TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS

EST.1996

TOWN & COUNTRY PLANNING ACT 1990

STAGE 1 PERMISSION IN PRINCIPLE APPLICATION FOR DEVELOPMENT OF UP TO 2 NO DWELLINGS AT LAND AT WEST STREET GREAT SOMERFORD CHIPPENHAM SN15 5EH

PLANNING STATEMENT

Prepared by

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Our Reference: SWLC.LPC5666

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1.0 INTRODUCTION

1.1 LPC (Trull) Ltd have been instructed to prepare an application for Permission in Principle (PiP) for the development of up to two No. dwellings on this land which lies to the east of Lady's Walk House on the south side of West Street, Great Somerford.

1.2 As shown below, the subject site lies on the edge of the housing development boundary of the village of Great Somerford and to the east of Lady's Walk House and tennis court, located to the southwest.



OS Map Identifying Application Site Edged in Red

1.3 The site comprises an area of paddock that is laid to grass within the grounds of Lady's Walk House. To the north is West Street which is lined with mature vegetation. Additionally, the northern part of the site lies in the Great Somerford Conservation Area, which is shown on the map extract on the following page.



Great Somerford Conservation Area

1.4 The village of Great Somerford is identified in the Core Strategy as a Large Village. It lies some 3 ¼ miles southeast from the town of Malmesbury and about 12 miles to the west of Swindon. It is identified as being within the Malmesbury Community Area under Core Policy 13 of the adopted Wiltshire Core Strategy. There is a settlement boundary for the village, which this site lies just outside, and a designated Conservation Area, which this site is partially within. The property known as 'Manor Farmhouse' which lies opposite, on the other side of West Street is a Grade II listed building. Having checked the Environment Agency Flood Map records, I can confirm that the site lies in Flood Zone 1.

2.0 THE PROPOSED DEVELOPMENT

2.1 This application seeks Stage 1 Permission in Principle on this site for the erection of up to 2 No. dwellings. The application approach is defined in the National Planning Guidance, as below;

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which

separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

2.2 This establishes that the application is a two-stage process, with the first stage solely intended to establish whether the site is suitable in principle and the second stage then considering the detailed development proposals and potential impacts. The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the assessment of:

- Location
- Land Use and
- The Amount of Development.

2.3 Accordingly, the purpose of this statement is focused on the principle of development at this location only. Any further details in respect of the intended new development and its acceptable assimilation will be submitted at the technical details stage.

2.4 This Planning Statement assesses the proposed development against the development plan policies of Wiltshire including the Core Strategy, any relevant saved Local Plan policies and the made Great Somerford Neighbourhood Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

3.0 PLANNING POLICY

3.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that all applications are determined in accordance with the Development Plan unless other material considerations indicate otherwise.

Wiltshire Core Strategy (January 2015)

3.2 The current Development Plan consists of the Wiltshire Core Strategy (Adopted January 2015); and the Wiltshire Housing Sites Allocation Plan (Adopted February 2020).

3.3 The following Core Strategy Policies are believed to be most applicable to the application assessment in principle.

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP13 – Malmesbury Community Area
- CP51 – Landscape
- CP57 - Ensuring High Quality Design and Place Shaping
- CP58 - Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 - 61: Transport and Development

Great Somerford (incorporating Startley) Neighbourhood Plan 2016-20

3.4 The following Neighbourhood Plan Policies are considered to be relevant;

- Policy GSNP1 Proposed new development.

4.0 PLANNING ASSESSSMENT

4.1 Wiltshire Core Strategy Policies CP1 and CP2 alongside community area-based policies; CP13 in this instance, define a hierarchy of settlements based on a range of services infrastructure and facilities in those locations and seeks to direct most new development to the most sustainable locations in this hierarchy. Core Strategy Policy CP13 sets out the spatial strategy for Malmesbury Community Area (MCA). It explains that development in the MCA should be in accordance with the

Settlement Strategy set out in CP1. Within CP13 Great Somerford is identified as a Large Village where limited development is supported under the terms of CP1 and CP2 to meet the general needs of the area.

4.2 Although the site falls within the apparent built-up limits of the village, it is acknowledged that it lies outside the defined settlement boundary, and thus in a countryside location. It is not tenable though to describe the site as falling within the open countryside.

4.3 Giving judgment in Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610, Lindblom J said paragraph 55 of the NPPF (applicable at that time) stated that local planning authorities "should avoid new isolated homes in the countryside unless there are special circumstances". He continued to note: "Planning policies, whether in the development plan or in the NPPF, ought never to be over-interpreted. As this case shows, over-interpretation of a policy can distort its true meaning – which is misinterpretation."

4.4 He said paragraph 55 was "expressed in general and unprescriptive terms", did not dictate a particular outcome for an application, contained no presumption and simply advised local authorities on how to promote sustainable development in rural areas. The paragraph's advice was to avoid "new isolated homes in the countryside", which Lindblom J said: "Simply differentiates between the development of housing within a settlement - or village - and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement".

4.5 He explained further: "Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand." The issue should be given its common application therefore, and as said, it is not tenable to consider the application site isolated and thus

unsustainably located. One side of the road cannot be more sustainable in practical terms than the other side of the road.

4.6 New residential development in the 'open countryside' is strictly controlled to prevent new homes being in locations which are remote from services and facilities. Core Policy 2 of the Wiltshire Core Strategy states that other than in circumstances permitted by the exception policies, identified at paragraph 4.25, development will not be permitted outside the limits of development. The application development does not fall within the listed exceptions, but neither, by comparison with its immediate neighbours, is it isolated or remote from services and facilities.

4.7 Of course, policies CP1, CP2 and CP13 must also be placed in their appropriate context as it is understood that your Council still cannot demonstrate the required 5-year housing supply. The Council's most up to date Housing Land Supply Statement (Base date: April 2022 / Published May 2023) details that it has 4.60 years of deliverable housing land supply (a shortfall of 866 dwellings). This is of course not a ceiling to housing growth either. The presumption in favour of sustainable development therefore tilts the assessment balance. Indeed, your Council's Briefing Notes No 22-09 and 20-20 have highlighted that in order to restore the five-year housing land supply, you Council will, inter alia, (copies of these Briefing Notes are provided at **Appendix 1** of this Statement)

'Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated'.

4.8 Paragraph 11 of the NPPF notes that the relevant policies for the supply of housing should not be considered up-to-date if a local planning authority cannot demonstrate a five-year housing land supply and for

decision taking this means that planning permission should be granted unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.9 Paragraph 60 states that, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.

4.10 Paragraph 69 states that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. Indeed, in this case the proposal is a self-build one also directly supported by Government advice. Furthermore, it should be stressed that the area does not fall in a sensitively designated area as referenced in the NPPF at paragraph 11d) i).

4.11 In terms of development in rural areas, paragraph 85 requires planning policies and decisions to recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The corollary is that housing dependant on local services should be on land that is physically well-

related to existing settlements too, as noted by your Council's own Briefing Notes.

4.12 The NPPF at paragraph 105 also notes that sustainable transport solutions will vary between urban and rural areas, although it is of course strongly maintained that the application site is as accessible as the neighbouring properties located in the defined settlement limits. Public transport and cycling are realistically usable alternatives to the private vehicle usage.

4.13 The Core Strategy was adopted in January 2015 and is now more than 5 years old. Both the Courts and Planning Practice Guidance make it clear that the policies of a development plan do not become out-of-date automatically after the passage of 5 years. However, the NPPF also makes it clear that housing land supply must now be assessed against Local Housing Need for the whole of Wiltshire, rather than the previous Housing Market Areas. During the past 5 year your council has regularly under provided housing land required to meet the required supply.

4.14 The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5 years' worth of housing land supply. The NPPF makes it clear that where this cannot be demonstrated, relevant polices for the supply of housing (which in this case would include CP1, CP2 and CP13 in relation to limits of development) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The above referenced Briefing Note action echo the same approach.

4.15 The NPPF Paragraph 11d advises that policies which are most important for determining the application should therefore not be considered up to date. As a result, the presumption in favour of sustainable development

as set out at Paragraph 11d of the Framework is engaged so that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.16 It can be seen therefore that whilst Core Policies 1, 2 and 13 of the Wiltshire Core Strategy are all important for determining the application, under the provisions of the NPPF these are all to be considered out of date. Indeed, the same applies to the Great Somerford Neighbourhood Plan, Policy GSNP1 which although still forms part of the Development Plan, now carries reduced weight in the context of the Council's five-year housing land supply. Of course, Officers will be aware that paragraph 14 of the NPPF is engaged, which means that as the Neighbourhood Plan is now over two years old (Made November 2017), the decision-making process therefore defaults to paragraph 11d (the titled balance),

4.17 Case law has examined the interpretation and operation of national policy with regards the ability to demonstrate a five-year housing land supply, and the presumption in favour of sustainable development. Court judgments have established that:

i. Policies that are considered to be out-of-date as a result of a shortage in the 5-year housing land supply are still capable of carrying weight in the planning balance. The weight to be attributed to those policies is a matter for the decision-maker (most recently in Suffolk Coastal District Council v Hopkins Homes Ltd. [2017] UKSC 37).

ii. The extent of any shortfall in the 5-year housing land supply is capable of being a material consideration (most recently in Hallam Land Management v SoS DCLG [2018] EWCA Civ 1808).

4.18 The implications of the Council's 5-year housing land supply position, and the weight to be attributed to the development plan policies, must therefore be taken into account in the determination of the application. The extent of the 5-year housing land supply shortfall, and the potential for the proposal to deliver housing in the current 5-year period to help remedy the current shortage in deliverable supply, need to be taken into account in the balancing exercise too. As highlighted above, it is noted that the Council is endeavouring to redress its limited housing shortfall in several ways, including the support of windfall opportunities, which are of course generally modest in scale to raise no other issues;

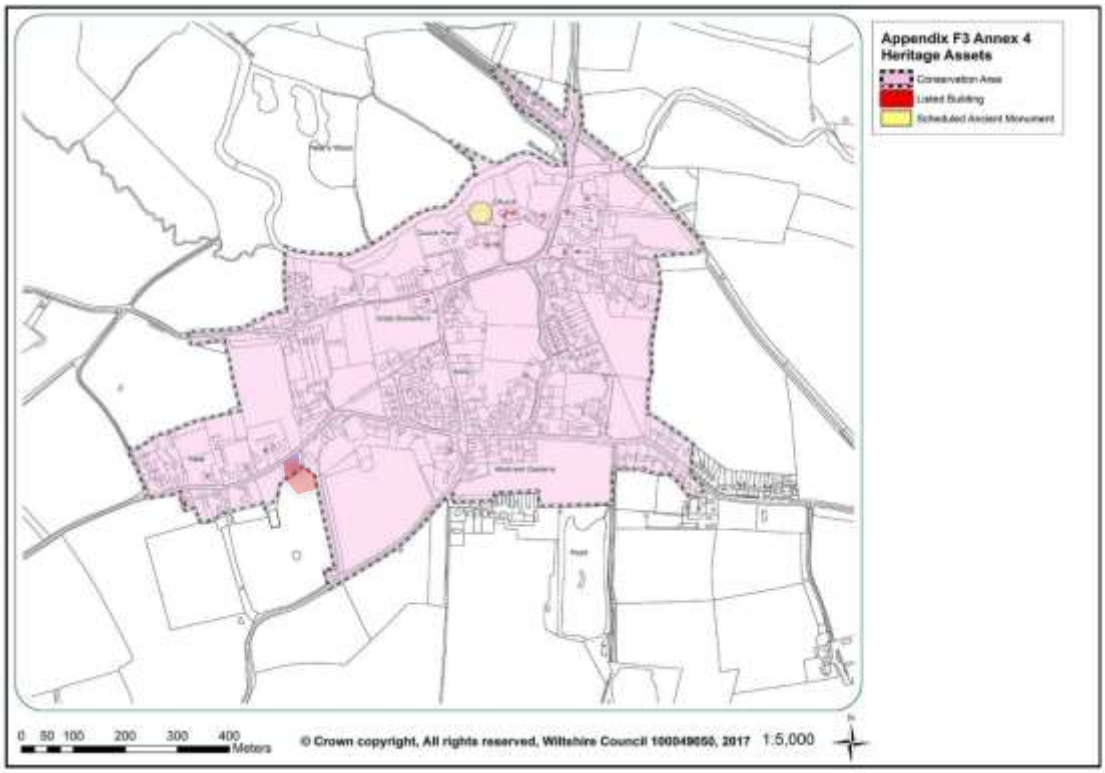
'Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated'.

4.19 When you breakdown the current under supply in terms of actual housing numbers, as the Inspector did in a recent appeal at Park Road, Malmesbury (APP/Y3940/W/21/3286853 and 3289757) he said the position, 'cannot reasonably be considered a modest shortfall'. The Inspector addressed the position further at paragraph 73 and noted the often cited argument that, 'each proposal would only address a modest part of the shortfall in each case', and concluded that that actually emphasises the importance of delivering more houses to meet the need wherever possible.

4.20 Substantial weight should be given to the provision of housing, bearing in mind too that even the stated target is not ceilings. The undersupply was said by the above Inspector to represent a shortfall of 1216 houses and in simple quantitative terms therefore requires a positive approach to support all sustainable new housing opportunities, such as in this case, to reduce the need on a rolling basis.

4.21 Appeal and court decisions confirm that ultimately it will be up to the decision maker to judge the particular circumstances of each application

and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date'. Therefore, consideration of the weight which can be provided to the above policies is integral in the balancing exercise, which in this application is believed to identify no material harm. Two detached dwellings are proposed within this plot which would front the southern side of West Street. The density and grain of such a development would be typical of the loose knit and organic character of the existing resident plots in this part of the vaillge. Furthermore, whilst this would be within the Conservation Area, this, development would only involve of small part of what is a very large designation encompassing most of the village and wider open countryside around it. Provided below is an excerpt from the Neighbourhood Plan showing the full extent of the Conservation Area



Great Somerford Conservation Area

4.22 The above map shows the extent of the Conservation Area with the application site overlaid. As mentioned, this represents a very small

proportion of the overall Conservation Area and consequently its development for two dwellings withing large plots reflecting the prevailing grain of the area would continue to preserve the character and integrity of the heritage asset and its setting.

4.23 New housing per se supports the construction industry and increases local spend, as well as adding to social support for services and facilities. Therefore, taking a common-sense position there are no reasons on balance that weigh against the grant of permission in principle as sought.

4.24 Furthermore, Core Strategy Policy CP60 aims to reduce the need to travel particularly by private car by planning development in accessible locations. Great Somerford is recognised as a Large Village in the Core Strategy as asustainable location and has adequate services and facilities to accommodate additional housing. The village has a local pub, Londis stores and post office. It includes bus services (Service 91) with regular daily connections to Chippenham. These are all within walking distance from the application site at a distance of 370 metres along West Street along flat terrain which contains a footpath. These details are shown on the aerial photograph and street view images on the following page.

4.25 Indeed, The NPPF explains that rural housing should be located where it will enhance or maintain the vitality of rural communities. Given the distance to the village hub (pub, stores and bus services) it is evident that one or two new dwelling at the site would play a role in enhancing the vitality of rural services and facilities. This accords with one of the Core Strategic Objectives for Wiltshire which seeks to support appropriate development in rural areas to help maintain the vitality and viability of small settlements and the countryside.


The Volunteer Inn Public House
Londis Convenience Stores and Post Office
Volunteer Bus Stops East & Westbound (Service 91)







5.0 PLANNING BALANCE

5.1 Your Council has acknowledged that there is currently a housing supply shortfall, and therefore applications for new housing must be assessed against paragraph 11(d) of the NPPF, the tilted balance. This means granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2 In this case, the site lies just outside of the village development boundary, which represents a minor policy conflict. However, this must be weighed against the following benefits.

- The application will make a valuable contribution of one or two new dwellings to the Council's current housing land supply;
- The site is within walking distance (370 metres) of the village public house, stores., post office and bus services connected along West Street via a footpath
- The new dwellings will contribute to supporting the vitality and viability of village services in the locality;
- There will be economic benefits created during the construction phase of the development;
- High quality living environment for new residents;
- The Council will benefit economically from the new homes bonus resulting from the new dwellings;

6.0 CONCLUSION

6.1 The purpose of this Planning Statement has been to support an application for Planning Permission in Principle for up to two dwellings at land at West Street Great Somerford. This represents Stage 1 of the planning process with Stage 2 to comprise the Technical Details Consent. Only the principle is sought for this application, with the scope of what's to be considered being tie site's location, land use and amount.

6.2 It has been established in this Statement that the relevant policies of the Development Plan comprise Core Policies 1, 2 and 13 with the site located just outside of the village Settlement Boundary and partially within the Great Somerford Conservation Area. However, only limited weight should be attributed to the conflict with the housing policies of the development plan, taking account of the housing shortfall, and if any harm is identified by the technical conflict with the settlement policies this would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The tilted balance clearly therefore indicates that the application should be approved.

APPENDIX 1

Wiltshire Council Briefing Notes No 22-09 and 20-20

Wiltshire Council

5 Year Housing Land Supply and Housing Delivery Test
Briefing Note No. 22-09

Service: Spatial Planning

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Date Prepared: 4 April 2022

BRIEFING NOTE ON 5-YEAR HOUSING LAND SUPPLY AND HOUSING DELIVERY TEST

Summary

We have now completed the update to Wiltshire's five-year housing land supply position. The current position is a **4.72 year** supply using a base date of 1 April 2021, which will be used to inform decision-making.

While we cannot currently demonstrate the full five-year requirement, the shortfall is modest and an improvement on the previous position of 4.56 years (see Briefing Note No. 20-37 Housing Land Supply Update, December 2020).

Although the housing land supply is below the five years required by Government, recent housing delivery in Wiltshire remains strong, with the latest Housing Delivery Test indicating the council has met **141%** of its housing targets over the past three years. Both measures are factors that can be applied in the decision-making process when planning applications are determined.

A shortfall in housing land supply means that when applications for housing come forward the 'presumption in favour of sustainable development' applies in decision-making, which in this context means that less weight is given to development plan policies to help resolve supply issues moving forward. However, this does not mean that every housing application should be granted permission. Careful consideration will need to be given to the merits of each case and appropriate weight afforded to development plan policies when determining applications.

This briefing note provides information on both these Government measures and what the implications are for decision making of not meeting Government expectations.

1. Introduction

1.1 Government policy as set out in the National Planning Policy Framework (NPPF) includes two measures that are designed to drive the delivery of housing:

(i) Five-year housing land supply
(ii) Housing Delivery Test

1.2 The main difference between the two is that:

- the five-year housing land supply measures the level of 'supply' that can be expected to come forward over a five-year period of time i.e. the number of homes that **will be** built; whereas

- the Housing Delivery Test measures the number of homes that **have been** built over a set period.

1.3 Both measures have established methodologies and assess the expected delivery of homes, and homes that have been delivered respectively, against the housing requirement for a local authority area. There is no latitude as to how the methods are applied.

1.4 The Government's Planning White Paper proposes to remove the five-year housing land supply test but retains the Housing Delivery Test. It is not clear yet how the Government will proceed in planning reforms. Therefore, at present the council is assessed against both measures.

2. What is the five-year housing land supply?

2.1 The NPPF states that:

"*Local planning authorities should identify and update annually a supply of* ***specific deliverable sites*** *sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.*" (paragraph 74)

2.2 As the Wiltshire Core Strategy (adopted January 2015) is more than five years old, the housing requirement to be used in the five-year housing land supply calculation is Wiltshire's local housing need based on the Government's standard method[1]. The local housing need is based on future household growth and an adjustment to take account of housing affordability in the local authority. It is recalculated every year based on the latest data, which is applicable at the base date. The standard methodology operates on a local authority basis and does not disperse the local housing need figure to a smaller geographic level.

2.3 The annual update for Wiltshire has now been completed and the results of the assessment, using a base date of 1 April 2021, are set out in the 2021 Housing Land Supply Statement (HLSS). This is available on our website via this link. Key points:

- The council cannot currently demonstrate a five-year housing land supply. The current position indicates there is a **4.72 years** supply.

- The five-year housing land supply position has improved since the previously published position (base date 1 April 2019).

[1] https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments

3. How is the five-year housing land supply calculated?

3.1 Housing land supply is calculated using a base date from which calculations are made to avoid double counting.

3.2 We have now updated the housing land supply calculation using a base date of 1 April 2021. Using this base date, an explanation is provided below:

Starting point for calculation at base date of 1 April 2021:

Local housing need (1 April 2021) = 1,981 homes per annum

Buffer to be applied = 5% (5% or 20% depending on the results of the Housing Delivery Test - see below)

5-year requirement including buffer = **10,400 homes**

What can be included in supply?

(i) Number of homes on small sites (less than 10 homes) with planning permission at 1 April 2021 = **1,899 homes** outstanding of which **1,597 homes** were considered to be deliverable within five years (the reduced number takes into account a delivery rate that is based on historic data on non-implementation and delivery timescales).

(ii) Number of homes on large sites (10 or more homes) with full planning permission at 1 April 2021 = **5,030 homes** outstanding of which **4,582 homes** were considered deliverable within five years (the reduced number reflects delivery timescales).

(iii) For other large sites with either outline planning permission; resolution to grant planning permission; or allocated[2] at 1 April 2021: the number of homes where there is clear evidence of delivery over a five year period from 1 April 2021 to 31 March 2026 = **2,390 homes** were considered deliverable within five years. (In total there is a pool of 12,064 homes from these sources.)

(iv) Windfall allowance: number of homes expected to be completed on new 'windfall' sites (which do not have planning permission at 1 April 2021) over a five-year period from 1 April 2021 to 31 March 2026 = **1,241 homes**

In total therefore **9,810 homes** can be included in the deliverable supply.

3.3 (i), and (ii) are relatively straightforward statistical exercises, which involve an understanding of delivery timescales for individual sites. (iv) is also a statistical exercise that requires understanding of past delivery trends and the potential for development opportunities to come forward in the future.

[2] Wiltshire Core Strategy, Chippenham Site Allocations Plan, Wiltshire Housing Site Allocations Plan, and all allocations in Neighbourhood Plans

3.4 (iii) is more complex, and clear evidence must be provided for each site to meet the requirements of paragraph 74 of the NPPF, which requires that sites are deliverable over the five-year period being assessed. This means that for large sites, which take time to deliver, we can only include the first few phases of development in the five-year land supply.

3.5 So, while on the face of it there is a substantial pool of large sites, for **17,094 homes** in total, the timescales within which these can be delivered is key. An assessment of the deliverability of these sites has indicated that only **41%** of these are capable of delivery during the five-year period 1 April 2021 to 31 March 2026. Factors determining housing delivery are often outside our control, as the development industry ultimately determines how and when sites come forward, despite planning permissions being granted and sites allocated within the development plan.

3.6 It is important for credible judgements to be made in undertaking these assessments because they are subject to scrutiny at appeal by appellants, third parties and the appointed Planning Inspector.

4. What are the implications of not having a five-year housing land supply?

4.1 The implications for not having a five-year housing land supply and decision making are set out in Briefing Notes No. 20-20 (June 2020) and No. 20-37 (December 2020).

4.2 Where a five-year housing land supply cannot be demonstrated, the presumption in favour of sustainable development, as set out in Paragraph 11d of the NPPF applies. The implications of this are that the policies which are most important for determining the application are deemed to be out of date and permission should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*"[3].

4.3 The presumption does not apply where there is a clear reason for refusal due to specific NPPF protection policies that apply, as listed in footnote 7, in relation to: habitat sites including Sites of Special Scientific Interest; Green Belt; Local Green Space; Area of Outstanding Natural Beauty; designated heritage assets; and areas at risk of flooding.

4.3 The fact that policies must be considered out of date does not mean they carry no weight, and it is for the decision maker to determine how much weight to give to them taking into consideration their consistency with the NPPF. It is therefore possible for policies to carry significant weight still in decision-making, which are weighed into the presumption in favour of sustainable development (often referred to as the 'tilted balance') when decision-making is undertaken.

[3] In areas with neighbourhood plans, paragraph 14 of the NPPF provides additional policy where the presumption in favour of sustainable development applies. This states that the adverse impacts of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where: the 'made' neighbourhood plan is less than two years old; it contains policies and allocations to meet its identified housing requirement; and the local authority has at least a three year supply of deliverable housing sites.

5. What is the Housing Delivery Test and consequences?

5.1 It measures net homes delivery (i.e. net homes built) in a local authority area, such as Wiltshire, against the homes required using local authority completions statistics and local authority planning data.

5.2 The results are published for each local authority area by the Secretary of State in November, see Housing Delivery Test - GOV.UK (www.gov.uk)

5.3 As set out in the NPPF the Housing Delivery Test will apply the day following publication of the results, at which point they supersede previously published results. The most up to date result, at the time of writing, is for 2021.

5.4 Since the inception of the Housing Delivery Test the published results for Wiltshire are:

2018	139% (years measured 2015/16 - 2017/18)
2019	149% (years measured 2016/17 - 2018/19)
2020	140% (years measured 2017/18 - 2019/20)
2021	141% (years measured 2018/19 - 2020/21)

5.5 The three consequences of the Housing Delivery Test (HDT) results are set out in the NPPF, as follows:

1. Triggering the presumption in favour of sustainable development (HDT below 75%)

   The presumption in favour of sustainable development (paragraph 11d, NPPF), as explained above, should be applied to decisions where the HDT indicates delivery to be "substantially below" the housing requirement, which is 75% from 2020/21 (footnote 8 and paragraph 222, NPPF).

2. 20% buffer (HDT below 85%)

   The five year land supply must include a buffer of 20%, rather than 5%, where the HDT indicates that delivery was below 85% of the housing requirement (paragraph 74, NPPF)

3. Requirement to prepare an action plan (HDT below 95%):

   "*Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years*." (paragraph 76, NPPF)

5.6 Wiltshire has consistently preformed well against the HDT and the consequences as set out above don't apply.

6. What can we do to restore a five-year housing land supply?

6.1 As set out in Briefing Note 20-20, the council will:

(i) Work positively with developers to take key strategic sites through the planning system.

(ii) Continue supporting Neighbourhood Plans, identifying any suitable sites for housing.

(iii) Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.

6.2 Since the base date of 1 April 2021, consents have continued to be granted permission on suitable sites. While these do not currently contribute to the housing land supply because they were permitted after the base date of 1 April 2021, they will help to boost the housing land supply in the future. New permissions help replenish the housing land supply as it is reduced due to housing completions, planning permissions lapsing, and delays in delivery on key sites. Table 4 of the HLSS contains a list of large sites (10 or more dwellings) that have been permitted since the base date up to the date of publication.

6.3 Work can now commence on the preparation of the next HLSS using a base date of 1 April 2022. These statements take time to prepare, however we are looking to produce this in a shorter timescale than recent years in line with similar-sized authorities who typically take around 6-9 months to produce after their base date.

Wiltshire Council

Briefing Note on Housing Land Supply

No. 20-20

Service:	Economic Development and Planning
Date Prepared:	June 2020
Further Enquiries to:	Chris Roe (01225 713979) or Georgina Clampitt-Dix (01225 713472)

WILTSHIRE HOUSING LAND SUPPLY AND DECISION-TAKING

This Briefing Note provides information and an update on the five year housing land supply position for Wiltshire.

Government policy

The National Planning Policy Framework (NPPF) (February 2019) requires:

"*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' supply of specific deliverable sites against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*[37]." (Paragraph 73)

Wiltshire's housing land supply position

As the Wiltshire Core Strategy is now five years old, the housing requirement to be used in the five-year housing land supply calculation is Wiltshire's Local Housing Need (LHN), based on the Government's method[1].

The current LHN for Wiltshire is 2,024 homes per annum compared to the Core Strategy figure of 2,100 homes per annum over the period 2006 to 2026.

When the next update to the housing land supply position is published, this will be presented against the county-wide LHN figure. In accordance with the NPPF, this is the figure that will be used for the assessment of the Council's five-year housing land supply.

The supply of sites should include a buffer to ensure choice and competition in the market for land. The buffer that is applied depends on the Government's Housing Delivery Test, which measures housing delivery for each Local Planning Authority against its housing requirement over the past three years. The Council is required to apply a 5% buffer to its five-year housing land supply (as set out in the latest Housing Delivery Test).

The council recently won an appeal during which housing land supply was considered. The published HLSS formed the basis for the evidence presented. However, during the appeal the Council's ability to demonstrate five-year supply was challenged and as a result the Council accepted that it could only demonstrate **4.62 years** supply.

[1] https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments Government confirmed in February 2019 that they would be reviewing the methodology in the next 18 months (i.e. by July 2020).

Until the five-year housing land supply can be recovered, the council will need to favourably consider the determination of applications in the interim period (as has happened in the past) in line with Government policy. This is discussed further below.

Five-year housing land supply and decision-taking

For applications involving the provision of housing, the NPPF, at paragraph 11 states: "…*where the local planning authority cannot demonstrate a five year supply of deliverable sites (with the appropriate buffer) …"* then "*policies which are most important for determining the application are out of date*", and permission should be granted unless:

i) There is a clear reason for refusal due to protection policies as listed in footnote 6 e.g. Green Belt; Local Green Space; Area of Outstanding Natural Beauty; designated heritage assets; or

ii) Any adverse impacts would significantly and demonstrably outweigh the benefits

This does not mean that in these circumstances all proposals for housing should be permitted, only that the most important policies including Core Policy 2 in relation to settlement boundaries and the relevant Community Area Strategy policy in the Wiltshire Core Strategy should not have full weight applied to them in decision making. The weight to be given is a matter of judgement for the decision maker. Cases where adverse impacts would significantly and demonstrably outweigh the benefits can, and should, still be refused.

However (as with the appeal case mentioned above), where applications are being considered for sites at settlements but outside the defined settlement boundaries there may be the opportunity to improve housing supply by favourably considering such proposals. This would depend on the judgements made as to where the planning balance lies, and considerations may include limited impacts and benefits to local communities that arise from the proposal.

Paragraph 14 of the NPPF makes special provision for areas with 'made' Neighbourhood Plans. This indicates that where the presumption in favour of sustainable development applies, then the adverse impact of allowing development that conflicts with a Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, providing the following criteria all apply:

i) the neighbourhood plan became part of the development plan less than 2 years ago;
ii) the neighbourhood plan contains policies and allocations to meet its housing requirement;
iii) the local planning authority has a 3-year housing land supply; and
iv) the local planning authority's housing delivery was at least 45% of that required over the last 3 years[2]

The update of the five-year housing land is in progress, which will reset the base date to 1 April 2019 (and cover the period to 31 March 2024). The allocations in the Wiltshire Housing Site Allocations Plan, which will improve supply, will be included in the calculation.

Wiltshire Council's approach to restoring a five-year land supply

i) Wiltshire Council will update the evidence base for our Housing Land Supply with 2019 figures.
ii) Key strategic sites will be taken forward through the planning system, working positively with developers on existing complex applications.
iii) Continue supporting Neighbourhood Plans, identifying any suitable sites for housing within these.
iv) Grant permission for speculative applications where there are no major policy obstacles (which would not be possible to defend at appeal).

[2] The latest Housing Delivery Test results for Wiltshire (published 13 February 2020) indicate the Council met 149% of its required housing over the last 3 years.