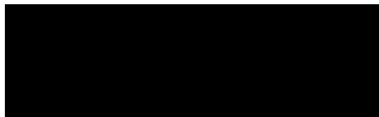
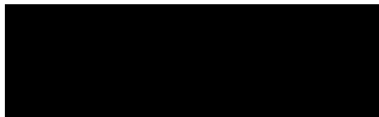


# Assessment of Spelthorne's Five Year Housing Land Supply

For Senior Living (Sunbury-On-Thames) Limited | 22-153

At 1<sup>st</sup> April 2022

Project: 22-153  
Name: At 1st April 2022  
Client: Senior Living (Sunbury-On-Thames) Limited  
Date: 16 November 2022  
Authors:   
Approved by: 

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EP1. Assessment of disputed sites



# 1. Introduction

- 1.1 Emery Planning has been appointed by Senior Living (Sunbury-On-Thames) Limited on behalf of Inspired Villages to carry out an assessment of the five year housing land supply position in Spelthorne at 1<sup>st</sup> April 2022, which is the base date of the Council’s latest position on its housing land supply. Our assessment is to support a Hybrid Planning Application for a proposed Integrated Retirement Community at Land East of Vicarage Road, Sunbury-on-Thames.

## Background

- 1.2 Emery Planning has extensive experience in dealing with housing supply matters and has prepared and presented evidence relating to five year housing land supply calculations at numerous Local Plan examinations and public inquiries across the country.
- 1.3 Our current assessment is based on the latest position set out in the Council’s Five Year Housing Land Supply Report which sets out the five year housing land supply position at a base date of 1<sup>st</sup> April 2022 and a five year period to 31<sup>st</sup> March 2027. For the avoidance of doubt, the Council’s report is not an “Annual Position Statement” as defined in the glossary on page 65 of the Framework. The Council’s housing land supply has not been “confirmed” through the Local Plan or a subsequent annual position statement as set out in paragraph 74 of the Framework. It therefore can be challenged as part of a case for an application or appeal.

## Summary

- 1.4 The Council’s position statement claims that at 1<sup>st</sup> April 2022, the Council had a deliverable supply of 4,130 dwellings, which against local housing need and a 20% buffer equates to 5.6 years.
- 1.5 On the requirement side, the strategic policies in the Spelthorne Core Strategy (adopted February 2009) are more than five years old and have not been reviewed and found not to require updating. Therefore, in accordance with paragraph 74 and footnote 39 of the Framework, the five year supply should be measured against the local housing need using the standard method set out in the Planning Practice Guidance (PPG). The local housing need is 618 dwellings per annum. The ‘base’ five year requirement is therefore 3,090 dwellings (i.e., 618 x 5 years = 3,090).
- 1.6 Paragraph 68-031 of the PPG: “How can past shortfalls in housing completions against planned requirements be addressed?” explains that step 2 of the standard method factors in past under-delivery



as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure.

- 1.7 In addition, a buffer should be applied. The 2021 Housing Delivery Test (HDT) result confirms that Spelthorne achieved a HDT result of 69% and therefore, in accordance with paragraph 74 and footnote 41 of the Framework, the buffer is 20%. Therefore, the supply that needs to be demonstrated is 3,708 dwellings.
- 1.8 On the supply side, the Council claims to have a deliverable supply of 4,130 dwellings at 1<sup>st</sup> April 2022 (an oversupply against the requirement and buffer of 422 dwellings). We have reviewed the supply and for the reasons set out in appendix EP1, conclude that 2,088 dwellings should be removed from sites with outline planning permission for major development or allocated sites without planning permission because the Council has not provided the “clear evidence” required for their inclusion and progress since the base date does not indicate the sites should be included.
- 1.9 We therefore conclude that the deliverable supply at 1<sup>st</sup> April 2022 is 2,042 dwellings. Against a five year requirement plus 20% buffer of 3,708 dwellings, this equates to 2.75 years as summarised in the following table:

Table 1.1 – Summary of Spelthorne’s Five Year Housing Land Supply at 1<sup>st</sup> April 2022

|   |  |        |
|---|--|--------|
|   | Requirement                                      |        |
| A | Annual local housing need figure                 | 618    |
| B | Five year housing requirement (A X 5 years)      | 3,090  |
| C | 20% buffer (5% of B)                             | 618    |
| D | Five year supply to be demonstrated (B + C)      | 3,708  |
| E | Annual requirement plus 20% buffer (D / 5 years) | 742    |
|   | Supply   |        |
| F | Five year supply at 1 <sup>st</sup> April 2022   | 2,042  |
| G | Supply in years (F / E)                          | 2.75   |
| H | Undersupply against the five year requirement    | -1,666 |



## 2. Planning policy context

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

### Development plan context

#### Existing development plan

- 2.3 The existing development plan comprises the Spelthorne Core Strategy and Development Plan Document (adopted February 2009).

#### Emerging development plan

- 2.4 Spelthorne Council is currently preparing a new Local Plan. A pre-submission consultation (regulation 19) ran from 15 June 2022 to 21 September 2022. The application site has been put forward through the call for sites process as part of the emerging Local Plan. The applicant has also made representations on the regulation 19 version of the plan.
- 2.5 The Council's website states that the Plan will be submitted to examination in Autumn 2022, however it has not been submitted to date.

### Other material considerations

#### National planning policy and guidance

The National Planning Policy Framework ("the Framework")

- 2.6 The Framework was published in March 2012. It was revised in July 2018, February 2019 and again in July 2021. The relevant sections of the Framework in relation to our statement are:

Section 5: Delivering a sufficient supply of homes, including:

- Paragraph 60, which refers to the Government's objective of significantly boosting the supply of homes;



- Paragraph 61, which explains that the minimum number of homes needed should be informed by a local housing need calculated using the standard method set out in the PPG;
- Paragraph 71, in relation to an allowance for windfall sites;
- Paragraph 74, which explains which figure the five year housing land supply should be measured against and which buffer applies;
- Paragraph 75, which explains the circumstances in which a five year housing land supply can be demonstrated through a recently adopted plan or subsequent annual position statement; and
- Paragraph 76, in relation to Housing Delivery Test Action Plans; and

Annex 2: Glossary, including:

- The definition of “deliverable” on page 66; and
- The definition of “windfall sites” on page 73.

#### Planning Practice Guidance (PPG)

2.7 The PPG was first published in March 2014 and has been updated since. The relevant chapters of the PPG in relation to our statement are:

Chapter 2a - Housing and economic needs assessment;

Chapter 3 – Housing and economic land availability assessments; and

Chapter 68 – Housing supply and delivery.

#### Spelthorne Housing Trajectory and Five Year Housing Land Supply 2022

2.8 The Council’s Housing Trajectory and Five Year Housing Land Supply statement was published in August 2022. It claims that at 1<sup>st</sup> April 2022, the Council had a deliverable supply of 4,130 dwellings, which against local housing need and a 20% buffer equates to 5.6 years.



# 3. Housing Delivery

## Housing Delivery Test

3.1 The definition of the Housing Delivery Test (HDT) is provided in the Glossary to the Framework on page 67 as follows:

“Housing Delivery Test: Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November”

3.2 The HDT is measured as a percentage each year. The following implications apply where the HDT results confirm delivery falls below specific thresholds.

3.3 Firstly, as explained in footnote 8 of the Framework, the tilted balance to the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework applies where the HDT indicates that the delivery of housing was “substantially below” (i.e. less than 75%) the housing requirement over the previous years.

3.4 Secondly, paragraph 74 and footnote 41 of the Framework explain that where the HDT result is below 85%, the 20% buffer will apply for purposes of calculating the five year housing land supply.

3.5 Thirdly, Paragraph 76 of the Framework explains that where the HDT result is below 95%, the local planning authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years.

3.6 The HDT Measurement Rule Book (July 2018) explains that HDT is calculated as a percentage of net homes delivered against the “number of homes required”. Paragraph 12 then explains that where the latest adopted housing requirement figure is less than five years old, or has been reviewed and does not need updating, the figure used will be the lower of:

“EITHER the latest adopted housing requirement, including any unmet need from neighbouring authorities which forms part of that adopted housing requirement. This requirement will be the stepped housing requirement (or the annual average requirement where there is no stepped requirement)...

OR the minimum annual local housing need figure (and any need from neighbouring authorities which it has been agreed should be planned for, and which has been tested at examination) for that authority calculated with a base date of 1<sup>st</sup> April each year”





- 3.7 Paragraph 14 of the rulebook explains that where the latest adopted housing requirement is over five years old, unless the strategic policies have been reviewed and found not to require updating, the figure used for areas with a joint plan will be the minimum annual local housing need figure.
- 3.8 The HDT results for 2021 were published on 14<sup>th</sup> January 2022. The result for Spelthorne is summarised in the table below:

Table 3.1 – Published 2021 Housing Delivery Test Result

|            | Housing requirement |         |         |       | Housing delivery |         |         |       | HDT% |
|------------|---------------------|---------|---------|-------|------------------|---------|---------|-------|------|
|            | 2018-19             | 2019-20 | 2020-21 | Total | 2018-19          | 2019-20 | 2020-21 | Total |      |
| Spelthorne | 599                 | 552     | 403     | 1,554 | 337              | 228     | 508     | 1,073 | 69%  |

- 3.9 As can be seen from the table above, Spelthorne delivered 1,073 new homes over the last three years against a “requirement” over the same period of 1,554 dwellings. This results in a HDT measurement of 69% and means that the Council has failed the HDT. Consequently, the tilted balance set out in paragraph 11(d) of the Framework is triggered, the buffer is increased to 20% and an action plan is required.
- 3.10 The previous HDT results were as follows. Due to transitional arrangements, the presumption in favour of sustainable development did not apply (as a result of the HDT result) until the 2020 HDT was published:

2018 HDT result – 63% - the buffer was increased to 20% and an action plan was required;

2019 HDT result – 60% - the buffer was increased to 20% and an action plan was required; and

2020 HDT result – 50% - the presumption in favour of sustainable development applied, the buffer was increased to 20% and an action plan was required.

### Housing delivery since 1<sup>st</sup> April 2006

- 3.11 The base date of the Spelthorne Core Strategy is 1<sup>st</sup> April 2006. The following table shows the completions from the base date of the Core Strategy:



Table 3.2 – Completions as recorded in the Authority Monitoring Reports (AMRs) since 1<sup>st</sup> April 2006

| Year    | Completions<br>(net) |
|---------|----------------------|
| 2006/07 | 180                  |
| 2007/08 | 184                  |
| 2008/09 | 187                  |
| 2009/10 | 211                  |
| 2010/11 | 139                  |
| 2011/12 | 159                  |
| 2012/13 | 170                  |
| 2013/14 | 191                  |
| 2014/15 | 265                  |
| 2015/16 | 308                  |
| 2016/17 | 347                  |
| 2017/18 | 250                  |
| 2018/19 | 289                  |
| 2019/20 | 228                  |
| 2020/21 | 639                  |
| Total   | 3,747                |
| Average | 249.8                |

3.12 This is relevant when considering that the Council claims its deliverable supply over the next five years is 4,130 dwellings. This equates to an average of 826 dwellings, which has not been achieved in any of the 15 years between 2006 and 2021. It is significantly greater than the average delivery of 250 dwellings per annum over the same 15 year period.



## 4. Assessment of the Council's housing supply

4.1 Our assessment of the Council's five year housing land supply is based on six key stages:

1. Identifying the base date and five year period;
2. Identifying the housing requirement;
3. Identifying the past shortfall;
4. Identifying how the past shortfall should be addressed;
5. Applying the appropriate buffer; and
6. Identifying a Realistic and Deliverable Supply.

4.2 Each stage is addressed below.



## 5. Stage 1: Agreeing the base date and five year period

- 5.1 The base date is the start date for the five year period for which both the requirement and supply should relate.
- 5.2 The current housing land supply position statement has a base date of 1<sup>st</sup> April 2022 and a five year period to 31<sup>st</sup> March 2027. We have assessed the supply at 1<sup>st</sup> April 2022 as that remains the most up to date position.
- 5.3 The Council should not attempt to include any new sites, which are not already within its schedule of sites at the base date. This would effectively mean changing the base date to beyond 1<sup>st</sup> April 2022. Within this context, there have been several appeal decisions, which have found such an approach to be inappropriate.
- 5.4 In a decision in relation to an appeal made by Wavendon Properties Ltd against the decision of Milton Keynes Council to refuse to grant outline planning permission for a mixed use development including up to 203 dwellings at land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands<sup>1</sup>, the Secretary of State agreed with Inspector Gilbert-Wooldridge that whilst evidence which post-dated the base date was acceptable, this was only in relation to sites already in the schedule of sites. New sites should not be added after the base date<sup>2</sup>.
- 5.5 Similarly, in an appeal made by the Darnhall Estate against the decision of Cheshire West and Chester Council to refuse to grant residential development for up to 184 dwellings at land off Darnhall School Lane, Winsford<sup>3</sup>, the Secretary of State agreed with Inspector Middleton that it would be inappropriate for new sites to be included after the base date and that their insertion should await the next full review of the housing land supply position<sup>4</sup>.
- 5.6 We have therefore proceeded on the basis of the sites included in the Council's schedule at the base date.

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<sup>1</sup> PINS ref: 3169314

<sup>2</sup> Please see DL paragraph 12 and IR paragraph 12.12

<sup>3</sup> PINS ref: 2212671

<sup>4</sup> Please see DL paragraph 15 and IR paragraph 344



## 6. Stage 2: Identifying the housing requirement

### Adopted housing requirement

- 6.1 The adopted housing requirement for Spelthorne is set out in the Core Strategy (adopted February 2009).
- 6.2 Policy SP2 of the Core Strategy states that the Council will ensure the delivery of at least 3,320 dwellings over the period 2006 to 2026, which equates to 166 dwellings per annum. This was based on the requirement set out in the draft South East Regional Spatial Strategy and is out of date.

### The Local Housing Need for Spelthorne

- 6.3 Local Housing Need is defined in the Glossary on page 68 of the Framework as follows:

“The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 60 of this Framework).”

- 6.4 Paragraph 2a-004 of the PPG explains how local housing need is calculated. It results in a capped local housing need figure of 618 dwellings per annum in the following table for 2022:

Table 6.1 – Local Housing Need in Spelthorne

|            | Step 1  | Step 2            | Step 3                     | Step 4  |                    |
|------------|---|-------------------|----------------------------|---|--------------------|
|            | Projected annual average household growth 2022-32 | Adjustment factor | Should the cap be applied? | Should the City and urban area uplift be applied? | Local housing need |
| Spelthorne | 441.5   | 1.54              | Yes                        | No  | 618                |

- 6.5 The uncapped local housing need is 679 dwellings per annum.

### Which figure should the five year housing land supply be measured against?

- 6.6 On the basis that the plan from which the housing requirement is derived has not been reviewed and found to not require updating, in accordance with paragraph 74 and footnote 39 of the Framework, the five year housing land supply should be measured against the local housing need calculated using the



standard method. Based on the local housing need, the five year housing requirement for Spelthorne from 1<sup>st</sup> April 2022 is 3,090 dwellings (i.e., 618 x 5 years = 3,090).



## 7. Stages 3 and 4: Identifying the past shortfall and the method for addressing it

### 7.1 Paragraph 68-031 of the PPG5: “How can past shortfalls in housing completions against planned requirements be addressed?” states:

“Where shortfalls in housing completions have been identified against planned requirements, strategic policy-making authorities may consider what factors might have led to this and whether there are any measures that the authority can take, either alone or jointly with other authorities, which may counter the trend. Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure. Under-delivery may need to be considered where the plan being prepared is part way through its proposed plan period, and delivery falls below the housing requirement level set out in the emerging relevant strategic policies for housing.

Where relevant, strategic policy-makers will need to consider the recommendations from the local authority’s action plan prepared as a result of past under-delivery, as confirmed by the Housing Delivery Test.

The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach), then the appropriate buffer should be applied. If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.

Where strategic policy-making authorities are unable to address past shortfalls over a 5 year period due to their scale, they may need to reconsider their approach to bringing land forward and the assumptions which they make. For example, by considering developers’ past performance on delivery; reducing the length of time a permission is valid; re-prioritising reserve sites which are ‘ready to go’; delivering development directly or through arms’ length organisations; or sub-dividing major sites where appropriate, and where it can be demonstrated that this would not be detrimental to the quality or deliverability of a scheme.” (emphasis added)

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<sup>5</sup> Paragraph: 031 Reference ID: 68-031-20190722: “How can past shortfalls in housing completions against planned requirements be addressed?”



7.2 As in this case the five year housing land supply is to be measured against the local housing need, there is no requirement to specifically address under-delivery separately as this has been factored in as part of the affordability ratio under step 2 as highlighted in this part of the PPG.





## 8. Stage 5: Applying the appropriate buffer

### 8.1 Paragraph 74 of the Framework states:

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

5% to ensure choice and competition in the market for land; or

10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or

20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.”

8.2 Footnote 41 of the Framework explains that from November 2018 “significant under delivery” of housing will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

8.3 As set out in section 3 of this statement, the HDT was failed in Spelthorne and therefore the 20% buffer applies. The following table sets out the five year housing supply which needs to be demonstrated at 1<sup>st</sup> April 2022 based on the local housing need and a 20% buffer.

Table 8.1 – Summary of five year requirement plus buffer

|   | Requirement                                      |       |
|---|--|-------|
| A | Annual local housing need figure                 | 618   |
| B | Five year housing requirement (A X 5 years)      | 3,090 |
| C | 20% buffer (20% of B)                            | 618   |
| D | Five year supply to be demonstrated (B + C)      | 3,708 |
| E | Annual requirement plus 20% buffer (D / 5 years) | 742   |



## 9. Stage 6: Identifying a Realistic and Deliverable Supply

9.1 On the supply side, the Council claims to have a deliverable supply of 4,130 dwellings at 1<sup>st</sup> April 2022.

What constitutes a deliverable site?

[Previous National Planning Policy \(2012\) and Guidance \(2014\)](#)

9.2 Footnote 11 of the 2012 Framework stated:

“To be considered deliverable, sites 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 and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

9.3 Paragraph 3-031 of the previous PPG (dated 6<sup>th</sup> March 2014): “What constitutes a ‘deliverable site’ in the context of housing policy?” stated:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (eg infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply.”

9.4 Therefore, under the 2012 Framework, all sites with planning permission, regardless of their size or whether the planning permission was in outline or in full were to be considered deliverable until



permission expired unless there was clear evidence that schemes would not be “implemented” within five years. The PPG went further by stating that allocated sites “could” be deliverable and even non-allocated sites without planning permission “can” be considered capable of being delivered.

### Draft revised National Planning Policy Framework (March to May 2018)

- 9.5 The Government consulted on the draft revised Framework between March and May 2018. The draft revised Framework provided the following definition of “deliverable” in the glossary:

“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. Small sites, and 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 (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

### Government’s response to the draft revised Framework consultation

- 9.6 There were 750 responses to the relevant question on this issue. Some of the points raised included:

“Local authorities called for the proposed definition of ‘deliverable’ to be reconsidered, as it may result in them being unable to prove a five year land supply and place additional burdens on local authorities to produce evidence. Private sector organisations were supportive of the proposed definition.” (emphasis added)

- 9.7 The government’s response was as follows:

“The Government has considered whether the definition of ‘deliverable’ should be amended further, but having assessed the responses it has not made additional changes. This is because the wording proposed in the consultation is considered to set appropriate and realistic expectations for when sites of different types are likely to come forward.” (emphasis added)

### Revised Framework (July 2018)

- 9.8 The revised Framework was published on 24<sup>th</sup> July 2018. The definition of deliverable was provided on page 66 of the 2018 Framework and was as follows:



“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. Sites that are not major development, and 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 (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.” (emphasis added)

- 9.9 Consequently, the 2018 Framework stated that sites with outline planning permission or allocated sites should “only” be considered deliverable where there is “clear evidence” that housing completions will “begin” on site within five years. The onus is on the Council to provide the clear evidence for any sites with outline planning permission and allocated sites it considers deliverable.
- 9.10 The “clear evidence” required is not described any further in the Framework. However, it is discussed in the updated PPG, which is discussed below.

#### Technical consultation on updates to national planning policy and guidance

- 9.11 Between 26th October and 7<sup>th</sup> December 2018, the Government consulted on:

Changes to planning practice guidance relating to the standard method for assessing local housing need; and

Policy clarifications relating to housing land supply, the definition of deliverable and appropriate assessment.

- 9.12 In terms of the definition of deliverable, the consultation document stated at paragraph 36:

“The new Framework published in July this year set out a revised definition of ‘deliverable’ (contained in the glossary at Annex 2 of the Framework). Early experience of applying this definition has suggested that it would benefit from some clarification of the wording. In particular, the existing text could be clearer that sites that are not major development, and which have only an outline planning consent, are in principle considered to be deliverable. The relationship between the first sentence of the definition (which sets out general considerations in terms of deliverability), and the remainder that explains how particular circumstances should be approached, also needs to be clear. The specific circumstances cited in the definition are intended to indicate how the general considerations in the first sentence apply to the types of development referred to in the text that follows.

- 9.13 The consultation document then set out a proposed revised definition as follows:



“Deliverable: 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.”

9.14 Question 5 of the consultation asked: “Do you agree with the proposed clarification to the glossary definition of “deliverable”?”

### Government’s response to the technical consultation

9.15 The Government’s response to the consultation was published on 19<sup>th</sup> February 2019. It explained that there were 461 responses to question 5 and the points raised included:

“• There was considerable support (68%) for the proposal from the private sector, although some concerns were raised that sites will need longer than five years to be built out.

• About half (54%) of local authorities agreed with the proposal, although some felt that it may make delivery harder to demonstrate, resulting in sites being removed from plans and therefore make it more difficult for authorities when demonstrating a five year land supply.

• Many respondents across the groups suggested that sites with outline planning permission and / or sites that are included within local plans should be included in the definition of deliverable. Many respondents also suggested that the proposal would result in developers using specialist knowledge and resources to influence planning decisions in their favour, as well as complaints concerning land banking” (emphasis added)

9.16 The Government’s response then stated:

“The Government welcomes the views submitted on this proposal. Taking them into account, it considers that the revised definition does provide helpful clarification of the approach established already in the National Planning Policy Framework. The concerns that have been expressed relate more to this overall approach than the merits of the clarification (and the relevance of the overall approach was considered when the Framework was being finalised, following the consultation in the spring of 2018). The



changes to the definition that the present consultation proposes should not make it harder for authorities to demonstrate that they have a deliverable portfolio of sites; indeed, it makes it clearer that non-major sites with outline consent should be considered deliverable unless there is evidence to the contrary. We are, however, providing further information on applying the approach through planning practice guidance.” (emphasis added).

## Current National Planning Policy and Guidance

9.17 The definition of “deliverable” is set out on page 66 of the Framework (2021) and states:

“Deliverable: 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.”

9.18 The PPG was most recently updated on 22<sup>nd</sup> July 2019. Paragraph 68-007 of the PPG<sup>6</sup> provides some examples of the types of evidence, which could be provided to support the inclusion of sites with outline planning permission for major development and allocated sites without planning permission. It states:

“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.

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<sup>6</sup> Paragraph 007 Reference ID: 68-007-20190722: “What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?”



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.”

### Assessment

- 9.19 Whilst the previous definition in the 2012 Framework considered that all sites with planning permission should be considered deliverable, the revised definition in the 2021 Framework is clear that only sites with detailed consent for major development should be considered deliverable and those with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin in five years.
- 9.20 As above, the PPG has been updated to provide some examples of the type of evidence which may be provided to be able to consider that sites with outline planning permission for major development, allocated sites and sites identified on a brownfield register are deliverable.

### Relevant appeal decisions

- 9.21 There have been several appeal decisions which have considered the definition of “deliverable” as set out in the 2018, 2019 and 2021 versions of the Framework and whether “clear evidence” has been provided for the inclusion of sites which only have outline planning permission for major development or are allocated without planning permission. Whilst each appeal has been determined on a case by case basis on the evidence before the decision-maker, several themes have arisen in appeal decisions, which is discussed below.

### The absence of any written evidence



9.22 Where no evidence has been provided for the inclusion of category b) sites, the Secretary of State and Inspectors have concluded that these sites should be removed. For example:

In an appeal decision regarding land off Audlem Road, Stapeley, Nantwich and land off Peter De Stapeleigh Way, Nantwich<sup>7</sup>, the Secretary of State removed 301 dwellings from Cheshire East Council's supply from sites including: "sites with outline planning permission which had no reserved matters applications and no evidence of a written agreement" (paragraph 21 of the decision letter dated 15<sup>th</sup> July 2020);

In an appeal decision regarding land to the south of Cox Green Road, Surrey<sup>8</sup> an Inspector removed 563 dwellings on 24 sites from Waverley Council's supply because the Council had not provided any evidence for their inclusion (paragraphs 22 to 24 of the appeal decision dated 16<sup>th</sup> September 2019);

In an appeal decision regarding land at Station Road, Stalbridge, North Dorset<sup>9</sup> an Inspector removed 2 large sites from North Dorset's supply (references A02 and A04) because the Council had not provided any up to date information from the developers for these sites and applications for reserved matters had not been made (paragraphs 53 and 57); and

In an appeal decision regarding land within the Westhampnett / North East Strategic Development Location, North of Madgwick Lane, Chichester<sup>10</sup>, an Inspector removed the second phase of a wider site that is under construction on the basis that an application for reserved matters had not been made for phase 2 and the fact that a major housebuilder was progressing phase 1 was not in itself clear evidence (paragraph 82).

### The most up to date evidence

9.23 Paragraph 68-004 of the PPG<sup>11</sup> explains that for decision-taking purposes, an authority will need to be able to demonstrate a five year housing land supply when dealing with applications and appeals. They can do this in one of two ways:

"using the latest available evidence such as a Strategic Housing Land Availability Assessment (SHLAA), Housing and Economic Land Availability Assessment (HELAA), or an Authority Monitoring Report (AMR);

'confirming' the 5 year land supply using a recently adopted plan or through a subsequent annual position statement (as set out in paragraph 74 of the National Planning Policy Framework)."

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<sup>7</sup> PINS refs: 2197532 and 2197529

<sup>8</sup> PINS ref: 3227970

<sup>9</sup> PINS ref: 3284485

<sup>10</sup> PINS ref: 3270721

<sup>11</sup> Paragraph: 004 Reference ID: 68-004-20190722: "How can an authority demonstrate a 5 year supply of deliverable housing sites?"





9.24 In this case, the Council’s five year housing land supply has not been confirmed through a recently adopted plan or an annual position statement and therefore the latest available evidence should be used. As above, paragraph 68-007 of the PPG also states that “robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions”. It also states that the “current” planning status of a site is one example of the type of evidence that could be used to support the inclusion of category b) sites. Therefore, the latest available evidence should be used.

9.25 In an appeal regarding land on the east side of Green Road, Woolpit<sup>12</sup>, the Inspector found Mid Suffolk Council’s approach in publishing its AMR and then retrospectively seeking evidence to justify its position “wholly inadequate”. Paragraph 70 of the appeal decision states:

“the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published.”

9.26 However, evidence can post date the base date. This is because many authorities publish their position statement long after the base date. In an appeal regarding land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands (Milton Keynes)<sup>13</sup>, the Secretary of State agreed with Inspector Gilbert-Woolridge that the latest available evidence should be used when considering deliverability. Paragraph 12 of the Secretary of State’s decision letter dated 25<sup>th</sup> June 2020 states:

“For the reasons given at IR12.8-12.12 the Secretary of State agrees with the Inspector that it is acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019 (IR12.11)”.

9.27 Similarly, in a decision regarding land off Darnhall School Lane, Winsford<sup>14</sup>, the Secretary of State agreed with Inspector Middleton that it is appropriate to take into account information received after the base date if it affects sites included in the supply<sup>15</sup>.

9.28 This means for example that sites with outline planning permission at the base date can be included in the five year supply even if there was no clear evidence at the time the position statement was published but an application for reserved matters has since been approved. It also means the latest position can be taken into account where sites have not progressed as the Council’s trajectory claimed at the time the position statement was published.

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<sup>12</sup> PINS ref: 3194926

<sup>13</sup> PINS ref: 3169314

<sup>14</sup> PINS ref: 2212671

<sup>15</sup> Paragraph 344 of the Inspector’s Report and paragraph 15 of the Decision Letter.



9.29 In the Audlem Road appeal<sup>16</sup>, the Secretary of State removed from Cheshire East Council's supply;

“a site where there is no application and the written agreement indicates an application submission date of August 2019 which has not been forthcoming, with no other evidence of progress”. (paragraph 21 of the Decision Letter dated 15<sup>th</sup> July 2020)

9.30 Cheshire East Council's Housing Monitoring Update (HMU) had a base date of 31<sup>st</sup> March 2019 and was published in November 2019. Representations by both parties on the HMU were received with the final comments received on 12<sup>th</sup> February 2020 (DL paragraph 7). Therefore, whilst the written evidence for this site explained a planning application would be made on this site in August 2019 because the application was not forthcoming by the time the decision was made and no other evidence of progress had been provided, the Secretary of State removed the site from the supply.

### The form and value of the evidence

9.31 In the Woburn Sands appeal decision referred to above, the Secretary of State agreed with the Inspector that a proforma can, in principle, provide clear evidence of a site's deliverability (please see paragraph 12 of the decision letter and paragraphs 12.13 to 12.15 of the Inspector's Report). However, the evidential value of the written information is dependent on its content. The Secretary of State and Inspectors have concluded that it is not simply sufficient for Councils to provide agreement from landowners and promoters that their intention is to bring sites forward. The evidence needs to provide a realistic prospect that housing will be delivered on the site within five years.

9.32 For example, in allowing an appeal for 120 dwellings at land east of Gleneagles Way, Hatfield Peverel<sup>17</sup>, the Secretary of State found Braintree Council could not demonstrate a five year housing land supply.

9.33 Braintree Council claimed that it could demonstrate a 5.29 year supply. In determining the appeal, the Secretary of State concluded that the Council could only demonstrate a 4.15 year supply. The reason for this is set out in paragraph 41 of the decision letter (page 7), which states:

“Having reviewed the housing trajectory published on 11 April, the Secretary of State considers that the evidence provided to support some of the claimed supply in respect of sites with outline planning permission of 10 dwellings or more, and sites without planning permission do not meet the requirement in the Framework Glossary definition of “deliverable” that there be clear evidence that housing completions will begin on site within five years. He has therefore removed ten sites from the housing trajectory”

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<sup>16</sup> PINS refs: 2197532 and 2197529

<sup>17</sup> PINS ref: 3180729



- 9.34 The ten removed sites are listed in a table provided at Annex D on page 24 of the Secretary of State’s decision letter. Of the ten sites removed from Braintree’s supply, 9 had outline planning permission and the remaining site was an allocated site with a hybrid planning application pending determination. For these sites, Braintree Council had submitted completed forms and emails from landowners, developers and their agents providing the timescales for the submission of reserved matters applications and anticipated build rates. However, the Secretary of State removed these sites because he did not consider they met the definition of “deliverable” as set out in the Framework.
- 9.35 As part of its case in seeking to defend an appeal against its decision to refuse to grant outline planning permission for up to 140 no. dwellings at land off Popes Lane, Sturry<sup>18</sup>, Canterbury City Council claimed that it could demonstrate a 6.72 year supply. For there to be a shortfall in the supply, Canterbury Council claimed that some 1,654 dwellings (out of 6,455 dwellings) would have to be removed from the “deliverable” supply.
- 9.36 The Inspector however found that the Council could not demonstrate a five year housing land supply. The Inspector concluded that the deliverable supply was 4,644 dwellings, which equates to 4.8 years. The reason why the Inspector concluded that the deliverable supply was 1,811 dwellings (28%) less than the Council claimed was because he found that 10 sites should be removed from the supply because:

“there is insufficient clear evidence to show that they meet the NPPF’s definition of deliverable. Sites which are not deliverable cannot be counted as part of the supply for the purposes of meeting the 5-year requirement.” (paragraph 23)

- 9.37 In this case, Canterbury Council had provided statements of common ground between the Council and the developer or landowner to support the inclusion of several of the disputed sites. However, the Inspector found that the statements of common ground did not demonstrate that the development prospect was realistic. Paragraph 23 of the appeal decision states:

“For a number of the disputed sites, the Council’s evidence is founded on site-specific SCGs which have been agreed with the developer or landowner of the site in question. I appreciate that the PPG refers to SCGs as an admissible type of evidence, and I have had full regard to that advice. But nevertheless, the evidential value of any particular SCG in this context is dependent on its content. In a number of cases, the SCGs produced by the Council primarily record the developer’s or landowner’s stated intentions. Without any further detail, as to the means by which infrastructure requirements or other likely obstacles are to be overcome, and the timescales involved, this type of SCG does not seem to me to demonstrate that the development

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<sup>18</sup> PINS ref: 3216104



prospect is realistic. In addition, most of the site-specific SCGs are undated, thus leaving some uncertainty as to whether they represent the most up-to-date position.”

- 9.38 Similarly, as part of its case in seeking to defend an appeal made by Parkes Ltd against its decision to refuse to grant outline planning permission for up to 53 dwellings at land to the south of Cox Green Road, Rudgwick<sup>19</sup>, Waverley Council claimed it could demonstrate a supply of 5,708 dwellings, which equated to just under 5.2 years against its housing requirement and buffer.
- 9.39 The Inspector concluded that the supply should be reduced by 928 dwellings and therefore that Waverley Council could only demonstrate a “deliverable” supply of 4.3 years. The reasons why the Inspector considered the supply should be reduced are set out in paragraphs 10 to 27 of the appeal decision. We note that whilst Waverley Council’s assumptions of delivery on a site at Dunsfold Park relied on estimated numbers of delivery from a pro-forma returned by the site’s lead developer, the Inspector however considered that the details contained within it were “scant”. There was no explanation as to how the timings of delivery could be achieved including the intended timescales for submitting and approving reserved matters, applications of discharge of conditions, site preparation and installing infrastructure. The Inspector therefore did not include the site.
- 9.40 In an appeal for up to 181 dwellings at land at Caddywell Lane / Burwood Lane, Great Torrington, Devon<sup>20</sup>, Inspector Harold Stephens concluded that Torridge Council could not demonstrate a five year housing land supply. Paragraphs 56 and 57 of the appeal decision state:

“56. I have also had regard to the updated PPG advice published on 22 July 2019 on ‘Housing supply and delivery’ including the section that provides guidance on ‘What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking.’ The PPG is clear on what is required:

“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.”

This indicates the expectation that ‘clear evidence’ must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.

57. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are the planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-

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<sup>19</sup> PINS ref: 3227970

<sup>20</sup> PINS ref: 3238460



forma from a developer or agent does not in itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward" (emphasis added)

9.41 Similarly, in a recent appeal decision dated 25<sup>th</sup> June 2021 regarding an appeal made by Senior Living (Sonning Comon) Ltd and Investfront Ltd against the decision of South Oxfordshire District Council to refuse to grant planning permission for a care village of up to 133 units at Little Sparrows, Sonning Common, Oxfordshire<sup>21</sup>, Inspector Harold Stephens found that South Oxfordshire could not demonstrate a deliverable supply because it had not provided the necessary clear evidence. Paragraphs 20 and 21 of the appeal decision reflect paragraphs 56 and 57 of the Great Torrington appeal decision above.

9.42 Finally, in an appeal decision dated 25<sup>th</sup> August 2022 regarding an appeal made by Salter Property Investments Ltd against the decision of Exeter City Council to refuse to grant outline planning permission for up to 93 dwellings at land off Spruce Close, Exeter<sup>22</sup>, the Inspector found:

The pro-formas used by Exeter in that case were undated, unsigned and deficient (paragraph 39);

That 2 sites with outline planning permission and no reserved matters applications pending and no clear evidence for their inclusion should be removed (paragraphs 40 and 41); and

That even where reserved matters application had been made, where those applications are subject to outstanding objections and there is no written agreement with the developer, the sites should not be included because no clear evidence had been provided (paragraphs 42 and 43).

9.43 In summary, the above appeal decisions found that sites with outline planning permission for major development and allocated sites without planning permission should not be included in the deliverable supply where the respective Councils had failed to provide the clear evidence required. They are relevant because in this case, Spelthorne has chosen not to publish any site-specific evidence for the inclusion of a number of the sites which are within category b) of the definition of deliverable.

### Build rates

9.44 There has been much debate on lead in times and delivery rates. In their latest Insight report (November 2021), "Feeding the Pipeline" Lichfields, commissioned by the Land Promoters and Developers Federation (LPDF) and Home Builders Federation (HBF), have undertaken research into the pipeline of sites for

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<sup>21</sup> PINS ref: 3265861

<sup>22</sup> PINS ref: 3292721



housing set against what might be needed to achieve the Government target of 300,000 homes per annum across England. Lichfield's advise:

“Increasing the number of ‘outlets’ – the active sites from which homes are completed – and doing so with a wide variety of different sites, is key to increasing output, with each housebuilder outlet delivering on average 45 homes each year.”

9.45 Lichfield's stark conclusion is that for every district in England a further 4-5 medium sites a year or 4-5 larger sites over the next 5 years (or 1-2 medium sites per annum or 1-2 large sites over the next 5 years and 12 or 13 smaller sites per annum) is needed to achieve Government policy on housing delivery over and above the usual number of permissions granted each year. With regard to the pipeline of developers and the rate of delivery they note that:

“Housebuilders in buoyant conditions may be able to increase build out rates from their existing pipelines, and this might be welcomed. However, it would still necessitate more implementable planning permissions coming through the system to both increase outlets (alongside those existing outlets delivering more quickly) as well as to top-up already short pipelines that would otherwise be exhausted more quickly. Quite simply, without adding more permissions, there is no business rationale for housebuilders to build-out from their pipelines more quickly as the risks associated with topping up their pipeline in time would not be compatible with business resilience.”

9.46 Lichfield's previous Insight report in February 2020 ‘Start to Finish’ considered what factors affect the build-out rates of large-scale housing sites. They outlined four key conclusions. First that large sites >500 homes can take up to 5 years from validation of an outline application to first completions, with 3 years from the grant of outline permission to the same point. Second, that lead in times are getting longer. Third, that large greenfield sites of 2,000+ can deliver more quickly than smaller sites. Fourth, that more outlets on a site has a positive impact on delivery.

9.47 Significantly, Lichfield's found (analysing 17 sites) that the lead in time from planning approval (outline approval) to delivery for large 1,000-1,499 sites was 2.4 years (obtaining reserved matters approvals, discharge of conditions and infrastructure delivery to enable first completions) (and 3.5 years post 2008). The average annual build out rate on large 1,000-1,499 sites was 107dpa. It also found that for sites over 2,000 dwellings, it took 2.6 years from outline planning permission to the delivery of units and the average build rate on these sites was 160 dwellings per annum. Lichfield's analysis confirmed that having more outlets operating at the same time will on average have a positive impact on build-out rates, however, there are limits to this, likely to be due to additional capacity from the outlets themselves as well as competition for buyers.

9.48 We now set out our assessment of the Council's deliverable five year supply.



# 10. Assessment of sites

10.1 The Council’s five year supply includes 145 dwellings on 4 brownfield sites without planning permission at the base date which we dispute, as follows.

Table 10.1 – Brownfield sites without planning permission

| LPA ref: | Address                                    | Capacity (Net) | LPA 5YHLS | EP 5YHLS | Difference |
|----------|--|----------------|-----------|----------|------------|
| ST3/017  | Phase 1C Charter Square                    | 65             | 65        | 0        | -65        |
| SC1/005  | Sunbury Cross Ex Services Association Club | 50             | 50        | 47       | -3         |
| ST4/030  | 131 High Street                            | 23             | 23        | 0        | -23        |
| AS1/010  | 484 London Road                            | 7              | 7         | 0        | -7         |
|          |  | Total          | 145       | 47       | -98        |

10.2 These sites are known as “Brownfield Tier 2 sites”. They have been identified in the SHLAA and included in the deliverable supply. For the reasons set out in appendix EP1, 98 dwellings should be removed from the Council’s supply.

10.3 The Council’s five year supply includes 1,702 dwellings on 20 sites without planning permission at the base date which we dispute. Twelve of these sites are draft allocations in the emerging Local Plan but are currently in the Green Belt (these are shaded grey in the table below). Therefore, these sites do not currently fall within category a) or category b) of the definition of “deliverable”. Whilst we accept that the definition of deliverable is not a closed list, it is not known at this stage whether their proposed allocation will be found sound when the Local Plan is examined. Furthermore, the Green Belt Assessment will also be subject to the examination process.

10.4 Clear evidence that housing completions will begin on all 20 sites by 31<sup>st</sup> March 2027 must be provided, with the onus firmly on the Council to provide such evidence. In the absence of any clear evidence of deliverability, these sites should be removed. The disputed sites in this category are set out in the following table.



Table 10.2 – Draft allocations without planning permission

| LPA ref: | Address   | Capacity (Net) | LPA 5YHLS | EP 5YHLS | Difference |
|----------|---|----------------|-----------|----------|------------|
| SE1/024  | Annandale House, 1 Hanworth Road                                    | 295            | 295       | 0        | -295       |
| SN1/006  | Land to the west of Long Lane and South of Blackburn Trading Estate | 200            | 200       | 0        | -200       |
| ST3/004  | 34-36 (Oast House) / Car park Kingston Road                         | 180            | 180       | 0        | -180       |
| ST4/002  | Car Park, Hanover House & Sea Cadet Building                        | 158            | 158       | 0        | -158       |
| AT3/016  | 23 – 31 Woodthorpe Road   | 120            | 120       | 0        | -120       |
| ST4/026  | Communications House, South Street                                  | 120            | 120       | 0        | -120       |
| AT1/002  | Ashford Sports Club   | 108            | 108       | 0        | -108       |
| HS1/009  | Bugle Nurseries, 171 Upper Halliford Road                           | 79             | 79        | 0        | -79        |
| LS1/024  | Land at Staines Road West and Cedar Way                             | 77             | 77        | 0        | -77        |
| HS1/002  | Land at Croysdale Avenue/ Hazelwood Drive                           | 67             | 67        | 0        | -67        |
| HS1/012  | Land East of Upper Halliford  | 60             | 60        | 0        | -60        |
| AT3/007  | Ashford Multi-storey car park                                       | 55             | 55        | 0        | -55        |
| HS2/004  | Land South of Nursery Road  | 41             | 41        | 0        | -41        |
| SE1/005  | Benwell House, Green Street   | 39             | 39        | 0        | -39        |
| AT1/012  | Ashford Community Centre  | 32             | 32        | 0        | -32        |
| AS1/011  | Land at former Bulldog Nurseries                                    | 24             | 24        | 0        | -24        |
| AS2/006  | land east of Desford Way  | 15             | 15        | 0        | -15        |
| ST4/025  | Land at Coppermill Road   | 15             | 15        | 0        | -15        |
| ST4/028  | William Hill / Vodafone, 91 High Street                             | 14             | 14        | 0        | -14        |
| ST1/043  | Land east of 355 London Road  | 3              | 3         | 0        | -3         |
|          |   | Total          | 1,702     | 0        | -1,702     |

10.5 For the reasons set out in appendix EP1, 1,702 dwellings should be removed from the Council's supply.





10.6 The Council's five year supply includes 288 dwellings on 2 large sites which we dispute, as follows.

Table 10.3 – Other disputed sites

| LPA ref: | Address                          | Capacity (Net) | LPA 5YHLS | EP 5YHLS | Difference |
|----------|----------------------------------|----------------|-----------|----------|------------|
| 17/01365 | Renshaw Industrial Estate        | 275            | 275       | 0        | -275       |
| 19/01069 | Shepperton House, 2-4 Green Lane | 13             | 13        | 0        | -13        |
|          |                                  | Total          | 288       | 0        | -288       |

10.7 For the reasons set out in appendix EP1, 288 dwellings should be removed from the Council's supply.



# 11. Summary of deductions

11.1 In summary, we make the following deductions from the Council's supply.

Table 11.1 – Summary of deductions from Spelthorne's Housing Land Supply at 1<sup>st</sup> April 2022

| Source                                       | Deduction |
|--|-----------|
| Brownfield sites without planning permission | 98        |
| Allocated sites without planning permission  | 1,702     |
| Other disputed sites                         | 288       |
| Total  | 2,088     |

11.2 We therefore conclude that at 1<sup>st</sup> April 2022, the deliverable supply is 2,042 dwellings (i.e., 4,130 – 2,088 = 2,042 dwellings).



# 12. Conclusions

12.1 We therefore conclude that the deliverable supply at 1<sup>st</sup> April 2022 is 2,042 dwellings. Against a five year requirement plus 20% buffer of 3,708 dwellings, this equates to 2.75 years as summarised in the following table:

Table 12.1 – Summary of Spelthorne’s Five Year Housing Land Supply at 1<sup>st</sup> April 2022


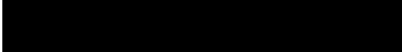
|   | Requirement                                      |        |
|---|--|--------|
| A | Annual local housing need figure                 | 618    |
| B | Five year housing requirement (A X 5 years)      | 3,090  |
| C | 20% buffer (5% of B)                             | 618    |
| D | Five year supply to be demonstrated (B + C)      | 3,708  |
| E | Annual requirement plus 20% buffer (D / 5 years) | 742    |
|   | Supply   |        |
| F | Five year supply at 1 <sup>st</sup> April 2022   | 2,042  |
| G | Supply in years (F / E)                          | 2.75   |
| H | Undersupply against the five year requirement    | -1,666 |



## EP1 – Assessment of sites

For Senior Living (Sunbury-on-Thames) | 22-153

Spelthorne 5YHLS

Project: 22-153  
Site Address: Spelthorne 5YHLS  
Client: Senior Living (Sunbury-on-Thames)  
Date: 16 November 2022  
Authors:   
Approved by: 

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# 1. Brownfield sites

1.1 The Council's five year supply includes 145 dwellings on 4 brownfield sites without planning permission at the base date which we dispute, as follows.

| LPA ref: | Address                                    | Capacity (Net) | LPA 5YHLS | EP 5YHLS | Difference |
|----------|--|----------------|-----------|----------|------------|
| ST3/017  | Phase 1C Charter Square                    | 65             | 65        | 0        | -65        |
| SC1/005  | Sunbury Cross Ex Services Association Club | 50             | 50        | 47       | -3         |
| ST4/030  | 131 High Street                            | 23             | 23        | 0        | -23        |
| AS1/010  | 484 London Road                            | 7              | 7         | 0        | -7         |
|          |  | Total          | 145       | 47       | -98        |

1.2 Our assessment of these sites is set out below.



## ST3/017 – Phase 1C Charter Square

Capacity = 65 dwellings, Council's 5YHLS = 65 dwellings

- 1.3 At the base date, the site did not have planning permission, nor has consent been granted to date.

Current planning status?

- 1.4 A full planning application for 64 dwellings was submitted on 19 September 2020 (ref: 20/01112/FUL), however this was refused on 30 July 2021 for 2 reasons, as follows:

The development would result in an overbearing impact on neighbouring residential properties causing a harmful loss of light; and

The development would cause unacceptable parking stress on residential roads which would be detrimental to the amenity of surrounding residential properties.

- 1.5 A planning appeal was lodged on 06 June 2022 and is pending determination.

Firm progress being made towards the submission of an application?

- 1.6 As above, a planning appeal is in progress. There is no evidence to suggest that progress is being made towards the submission of any further applications.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

- 1.7 No evidence has been provided.

Firm progress with site assessment work?

- 1.8 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

- 1.9 No evidence has been provided.

Summary

- 1.10 The site does not have planning permission. A full planning application for 64 dwellings was refused by the Council in July 2021. A planning appeal is in progress however it is unknown what the outcome will be.
- 1.11 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it





has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 65 dwellings from the Council’s supply.



## SC1/005 – Sunbury Cross Ex Services Association Club

Capacity = 50 dwellings, Council's 5YHLS = 50 dwellings

1.12 At the base date, the site did not have planning permission.

Current planning status?

1.13 A full planning application for 69 dwellings (ref: 20/01506/FUL) was submitted on 10 September 2020 and refused on 29 April 2021 for 2 reasons, as follows:

Overdevelopment of site by virtue of excessive density, cramped layout, poor outlook, domination of car parking and inadequate space for landscaping

Failure to secure an agreement for open space.

1.14 A planning appeal was lodged on 08 February 2022 and is in progress.

1.15 A revised planning application for 47 dwellings was subsequently submitted on 18 November 2021 and approved on 12 August 2022 (ref: 21/01801/FUL).

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

1.16 No evidence has been provided.

Firm progress with site assessment work?

1.17 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

1.18 No evidence has been provided.

Summary

1.19 The site has full planning permission for 47 dwellings and therefore 47 dwellings are considered to be deliverable in the five year period. As such, 3 dwellings should be deducted from the Council's supply.



## ST4/030 – 131 High Street

Capacity = 23 dwellings, Council's 5YHLS = 23 dwellings

- 1.20 At the base date, the site did not have planning permission. A full planning application for 23 dwellings was submitted on 01 June 2021 and was pending determination at the base date.

Current planning status?

- 1.21 A full planning application for 23 dwellings was submitted on 01 June 2021 and was pending determination at the base date (ref: 21/00921/FUL). However, the application was subsequently withdrawn on 08 March 2022. No further applications have been made to date.

Firm progress being made towards the submission of an application?

- 1.22 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

- 1.23 No evidence has been provided.

Firm progress with site assessment work?

- 1.24 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

- 1.25 No evidence has been provided.

Summary

- 1.26 The site does not have planning permission. A full planning application for 23 dwellings was pending determination at the base date however this was subsequently withdrawn. No further applications have been made to date. No evidence has been provided to suggest that progress is being made towards the submission of any further planning applications.

- 1.27 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 23 dwellings from the Council's supply



## AS1/010 – 484 London Road

Capacity = 7 dwellings, Council's 5YHLS = 7 dwellings

1.28 At the base date, the site did not have planning permission, nor has permission been granted to date.

Current planning status?

1.29 A full planning application for 8 dwellings was submitted on 03 November 2020 and refused on 05 January 2021 due to the overdevelopment of the site and insufficient information to determine whether the proposal would have an acceptable impact on highway safety (ref: 20/01319/FUL).

1.30 A revised planning application for 7 (net) dwellings was submitted on 21 April 2021 however this was refused on 28 July 2022 for one reason, as follows:

“The proposed building would be an over-dominant feature in the surrounding built landscape and would represent an overdevelopment of the site. As a result of bulk, scale, mass and significant area of flat roof, the proposal would not make a positive contribution to the street scene and character of the area in which it would be situated and would not be sympathetic to the surrounding built environment.”

1.31 A planning appeal was lodged on 15 September 2022 and is pending determination. No further applications have been made.

Firm progress being made towards the submission of an application?

1.32 As above, a planning appeal is in progress. There is no evidence to suggest that progress is being made towards the submission of any further applications.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

1.33 No evidence has been provided.

Firm progress with site assessment work?

1.34 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

1.35 No evidence has been provided.



## Summary

- 1.36 The site does not have planning permission. A full planning application for 7 dwellings was refused by the Council in July 2022. A planning appeal is in progress however it is unknown what the outcome will be.
- 1.37 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 7 dwellings from the Council’s supply.



## 2. Allocated sites

2.1 The Council's five year supply includes 1,702 dwellings on 20 allocated sites without planning permission at the base date which we dispute, as follows.

| LPA ref: | Address   | Capacity (Net) | LPA 5YHLS | EP 5YHLS | Difference |
|----------|---|----------------|-----------|----------|------------|
| SE1/024  | Annandale House, 1 Hanworth Road                                    | 295            | 295       | 0        | -295       |
| SN1/006  | Land to the west of Long Lane and South of Blackburn Trading Estate | 200            | 200       | 0        | -200       |
| ST3/004  | 34-36 (Oast House) / Car park Kingston Road                         | 180            | 180       | 0        | -180       |
| ST4/002  | Car Park, Hanover House & Sea Cadet Building                        | 158            | 158       | 0        | -158       |
| AT3/016  | 23 – 31 Woodthorpe Road   | 120            | 120       | 0        | -120       |
| ST4/026  | Communications House, South Street                                  | 120            | 120       | 0        | -120       |
| AT1/002  | Ashford Sports Club   | 108            | 108       | 0        | -108       |
| HS1/009  | Bugle Nurseries, 171 Upper Halliford Road                           | 79             | 79        | 0        | -79        |
| LS1/024  | Land at Staines Road West and Cedar Way                             | 77             | 77        | 0        | -77        |
| HS1/002  | Land at Croysdale Avenue/ Hazelwood Drive                           | 67             | 67        | 0        | -67        |
| HS1/012  | Land East of Upper Halliford  | 60             | 60        | 0        | -60        |
| AT3/007  | Ashford Multi-storey car park                                       | 55             | 55        | 0        | -55        |
| HS2/004  | Land South of Nursery Road  | 41             | 41        | 0        | -41        |
| SE1/005  | Benwell House, Green Street   | 39             | 39        | 0        | -39        |
| AT1/012  | Ashford Community Centre  | 32             | 32        | 0        | -32        |
| AS1/011  | Land at former Bulldog Nurseries                                    | 24             | 24        | 0        | -24        |
| AS2/006  | land east of Desford Way  | 15             | 15        | 0        | -15        |
| ST4/025  | Land at Coppermill Road   | 15             | 15        | 0        | -15        |
| ST4/028  | William Hill / Vodafone, 91 High Street                             | 14             | 14        | 0        | -14        |
| ST1/043  | Land east of 355 London Road  | 3              | 3         | 0        | -3         |
|          |   | Total          | 1,702     | 0        | -1,702     |

2.2 Our assessment of these sites is set out below.



## SE1/024 – Annandale House, 1 Hanworth Road

Capacity = 295 dwellings, Council's 5YHLS = 295 dwellings

- 2.3 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a proposed allocation in the draft Local Plan for approximately 295 dwellings.

Current planning status?

- 2.4 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

- 2.5 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

- 2.6 No evidence has been provided.

Firm progress with site assessment work?

- 2.7 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

- 2.8 No evidence has been provided.

Summary

- 2.9 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

- 2.10 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 295 dwellings from the Council's supply.



## SN1/006 – Land to the west of Long Lane and South of Blackburn Trading Estate

Capacity = 200 dwellings, Council's 5YHLS = 200 dwellings

- 2.11 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for 200 dwellings.

Current planning status?

- 2.12 The site does not have planning permission. An outline planning application for 299 dwellings was submitted on 04 April 2008 and refused on 22 August 2008 for 5 reasons (ref: 08/00299/OUT). No further applications have been made since this date.

Firm progress being made towards the submission of an application?

- 2.13 There is no evidence to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

- 2.14 No evidence has been provided.

Firm progress with site assessment work?

- 2.15 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

- 2.16 No evidence has been provided.

Summary

- 2.17 The site does not have planning permission. No applications have been made on the site since 2008. There is no evidence to suggest that progress is being made towards the submission of a planning application

- 2.18 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 200 dwellings from the Council’s supply.





## ST3/004 – 34-36 (Oast House) / Car park Kingston Road

Capacity = 180 dwellings, Council's 5YHLS = 180 dwellings

2.19 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 180 dwellings.

Current planning status?

2.20 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.21 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.22 No evidence has been provided.

Firm progress with site assessment work?

2.23 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.24 No evidence has been provided.

Summary

2.25 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.26 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 180 dwellings from the Council's supply.



## ST4/002 – Car Park, Hanover House & Sea Cadet Building

Capacity = 158 dwellings, Council's 5YHLS = 158 dwellings

2.27 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 158 dwellings.

Current planning status?

2.28 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.29 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.30 No evidence has been provided.

Firm progress with site assessment work?

2.31 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.32 No evidence has been provided.

Summary

2.33 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.34 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 158 dwellings from the Council's supply.



## AT3/016 – 23 – 31 Woodthorpe Road

Capacity = 120 dwellings, Council's 5YHLS = 120 dwellings

2.35 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 120 dwellings.

Current planning status?

2.36 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.37 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.38 No evidence has been provided.

Firm progress with site assessment work?

2.39 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.40 No evidence has been provided.

Summary

2.41 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.42 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 120 dwellings from the Council's supply.



## ST4/026 – Communications House, South Street

Capacity = 120 dwellings, Council's 5YHLS = 120 dwellings

2.43 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 120 dwellings.

Current planning status?

2.44 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.45 No evidence has been provided to suggest that progress is being made towards the submission of a planning application. The site is still in active use as an office building.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.46 No evidence has been provided.

Firm progress with site assessment work?

2.47 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.48 No evidence has been provided.

Summary

2.49 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.50 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 120 dwellings from the Council's supply



## AT1/002 – Ashford Sports Club

Capacity = 108 dwellings, Council's 5YHLS = 108 dwellings

2.51 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 108 dwellings.

Current planning status?

2.52 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.53 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.54 No evidence has been provided.

Firm progress with site assessment work?

2.55 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.56 No evidence has been provided.

Summary

2.57 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.58 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 108 dwellings from the Council's supply.



## HS1/009 – Bugle Nurseries, 171 Upper Halliford Road

Capacity = 79 dwellings, Council's 5YHLS = 79 dwellings

2.59 At the base date, the site had outline planning permission for 31 dwellings. The site is a draft allocation in the draft Local Plan for approximately 79 dwellings.

Current planning status?

2.60 The site has an extensive planning history. An outline planning application for 57 dwellings and a 72-bed care home was submitted on 20 April 2019 and refused by the Council on 30 July 2018 (ref: 18/00591/OUT). A revised outline application for 51 dwellings and a 72-bed care home was then submitted on 07 November 2018, however this was withdrawn on 06 February 2019 (ref: 18/01561/OUT). A further revised outline application for 43 dwellings and a 62-bed care home was subsequently submitted on 24 July 2019 (ref: 19/01022/OUT). The application was refused by the Council on 14 November 2019 and dismissed at appeal on 23 July 2021. Finally, a fourth outline application for 31 dwellings was submitted on 03 February 2020 (ref: 20/00123/OUT). Although the application was refused by the Council on 13 November 2020, it was subsequently allowed on appeal on 15 July 2021.

2.61 Therefore, the site has outline planning permission for 31 dwellings. No reserved matters applications have been made to date.

Firm progress being made towards the submission of an application?

2.62 No evidence has been provided to suggest that progress is being made towards the submission of a reserved matters application or any further planning applications.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.63 No evidence has been provided.

Firm progress with site assessment work?

2.64 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.65 No evidence has been provided.



## Summary

- 2.66 The site only has outline planning permission for 31 dwellings. No reserved matters applications have been made to date and there is no evidence to suggest that progress is being made towards a reserved matters application.
- 2.67 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 79 dwellings from the Council’s supply.



## LS1/024 – Land at Staines Road West and Cedar Way

Capacity = 77 dwellings, Council's 5YHLS = 77 dwellings

2.68 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 77 dwellings.

Current planning status?

2.69 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.70 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.71 No evidence has been provided.

Firm progress with site assessment work?

2.72 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.73 No evidence has been provided.

Summary

2.74 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.75 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 77 dwellings from the Council's supply.





## HS1/002 – Land at Croysdale Avenue/ Hazelwood Drive

Capacity = 67 dwellings, Council's 5YHLS = 67 dwellings

2.76 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 67 dwellings.

Current planning status?

2.77 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.78 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.79 No evidence has been provided.

Firm progress with site assessment work?

2.80 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.81 No evidence has been provided.

Summary

2.82 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.83 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 67 dwellings from the Council's supply.



## HS1/012 – Land East of Upper Halliford

Capacity = 60 dwellings, Council's 5YHLS = 60 dwellings

2.84 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 60 dwellings.

Current planning status?

2.85 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.86 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.87 No evidence has been provided.

Firm progress with site assessment work?

2.88 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.89 No evidence has been provided.

Summary

2.90 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.91 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 60 dwellings from the Council's supply.



## AT3/007 – Ashford Multi-storey car park

Capacity = 55 dwellings, Council's 5YHLS = 55 dwellings

2.92 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is allocated in the draft Local Plan for approximately 55 dwellings.

Current planning status?

2.93 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.94 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.95 No evidence has been provided.

Firm progress with site assessment work?

2.96 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.97 No evidence has been provided.

Summary

2.98 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.99 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 55 dwellings from the Council's supply.



## HS2/004 – Land south of Nursery Road

Capacity = 41 dwellings, Council's 5YHLS = 41 dwellings

2.100 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 41 dwellings.

Current planning status?

2.101 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.102 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.103 No evidence has been provided.

Firm progress with site assessment work?

2.104 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.105 No evidence has been provided.

Summary

2.106 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.107 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 41 dwellings from the Council's supply.



## SE1/005 – Benwell House, Green Street

Capacity = 39 dwellings, Council's 5YHLS – 39 dwellings

2.108 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is allocated in the draft Local Plan for approximately 39 dwellings.

Current planning status?

2.109 As above, the site does not have planning permission. A full planning application for 39 dwellings was submitted on 03 September 2019 (ref: 19/01211/FUL). The application was refused by the Council on 29 April 2021 for 3 reasons, as follows:

Overlooking and loss of privacy;

Unacceptable loss of trees protected by a TPO; and

Failure to respect the character of the area.

2.110 No further applications have been made to date.

Firm progress being made towards the submission of an application?

2.111 There is no evidence to suggest that progress is being made towards the submission of any further planning applications.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.112 No evidence has been provided.

Firm progress with site assessment work?

2.113 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.114 No evidence has been provided.

Summary

2.115 The site does not have planning permission. Whilst a full planning application for 39 dwellings was made in 2019, the application was refused permission by the Council. No further applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.



2.116 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 39 dwellings from the Council’s supply.



## AT1/012 – Ashford Community Centre

Capacity = 32 dwellings, Council's 5YHLS = 32 dwellings

2.117 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 32 dwellings.

Current planning status?

2.118 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.119 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.120 No evidence has been provided.

Firm progress with site assessment work?

2.121 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.122 No evidence has been provided.

Summary

2.123 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.124 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 32 dwellings from the Council's supply.



## AS1/011 – Land at former Bulldog Nurseries

Capacity = 24 dwellings, Council's 5YHLS = 24 dwellings

2.125 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is allocated in the draft Local Plan for approximately 24 dwellings.

Current planning status?

2.126 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.127 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.128 No evidence has been provided.

Firm progress with site assessment work?

2.129 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.130 No evidence has been provided.

Summary

2.131 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.132 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 24 dwellings from the Council's supply.





## AS2/006 – Land east of Desford Way

Capacity = 15 dwellings, Council's 5YHLS = 15 dwellings

2.133 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 15 travelling showpeople plots.

Current planning status?

2.134 The site does not have planning permission. An outline planning application for a site to accommodate travelling showpeople was submitted on 06 June 2022 however this was subsequently withdrawn on 19 October 2022 (ref: 22/00798/OUT). No further applications have been made to date.

Firm progress being made towards the submission of an application?

2.135 No evidence has been provided to suggest that progress is being made towards the submission of any further planning applications.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.136 No evidence has been provided.

Firm progress with site assessment work?

2.137 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.138 No evidence has been provided.

Summary

2.139 The site does not have planning permission. Whilst an application for travelling showpeople plots was made in June 2022 it was subsequently withdrawn in October 2022. No further applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.140 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 15 dwellings from the Council's supply.



## ST4/025 – Land at Coppermill Road

Capacity = 15 dwellings, Council's 5YHLS = 15 dwellings

2.141 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 15 dwellings.

Current planning status?

2.142 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.143 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.144 No evidence has been provided.

Firm progress with site assessment work?

2.145 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.146 No evidence has been provided.

Summary

2.147 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.148 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 15 dwellings from the Council's supply.



## ST4/028 – William Hill / Vodafone, 91 High Street

Capacity = 14 dwellings, Council's 5YHLS = 14 dwellings

2.149 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is a draft allocation in the draft Local Plan for approximately 14 dwellings.

Current planning status?

2.150 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.151 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.152 No evidence has been provided.

Firm progress with site assessment work?

2.153 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.154 No evidence has been provided.

Summary

2.155 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.156 Therefore, the Council has not provided any “clear evidence” of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 14 dwellings from the Council's supply.



## ST1/043 – Land east of 355 London Road

Capacity = 3 dwellings, Council's 5YHLS = 3 dwellings

2.157 At the base date, the site did not have planning permission, nor has permission been granted to date. The site is allocated in the draft Local Plan for 3 Traveller pitches.

Current planning status?

2.158 The site does not have planning permission, nor has a planning application been made.

Firm progress being made towards the submission of an application?

2.159 No evidence has been provided to suggest that progress is being made towards the submission of a planning application.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

2.160 No evidence has been provided.

Firm progress with site assessment work?

2.161 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

2.162 No evidence has been provided.

Summary

2.163 The site does not have planning permission. No planning applications have been made to date. There is no evidence to suggest that progress is being made towards the submission of a planning application.

2.164 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it has provided is not "clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 3 dwellings from the Council's supply.



### 3. Other disputed sites

3.1 The Council's five year supply includes 288 dwellings on 2 large sites which we dispute, as follows.

| LPA ref: | Address                          | Capacity (Net) | LPA 5YHLS | EP 5YHLS | Difference |
|----------|----------------------------------|----------------|-----------|----------|------------|
| 17/01365 | Renshaw Industrial Estate        | 275            | 275       | 0        | -275       |
| 19/01069 | Shepperton House, 2-4 Green Lane | 13             | 13        | 0        | -13        |
|          |                                  | Total          | 288       | 0        | -288       |

3.2 Our assessment of these sites is set out below.



## 17/01365 – Renshaw Industrial Estate

Capacity = 275 dwellings, Council's 5YHLS = 275 dwellings

- 3.3 At the base date, the site did not have planning permission, nor has permission been granted to date.

Current planning status?

- 3.4 An outline planning application for 275 dwellings was submitted on 26 August 2017 and approved on 27 July 2018 (ref: 17/01365/OUT). However, no reserved matters applications were made, and the consent expired in July 2021.

- 3.5 A full planning application for 397 dwellings was submitted on 24 December 2020 and refused by the Council on 02 August 2021 due to the overdevelopment of the site resulting in unacceptable parking stress which would be detrimental to residential amenity. An appeal was lodged on 05 April 2022 however this was subsequently withdrawn by the appellant. No further applications have been made to date.

Firm progress being made towards the submission of an application?

- 3.6 No evidence has been provided to suggest that progress is being made towards the submission of any further planning applications.

Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?

- 3.7 No evidence has been provided.

Firm progress with site assessment work?

- 3.8 No evidence has been provided.

Clear relevant information about viability, ownership constraints or infrastructure provision?

- 3.9 No evidence has been provided.

Summary

- 3.10 The site does not have planning permission. Whilst the site had outline consent for 275 dwellings, this expired in 2021. A full planning application for 397 dwellings was refused by the Council in August 2021 and no further planning applications have been made. No evidence has been provided to suggest that progress is being made towards the submission of any further applications.
- 3.11 Therefore, the Council has not provided any "clear evidence" of the type referred to in paragraph 68-007 of the PPG that housing completions will begin on the site within the next five years. The evidence that it



has provided is not “clear evidence that housing completions will begin on site within five years. The site fails to meet the definition of “deliverable” as set out on page 66 of the Framework and should be removed from the supply. This results in a deduction of 275 dwellings from the Council’s supply.



## 19/01069 – Shepperton House, 2 – 4 Green Lane

Capacity = 13 dwellings, Council's 5YHLS = 13 dwellings

- 3.12 At the base date, the site had full planning permission for 13 dwellings (approved 17 October 2019).
- 3.13 An application to discharge pre-commencement conditions was submitted on 15 August 2022 and is still pending determination. The application form confirms that the development has not commenced. Therefore, the planning permission expired on 17 October 2022. As such, 13 dwellings should be deducted from the Council's supply.





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