

# MARRONS

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Marcia Whitehead  
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09 February 2012

Our Ref: MET VT 5062-1-1  
Your Ref:

Dear Ms Whitehead

## **PLANNING APPLICATION, BEACH ROAD COTTENHAM – DAVID WILSON HOMES**

You have asked me to provide advice in relation to the approach taken by South Cambridgeshire District Council in relation to the issue of a 5 year supply of housing land and its impact upon its consideration of the above planning application.

My understanding of the general position is that the District Council acknowledge that they have a shortfall in 5 year housing supply against the Core Strategy target, in that there is only a 2.9 year supply. They argue that they have a 5.3 year supply when the supply is calculated against the draft East of England Plan Option 1 figures. You have advised that in respect of the Core Strategy target there is nearer to a 2.3 year supply and even in respect of the East of England figures, when one takes into account the delay in the major applications, there will be a shortfall resulting in a supply of only around 4.85 years.

The starting point for the 5 year supply debate is of course PPS3, the relevant paragraphs of which are paragraphs 52 – 74. In addition, however PPS3 provides a general context for the consideration of planning applications that seek to accommodate housing needs. It specifically seeks an increased supply of housing and seeks “a flexible and responsive supply of land” (paragraph 9).

In support of this objective PPS3 places a high priority of there being a 5 year supply of housing land that is demonstrably available, suitable and achievable. It is notable that in this regard PPS3 draws attention to the importance of SHLAA’s in establishing the availability of suitable land for housing (paragraph 33). Despite this it is understood that no SHLAA has yet been published in South Cambridgeshire.

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PPS3 states that “where local planning authorities cannot demonstrate an up to date 5 year supply of deliverable sites ... they should consider favourably planning applications for housing, having regard to the policies in PPS3...” (para 71).

The SCDC Committee Report dated 24 November 2011 entitled “Five Year Housing Land Supply” acknowledges, in paragraph 1, that the Council have a shortfall in 5 year housing land supply. Accordingly the obligation to consider favourably any housing application in South Cambridgeshire arises.

The District Council seek to caveat their position in relation to a 5 year supply by describing it as a “technical” shortfall. There is no such technicality. There is no reference in PPS3 to a technical shortfall and the Council are not able to say on the one hand that they have a 5 year housing supply shortfall but on the other hand it is only a technical shortfall and therefore can be ignored.

The correct manner of assessing the 5 year housing supply as envisaged in PPS3, is by reference to the Development Plan. That is acknowledged by the District Council in its “technical” shortfall. In this case the Development Plan is the Core Strategy.

The Council refer to an alternative 5 year supply calculation by reference to the Option 1 figures in the draft East of England Plan<sup>1</sup>. The Council makes reference to Government guidance issued to local authorities in the context of the intention to abolish regional plans advising that Option 1 figures can be used by authorities that decide to revise their housing targets. The guidance referred to by the District Council only suggested that authorities could consider utilising Option 1 figures for the purposes of establishing housing requests going forward if there was the evidence base to support those figures. Those figures would then be tested through the LDF process. There is no basis at the moment for the Option 1 figures to be used for the basis of calculation of 5 year land supply. They were untested in the RSS process. The up to date evidence base for them (as opposed to the evidence base of several years ago) is as yet untested and they have no status.

The other means by which the Council seek to support a reduced 5 year requirement is by arguing that, since less housing land has come forward through the recession, less housing land is required.

This is a fundamental misunderstanding of the current Government guidance. The fact that the recession has reduced the supply of housing land with, particularly the larger, sites facing delivery difficulties, does not absolve the authority from the obligation to seek to bring forward deliverable sites that can produce houses to redress the shortfall. To reduce the 5 year housing requirement on the basis of past housing production is directly contrary to the exhortation on authorities within PPS3 to seek to take steps to address a shortfall in housing land supply by bringing forward sites that can make a contribution. The SCDC will be aware that it is open to it to encourage early delivery by providing for a shorter time period for the implementation of a permission. You have advised me that the applicant would accept an implementation

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<sup>1</sup> In paragraph 14 of the Committee Report

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period of 18 months which would ensure delivery in the short term and, in the absence of delivery, would enable the Council to review the permission in light of emerging strategy.

The Planning for Growth White Paper is current and up to date guidance for local planning authorities and was underpinned on 31 March 2011 by the Chief Planning Officer at DCLG writing to all Chief Planning Officers enclosing and commending the written Ministerial Statement: Planning for Growth (23 March 2011). The letter and the Ministerial Statement, set out the steps that the Government expects local planning authorities to take with “immediate effect” to carry forward the objectives of the Planning for Growth White Paper. Specifically it states:

*“When deciding whether to grant planning permission, local planning authorities should supply enterprise and facilitate housing economic and other forms of sustainable development”*

*“The Government’s clear expectation is that answer to development and growth should wherever possible be yes except where this would compromise the key sustainable development principles set out in National Planning Policy”*

The Minister clearly indicated that local planning authorities should, take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing (para ii) and ensure that they do not impose unnecessary burdens on development (para v).

The White Paper was followed up by the publication of the Housing Strategy for England in November 2011. The Housing Strategy sets out the problems of not building enough new homes and sets out to “get the housing market – and in particular new house building – moving again”.

The Secretary of State has made it very clear in recent appeal decisions that he gives significant weight to the need to secure economic growth and employment and specifically the Planning for Growth White Paper and Ministerial Statement.

The need to bring forward housing where possible in the context of a housing land shortage is brought into sharp focus when one realises that delivery against the housing targets in the Core Strategy has fallen short by a very significant margin. This relates to housing needed by 2016. The effect of the District Council’s approach is to not even seek to meet that need within that period but to focus solely on the Option 1 figures over the longer term planning to 2031. The shortfall in the Core Strategy requirements to 2016 should be met in the short term and can only be met by deliverable sites being released in the short term.

Having reviewed the District Council’s agenda item on 5 year housing land supply I can see no explanation as to how the District Council is applying paragraph 71 of PPS3. There seems to be no favourable consideration of housing sites in the light of the acknowledged 5 year supply shortfall.

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The District Council is failing to apply the advice in PPS3. It is not positively seeking to bring forward housing land to meet the acknowledged shortfall in the requirement to 2016. In doing so it is setting its face against the objectives of PPS3 and other Government guidance so much so that I view its position to be incapable of substantiation and, indeed, unreasonable.

I confirm that in the event of this site having to proceed to appeal that the approach of the District Council could render it liable to an award of costs.

Yours sincerely



**MORAG E THOMSON**

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