



Listening Learning Leading

## **Five Year Housing Land Supply Statement; Shiplake planning appeal**

### **Key messages**

- We agree with the planning appeal Inspector that provision to meet housing numbers in the Strategic Housing Market Assessment should be made through a new local plan
- We consider that Core Strategy policy CSH1 'Didcot ring-fence' is up-to-date and should be followed
- It is not open to the Inspector to revisit our approach to addressing the housing backlog over the whole plan period, which was found 'sound' by the core strategy inspector.

### **Background**

An outline planning application for up to 110 homes at Thames Farm, Shiplake (P13/S2183/O) was refused planning permission in October 2013. An appeal was subsequently lodged and an inquiry held in December 2014. The appeal decision was issued on 20 May 2015. The appeal was dismissed because the proposal would have severe adverse cumulative effects on road safety and convenience and would also have an adverse effect on the character and appearance of the area.

One of the issues considered at the appeal was the council's five year housing land supply. The Inspector was satisfied that the South Oxfordshire Core Strategy was an up to date plan and that provision to meet the housing numbers in the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 should be made through a new local plan where the SHMA findings can be tested. However, the Inspector did not consider that the council has a five year land supply and therefore paragraph 49 of the National Planning Policy Framework (NPPF) is triggered. As a consequence he took the view that the housing supply policies of the core strategy are out of date.

We do not consider that the Inspector's decision letter provides a legally robust justification to conclude that the council does not have a five year land supply. We are not in a position to challenge this element of the decision as the appeal was dismissed for other reasons. The council has therefore decided to issue this statement to set out our position.

### **Issues considered in the appeal**

#### **A) The disaggregated approach and two housing supply areas**

The appeal Inspector acknowledged that the core strategy applies a disaggregated approach to housing supply and identifies two housing supply areas, Didcot, and, Rest of District. The inspector recognised that the housing requirements differ for these two areas as set out in core strategy policy CSH1 and, that the NPPF does not preclude such an approach. The core strategy premise is that each supply area is treated as a separate entity with its own ring-fenced housing requirement and the housing supply policies for each area should not be affected by the supply situation in the other area. This ring-fenced approach was proposed as it was foreseen that delivery at Didcot would be slow in the first part of the plan period as a result of the complexity of delivering large sites and the economic recession. The core strategy was accepted as sound and consistent with the NPPF by the core strategy Inspector.

However, the appeal Inspector states that it is necessary to fully meet the housing supply requirements in both supply areas or the housing policies in the core strategy will not be considered up to date. It is our view that this is a misinterpretation of the ring-fence policy.

The appeal Inspector indicated the need for long term security to achieve comprehensive transformation at Didcot is outweighed by the need in the NPPF to ensure choice and competition in the land market and to significantly boost the supply of housing. However the core strategy Inspector had already tested the core strategy policies against the NPPF and found the plan 'sound'. We do not consider it appropriate for, or indeed open to, the Inspector to ignore those findings which have already informed the council's up to date Core Strategy policies. To do so seriously undermines an adopted plan-led strategy and may jeopardise infrastructure delivery and the sustainable growth of Didcot.

We therefore consider that policy CSH1 is up to date and, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, should be followed unless material considerations indicate otherwise. We do not consider that there are any material considerations that would indicate otherwise and the Inspector did not identify any.

### **The approach to the treatment of housing supply backlog**

The appeal Inspector acknowledges that the slow delivery at Didcot has resulted from a reliance on a number of large sites with delivery complexities. His view is that it is reasonable to expect the council to take action to mitigate the backlog in supply within the forthcoming five year period (Sedgefield approach). He takes this view only because the Planning Practice Guidance (PPG), which post-dates the core strategy adoption, expresses a preference for this approach over one which spreads the backlog over the remaining plan period (Liverpool approach), rather than on any evidence presented to him.

We always anticipated that delivery at Didcot would be slow in the first part of the core strategy plan period. The delivery trajectory reflected this and was accepted as sound by the core strategy Inspector. The PPG leaves local authorities discretion about how to make provision for any housing supply backlog. It is not appropriate, or open to, the appeal Inspector to revisit this policy approach on the basis of the PPG which provides no justification for doing so.

## **Conclusions on the status of housing supply policies**

We consider the housing supply policies in the core strategy as up to date and treat Didcot and the Rest of the District as two separate housing supply areas for the purposes of considering its housing requirements and for calculating its five year supply.

The council will also continue to use a 'Liverpool approach' for factoring in housing backlog into the five year supply calculations for the reasons set out in the core strategy.

We proactively seek to secure an improved housing supply, to this end we will seek to:

- identify and resolve barriers to delivery on identified development sites
- adopt the CIL charging schedule as quickly as possible to help speed up planning decisions
- assist neighbourhood plan groups identifying housing sites to complete plans as quickly as possible
- identify and encourage other suitable sites for housing which meet adopted policies