

**FINAL AGREED HOUSING LAND SUPPLY STATEMENT OF COMMON GROUND  
SEPTEMBER 2024**

**Appeal Reference:** APP/D0121/W/24/3343144

**LPA Reference:** 23/P/0664/OUT

**Appellant:** Persimmon Homes Severn Valley

**Local Planning Authority:** North Somerset Council

**Start Date of Inquiry:** 24<sup>th</sup> September 2024

**Site Address:** Land at Rectory Farm, Yatton

**Description of Development:**

“Outline planning application for the development of up to 190 homes (including 50% affordable homes), 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, open space and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, scale, layout, appearance and landscaping) reserved for subsequent approval”

## 1.0 INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) sets out those matters on which North Somerset Council ('NSC') and the Appellant have common ground and identifies those areas where disagreement lies regarding housing land supply.
- 1.2 The outline planning application (23/P/0664/OUT) was submitted to NSC on 27<sup>th</sup> March 2023. The application was not determined by NSC and therefore on the 24<sup>th</sup> April 2024 an appeal against non-determination was lodged by the Appellant.
- 1.3 The reasons for refusal do not refer to housing land supply.
- 1.4 The Council published a Residential Land Survey and Housing Land Supply Position Report dated April 2024 in August 2024, covering the five-year period April 2024 to March 2029.
- 1.5 It states that the Council has **3.88** years' of supply.

## 2.0 POLICY CONTEXT

- 2.1 The Core Strategy was initially adopted on 10th April 2012. Following a successful High Court challenge, nine policies were remitted for re-examination. On 18th September 2015, policy CS13 – Scale of new housing was re-adopted following consideration by the Secretary of State of the Inspector’s Report.
- 2.2 The remaining remitted policies were then re-examined. On 10th January 2017, the Council re-adopted the remaining remitted policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33.
- 2.3 A Priority Objective of the Core Strategy (page 20) is to “Deliver sustainable housing development across North Somerset to meet housing needs, through the provision of a minimum of 20,985 new homes by 2026”. The Core Strategy sets out the broad long-term vision, objectives and strategic planning policies for North Somerset up to 2026. Vision 6 (Service Villages Vision – and includes Yatton) sets out that by 2026:
- “...the Service Villages will become thriving rural communities and a focal point for local housing needs, services and community facilities. They will become more self-contained in terms of providing jobs and serving the local and surrounding community for all their day-to-day needs, whilst protecting their individual character.”**
- 2.4 Policy CS13 (Scale of New Housing) indicates that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 20,985 dwellings within North Somerset 2006-2026. It confirms that “The appropriate level of new homes will be reviewed by 2018.”
- 2.5 Policy CS32 (Service Villages) states that new development “within or adjoining” the settlement boundaries of the Service Villages “which enhances the overall sustainability of the settlement” will be supported subject to a series of criteria. It also indicates that “Sites outside the settlement boundaries in excess of about 25 dwellings must be brought forward as allocations through Local Plans or Neighbourhood Plans.”
- 2.6 The Yatton Neighbourhood Plan was Made on 23rd July 2019 and therefore is now over 5 years old.
- 2.7 NSC is currently in the process of preparing its new Local Plan.

- 2.8 NSC has undertaken a 'Preferred Options' (regulation 18) consultation in spring 2022 and published its Pre-Submission Plan (regulation 19) for consultation from 27 November 2023 to 22 January 2024.
- 2.9 The pre-submission version of the plan sets out that the minimum number of new dwellings required in North Somerset over the plan period is informed by the evidence set out in 'Reviewing the demographic evidence for North Somerset to establish local housing need' (ORS 2023 and the October 2023 Addendum Report) and the Local Housing Needs Assessment (CD.H10 and CD.H11). The North Somerset Housing Requirement is identified as 993 dwellings pa or 14,902 dwellings over the plan period. This figure is a lower figure than the Standard Method. The March 2024 Standard Method requirement (incorporating 2023 affordability ratios) would give a local housing need figure of 1,324dpa which would equate to a housing requirement of 19,860 homes over a 15-year period.
- 2.10 Draft Policy SP8 identifies 15,734 homes, of which 3,610 (or 23%) will be in villages and the rural area. The supporting text confirms sites have been identified predominantly at the larger more sustainable villages, but notes that further homes will come forward in addition, on small windfall sites:
- “Across the villages and rural areas sites to accommodate 2,335 dwellings have been identified, predominantly at the larger more sustainable villages that have a range of services and facilities to support an appropriate amount of new development over the plan period. Based on past trends it is forecast that a further 1,275 homes will come forward on small sites across these villages, smaller settlements and the rural areas.”**
- 2.11 The draft Local Plan proposes three housing site allocations at Yatton, Land at North End (47 dwellings), Moor Road (60 dwellings), and Rectory Farm (100 dwellings): all three sites have planning permission and two of the sites were carried forward allocations from the Site Allocations Plan.
- 2.12 The most recent LDS (dated July 2024) anticipated a Local Plan Examination in April 2025 with an Inspector's Report by October 2025 and adoption by December 2025.
- 2.13 However, this timetable is no longer certain as the Council is preparing for a further consultation. In the Consultation Statement published in May 2024 (CD.G5) the

Council had decided in light of the December 2023 NPPF to publish a new version of the plan for submission:

**“Having considered the response to consultation and the guidance on transitional arrangements, the Council has decided to publish a new version of the plan for submission. This new Reg 19 Local Plan is being prepared in the context of the current December 2023 NPPF and is proposed to contain significant changes to the previous document. This will include a roll-forward of the plan period to 2025-2040 as well as other changes in response to feedback from the previous consultation and other issues. It is anticipated that consultation on the new Regulation 19 plan will commence in Summer 2024 with submission for examination in the Autumn.”**

2.14 In a statement published on 31st July 2024 the Council confirmed that in light of the draft NPPF currently subject to consultation that there will be a further delay in the emerging Local Plan:

**“A new pre-submission plan 2040 was agreed by the Executive Committee on 17 July 2024 for consultation. This was based on our local housing target and no strategic allocations in the green belt. It also responded to comments received through the previous regulation 19 consultation in 2023 as well as an amendment to the plan period to 2025-2040.**

**We will not be going ahead with our consultation on the pre-submission plan 2040 in September as we had originally planned. This is due to the launch of the consultation on the governments proposed planning reforms on 30 July.**

**We will now review our pre-submission plan and take into account the proposed reforms. We will be working to progress a revised plan as quickly as possible.”**

- 2.15 The updated NPPF was published in December 2023 and sets out at Paragraph 76 that *“Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:*
- a) Their adopted plan is less than five years old; and*
  - b) That adopted plan identified at least a five-year supply of specific, deliverable sites at the time that it’s examination concluded.”*
- 2.16 As the NSC Development Plan is more than five years old the Council needs to demonstrate a deliverable housing land supply. In relation to this appeal, paragraph 77 of the NPPF is therefore applicable. This states that *“In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old”.*
- 2.17 Paragraph 226 sets out that *“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.”*
- 2.18 The Council has published for consultation an emerging local plan that has been subject to a Regulation 19 stage consultation from November 2023 to January 2024 and therefore the Council’s position is that current adopted national policy requires the Council to demonstrate a 4 year supply. The Appellant’s position is that the Council has recently published a Statement on 31st July 2024 that in light of the proposed planning reforms (including revised NPPF) that it will be preparing a revised Local Plan, and therefore whether the Council should therefore be required to demonstrate a 4-year supply (over a five-year period) or a 5-year supply will be dealt with in evidence.

- 2.19 The parties agree that North Somerset is not able to demonstrate a 4 year supply of deliverable housing.
- 2.20 The fifth annual Housing Delivery Test (HDT) results were published by DLUC on the 19th December 2023 and comprised the 2022 measurement. For North Somerset, this showed that 90% of the housing delivery required over the previous 3 years was delivered. The Council is therefore required to publish an Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years but is not required to add a buffer to its identified supply of deliverable sites.
- 2.21 As per NPPF paragraph 77 there has not been significant under delivery of housing when this is measured using the Housing Delivery Test.
- 2.22 The parties agree that the period for consideration of the 5-year supply is the period from April 2024 to March 2029.
- 2.23 The parties agree that the March 2024 Standard Method requirement (incorporating 2023 affordability ratios) would give a local housing need figure of 1,324dpa which would equate to a housing requirement of 19,860 homes over a 15-year period. The five-year requirement for the period April 2024 – March 2029 is therefore 6,620dpa. The four-year requirement is 5,296 dwellings.
- 2.24 The Glossary of the NPPF defines the meaning of ‘Deliverable’ in the context of the supply of housing:

**“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 5 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 5 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 5 years.”.**

- 2.26 The draft proposed revisions to the NPPF and standard methodology were published on 30 July 2024 and are currently subject to consultation until 24 September 2024. In respect of housing land supply, if there are no changes following consultation, the proposed revisions:
- Could increase the standard methodology figure for North Somerset to 1,587dpa
  - Could reinstate the requirement to apply a 5% buffer.
- 2.27 It is agreed that, if there are no changes to the proposals following the consultation, the implication of the proposed changes to the NPPF and standard methodology would be to increase the five-year housing requirement to 8,332 dwellings (1,666dpa). It is further agreed that at present the draft NPPF carries limited weight given its draft status.
- 2.28 The PPG also provides guidance on what constitutes a deliverable housing site:

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

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

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

**Such evidence, to demonstrate deliverability, may include:**

- **current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;**
- **firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;**
- **firm progress with site assessment work; or**
- **clear relevant information about site viability, ownership constraints or infrastructure provision,**



**such as successful participation in bids for large-scale infrastructure funding or other similar projects.**

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

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

## 5.0 HOUSING SUPPLY

5.1 The parties agree that the Council does not have a 4 year supply of deliverable housing sites. However, the parties differ on the extent of the supply, and this will be addressed in evidence. Following exchange of evidence, a Scott Schedule will be produced by the parties to be read alongside this Statement of Common Ground. The disputed sites are as follows:

### **Large Sites with Outline Permission**

4/715 - Land at Weston Rugby Club, Drove Road, Weston-super-Mare (182 dwellings)

4/602 - Mead Vale Shopping Centre, Nightingale Close, Worle, Weston-super-Mare (29 dwellings)

4/720 - Land off Anson Road, Kewstoke (70 dwellings)

4/717 - Land at Farleigh Farm, Backwell (6 self build units only)

### **Weston Villages**

4/558a-c - Weston Villages - Locking Parklands (209 dwellings)

4/558d - Weston Villages - Land south of Churchland Way (154 dwellings)

4/568 - Weston Villages - Winterstoke, Haywood Village (372 dwellings)

### **Site Allocations**

4/605 – Millcross Site, Clevedon (50 dwellings)

4/596 - North West Nailsea (150 dwellings)

4/647 - Former Bournville School site, Selworthy Road, Weston-super-Mare (28 dwellings)

5.2 The overall summary of each party's position is set out in the table below.

## Summary and Comparison of Housing Land Supply Position

North Somerset Housing Supply Table	North Somerset	Appellant	Difference
5 year Standard Method Requirement	6620	6620	
	Standard Method		
Category of Site			
Large Sites with detailed permission	1278	1278	0
Large Sites with outline permission	510	223	287
Sites with a resolution to grant consent	68	68	0
Weston Villages	2191	1456	735 <sup>1</sup>
Site Allocations	228	0	228
Windfall Allowance	865	865	0
Total Supply	5140	3890	
Shortfall against 4 years	-156	-1526	
Shortfall against 5 years	-1480	-2730	
Years Supply	3.88	2.94	

<sup>1</sup> Updated to correct minor arithmetic error 2,191 minus 1,456 equals 735

Signed on behalf of North Somerset Council: Natalie Richards

*Natalie Richards*

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Date: 17/09/2024

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Position: Planning Policy Team Lead – Technical and Infrastructure, North Somerset Council

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Signed on behalf of Appellant: Nick Paterson-Neild, Stantec

*N. Paterson-Neild*

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Date: 17/09/2024

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Position: Planning Director, Stantec

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