by 96 homes.

- 3.33 Land North of Hilltop Way, Salisbury, South HMA – this site benefits from outline planning permission. The Council has provided no clear evidence that completions will begin on-site within five-years and I am unaware of any such evidence. As a result, this site should not be considered to be deliverable according to the NPPF.

The removal of this site reduces the deliverable supply of the Council by 10 homes.

- 3.34 Land at Rowbarrow, Salisbury, South HMA – this site is allocated in the WHSAP. The trajectory of the Council relies upon the SoCG agreed as part of the examination which relied upon the receipt of the examining Inspectors Final Report in the third quarter of 2019, and the submission of a planning application at that time with the first completions then being achieved in 2021. The Inspectors Final Report was not issued until January 2020 (c.4 months later than assumed) at which time a full planning application was submitted. This full planning application remains subject to significant objections from a wide range of statutory consultees some 15 months later including in respect of archaeology, drainage, and urban design. The trajectory identified by the SoCG has not been achieved and as such does not provide clear evidence that completions will be achieved within five-

years¹⁰. Furthermore, Natural England has indicated that the proposal is likely to have significant effects on European Sites and needs to be subject to HRA. No such assessment has been undertaken to date. In the absence of an HRA (and if necessary an appropriate assessment), the precautionary principle applies such that the site cannot be considered to offer a suitable location for development.

The removal of this site reduces the deliverable supply of the Council by 70 homes.

- 3.35 Clover Lane, Amesbury, South HMA – this site is allocated in the WHSAP. The trajectory of the Council relies upon the SoCG agreed as part of the examination which assumed that the site would gain planning permission in December 2020 with the first completions then being achieved in 2021/22. However, no planning application has been submitted by June 2021. Therefore, the trajectory of the SoCG has been delayed as a minimum and the SoCG no longer provides clear evidence that completions will be achieved¹¹. In the absence of any clear evidence that completions will be achieved this site cannot be considered to be deliverable.

The removal of this site reduces the deliverable supply of the Council by 22 homes.

- 3.36 Land off Larkhill Road, Durrington, South HMA - this site is allocated in the WHSAP. The trajectory of the Council relies upon the SoCG agreed as part of the examination which indicated that the first completions would be achieved in 2020/21 and the site would be built out in 2021/22. The site is currently subject to an undetermined outline planning application and the trajectory of the SoCG has not been achieved. The SoCG therefore no longer provides clear evidence that completions will be achieved¹². The outline planning application also remains subject to significant objections from a wide range of statutory consultees including in relation to archaeology, drainage, urban design and heritage impacts on the World Heritage Site. In light of these objections the site cannot be considered to

¹⁰ In accordance with the findings of the Secretary of State in paragraph 21 of the recovered appeal decision at Land off Audlem Road/Broad Lane, Stapeley (ref: 2197532).

¹¹ In accordance with the findings of the Secretary of State in paragraph 21 of the recovered appeal decision at Land off Audlem Road/Broad Lane, Stapeley (ref: 2197532).

¹² Ibid.

offer a suitable location for the development proposed and as such is not deliverable according to the NPPF.

- 3.37 Furthermore, the Council has indicated that the proposal needs to be subject to HRA. No such assessment has been undertaken to date. In the absence of an HRA (and if necessary an appropriate assessment), the precautionary principle applies such that the site cannot be considered to offer a suitable location for development.

The removal of this site reduces the deliverable supply of the Council by 15 homes.

- 3.38 Windfall – the windfall allowance was considered as part of the examination of the Wiltshire Core Strategy. I, on behalf of the Council¹³, identified a conservative windfall allowance that took account of the historic rates of small site permissions and completions and the available large brownfield sites identified in the SHLAA.
- 3.39 The examining Inspector correctly acknowledged that this allowance was conservative but found this to be sound. Indeed, the approach and the resultant allowance are set out on pages 421 and 422 of the adopted Core Strategy and therefore form part of the Development Plan.
- 3.40 However, following my departure from the Council, officers of the Council decided to interpret the Inspectors indication that the windfall allowance of the Core Strategy is conservative as providing scope for reviewing the methodology to produce a greater and therefore less reliable windfall allowance.
- 3.41 The windfall allowance of the Council therefore now departs from that set out in the Core Strategy and is entirely based upon historic rates of delivery continuing into the future.
- 3.42 This new approach was considered in the Inspector's Final Report to the WHSAP in which the Inspector noted that the new windfall allowance presented a degree of

¹³ I worked for Wiltshire County Council and Wiltshire Council from 2003 to 2014 during which time I was responsible for calculating the objectively assessed need for housing which informed the housing requirement of the Core Strategy and for calculating the deliverable and developable housing land supply. I also represented the Council on five-year land supply matters at the majority of s78 appeals from c.2009 to 2014 and designed the monitoring systems which I understand the Council still uses.

uncertainty and risk¹⁴ and therefore continued to consider the supply on the basis of three different windfall allowances¹⁵. The fact that the Inspector acknowledged that the new windfall allowance of the Council results in a degree of risk clearly demonstrates that there is no compelling evidence that this level of windfall will provide a reliable source of supply as required by paragraph 70 of the NPPF.

- 3.43 Similarly, at an appeal decision in Alderbury¹⁶, an Inspector considered the new approach of the Council and concluded that:

“However, the approach now adopted by the LPA is based on historic trends and relies upon a continuous supply of a decreasing capacity of large windfall sites. The number of windfall permissions has broadly declined since 2009 and there is no cogent evidence to show that the LPA’s figure is a conservative and reliable quantum to use for the purposes of assessing HLS. There is greater merit in using the appellant’s lower figure, which is based on the CS methodology and has been shown to be robust by the appellant following an interrogation of the figures in the LPA’s 2017 Housing Land Supply Statement.”

- 3.44 Therefore, not only is the new approach of the Council contrary to the Development Plan, but it has been considered by two Inspectors and neither of them has found it sufficiently reliable to accord with paragraph 70 of the NPPF.
- 3.45 Even if it is considered appropriate in principle to depart from the windfall allowance specified in the Development Plan, the allowance must be determined in accordance with paragraph 70 of the NPPF. This requires that the allowance is based on compelling evidence that it provides a reliable source of supply, that it is realistic and that it has regard to the SHLAA, historic delivery and expected future trends.
- 3.46 The allowance set out in the Core Strategy is conservative and therefore there is compelling evidence that it provides a reliable source of supply. The new allowance of the Council however is not based on compelling evidence according to the Alderbury Inspector and does not provide a reliable source of supply as set out by the examining Inspector of the WHSAP.

¹⁴ See paragraphs 27 and 30.

¹⁵ Including that set out in the Core Strategy, the new allowance identified by the Council and another approach.

¹⁶ Paragraph 40 of the Land off Firs Road, Alderbury (ref: 3200041). I acted as an expert witness on behalf of the Appellant at this appeal.

- 3.47 The new allowance of the Council assumes that there will be 590 homes arising from windfall permissions per annum¹⁷. Only 164 homes have gained planning permission on large windfall sites in the 14 months from April 2019 to June 2020¹⁸ which would equate to 141 in a year. Some additional homes will have gained planning permission on small windfall sites, but it is very unlikely that 449 homes will have and therefore the evidence would suggest that the number of homes that have gained planning permission has already been significantly below that assumed in the new windfall allowance of the Council. This provides yet another demonstration that the new windfall allowance of the Council does not provide a reliable source of supply.
- 3.48 The windfall allowance of the Core Strategy is informed directly by the SHLAA and therefore accords with paragraph 70 of the NPPF. The new windfall allowance of the Council however takes account of the SHLAA but in effect disregards this and assumes that previous levels of large windfall delivery will be maintained, notwithstanding the fact that as set out in the previous paragraph this has already not been achieved. The new windfall allowance of the Council in effect assumes that there is an inexhaustible supply of brownfield sites suitable for residential development that will continue to come forward, rather than that set out in the Core Strategy which takes account of the known potential of brownfield sites and therefore ensures that the allowance is realistic and reliable rather than aspirational.
- 3.49 In reality, there will be a finite capacity of brownfield sites suitable for residential development. Many of the sites which are suitable for such development will have taken advantage of the permitted development rights that have been in place since 2013 such that the initial bulge in windfall development that resulted would be expected to reduce as the residual number of sites suitable for such uses diminishes. This is not reflected in the windfall allowance of the Council and as such this is not realistic.
- 3.50 The windfall allowance of the Core Strategy also took account of the delivery from the historic rates of windfall permissions from 2009-12 in accordance with paragraph 70. The new windfall allowance of the County Council similarly takes

¹⁷ See Table A2 of the Councils Housing Land Supply Statement.

¹⁸ See paragraph A17 of the Councils Housing Land Supply Statement.

account of the delivery from the historic rates of windfall permissions although over the period 2009-19. Both of these assessments reflect, at least to some extent, the inflated levels of windfall permissions granted in 2009¹⁹ which have not been replicated in any subsequent year and therefore both assessments over-inflate the contribution arising from small windfall developments.

- 3.51 Both the windfall allowance of the Core Strategy and the new windfall allowance of the Council take account of expected future trends to some extent. However, as identified above, the new windfall allowance takes no account of the fact that the number of sites suitable for windfall development is likely to decrease as such sites are permitted and built out.
- 3.52 Neither allowance takes account of the impacts of the current pandemic. The economic effects of this have been felt in the development industry particularly amongst smaller and medium sized housebuilders, such that some have ceased trading. Whilst the necessary information is not yet available to quantify the scale of the effects of this, it is likely that windfall development particularly on smaller sites is likely to reduce in the near future. This again suggests that both the windfall allowance of the Core Strategy and particularly the new windfall allowance of the Council are likely to over-estimate the supply arising from such sites.
- 3.53 In accordance with the Core Strategy, the consistent findings of both Inspectors to have considered this, paragraph 70 of the NPPF and the preceding analysis, I consider that it is appropriate to use the windfall allowance of the Core Strategy which provides for 939 homes in five-years²⁰ rather than the allowance of 1,289 homes identified by the Council.

The use of the windfall allowance of the Core Strategy reduces the deliverable supply of the Council by 350 homes.

- 3.54 It should be noted that had a more comprehensive assessment been undertaken it is considered likely that the deliverable supply would have been demonstrated to be even lower. However, even on the basis of this high-level assessment, the

¹⁹ See Chart 1 on page 108 of the Councils Housing Land Supply Statement.

²⁰ As set out in the Housing Land Supply Statement of 2014 which was considered at the examination of the Core Strategy.

deliverable supply is at least 884 homes less than that identified by the Council, with a deliverable supply of **at most 8,721 homes**.

The five-year land supply position

- 3.55 The preceding analysis demonstrates that there is a five-year requirement for a minimum of 10,719 homes and a deliverable supply of at most 8,721 homes. This provides for a **4.07 year land supply** with a **shortfall of 1,998 homes**.

4. LENGTH OF TIME THE SHORTFALL IS LIKELY TO PERSIST

- 4.1 The likely future five-year land supply positions of the Council can be estimated from the trajectory provided in the Council's latest Housing Land Supply Statement.
- 4.2 The five-year requirement will continue to be calculated using the standard method at least until such time as a new Local Plan is adopted. The standard method identifies a minimum local housing need for 2,006 homes per annum from 2020 onwards and 1,981 homes per annum from 2021 onwards. Assuming that a 5% buffer continues to be appropriate in Wiltshire this will generate a minimum five-year requirement for 10,533 homes over the period 2020-25 and a minimum five-year requirement for 10,400 homes over the period 2021-26.
- 4.3 The trajectory of the Council suggests that 9,867 homes will be delivered in the period 2020-25 and 9,974 in the period 2021-26.
- 4.4 Therefore if the trajectory of the Council was achieved, notwithstanding that this is considered to be unrealistic, then there would be a **4.68 year land supply for 2020-25** and a **4.80 year land supply for 2021-26**. The detailed calculations are provided in Table 4.1 below.

Table 4.1 – the future five-year land supply positions arising from the Council's trajectory

	Annual supply identified by the Council	Deliverable supply identified by the Council	Standard method at base-date	Five-year req. inc. 5% buffer	Five-year land supply	Shortfall
2020/21	2,248	9,867	2,006	10,533	4.68	-666
2021/22	1,967	9,974	1,981	10,400	4.80	-426
2022/23	1,893	-	-	-	-	-
2023/24	1,425	-	-	-	-	-
2024/25	2,334	-	-	-	-	-
2025/26	2,355	-	-	-	-	-

- 4.5 It is therefore apparent that even based on the unrealistic trajectory of the Council, a five-year land supply will not be restored for at least two years²¹.

²¹ The position thereafter cannot be calculated as the trajectory does not look that far forward.

- 4.6 The Council granted planning permission on additional sites that will supplement the supply. Table 4 of the Housing Land Supply Statement identifies that in the year 2019/20 an additional 164 homes gained planning permission on large brownfield sites which are already included in the windfall allowance of the Council's trajectory and 79 homes gained planning permission on large greenfield sites which will be additional to the supply. These additional 79 homes will not be sufficient to address the shortfall of 666 homes in the period 2020-25. Even if these are deliverable in this period there would be at most a 4.72 year land supply. Therefore notwithstanding the additional planning permissions the Council will remain unable to demonstrate a five-year land supply even on the basis of their unrealistic trajectory.
- 4.7 Similarly, Table 4 identifies a further two sites which gained a resolution to grant planning permission after 1st April 2020 both of which have subsequently gained planning permission. These provide an additional 121 homes which in combination with the 79 homes above could increase the deliverable supply in the period 2021-26 by 200 homes. This again would be insufficient to address the shortfall of 426 homes in the period 2021-26 providing for at most a 4.89 year land supply, such that even on the basis of the unrealistic trajectory of the Council a five-year land supply will not be restored by the time the position is assessed for 2021-26.
- 4.8 In reality, as a result of the over-optimism inherent in the Council's trajectory, it is likely that not only will the Council continue to be unable to demonstrate a five-year land supply but also that the five-year land supply position will be materially lower than the current trajectory suggests.

5. THE EFFECTIVENESS OF DEVELOPMENT PLAN POLICIES AND THE DISTRIBUTION OF NEED

- 5.1 The Core Strategy identifies in paragraph 4.33 that the three Housing Market Areas (HMAs) in Wiltshire form the appropriate scale for disaggregation across Wiltshire as they define the areas within which the majority of household moves take place. It confirms that the five-year land supply would be assessed across these areas.
- 5.2 Paragraph 73 of the current NPPF now requires that the supply is assessed across the LPA for the purposes of determining whether or not footnote 7 and paragraph 11d are engaged as considered in previous sections. Nevertheless, the ability of the Council to demonstrate a sufficient supply against the adopted housing requirement in each HMA remains material to determining firstly how effective the policies of the Development Plan are in meeting the housing requirement for each HMA and secondly to determining the appropriate distribution for additional sources of supply to secure a five-year land supply across the LPA.
- 5.3 The Council appear to acknowledge this and accordingly set out the five-year land supply position against the adopted housing requirement for each HMA in the latest Housing Land Supply Statement.
- 5.4 This has also been recognised in recent appeal decisions including at Little Kent End, Ashton Keynes (ref: 3261201) and at Land South of Broad Town Primary School (ref: 3249284) the latter of which states:

"It has been demonstrated that the Royal Wootton Bassett and Cricklade Community Area, which is the community area wherein the appeal site falls, has exceeded its requirement for housing supply more generally. Nevertheless, community area requirements and the findings within the parish plan are indicative thresholds and should not restrict or place a cap on the delivery of housing, which should be calculated and delivered based on broader housing market area requirements, within which the majority of household moves take place, and where there is no evidence to require further disaggregation to assess need.

On this basis, even if the Royal Wootton Bassett and Cricklade Community Area was meeting its indicative threshold, it would not provide a sound rationale for resisting development that would meet an otherwise prevailing need within the broader housing market area, where there is only 4.29 years of housing land supply. This is because, logically, those in need could move to the

community area to access housing that might not otherwise be available elsewhere in the wider housing market area.”

- 5.5 The appeal site is similarly located in the North and West Wiltshire HMA, which has the lowest land supply of any of the three HMAs, with only a **4.29 year land supply** with **a shortfall of 980 homes** according to the Council based on a requirement for 6,885 homes and a supply of 5,905 homes.
- 5.6 Based solely upon the high-level review of the deliverability of the sites within this HMA above, there is actually a supply of 5,425 which would provide for a **3.94 year land supply** and **a shortfall of 1,460 homes**.
- 5.7 In either case the operation of the policies in the Development Plan have not been and will not be effective in maintaining a five-year land supply against the housing requirement of the Development Plan and the shortfall is significant. It is therefore appropriate to reduce the weight afforded to such policies accordingly.
- 5.8 The Council’s Housing Land Supply Statement indicates that there is a sufficient five-year land supply in East Wiltshire HMA and an insufficient but better five-year land supply in South Wiltshire HMA. In order to respond to the five-year land supply shortfall across Wiltshire it is therefore clearly appropriate to identify additional sources of supply in North and West Wiltshire HMA such as the appeal site, and to a lesser extent within South Wiltshire HMA.
- 5.9 Additionally, the site is adjacent to Swindon Borough. Swindon Borough Council has not published an assessment of their five-year land supply position for many years. However, the Council acknowledges that it is unable to demonstrate a five-year land supply although has not identified the scale of the shortfall²². This means that the housing needs of North and West Wiltshire HMA are not being addressed in the neighbouring authority either.
- 5.10 The site is therefore located in an HMA which has an acute five-year land supply shortfall, within an LPA with a five-year land supply shortfall of at least 1,114 homes²³, and immediately adjacent to another HMA with an unspecified but known

²² As acknowledged in paragraph 30 of the recent appeal decision at Land adjacent to 29 Shelley Street, Swindon (ref: 3265402).

²³ Even assuming that the Council’s position which ignores what has actually happened on the ground were to be accepted.

five-year land supply shortfall. Each of these provides a strong indication of the need to supplement the supply in this locality.

6. THE WEIGHT AFFORDED BY OTHER DECISION-TAKERS

- 6.1 The Council currently identify a 4.56 year land supply with a five-year shortfall of 928 homes. Even if this was accepted, it means that the Council does not have a sufficient supply in place to ensure choice and competition to meet the needs of over 900 households or to put this another way the Council is not planning to deliver 9% of the minimum number of homes required to meet housing needs.
- 6.2 As identified above, the Council is actually able to demonstrate at most a 4.07 year land supply with a shortfall of 1,998 homes, and therefore there is an insufficient supply to meet the needs of almost 2,000 households or 19% of the minimum number of homes required are not being planned for.
- 6.3 On either basis, this is clearly a significant matter to be weighed in the planning balance.
- 6.4 In this context, even where a greater supply than currently identified by the Council has been demonstrated to exist, the Secretary of State has consistently found that the provision of housing should be afforded significant weight where a Council is able to demonstrate a five-year land supply, or substantial weight where a Council is unable to do so. Examples include:
- In paragraph 20 of the recovered appeal decision at 97 Barbrook Lane, Tiptree, Colchester (ref: 3223010), the Secretary of State afforded substantial weight to the provision of market and affordable homes in an LPA that could demonstrate a 4.7 year land supply;
 - In paragraph 16 of the recovered appeal decision at Pale Lane Farm, Fleet, Hart (ref: 3204011), the Secretary of State affords the provision of open market and affordable housing significant weight notwithstanding the fact that as set out in paragraph 15, the Council were able to demonstrate a 9.2 year land supply; and
 - In paragraph 28 of the recovered appeal decision at Land off Audlem Road/Broad Lane, Stapeley, Nantwich (ref: 2197532), the Secretary of State affords the provision of market housing in a sustainable location significant weight notwithstanding that the Council were able to demonstrate a five-year land supply of between 5.7 and 6.6 years.

- 6.5 As such, even on the basis of the 4.56 year land supply identified by the Council, it would be expected that the provision of housing arising from the application proposals should be afforded substantial weight and that the weight afforded to restrictive policies would be reduced.
- 6.6 This is especially the case in an LPA in which a five-year land supply will not be restored according to the trajectory of the Council, and in an HMA which has a particularly acute housing shortfall.

7. AFFORDABLE HOUSING NEED AND SUPPLY

- 7.1 The Core Strategy was informed by the Strategic Housing Market Assessment prepared by Fordham Research and RS Drummond-Hay in December 2011. This identified an existing need for 5,863 affordable homes in 2011²⁴. It then also considered the newly arising need and the supply of affordable housing and identified a net need for 3,862 affordable homes per annum from 2011 to 2016 on the assumption that all existing affordable housing need would be addressed within five-years²⁵, or a need for **1,360 affordable homes per annum** on the assumption that the needs were met over the plan period²⁶.
- 7.2 The examining Inspector acknowledged that the Wiltshire Core Strategy would not meet the full affordable housing needs²⁷ but that nevertheless the Wiltshire Core Strategy should aim to deliver 13,000 affordable homes²⁸ which equates to **650 per annum**.
- 7.3 A subsequent Strategic Housing Market Assessment was then prepared by ORS in 2017. This identified that the existing need for affordable housing had remained broadly static as it had changed from 5,863 in 2011 to 5,877 in 2016²⁹. However, this SHMA adopted a different methodology and sought to establish the affordable housing need arising from a different level of housing growth than identified by the Core Strategy. Nevertheless even on this basis, it identifies an annualised need for **719 affordable homes per annum** in 2016³⁰.
- 7.4 The Local Housing Needs Assessment prepared by ORS in 2019 correctly identifies that the current NPPF has introduced a new definition of affordable housing which includes the needs of those whose needs are not met by the market³¹. This includes for example those in private rental accommodation who are unable to afford homeownership but who wish to do so. Therefore, the previous assessments of affordable housing need will underestimate the affordable housing need as defined

²⁴ See Table 5.1.

²⁵ See paragraph 10.

²⁶ See paragraph 10.16.

²⁷ As set out in paragraph 101 of his Final Report.

²⁸ As set out in paragraph 6.42 of the Core Strategy.

²⁹ See Figure 53.

³⁰ Calculated from the need for 14,376 homes over a twenty year period identified in Figure 53.

³¹ As set out in paragraphs 1.11 and 1.12.

by current national policy. As a result, the target for 13,000 affordable homes identified in the Core Strategy will provide for an even greater affordable housing shortfall than was envisaged.

7.5 In the period 2011-20, the MHCLG Live Tables identify that there have been 5,765 additional affordable dwellings provided in Wiltshire and 241 right to buy sales which provides for 5,524 net additional affordable homes, or an **average of 614 per annum**. In the period 2011-20, there has therefore been a shortfall of:

- 6,716 affordable homes compared to the need for 1,360 per annum identified in the SHMA of 2011 with only 45% of the affordable housing needs having been met;
- 326 affordable homes compared to the target for 650 affordable homes identified in the Core Strategy which itself was insufficient to meet affordable housing needs even without taking account of the new definition.

7.6 Similarly, in the period 2016-20, the MHCLG Live Tables identify that there have been 2,685 additional affordable dwellings provided in Wiltshire and 102 right to buy sales which provides for 2,583 net additional affordable homes, or an **average of 646 per annum**. In the period 2016-20, there has therefore been a shortfall of:

- 292 affordable homes compared to the need for 719 per annum identified in the SHMA of 2017. This equates to 6 households not being provided the housing they need per month over this period.

7.7 These shortfalls arise against assessments of need which do not take into account the affordable housing needs as required by the current NPPF, or in the latter case against an assessment of affordable housing need that does not accord with the Development Plan. In reality the shortfalls are likely to be far greater, but even on this basis are significant.

7.8 This position is summarised in the recent appeal decision at Land South of Broad Town Primary School (ref: 3249284) which states inter alia:

"Within the wider local authority area, there is a general need for affordable housing and this need has become increasingly more acute since 2016. Consequently, lack of affordable housing appears to be a long term issue that

**the existing WCS spatial strategy has not been successful
in addressing and needs direct intervention to resolve.”**

8. THE EFFECTS OF THE HOUSING LAND SUPPLY POSITION

8.1 The under-delivery of housing across the North and West Wiltshire HMA, as well as the under-delivery of affordable housing across Wiltshire is likely to have compromised the accessibility of the housing market and this is apparent from the fact that:

- The median sold house price has continued to rise in Wiltshire since the start of the plan period, from £190,000 in 2006/07 to £275,000 in 2019/20.
- The median sold house price in Wiltshire in December 2020 (£282,000) remains greater than that in the South West (£270,000) or nationally (£259,000).
- The median workplace based house price to income ratio in Wiltshire in 2020 (9.46) remains greater than that in the South West (8.80) and nationally (7.84). This compares to the implicit assumption within the standard method that indicates that the Government consider that the affordability of housing becomes acceptable at 4 times the median income which accords with the position of most mortgage providers who will only lend 4 to 4.5 times a household's income. In effect, a median priced house in Wiltshire is more than double that which would be considered to be attainable on a median income and more than twice that which a mortgage company would typically be prepared to lend.
- The lower quartile workplace based house price to income ratio in Wiltshire in 2020 (9.36) remains greater than that in the South West (8.76) and nationally (7.15) which indicates that housing is also unaffordable for those on lower incomes.

8.2 In turn, the constrained accessibility of the housing market in Wiltshire is likely to have resulted in a larger proportion of households falling into affordable need³². Again this is apparent from the fact that:

³² As they are unable to meet their needs on the open market.

- The number of households registered in need of affordable housing³³ in Wiltshire has increased from 1,325 to 3,850³⁴ since the Council amended its Housing Allocation policy in 2015³⁵. This represents a substantial increase of 290% or an additional 2,525 households in need of affordable housing.
- As identified previously, this has been combined with (although in some part arises from) a significant under-delivery of affordable housing.

8.3 With such a constrained housing market, and an insufficient response to address the needs of those that fall into affordable housing need as a result, there is clearly likely to be greater competition for those affordable homes that do exist and/or are provided. This greater competition means that a greater proportion of those in need will not be provided the housing they require which is likely to result in households being unable to find acceptable accommodation of any tenure. Again, this is apparent from the fact that:

- The proportion of the younger population (aged below 40) that have been able to form households in Wiltshire has reduced from 2001 to 2018³⁶. These households will therefore be required to find some other means of accommodation including for example remaining in the parental homes or sharing accommodation with others.
- In 2019/20 in Wiltshire, 487 households were identified as being homeless and a further 1,092 households were identified as being threatened with homelessness within 56 days³⁷.

8.4 It is therefore evident that in part as a result of the continued inability of the Development Plan to respond to housing needs, real households will find

³³ Recognising that affordable housing registers provide only a high-level indication of the prevailing need for affordable housing.

³⁴ According to MHCLG Live Table 600.

³⁵ The number of households registered as being in affordable need cannot be accurately compared with previous years owing to the fact that the numbers in previous years were determined by reference to a different Allocations policy.

³⁶ According to the estimates of ONS which have been used to inform the latest household projections which identify that the proportion of 20-24 year olds that form households has reduced from 21.8% to 19.4%, that of 25-29 year olds has reduced from 38.3% to 35.5%, that of 30-34 year olds has reduced from 49.1% to 47.0% and that of 35-39 year olds has reduced from 54.0% to 52.5%.

³⁷ According to the MHCLG statistics.

themselves unable to find appropriate accommodation, Without the supply responding accordingly these issues are likely to persist.

9. CONCLUSIONS

9.1 The preceding statement demonstrates that:

- The Council is unable to demonstrate a five-year land supply such that paragraph 11d of the NPPF is engaged;
- There is a significant shortfall in the five-year land supply at present on the basis of either the Council's position or that set out above, with a shortfall of 928 homes or at least 1,998 homes;
- In such circumstances, the Secretary of State has consistently found that the weight to be afforded to the provision of housing should be substantial.

9.2 Additionally:

- The five-year land supply shortfall will not be addressed for at least 2 years on the basis of the Council's trajectory, and thereafter there is no evidence that a five-year land supply will be restored;
- The policies of the Development Plan have been particularly ineffective in the North and West Wiltshire HMA in which the appeal site is located as this has the most acute five-year housing land supply shortfall of the HMAs in Wiltshire;
- In order to maintain the spatial strategy of the Core Strategy and to meet housing needs in the areas within which household moves take place, it is appropriate to address the LPA-wide housing land supply shortfall in the North and West Wiltshire HMA;
- There is also an under-supply in Swindon Borough which underlines the need for additional housing in this location;
- There has been a significant under-delivery of affordable housing which requires direct intervention to resolve; and

9.3 All of the above are likely to have compromised the accessibility of the housing market including increasing the need for affordable housing at a time when an insufficient supply of affordable housing was being delivered.