

Note to accompany the South Oxfordshire 5-year Housing Land Supply Position Statement, September 2023

1. South Oxfordshire District Council has published the [South Oxfordshire 5 year land supply \(5YHLS\) statement](#), which projects the supply of housing from 1 April 2023 to 31 March 2028 and compares it with our target for housebuilding across that same period from the South Oxfordshire Local Plan 2035. Our conclusions are that South Oxfordshire has a supply of **4.2 years**.
2. In circumstances where a local planning authority cannot demonstrate a 5 year supply of deliverable sites, national planning policy in the [National Planning Policy Framework](#) directs decision-takers to grant planning permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Policy protection for areas or assets of particular importance

3. Having a land supply below 5 years does not mean that every site will be considered favourably, the instructions are clear on this in paragraphs 11-14 of the [NPPF](#), September 2023 (see Appendix 1 of this note).
4. The presumption in favour may not apply in circumstances where applying national policies for protecting areas or assets of particular importance provides a clear reason for refusal. A list of these is given in footnote 7 of the NPPF. The main protected areas or assets of particular relevance to South Oxfordshire are: Special Areas of Conservation, Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, irreplaceable habitats, designated heritage assets (and other heritage assets of archaeological interest) and areas at risk of flooding.
5. You can view where many of these assets are located in South Oxfordshire via the Policies Map, available online at [South Oxfordshire Local Plan Policies Map – North and South](#) or on the Council's [interactive map](#).

Protections for qualifying neighbourhood plan areas

6. The NPPF sets out at paragraph 14 that where a neighbourhood plan is in place that is less than two years' old and it contains policies and makes allocations to meet its housing needs, the policies within it will have full weight if the Council can demonstrate 3 years' worth of deliverable housing sites (rather than the usual 5).
7. A number of parishes in South Oxfordshire benefit from this protection and others are expected to shortly, depending on neighbourhood plan progress. You can click on our [neighbourhood planning map](#) to view individual neighbourhood plans.

How the Council will respond to speculative planning applications

8. Paragraph 12 of the NPPF explains that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted".
9. As context, the South Oxfordshire Local Plan 2035 is a relatively young plan, adopted in December 2020. South Oxfordshire is a strong performer in planning for new homes. The adopted Local Plan set a higher requirement and allocated more homes than the district was required to accommodate under the government's standard method, including accepting unmet need from neighbouring Oxford. South Oxfordshire is also strong performer in delivering homes, as measured by the [Housing Delivery Test](#).
10. The country is experiencing a national slowdown in housebuilding, related to macro-economic factors. Further time and work is needed to consider whether the South Oxfordshire Local Plan's strategy is contributing to the shortfall in supply, to the extent that any of the Local Plan's policies should be considered out-of-date.
11. It is important to maintain public confidence in the plan-making process, including neighbourhood planning which is a strong sector in South Oxfordshire. Given the above context, the instructions in the NPPF, and pending further work, the Council will continue to attach very significant weight to the development plan in taking decisions on planning applications.

Appendix 1. Extract from the [NPPF, September 2023](#)

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

⁶ As established through statements of common ground (see paragraph 27).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

⁸ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply⁹:
 - a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
 - d) the local planning authority's housing delivery was at least 45% of that required¹⁰ over the previous three years.

⁹ Transitional arrangements are set out in Annex 1.

¹⁰ Assessed against the Housing Delivery Test, from November 2018 onwards.