SOUTH OXFORDSHIRE CORE STRATEGY
EXAMINATION IN PUBLIC

THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

STATEMENT ON BEHALF OF
MRS G CALLAWAY
MR DAVID SMITH
MRS SAMANTHA EARLE

MAY 2012
1. This submission is made on behalf of Mr G Callaway, Mr David Smith and Mrs Samantha Earle (“the Landowners”) and is made in response to the Inspector’s invitation to comment on the implications of the National Planning Policy Framework (NPPF), dated 23rd April 2012.

2. The Landowners’ view is that the South Oxfordshire Core Strategy does not reflect the presumption in favour of sustainable development as set out at paragraph 14 in the NPPF; nor does it reflect the plan-making objectives set out therein. This inconsistency with national policy would be addressed by the inclusion in section 4 of the Core Strategy (“The Overall Strategy”) of the ‘model policy’. However, the third paragraph should be amended so as to exclude the words “material considerations indicate otherwise taking account of whether”. The inclusion of this phrase dilutes and is inconsistent with the strong presumption in favour of sustainable development, which should be “a golden thread running through both plan-making and decision-taking”.

3. The Landowners would also point out that other aspects of the NPPF are relevant to South Oxfordshire District Council’s Core Strategy. In this regard, the Landowners would draw attention to paragraph 48 of the NPPF, which states:

“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.”

4. The landowners would argue that any attempt by SODC to recalculate the housing requirement in the Core Strategy based on the inclusion of a windfall allowance would not accord with paragraph 48 of the NPPF, as no compelling evidence has been provided to demonstrate that such sites will continue to provide a reliable source of supply.

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1 NPPF, page 4, paragraph 14
5. In response to the Regulation 25 consultation in January 2012, the Landowners argued that any inclusion of windfall sites in calculated the District’s housing requirement would be contrary to government guidance contained in PPS3. This view was upheld by the Inspector. The Landowners position remains unchanged by the publication of the NPPF. Annex 2 of the NPPF, reiterates the definition of previously developed land previously provided within PPS3 and explicitly excludes “private residential gardens”. For this reason, Paragraph 48 of the NPPF specifically states that any windfall allowance “should not include residential gardens”.

6. Historically a large proportion of windfall sites have come forward on private garden land, the changes to government guidance will therefore result in a significant reduction in the delivery of new homes on such windfall sites. It should also be recognised that land is a finite resource and the towns and villages cannot sustain historic windfall rates indefinitely. In short, reliance on historic windfall trends would not be realistic and would not provide the compelling evidence required by paragraph 48 of the NPPF.

7. Furthermore, in recent years and as a consequence of market conditions and the previous Government’s minimum density standards, a significant number of windfall developments comprised flatted schemes. The market demand for flats, particularly in market towns, is now saturated; the current demand is for family housing, which means less dwellings. This distinct shift in market demand has clear implications for the level of housing that can be realistically expected to come forward from windfall sites.

8. In support of the Landowners’ view, the Inspector’s initial soundness concerns/questions (ID/3), recognised at Section 2, Paragraph 6, a number of factors that bring into question how far the scale of past trends is necessarily any guide to the future contribution from windfall sites.

9. First, the Inspector recognised that the SHLAA has brought into the LDF process most of the greenfield sites adjoining the edges of the main settlements. This brings into question how many additional sites could be realised from this source even if
greenfield sites qualified for categorisation as windfall sites. Second, the Inspector recognised the exclusion of private residential gardens from the definition of previously developed land and the implications this will have on future windfall trends. Third, the Inspector recognised that the previous local plan procedures for identifying potential housing land for allocation were not as rigorous as the current LDF system. In this context, the LDF system establishes a more pro-active approach to identifying housing land.

10. Furthermore, Paragraph 182 of the NPPF introduces a 4th test of soundness which requires Local Plans to be “positively prepared”. Based on the above, the Landowners would argue that any reliance on uncertain windfall delivery to meet the District’s housing requirement would not constitute a “positively prepared” plan and is likely to result in an under provision of housing across the District.

11. The Landowners would also draw attention to paragraph 47 of the NPPF, which states that local planning authorities should “boost significantly the supply of housing.” Paragraph 47 recognises at bullet 2 that local planning authorities should identify a 5 year supply of housing land with an additional buffer of 5% and in circumstances where a local planning authority has a record of persistent under delivery, the additional buffer should be increased to 20%. The Landowners would argue that South Oxfordshire falls into the latter category and has a record of persistent under delivery whereby the requirement for an additional 20% buffer would apply. The stalled delivery of strategic allocations at Didcot is a prime example of the historic failure of the Council to deliver housing.

12. In order to ensure that the supply of housing is significantly boosted and to safeguard against future under provision, the Landowners’ view is that the Core Strategy should identify an annual supply of deliverable sites sufficient to provide five years’ worth of housing with an additional buffer of 20%.

13. Revised Table 18.2 of the Core Strategy projects the delivery of 2,543 houses at Didcot in the first 5 years of the plan period. However, based on past delivery rates from strategic land at Didcot, which have failed to deliver the anticipated level of
housing, the Landowners' view is that the heavy reliance on Didcot in the first 5 years of the plan period may result in a further significant under supply and consequent contravention of paragraph 47 of the NPPF.

14. In light of the above, it is clear that the Council’s proposed contingency supply from windfall sites does not provide a reliable or certain mechanism to address potential future supply problems. The Landowners’ view is that the Core Strategy should make provision for the early delivery of suitable and deliverable sites at the larger villages within the first 5 years of the plan period to make up any supply deficiency.