



**Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004**

Section 78 Appeal by Persimmon Homes Severn Valley

Land at Rectory Farm (North), Yatton

Five Year Housing Land Supply Summary Proof of Evidence

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1 SUMMARY PROOF OF EVIDENCE

- 1.1.1 This Summary Proof of Evidence relates to an appeal by Persimmon Homes Severn Valley ('the Appellant') against the failure of North Somerset Council ('NSC') to determine a planning application for the proposed residential development of Land at Rectory Farm, Yatton (the 'Appeal Site').
- 1.1.2 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.
- 3.1 The remaining remitted policies were then re-examined. On 10th January 2017, the Council adopted the remaining remitted policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33.
- 3.2 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 Backwell) 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."

- 3.3 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. Importantly it confirms that "**The appropriate level of new homes will be reviewed by 2018.**"
- 1.1.3 NSC is currently in the process of preparing its new Local Plan.
- 1.1.4 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 was 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. Accordingly, the draft Local Plan fails to provide for some 4,958 homes identified by the local housing need.
- 1.1.5 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:

"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."

- 1.1.6 The current August 2023 LDS assumed a Local Plan Examination in July 2024 with an Inspector's Report by October 2024 and adoption by December 2024. This represents around a year's delay to the previous LDS and would mean adoption of a NPPF compliant housing requirement some 6 years later than required by the Core Strategy.
- 1.1.7 However, this is optimistic as the Council is preparing for a further consultation. In the Consultation Statement published in May 2024 (**CD.G5**) the Council has decided in light of the December 2023 NPPF to publish a new version of the plan for submission.
- 3.4 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 even 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.”

- 1.1.8 The overall thrust of the planning policy approach towards housing provision at a national level has been to boost significantly the supply of housing. This was articulated as far back as the 'Planning for Growth' Ministerial Statement (dated 23rd March 2011) which has a clear objective to drive forward economic growth and housing delivery. It recognises the need to **“...maintain a flexible and responsive supply of land for key sectors, including housing”** and acknowledges that the planning system is key in driving and delivering economic development and helping to unlock stalled development.
- 1.1.9 The Building the homes we need Written Ministerial Statement dated 30th July 2024 confirms the Government's commitment to **“improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years”**, including reversing the December 2023 NPPF changes and mandating that the standard method is used as the basis of determining housing requirements in all circumstances and changing the standard method itself to plan for numbers of homes that are proportionate to the size of existing communities.
- 1.1.10 As the NSC Development Plan is more than five years old the Council needs to demonstrate a deliverable housing land supply, however, the Council has now published for consultation an emerging local plan that has been subject to a Regulation 19 stage consultation from November 2023 to January 2024.
- 1.1.11 At face value this satisfies the requirements of NPPF Paragraph 226 in that it contains a proposals map and proposed allocations to meet housing need, and therefore the Council must demonstrate a four-year supply of specific deliverable sites in the context of this appeal in accordance with the provisions of Paragraph 77, and the supply to be demonstrated against standard method for calculating housing need where the strategic policies are more than 5 years old as per Footnote 42 of the NPPF. However, given that the Council has recently published a Statement (as referred to in my Paragraph 3.17) on 31st July 2024 that in light of the proposed planning reforms (including revised NPPF) that it will be preparing a revised Local Plan, this calls into question the reliance to be placed on whether the 4-year rule applies or not.

Irrespective of this, I set out in my evidence the housing land supply position and note that both I and the Council agree that North Somerset is not able to demonstrate a 4 (or 5) year supply of deliverable housing in any event, though the magnitude of the shortfall is a material consideration and will affect the weight to be attributed to the shortfall in housing: weight will be addressed in Ms Ventham's proof of evidence.

- 1.1.12 The Government has published for consultation a new draft NPPF. Whilst this has limited weight at the time of writing given its draft status, it signals a clear direction in terms of national policy with regard to housing delivery, and has led to the Council delaying and reviewing the content of its new Local Plan as the new proposed standard method housing number for North Somerset is 23,805 over a 15 year period, some 9,000 homes higher than the existing Local Plan draft housing figure proposed by the Council.
- 1.1.13 NPPF Paragraphs 60 to 84 deal with delivering a sufficient supply of homes. The Framework provides a clear and concise statement of Government policy on the matter of housing supply, as stated at paragraph 60 seeking **“significantly boosting the supply of homes”** and that 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.”** Paragraph 60 was updated in December 2023, adding that **“the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.”**
- 1.1.14 As confirmed in the Suffolk Coastal Supreme Court Judgment, where housing supply policies failed to meet the objectives set by the then Paragraph 47 of the 2012 NPPF, the Inspector in that case **“rightly recognised that they should be regarded as ‘out of date’ for the purposes of Paragraph 14.”** I also conclude in my evidence that the Council does not have a 4-year supply of deliverable housing sites (nor for that matter a 5-year supply).
- 1.1.15 Paragraph 74 advises that in the context of large sites, authorities should:
- “make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites.”**
- 1.1.16 The Glossary of the NPPF defines the meaning of 'Deliverable' in the context of housing supply and highlights a firm and important distinction between non major development with planning permission and all sites with detailed permission on the one hand, and those sites with outline planning permission for major development and those allocated in Local Plans on the other.
- 1.1.17 The extent of the shortfall in the 5-year supply of deliverable housing has material significance for the weight to be given in the overall planning balance given the Hallam Judgment (**CD.J5**), (Hallam Land Management Ltd v Secretary of State for Communities And Local Government & Anor [2018] EWCA Civ 1808 (31 July 2018)).
- 1.1.18 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.
- 1.1.19 The period for consideration of the 5-year supply is the period from April 2024 to March 2029.
- 1.1.20 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 2023 – March 2028 is therefore 6,620dpa.

- 1.1.21 The scale of the challenge faced by the Council in seeking to address this requirement is illustrated by the Residential Land Survey and Housing Land Supply Position Report April 2024 (**CD.H20 and H21**). This confirms the previous completions per annum back to 1981-82. It is noteworthy that the Council has only once achieved its per annum housing requirement of 1,324 dwellings in any previous year in the last 43 years, in 2007-08 (at the peak of the economic cycle before the financial crisis) of 1,474 dwellings. On average during the plan period from 2006, the Council has achieved completions of 834dpa (63%) of the current housing requirement: lower than the historic average of 891dpa over the last 43 years. Moreover, to achieve the Core Strategy housing requirement, 5,966 dwellings or 2,983dpa would need to be delivered over the remaining 2 years of the plan period to 2026.
- 1.1.22 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.
- 1.1.23 The Council has provided a Housing Land Supply Data Table, which is a spreadsheet detailing each major site which will form part of the Council's supply in a colour coded table, and I have used this in my analysis of the housing land supply position.

1.2 Large Sites with Outline Permission

- 1.2.1 The Council has listed 8 large sites with outline permission in its April 2024 Capacity spreadsheet. Of these, some 4 sites have reserved matters applications under consideration, and this demonstrates progress in respect of delivery, one further site has RM approval for the majority of the site (Land at Farleigh Farm).
- 1.2.2 Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the Local Planning Authority to provide that clear evidence for outline planning permissions and allocated sites.
- 1.2.3 Following the above assessment, it is considered that large sites with outline permission are likely to contribute 223 units towards the overall supply, **a reduction of 287 dwellings** from the Council's assessment.

1.3 Weston Villages

- 1.3.1 The Weston Villages form a significant component of the Council's housing land supply. Core Strategy Policy CS20 allocated the Weston Villages for around 6,500 dwellings and a range of other infrastructure, including provision at least 37.7 ha of B Use Class employment land located within allocated employment sites, mixed use development areas and at local and district centres.
- 1.3.2 As at 31st March 2024, a total of 2,426 completions have been achieved at the Weston Villages. This is significantly less than predicted by the Council in the Site Allocations Examination.
- 1.3.3 It is considered that the Weston Villages are likely to contribute 1,458 units towards the overall supply, rather than the 2,191 dwellings assumed by the Council, **a reduction of 733 dwellings**.

1.4 Site Allocations

- 1.4.1 Sites that have been allocated should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the Local Planning Authority to provide that clear evidence for outline planning permissions and allocated sites.
- 1.4.2 The Council has listed 3 sites which are the subject of an allocation in the adopted Development and to which it relies on delivery in the 5-year period.

1.4.3 Following my assessment, it is considered that the 3 site allocations which do not have a planning permission will not result in delivery of dwellings in the 5-year supply period, a **reduction of 228 dwellings** from the Council's assessment.

1.5 Stock of Small sites and Windfall Allowance

1.5.1 The Council's housing trajectory includes a windfall allowance of 173 dwellings per annum in each of the five years for a total of 865 dwellings: no list is provided of the actual sites. The Council does not include a separate stock of small sites to avoid double counting and I agree with this approach. The Residential Land Survey and Housing Land Supply Position Report April 2024 contains details of the small site windfall completions over the period 2006-24 which averages 173dpa: this is the rate used in their 5-year supply. The Council also confirms that the stock of small sites with planning permission is 492, of which 238 are under construction. I accept that the Council's windfall/small site allowance is evidenced and can be included in the 5-year supply.

1.6 Housing Supply Summary

1.6.1 In summary, following the analysis above, it is considered that the deliverable housing land supply is 3,892 dwellings.

Table 1 – Summary and Comparison of Housing Land Supply Position

North Somerset Housing Land Supply Table	North Somerset	Appellant	Difference	North Somerset	Appellant
5 year Standard Method Requirement	6620	6620		8332	8332
	Current Standard Method			New Draft Standard Method	
Category of Site					
Large Sites with detailed permission	1278	1278	0	1278	1278
Large Sites with outline permission	510	223	287	510	223
Sites with a resolution to grant consent	68	68	0	68	68
Weston Villages	2191	1458	733	2191	1458
Site Allocations	228	0	228	228	0
Windfall Allowance	865	865	0	865	865
Total Supply	5140	3892		5140	3892
Shortfall	-1480	-2728		-3192	-4440
Years Supply	3.88	2.94		3.08	2.34

- 1.6.2 The five-year requirement for the period April 2024 – March 2029 is 6,620dpa.
- 1.6.3 Following the assessment set out in the previous sections of my evidence, it is considered that the Council can demonstrate 2.94 years supply of deliverable housing sites under the current standard method. This is a significant reduction from the figures of between 3.2 and 3.5 years given by Inspectors in the most recent appeal decisions and below the 5-year or 4-year requirement (over a 5-year period).
- 1.6.4 The impact of the draft proposed standard method is very significant and would contract the position materially further to 3.08 years on the Council's supply basis or 2.34 years deliverable supply on my evidence.
- 1.6.5 The magnitude of this shortfall cannot be underestimated. It is much more than a mathematical equation and affects the real supply of housing to those who need it, in particular those in need of affordable housing. The overarching thrust of the NPPF is to ensure the delivery of new homes to meet real need as highlighted in Paragraph 7, where the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of new homes, and supporting infrastructure in a sustainable manner.
- 1.6.6 It is for the council to provide that clear evidence of a realistic prospect of delivery for outline planning permissions and allocated sites without planning permission, yet it has failed to do so.
- 1.6.7 I regard this shortfall as both serious and significant in the context of current national policy, and chronic under provision when considered in the context of the draft NPPF.