

Comments for planning application WD/2016/2796/MAO

Application Number WD/2016/2796/MAO
Planning Officer WD/2016/2796/MAO
Site Location HESMONDS STUD, WALDRON ROAD, EAST HOATHLY, BN8 6QH,
AND LAND OFF AILIES LANE, EAST HOATHLY, BN8 6QP
Name Katherine Gutkind
Address 13 Buttsfield Lane, East Hoathly BN8 6EE, East Sussex.
Type of Comment Objection
Comments See attached.
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REPRESENTATIONS ON BEHALF OF VILLAGE CONCERNS IN RESPECT OF THE HOUSING LAND SUPPLY POSITION OF WEALDEN DISTRICT COUNCIL

1. 'Village Concerns' is a group of concerned residents of East Hoathly, including a number of residents who have, in their own right, made representations in respect of this application. This submission does not replace or undermine those individual representations, which remain valid and should be taken in to account in addition to this representation.
2. This submission concerns only the suggestion [at paragraph 8.1] in the Planning Statement accompanying the application that Wealden DC cannot demonstrate a five-year housing land supply, and as such the 'tilted balance' set out in paragraph 14 of the NPPF should apply. The Planning Statement addresses the published position of Wealden DC as at March 2016.
3. Village Concerns understands that Wealden DC itself considers that it cannot presently demonstrate a five year supply of housing land, but its most recent published position was dated September 2016. That document – entitled "Five Year Housing Land Supply as at 30th September 2016" – concludes that Wealden DC can demonstrate 4.18 years of housing land supply, and was in effect 747 dwellings short of a five-year supply.
4. Village Concerns submits that Wealden DC is able to demonstrate a five-year supply of housing against its identified OAN. In short Wealden has not included a 'windfall allowance' in its supply; and there is compelling evidence that such a supply will in fact come forward.

(i) The policy background

5. The NPPF permits an allowance for windfall sites in the following circumstances:

"48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens."

6. It is clear that in calculating the 4.18 years of housing land supply, Wealden DC has made no allowance for future windfall sites.
7. The test for such an allowance – as set out in NPPF paragraph 48 - is whether there is ‘compelling evidence’ that:
 - Such sites have consistently become available in the local area; and
 - They will continue to provide a reliable source of supply.
8. If an allowance is included, the quantum of that allowance should be realistic, having regard to the SHLAA, historic windfall delivery rates and expected future rates; and should not include residential gardens.

(ii) The evidence on windfall

9. Wealden DC’s 2015-16 Annual Monitoring Report (“AMR”) records [at paragraph 5.4] that the average delivery from windfall in the preceding 10 years has been 253 dwellings per annum. The table at Annex 2 shows windfalls ranging from 157 per annum in the leanest year (2009/10) to 415 in the best year (2007/8). The table shows a relatively stable rate of windfall delivery.
10. That amounts compelling evidence that windfall sites have consistently become available in the local area.
11. The same AMR states at paragraph 5.3 that ‘*there continue to be high levels of completions on windfall sites*’.
12. At 5.5 the AMR states:

*The figures do not include a projection for windfall development **despite the fact that there is compelling evidence that windfall sites will continue to provide a reliable source of supply.** This means that any housing projection figures are likely to be, in reality, an underestimate.*
(emphasis added)
13. As such Wealden’s published position is that there is also compelling evidence that windfall sites will continue to provide a reliable source of supply.
14. Neither the AMR nor the September 2016 Housing Land Supply document sets out any reason why, despite the fact that the two requirements for inclusion of a windfall allowance are met, no such allowance is made when calculating supply.
15. **In the circumstances Village Concerns submits that a future windfall allowance should be included in the calculation of supply.**

(iii) Rate

16. The above evidence suggests that recent delivery rates on windfall sites have been (on average) 253 units per annum.
17. Even since 2012 (when residential gardens were excluded from the definition of previously developed land, or PDL) the average annual delivery rate from windfall sites has been 216 per annum.
18. If a conservative windfall allowance of 200 dwellings per annum over the next five years were included – 53 per annum fewer than the ten-year average, and 16 per annum fewer than the three-year average – that would add 1000 additional dwellings to the supply.
19. Given that Wealden presently considers that it is 747 dwellings short of a five year supply it is plain that such an allowance would mean that a sufficient five-year supply could be demonstrated.
20. Such an allowance would be realistic (if conservative):
 - Having regard to past delivery rates (which have been consistently higher);
 - Having regard to Wealden DC's published view that such rates are likely to continue over the plan period (AMR 2015/16); and
 - Would not include residential gardens.
21. It should be noted that the SHELAA is not yet published and is expected soon (see AMR, paragraph 4.20).
22. Indeed even if Wealden DC included an allowance of just 157 dwellings per annum, the lowest actual delivery from windfall recorded in the last ten years, and at the depth of the recession, it would still add 785 dwellings to the supply, sufficient to give a 5-year supply.
27. Village Concerns note that the above points have already been set out to Wealden DC at a meeting at the Council Offices on 9 September 2016 between the DC, local MPs, CPRE & SWOT. At that meeting, Wealden DC indicated that on legal advice, they were unable to include an allowance for future windfalls. That legal advice has not been disclosed or summarised to Village Concerns, which knows of no sound legal basis to depart from the advice contained within the NPPPF, as set out above.

(iv) Conclusion

23. Village Concerns thus submits that Wealden DC:

- (a) Should include an allowance for windfall sites in its five year supply calculation, because the tests in the NPPF for doing so are clearly met; and
- (b) That allowance should be 200 a year, which is robust, in line with (but less than) recent past delivery rates.

24. If it does so Wealden DC will be able to demonstrate a five year housing land supply. There would be no need to apply the provisions of paragraph 49 of the NPPF; or the 'tilted balance' contained within paragraph 14.

25. Further, no extra or particular weight should be given to the proposal's delivery of housing land; and the application should be decided in accordance with the development plan (and as such refused).

26. Village Concerns supports the representations made already to the effect (in summary) that the application proposes a level of housing that will be harmful to the village and its environs. It urges Wealden DC to refuse the application for housing.

27. Village Concerns also supports Wealden DC's stated position that it has not persistently under-delivered against relevant targets, and as such agrees that a 5% buffer is appropriate.

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2nd Feb 2017

On behalf of Village Concerns