

Town and Country Planning Act 1990 (as amended)

Appeal by Redrow Homes Ltd (Harrow Estates Division)

Land East of The Common Barwell

5YHLS Supply Assessment prepared by
Samantha Ryan BA (Hons) MRTPI

Appeal Ref: APP/K2420/W/24/3348387

16 October 2024



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Date: 16 October 2024
Our Reference: HARR05
LPA Reference: 23/01299/OUT
PINs Reference: APP/K2420/W/24/3348387

1. Introduction

- 1.1 My name is Samantha Anne Ryan. I am a founding Director of Ryan & May, a town planning consultancy established in August 2020. Prior to launching Ryan & May I held the position of planning director in the Manchester office of the national town planning and development consultancy of Turley. I joined Turley in August 1990 and was appointed to the position of planning director in 2003.
- 1.2 I hold the degree of BA (Hons) and have been a full Member of the Royal Town Planning Institute since 1989.
- 1.3 I have over 35 years' experience in planning and have worked in both the public and private sectors on a wide range of residential development projects. This has included numerous appraisals, applications and advice on planning strategy for complex development projects. I have appeared as a planning witness at a large number of appeals under S78 of the Town and Country Planning Act, and Local Plan inquiries / Examinations in Public promoting land for residential and mixed use development.
- 1.4 I was co-author of the Planning Statement for the application [CD-B-5 and CD-B-6] and have visited the site and surroundings on a number of occasions. I am, therefore, familiar with the site and the issues in this particular case.
- 1.5 The evidence that I have prepared and provide for this appeal in this statement is true and is given in accordance with the guidance of the Royal Town Planning Institute; I confirm that the opinions expressed are my true and professional opinion.
- 1.6 This Statement is structured as follows:

Section 2 is a summary of national planning policy and guidance relating to 5YHLS.

Section 3 summarises the housing requirement for the Borough.

Section 4 is my assessment of the deliverable housing land supply in Hinckley and Bosworth.

Section 5 is my calculation of the 5YHLS for the borough.

Section 6 is my overarching conclusions.

Executive Summary

- 1.7 This appendix to the Appellant's Statement of Case relates to the consideration of the 5YHLS in the Borough. It demonstrates that, due to errors in its calculation of the housing requirement and inclusion of sites that are not deliverable according to the definition in NPPF, the Council is unable to demonstrate a deliverable 5YHLS. Accordingly, the tilted balance is engaged.
- 1.8 The Statement also addresses Government's clear commitments to modify planning policy to ensure accelerated delivery as part of its key manifesto pledge; this will result

in a significantly increased housing target for H&BC that is expected to be in place prior to the determination of this appeal. This will exacerbate the shortfall in 5YHLS.

- 1.9 The appeal proposals are deliverable and will make an important contribution towards the 5YHLS and boosting supply.

2. National Planning Policy and Guidance

Introduction

- 2.1 The overall thrust of planning policy at a national level has, for some years, been to 'boost significantly' the supply of land for housing. This was first articulated in the 'Planning for Growth' Ministerial Statement of 2011 which recognised that maintaining a flexible and responsive supply of land for key sectors, including housing, has an important role in driving forward economic growth. In that Statement, local authorities were urged to:

"press ahead without delay in preparing up-to-date development plans and should use that as an opportunity to be proactive in driving and supporting growth that this country needs.....make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth"

NPPF

- 2.2 NPPF (or 'the Framework') was first published in 2012; it has been updated on a number of occasions, most recently in December 2023. It clearly sets out the Government's objective to 'boost significantly' housing land supply as first flagged in the Ministerial Statement above.
- 2.3 In order to support that objective, it is important that a sufficient amount, variety and the right type of land can come forward where it is needed.

Delivering a Sufficient Supply of Homes

- 2.4 While a material consideration in the determination of planning applications, it is the Framework that defines how LPAs should determine their strategic housing requirement; what is the 5YHLS – including the requirement to demonstrate one, and how it should be calculated; and explains how Government measures housing delivery through the Housing Delivery Test, setting out any associated implications for LPAs:
- Paragraph 61 - states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
 - Paragraph 77 - confirms 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 adopted strategic housing policies, or against their local housing need where, as in this case, the strategic policies are more than 5 years old.

- Paragraph 79 - sets out the implications of the Housing Delivery Test and actions that local planning authorities will need to take to address under-delivery.

Deliverability

- 2.5 The Glossary to NPPF includes a definition of ‘deliverable’ in the context of the supply of housing sites. It draws a clear distinction between ‘non-major’ sites with planning permission and those with detailed permission on the one hand (Category A), and those sites with outline planning permission for major development and sites allocated in a development plan on the other (Category B):

“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:

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 that type of units or sites have long term phasing plans) [Category A] [emphasis added].

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” [Category B] [emphasis added].

Planning Practice Guidance

- 2.6 Planning Practice Guidance (PPG) was first launched in March 2014 to provide further guidance on the application of national planning policy; it is a ‘live’ web-based document that is updated, as appropriate, to reflect changes to national policy.
- 2.7 Of specific relevance to the matter of housing land supply, PPG provides further guidance as to what constitutes a deliverable site for the purposes of plan-making and decision-taking, making clear that this necessitates the provision of ‘robust and up-to-date evidence’:

“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’ 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”¹.*

2.8 The PPG also clarifies the ways in which an LPA can demonstrate a 5YHLS in decision-taking either through an Annual Position Statement; or by ‘*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)*’.²In preparing those reports, the PPG also provides guidance on the consideration of lead-in times and delivery rates.

Consultation on changes to the NPPF

2.9 In July 2024 the new Government issued a consultation on possible amendments to the Framework (NPPF24C). At the time of drafting this Statement those amendments are not Government policy. Notwithstanding, the amendments are clearly focussed on delivering one of the new Government’s key election pledges to improve the rate of house-building; this is clearly articulated in the Ministerial Statement introducing the consultation:

“The Government has today set out the first major steps in its plan to build the homes this country needs.

Our manifesto was clear: sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people. Our approach to delivering this growth will focus on three pillars; stability, investment and reform. But this growth must also be generated for everyone, everywhere across the country – and so nowhere is decisive reform needed more urgently than in housing”

That is why today I have set out reforms to fix the foundations of our housing and planning system – taking the tough choices needed to improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years”.[CD-C-16]

2.10 In terms of maintaining a deliverable supply of land for housing, the draft amendments reinforce the requirement for LPAs to identify and update annually a supply of specific sites, ensuring a minimum deliverable 5YHLS with a minimum 5% buffer. The housing requirement should be calculated against the SHM to determine the minimum figure.

2.11 NPPF24C proposes to remove the ‘urban uplift’ applied to main cities across England, including Leicester. It introduces a new approach to calculating the SHM that has the effect of redistributing homes across the country, ensuring that homes are built in the

locations where they are needed. The Minister's Statement is robust in its support for the revised SHM:

"The new method provides a stable and balanced approach. It requires local authorities to plan for numbers of homes that are proportionate to the size of existing communities, by taking 0.8 per cent of existing stock as a floor, which is broadly consistent with the average rate of housing growth over recent years. It also then incorporates an uplift based on how out of step house prices are with local incomes, using an affordability multiplier of 0.6 per cent, up from 0.25 per cent in the previous method.

This approach means that there is no need for any artificial caps or uplifts..... With a stable number, reflective of local needs and the way housing markets operate, we will stop debates about the right number of homes for which to plan, ensure targets reflect the way towns and cities actually work, and support authorities to get on with plan making".[CD-C-16]

- 2.12 A table setting out the outcome of the revised SHM was published alongside NPPF24C – for H&BC the result is an annualised requirement of 689dpa. [CD-C-17]

Summary

- 2.13 Government places high importance on meeting housing needs and requires councils to plan positively to boost significantly housing land supply. LPAs are also required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. In H&BC case this should be measured against the local housing need determined under the standard method.
- 2.14 Not all identified housing sites will contribute towards the 5YHLS - deliverability should be determined in accordance with the clear policy and guidance set out in the Glossary to NPPF and PPG.
- 2.15 Proposed amendments to NPPF are expected to be in place prior to the determination of this appeal. Those amendments are expected to confirm the new SHM and reintroduce the standard 5% buffer; collectively those measures will increase the housing requirement in H&BC to 689dpa.

3. Establishing the Housing Requirement

- 3.1 The current version of the Framework requires that in H&BC where the strategic policies for housing supply are more than five years old, the housing requirement should be identified according to the SHM. This is confirmed in Planning Practice Guidance which states that:

“The standard method for calculating local housing need provides a minimum number of homes to be planned for. Authorities should use the standard method as the starting point when preparing the housing requirement in their plan, unless exceptional circumstances justify an alternative approach⁴”.

- 3.2 The PPG goes on to explain how the standard method is applied to calculate the local housing need; there are four steps:

- Step 1 – set the baseline by calculating the projected annual household growth over a 10 year period using the 2014-based household projections with the current year being used as the starting point.
- Step 2 – make an adjustment to take account of affordability using the most recent median workplace-based affordability ratios.
- Step 3 – cap the level of any increase. The local housing need is capped at 40% above the annual household growth identified in step 1
- Step 4 – if applicable, add the cities and urban centres uplift

- 3.3 The housing need figure for Hinckley and Bosworth has been up-dated to a base date of 1 April 2023, consistent with the Council’s most up-to-date 5YHLS Statement [CD-E-9]. Applying the 4-steps set out in PPG, results in a figure of 468dpa as summarised in the following table:

Average annual household formation 2023 - 2033	346.2
Median Affordability ratio 2022 (released 22/3/23)	8.55
Adjustment factor	1.284375
Baseline with adjustment (rounded)	468
Cap 40% above latest adopted requirement of 450	630 (N/A)
Outcome of Standard Method	468 dpa

Table 3.1: Calculation of Housing Requirement

- 3.4 At the time of preparing this Statement the annual housing requirement has not been agreed with H&BC. It is noted that the Council’s own latest 5YHLS Statement [CD-E-9] incorrectly calculates the requirement under the SHM at a base date of 1 April 2024 reflecting the date of publication of that document (June 2024); this results in the Council identifying an annual requirement of 433dpa and a 5-year requirement of 2,165 dwellings (433 x 5). However, the Council has calculated the 5YHLS from the earlier date of 1 April 2023; since it is standard practice to adopt a consistent base date for determining both requirement and supply, the Council’s Statement clearly contains

an error in this regard. The correct annualised figure is 468dpa as summarised in Table 3.1 above; this equates to a 5-year requirement of 2,340 dwellings.

3.5 My approach has been endorsed at appeal:

“I consider it is desirable to use a consistent base date for calculation of the housing land supply and housing land requirement. Although the Council’s approach of using the latest available data in many cases may be the right approach, in situations where information uses a period over time, to use different base dates for those periods when comparing related information can result in inconsistencies, particularly where the trend in those periods is diverging. Because of that reason, I prefer the method of calculation given by the appellants”¹

Buffer

- 3.6 The current version of NPPF makes clear that the supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 3.7 This version of the NPPF removed the previous ‘standard requirement’ for all local planning authorities to provide a minimum 5% buffer in order to ‘*ensure choice and competition in the market for land*’. It is fully anticipated that the standard 5% buffer, which is non-contentious, will be included in NPPF24 when it is published in its final form. Accordingly, I have applied a 5% buffer to the 5YHLS calculation in Section 4 of this Statement.

Summary

- 3.8 The development plan document [Core Strategy, **CD-C-1**]) from which the housing requirement is derived is more than five years old. In accordance with the Framework, the five year housing land supply should be measured against the local housing need calculated using the standard method as set out in NPPG. Under the SHM the basic 5-year housing requirement for the borough at the base date of 1 April 2023 is 2,340 (5 x 468dpa).
- 3.9 It is fully anticipated that the 5% buffer will be reinstated when the revised NPPF is published; this adds a further 117 dwellings resulting in a total 5 year requirement of 2,457 dwellings (491dpa).

¹ Appeal Decision APP/H1705/W/23/3327082 [CD-D-13, paragraph 50]

4. Assessment of Deliverable Housing Land Supply in Hinckley and Bosworth

Introduction

- 4.1 The most up-to-date information of housing land supply in H&BC is contained in the Council's 5YHLS Statement that was published in June 2024 [CD-E-9]; that document has a base date of 1 April 2023. Further information relating to housing land supply can be found in the Residential Land Availability Monitoring Statement, which has a base date of 30 September 2022 [CD-E-1]; the SHEELA and accompanying maps [CD-E-2 / 2a]; and the Housing Delivery Test Action Plan [CD-E-10].

Housing Schedule

- 4.2 A schedule and trajectory of housing sites that the Council claims as the deliverable supply 2023 – 2028 is at Appendix 1 of the 5YHLS Statement [CD-E-9]. It identifies a range of large and small sites with a claimed combined 5-year supply of 2,415 dwellings. The Statement also assumes an annual windfall allowance of 87dpa (174 dwellings total) for years 4 and 5. Against their own, disputed), assessment of the requirement (see section 3 above), the Council's claimed deliverable supply indicates a modest excess of 145 dwellings².

Category A Sites

- 4.3 I have carefully examined the Schedule and Appendix 1 of the 5YHLS Statement and details of the associated planning applications on the H&BC website; I have also visited a number of the sites. It is clear that the Schedule contains a number of sites where planning permission had expired at the base date and/or would not result in a net increase in the number of dwellings. There is also one site that is duplicated within the Schedule – land at Crabtree Farm, Barwell.
- 4.4 While all of the Category A sites contained within the schedule did previously benefit from a full planning permission, or reserved matters approval, development had not commenced at the base date and the permission had expired; accordingly, they do not fall within the NPPF definition of deliverable as highlighted in paragraph 2.5 above. They should be omitted, removing 175 units from the deliverable supply.
- 4.5 The removal of those sites is equivalent to 'expiry rates' of 2.6% on small sites and 7.6% on large sites – considerably lower than the Council's own evidence that expiry rates are, on average, 27% (small sites) and 11.3% (large sites) across the Borough³

² 5YHLS Statement [CD-E-9, Table 9]. Note that there is a mathematical error in the council's document and the actual surplus under their own assessment is 250 dwellings (2415 minus 2,165)

³ Residential Land Availability Monitoring Statement [CD-E-1, paragraphs 2.39 – 2.42]

Category B Sites

- 4.6 The 5YHLS Schedule includes 4 sites at Hinckley West (former Triumph Factory) and anticipates that, in total, they will deliver 394 dwellings in the next 5 years. One of those sites is described in the Schedule as the ‘remainder of 15/00188/OUT’ falling under Category B.
- 4.7 Collectively the 4 sites are, in effect, all part of one large site that is being developed in phases by Bloor Homes. The delivery rate anticipated by H&BC (79dpa) is far in excess of the 47dpa average that the Council has identified for large greenfield sites across the borough⁴.
- 4.8 The HDTAP recognises, by reference to the Letwin Review, that the homogeneity of the types and tenures of the homes on offer of large sites being delivered by a single housebuilder places limits on the rate at which the market will absorb such products and are fundamental drivers of a slow rate of build out⁵. While I accept that the rate of delivery on such sites may well be higher than the borough average, I do not accept that 79dpa as indicated in the Council’s trajectory is realistic or reasonable and is not supported by any evidence of planned delivery on the remaining part (Category B) of the Hinckley West site. Accordingly, I have removed any contribution from that part of the Hinckley West site = 73 units.
- 4.9 Table 4.1 below sets out the reasons for excluding / reducing the contribution from sites contained in Council’s claimed deliverable supply as set out in Appendix 1 of the 5YHLS Statement [CD-E-9].

Table 4.1: Disputed Housing Sites

Application Reference	Site Name / Address	PP expiry date	H&BC 5YHLS	Appellant 5YHLS	Comments
19/00232/FUL	Wood View Shenton Lane, Shenton	05/06/2022	1	0	This is a full planning permission for a replacement dwelling that had, in any event, expired at the base date.
17/00970/FUL	Ormandy, Broad Lane, Stanton Under Bardon	15/11/2020	1	0	This is a full planning permission for a replacement dwelling that had, in any event, expired at the base date.
19/00600/FUL	Land to the south of 50 Brascote Lane, Newbold Verdon	18/12/2022	2	0	Details of two pre-commencement conditions had been submitted and approved by LPA, but details of materials not provided. The permission had expired at the base date.
17/01183/FUL	54A Coventry Road, Burbage	11/01/2021	1	0	Only 1 of 3 pre-commencement conditions had been discharged prior to the permission expiring before the base date.

⁴ Residential Land Availability Monitoring Statement, [CD-E-1, paragraph 217]

⁵ Housing Delivery Test Action Plan, [CD-E-10, paragraph 3.10.1]

19/00743/FUL	Grove House, Grove Road, Burgbage	25/10/2022	5	0	Details of pre-commencement conditions had not been submitted. While works had commenced, the development was unlawful and planning permission had expired at the base date.
19/00382/FUL	30 Kingsfield Road, Barwell	21/06/2022	1	0	Development had not commenced at the base date and planning permission had expired.
19/00935/REM	Land west of 142 Hinkley Road, Earl Shilton	04/11/2021	1	0	Development had not commenced at the base date and planning permission had expired.
19/00370/REM	Glebe Farm, Kirkby Road, Barwell		28	0	The reference relates to planning permission for a 52-bed care home. Planning permission had expired at the base date. The site remains occupied by a single farm dwelling and there is no evidence that development has commenced to protect the permission.
19/00462/REM	Land south of Lindley Wood, Fenn Lane, Fenny Drayton	20/12/2021	11	0	Development had not commenced at the base date and planning permission had expired.
19/01207/FUL	Hall Farm, 10 The Green	07/01/2023	2	0	No evidence of information having been submitted to discharge pre-commencement conditions. The planning permission had expired at the base date.
12/00113/FUL	Hill View, Bosworth Road, Wellsborough	19/04/2015	1	0	This is a full planning permission for a replacement dwelling that had, in any event, expired at the base date.
06/01322/FUL	Adj 30 Markfield Road, Ratby	24/04/2010	20	0	The planning permission expired long before the base date. Development has not progressed and the site is overgrown.
10/00101/FUL	Holly House Farm, Brascote Lane, Newbold Verdon	31/03/2013	1	0	This is a full planning permission to renovate a redundant cottage to create one dwelling. The permission had, in any event, expired at the base date.
14/00780/FUL	Odstone Hill House, Newton Lane, Odstone	09/03/2018	1	0	This is a full planning permission to convert a barn to a single dwelling. The permission has expired at the base date.
18/01237/FUL	Leisure Centre, Coventry Road/Trinity Lane, Hinkley	23/10/2022	73	0	Development had not commenced and the planning permission had expired at the base date. The site currently comprises a combination of vacant land and a pay-and-display public car park.

08/00907/FUL	44 Forest Road, Hinkley 26/11/2011	1	0	In 2011, H&BC acknowledged that development had commenced on site. There has been no progress on site since that date and there is no realistic prospect of the development proceeding.
20/01172/REM	Crabtree Farm, Hinckley Road, Barwell	25	0	Two planning applications exist for development of this plot of land. The other permission, reference 21/00695/FUL for 51 dwellings is included in the Schedule.
15/00188/OUT	Land north east of Triumph Motorcycles, Hinkley	394	321	Later phases of a large site for 850 dwellings that is currently under construction by a single housebuilder (Bloor Homes). The phasing scheme submitted with the application assumes delivery of the entire site over a period of c.14 years at an annual average rate of 60dpa. The Council has not produced any evidence to demonstrate when the later phases of the development will be brought forward.
Total Supply on Disputed Site		569	321	Remove 248 sites from the council's claimed deliverable supply

4.10 In removing those disputed sites the Council's claimed deliverable supply falls to 2,203 dwellings (2,451 minus 248).

Summary

4.11 The Council's latest 5YHLS Statement sets out their claimed position that there was a deliverable supply of 2,451 dwellings at the base date of 1 April 2023; on the basis of their calculations this provides a surplus of 145 dwellings (2451 minus 2,165⁶) and was equivalent to 5.6 years' supply, at the base date. The Council's position assumes that all identified sites are deliverable in full and does not include a 5% buffer.

4.12 My own assessment deducts 175 units from the claimed supply from 17 sites where there was duplication or planning permission had expired at the base date so that they do not meet the definition of deliverable as set out in the glossary of NPPF. I have deducted a further 73 units from the balance of the large site(s) at Hinckley West as the Council has not provided evidence that delivery will commence on that Category B site within 5 years. Total deductions = 248 units.

⁶ This is the council's erroneous calculation of the requirement at a base date of 1 April 2024 – see paragraph 3.4 above)

- 4.13 Having made those deductions, I conclude that the deliverable supply in H&BC is 2,203 dwellings at the base date; this results in a shortfall of 137 dwellings against my calculation of the requirement (2,340 minus 2,203)⁷.
- 4.14 In the circumstances where a 5% buffer is applied the shortfall is 253 dwellings (2,457⁸ minus 2,203).

⁷ 2340 dwellings, see paragraph 3.4 above

⁸ See paragraph 3.8 above.

5. 5YHLS Calculation

- 5.1 On the basis of the correct calculation of the requirement and my assessment of deliverable supply in Sections 3 and 4 of this Statement, I conclude that H&BC is unable to demonstrate a 5YHLS:

Annual Requirement	468 (See paragraph 3.4 and Table 3.1)
5-year Requirement	2,340 (468 x 5)
Deliverable 5YHLS	2203 dwellings (following deductions in Table 4.1)
Shortfall	137 dwellings (2340 minus 2228)
Years Supply	4.70 years (2203 ÷ 468)

- 5.2 The calculation has been carried out on the basis of current national planning policy and guidance in NPPF23, demonstrating that there is a shortfall against the basic requirement. While the shortfall is relatively modest, the tilted balance is engaged.
- 5.3 It is not disputed by H&BC that a modest shortfall engages the tilted balance – they and appeal Inspectors have accepted this during consideration of a large number of applications and appeals in recent years as H&BC’s claimed deliverable supply has fluctuated around 5 years; for example:
- *“The Council are unable to demonstrate a five year housing land supply. As stated in the Statement of Common Ground, the supply lies in the region of 4.7 years and I have no reason to disagree. In accordance with the Framework, the policies which are most important for determining the application are therefore out-of-date. Consequently, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the ‘tilted balance’)”⁹*
 - *“The Council indicated that they could demonstrate a 4.89 year housing land supply..... the main parties agree that the tilted balance of paragraph 11 d) of the Framework is engaged”¹⁰*
 - *“It is common ground, and I agree, that the Council cannot demonstrate a five year supply of housing sites. The ‘tilted balance’ is therefore technically engaged”¹¹*

⁹ Appeal Decision APP/K2420/W/23/3320601, [CD-D-11, paragraph 48]

¹⁰ Appeal Decision APP/K2420/W/23/3332401 [CD-D-5, paragraph 34-35]

¹¹ Appeal Decision APP/K2420/W/23/3331081[CD-D-6, paragraph 43]

Alternative Assessment

5.4 It is the Appellant's case that the 5YHLS should also be calculated against the following as a material consideration in light of the inevitability of planning and policy changes in the near future:

- The Council's own assessment of housing needs in the emerging local plan that reflects a Statement of Common Ground signed with all the Leicestershire authorities to accommodate part of Leicester City Council's unmet needs. The draft local plan identifies the requirement as 660dpa from the start of the new local plan period in 2020; and
- The figure of 698dpa calculated according to the revised SHM in the table accompanying NPPF24C and the reintroduction of a 5% buffer.

5.5 Those figures more accurately reflect the actual housing requirement in the borough in accordance with Government's objectives to 'boost significantly' housing delivery. While at the time of writing this Statement neither approach is endorsed by adopted planning policy, it is anticipated that the new SHM will be in place by the time that the appeal is considered. The calculations are, at the very least, important material considerations in the determination of this appeal.

5.6 Table 5.1 is a comparison of the 5YHLS as calculated by the LPA and the Appellant under the current SHM and those scenarios identified in paragraph 5.5.

	LPA	Appellant			
		Current SHM		Revised SHM	Draft Local Plan
Basic Requirement	2240 (5 x 468)	2340 (5 x 468)	2340 (5 x 468)	3445 (5 x 689)	3300 (5 x 660)
5% buffer	n/a	n/a	117	172	165
Total Requirement	2340	2340	2457	3617	3465
Dwellings per annum	468	468	491	723	693
Supply	2415	2203	2203	2203	2203
Shortfall	(+75)	137	254	1414	1262
No. of years	5.16	4.7	4.49	3.05	3.18

Table 5.1: 5YHLS Supply Comparison Table

5.7 Table 5.1 demonstrates that the best case for the Council is that they are able to demonstrate 5.16 years deliverable supply upon correction of the calculation of

requirement at the base date of 1 April 2023. Once omissions of the duplicated site and those sites that do not meet the definition of 'deliverable' in NPPF are discounted, then the supply falls to less than 5 years when calculated under the current SHM.

- 5.8 Government is firmly committed to an overhaul of the planning system and making early amendments to the NFFP in order to boost housing delivery. It is inconceivable that, at the very least, it will reinstate the requirement for LPAs to include a 5% buffer as part of the 5YHLS; in those circumstances, the deliverable supply, even under the current SHM, would fall to 4.49 years.
- 5.9 The revised (new) SHM is also expected to be included in the NPPF when it is published before the end of 2024. H&BC will then need to apply an annual housing requirement of 689dpa, with a 5% buffer that would increase to 723dpa. On that basis, the deliverable supply would fall to 3.05 years and just lower than the requirement H&BC itself recognises in the emerging local plan as being required to assist in meeting the unmet needs of Leicester.

6. Conclusions reached

- 6.1 Since 2018, the Council has been required to use the Standard Method for the purposes of plan making and decision-taking, including calculation of the 5YHLS. The most up-to-date calculation against the Standard Method requires the borough to provide a minimum of 468dpa.
- 6.2 The basic 5YHLS requirement under the current SHM and NPPF is for H&BC 2,340 dwellings. I consider that the Council has included a number of sites within its 5YHLS Schedule that do not meet the definition of 'deliverable' according to the NPPF. Accordingly, it is my view that the deliverable supply at the base date is 2,203 dwellings and a shortfall of 137; that is equivalent to 4.7 years.
- 6.3 While H&BC may seek to argue that they are currently able to demonstrate a deliverable 5YHLS, that is only true if all of the sites by the Council are accepted (disputed by the Appellant). However, it is highly likely that the situation will change significantly by the end of the year upon final publication of NPPF24 when the housing requirement is expected to rise by more than 200dpa. In that case, the Council would only be able to demonstrate c.3years deliverable supply. That is a very important material consideration in the determination of this appeal.