

Appendix to Proof of Evidence of Claire Turner
Comments on Housing Land Supply by Stacey Robins

Introduction and Summary

1. I am Stacey Robins, Head of Planning and Environmental Services at Wealden District Council. I am a Member of the RTPI (2002) and have been working in local government planning since 1999 and at Wealden ostensibly since early 2006.
2. Following the Casework Management Conference (CMC, note at **CD13.6**) when it became clear the Appellants were intending to present land supply evidence and were unable to agree a range, I have compiled this note to assist the Inspector during the roundtable session.
3. I present this evidence to the Inquiry as have appeared in two of the most recent appeal events at Wealden when HLS was debated. That being so, the information is known to me.
4. There is no dispute that, under the standard method set out in the NPPF, the Council cannot demonstrate a 5 year housing land supply (as agreed in the Statement of Common Ground (SoCG **CD 13.8**).
5. The shortfall has been described in most recent appeals received at Wealden as '*modest*' (see paragraph 14 of PINS 3328328 received 8 March 2024 **CD11.15**) against the requirement in paragraph 77 of the NPPF to identify a minimum of 5 years' worth of housing supply. In another recent appeal, PINS described the supply difference between the main parties (of 3.19 years and 3.83 years) as '*not great*' (see paragraph 50 of PINS 3330872 received 15 March 2024, **CD11.16**).
6. Whilst it is fully accepted there is no 5 year supply, this requirement is reduced to 4 years if there is an emerging Local Plan that has reached Regulation 18 or 19 stage. The LPA has an emerging Local Plan (copy at **CD6.6**) and the Regulation 18 consultation on the strategy begun 15th March 2024 and concludes 10th May 2024. Whilst the LPAs current supply would not be sufficient to comply with paragraph 226 of the NPPF for the purposes of this appeal, we are actively working on the 4 year supply. It is our case that the shortfall to a 4 year supply is in any event very limited, but it does mean paragraph 11 d) of the NPPF is currently engaged which means the local policies which are most important for determining the proposal are deemed to be out of date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this appeal there is disagreement on the extent of housing land supply (HLS) shortfall. The agreed SoCG confirms at paragraph 6.11(G) (**CD13.8**) that the parties will agree the range of shortfall.

7. The LPAs latest Authority Monitoring Report (AMR) is at **CD10.1**. It has a base date of 1 April 2023 but was refreshed on the 15 December 2023.
8. The Council has calculated it has extant permission (or a resolution to grant planning permission) for 5,513 (net) dwellings on identified sites that are considered available, suitable and achievable now for the five-year period, which is some 1,687 (net) dwellings less than the 7,200 (net) dwellings required to be deliverable (inclusive of a 20% buffer). On the AMR, this equates to 3.83 years of housing land supply.
9. The Appellant's case is that there is no more than 3.13 years of supply. In line with paragraph 6.11(G) of the SoCG they have helpfully provided a table of disputed sites and my submissions focus on this list which I reproduce below.

Table 1 – disputed site delivery

Site		WDC Total	tor&co Total	Diff
1	Cuckoo Fields and Ersham Park, Land South of Hailsham	330	246	-84
2	Land West of Uckfield	325	186	-139
3	Hesmonds Stud, Waldron Road, East Hoathly	175	125	-50
4	Brook View, Land North of Walshes Road, Crowborough	130	0	-130
5	Friday Street Farm, Oak Tree Lane, Stone Cross	100	50	-50
6	Land adjoining 154 Station Road, Hailsham	12	0	-12
7	Land at Straight Half Mile, Maresfield	25	21	-4
8	Land East of North Street, Lower Horsebridge	105	40	-65
9	Land Off Bexhill Road, Ninfield	65	30	-35
10	Land to the East of Benhall Mill Road, Tunbridge Wells	120	0	-120
11	Land at Chiddingly Road, Horem	22	0	-22
12	Land at Coopers Farm, Five Ash Down	30	0	-30
13	Land at Station Farm, Station Road, Berwick	23	0	-23
14	Land at Sturton Place, Station Road, Hailsham	15	0	-15
15	Land West of Station Road, Hailsham	75	0	-75
16	Mornings Mill Farm, Eastbourne Road, Willingdon	100	0	-100
TOTALS		1,652	698	-954

10. In addition to Table 1, the Appellants also seek to apply a 7% discount on small sites for what is described as non-delivery is which they say is supported by evidence. That would reduce reduces the HLS by an additional 48 homes (7% of 690).

Disputed Supply

11. The parties are not very far apart on site delivery. As this is based on data from December 2023, several sites have been permitted since then. These are mainly local decisions but do include some at appeal. The amount of supply is therefore increasing monthly and the shortfall gap will have closed even further by the time the Inquiry opens. However, this statement summarises the Councils' response to the disputed site at Table 1.
12. The work to review the 16 disputed sites in Table 1 has actually resulted in some further agreement with the Appellants. I agree site 2 (Land West of Uckfield) will likely deliver 75 fewer units than the AMR suggests, and it is correct that site 7 (Land at Straight Half Mile Maresfield) will deliver 21, and not 25 units. This results in a further 79 dwellings from the supply on those 16 disputed sites. It is 1573 instead of 1652 and presents a refreshed disagreement range of 875 units, instead of the 954 total in Table 1 above.
13. For the Appellants, the total reduction in the 5YHLS is claimed to be 1,002 dwellings. Taken from the LPA's AMR position of 5,513, the Appellants preferred HLS is 4,511 homes. Calculated against a requirement of 7,200 homes, the Appellants figure is **3.13 years HLS**. For the LPA that figure is 5,434 homes (5,513 less the 79 units we have 'agreed' as part of further due diligence) against the requirement of 7,200 homes is **3.78 years HLS**.
14. In conducting the exercise which is set out below I have applied the definition of 'deliverable' as set out in the glossary to the NPPF. This states:

'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 five years. In particular:

a) 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 five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) 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 five years.'

Delivery Rates

15. At the time of writing, evidence underpinning disputed delivery in Table 1 has not been exchanged. The Appellants appear to question delivery rates on Table 1 sites 1 - 3, 5 and then sites 8 and 9. These sites are all taken from Appendix 2 of the LPAs AMR **CD10.1** which show sites of 10 dwellings or more with planning permission. Some of the projected delivery rates are high, but evidenced by District specific completion data. This is explained at 2.38 of the AMR, though as already noted, I believe a slightly reduced figure is more appropriate for site 2, Land West of Uckfield. Generally, the Lichfields Start to Finish Rates of Larger Sites (3rd Edition, March 2024, see **CD10.10**) have been used to scrutinise rates. That, plus District specific data, justifies the rates set out in this statement. I do not consider that there is any basis for reducing the projected delivery rates from any other site other than site 2

Small Sites and Lapse Rates

17. The Appellant invites the Inspector to agree a 7% reduction from the HLS for what is described as 'non delivery of small sites'. The definition of what constitutes a 'deliverable' site is set out in the glossary in Annex 2 of the NPPF. It is very clear that the definition tells us that small sites (that are not major) and which have planning permission *should be considered deliverable until permission expires*. The exception is where 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 the type of units or sites have long term phasing plans). There is no requirement for a lapse rate in the definition.
18. The Appellants appear to have totaled all of the sites at Appendix 1 of the AMR **CD10.1** (690 dwellings) and simply applied a 7% discount. There is no information or evidence we have seen which would explain or justify this. As the Inspector will see in the AMR, each site is listed separately so if there are concerns about non delivery in the meaning of the Annex 2 NPPF definition, then it would be simple to set this out and to record it against the relevant site. For us, there is no evidence of under delivery of the small sites schedule and no clear evidence to warrant a lapse rate. During the round table session I can talk to the relevant sites the Council has listed in its AMR **CD10.1**. Very many sites have now started and others have progressed since April 2023.
19. As outlined, there is no evidence to justify a 7% reduction on supply of small sites which does not, in any event, accord with the definition on the NPPF. As a consequence, I do not agree that the Council's position on small sites (690 homes) should be reduced by 48 dwellings.

Major Sites with Detailed Permission

20. Below are detailed comments on the disputed sites in Table 1 of this Statement. To be clear, this is listed as Table 2 in order to distinguish it.

Table 2 – disputed sites with LPA reasoning on supply figures

Site		WDC Total	tor&co Total	Diff	Comments	
1	Cuckoo Fields and Ersham Park, Land South of Hailsham	330	246	-84	Site is wholly owned by a national developers (Barrat David Wilson for phases 1 and 2 and then phase 3 Crest see entry line 15 on this table 2). Phases 1 and 2 are onsite and the joint developer (two firms) are actively building. The spine road, roundabout footway and access works onto Station Road are all now completed. There is also a second access and footway onto Ersham Road which are now complete. There is also below ground heritage sensitivity, together with extensive SuDs work (which has involved ground works and re contouring of the land). This work is now complete and home construction is now progressing at pace on site. Delivery rates are high – it is this large site where the HLS is forecasting high DPA rates – but these reflect evidence lodged by the developer to us, but also the fact that the site is being built out in parallel by two developers. There is no evidence we have seen to discount or depart from these construction rates.	330
2	Land West of Uckfield	~~325~~ -75 250	186	-139 on 325 figure -64 homes	The 1 April AMR projects this site delivering at 75 DPA between 2024/25 – 2027/28. Whilst it is expected this would be able to deliver at pace towards the end of the HLS period, it is considered reasonable and to project a more conservative delivery rate. Adjusting that to take account of the national rates in the Lichfields Start to Finish Rates of Larger Sites, would see a drop of 75 units from the HLS. The LPA remain confident that the site will, however, make a significant contribution to the	~~325~~ 250

				on adj. figure	HLS. Phase 1 and 2 – for 250 homes - is nearing completion by national developer Taylor Wimpey. They have 48 dwellings to complete in 2024 and are on track to do so. The rest of the land here – and a much larger residual amount of land – is now controlled by national developer Redrow Homes who have acquired this strategic site. They have submitted a Reserved Matters application to us for the residual 750 homes and commercial floor area (WD/2023/2935/MRM and WD/2023/2939/MRM). These applications have been with us since late 2023 and are subject to Planning Performance Agreement. The PPA initially had the Council reporting into the March 2024 planning committee, but this has slipped to April due to an unexpected local by election (which prevents report in March meeting due to pre-election period). Plainly, however, the cases are at advanced stage and due for report into committee shortly. It is material that the access (double roundabout at a cost of £6 million) has been done. Significant groundworks and site contouring has also been done. The adjusted (downwards) delivery rates at this site are regarded as realistic and reflect the Lichfield start data. Redrow have partnered with a Register Provider who is intending to present more affordable homes than the outline planning permission envisaged. This additionality is being grant funded by Homes England and that brings confidence for accelerated delivery in some latter phases . There is no evidence submitted to us to discount or depart further from these construction rates and I do not agree that a further 64 dwellings should be omitted from the HLS.	
3	Hesmonds Stud, Waldron Road, East Hoathly	175	125	-50	Site is controlled by national developer Redrow Homes, who are on site and building. Some initial work on site was abortive and had to be re done. Elsewhere the two access points, and ground prep took some time, as did the below ground drainage. They have partnered with major Registered Provider (Stonewater) to deliver the affordable homes on site. The initial site works and drainage infrastructure are all now complete.	175

					Home construction is now progressing around x4 completed show homes (of different dwelling 'types') all arranged around a 'village green' on the site. A total of 48 dwellings are now begun on site and in the stages of construction. This compares very favourably with the delivery of 25 units we have projected for 2024/25 year. The build rates of average of 35 dwellings per year are robust and reflect the Lichfields Start to Finish Rates of Larger Sites. There is no evidence to discount or depart from these construction rates and I have seen no evidence that a 50 dwellings should be omitted from the HLS.	
4	Brook View, Land North of Walshes Road, Crowborough	130	0	-130	Site is wholly controlled by a national housebuilder Dandara who are on site in phase 1. The access and roundabout has now been completed, as has the link through to the phase 2. It is material that the access took longer than envisaged as there was a delay securing roadspace for the s278 works. Phase 2 has outline permission WD/2020/0596/MAO and the application for Reserved Matters has been submitted (WD/2023/0803/MRM) and been with the LPA for some time. The case is now ready for report to Planning Committee and is on the agenda for 28 March 2024 and is recommended for approval.. HLS states commencement of development of 25 units in 2024/25 , 35 in 2025/26, 35 in 2026/27, and 35 homes on 2027/28. This is robust bearing in mind the off site infrastructure is complete and delivery rates are not dependent upon others. There is no evidence to discount units from the HLA. In a recent appeal – considered by Inquiry - it was suggested by that Appellant that the Brook View site would under deliver on build rates due to below ground heritage and sensitivity: that is not an issue. The mitigation package has now been agreed with colleagues at the County Council archaeology team and agreed through condition discharge. Overall, there is no evidence to discount or depart from these construction rates.	130
5	Friday Street Farm, Oak Tree Lane, Stone Cross	100	50	-50	The site has now been sold to Chartwell with the benefit of outline planning permission (WD/2020/1391/MAO).	100

					Chartwell has been undertaking pre-application discussions with us. The Reserved Matters application is to be submitted in May 2024. Delivery of 50 and 50 homes in years 2026/27 and 2027/28 is not unreasonable. These figures are robust and reflects the Lichfields Start to Finish Rates of Larger Sites. It should be noted that the site has access approved and drainage infrastructure is subject to adoption by ICOSA (who have been involved in scheme design). In addition, the Pevensy and Cuckmere Water management Biard required a whole drainage catchment review, which contributed to the mitigation package secured on the outline consent. These matters are mentioned as considerable work is already done which might otherwise result in a delay to ultimate delivery.	
6	Land adjoining 154 Station Road, Hailsham	12	0	-12	The Council's supply shows 6 units in 2025/26 and 6 units in 2026/27 periods. For a small site inside the development boundary at Hailsham where there are no significant or abnormal works, these numbers are entirely deliverable on this modest site. Indeed, the NPPF is clear that for a small site it should be regarded as deliverable unless there is site specific evidence of viability or lack of demand for dwelling types.	12
7	Land at Straight Half Mile, Maresfield	25 21	21	-4	We agree to the -4 Members resolved to approve full application for 21 units in December subject to completion of a s106. Site has been acquired by a developer, Brookworth Homes, a small and active SME in Wealden. Brookworth are planning to commence in Summer 2024. For a 21 unit site that does not have any abnormal planning constraints and has an agreed package of highway works, there is no reason why any units should be discounted from the relevant supply. Delivery of units shown to commence in 2025/26 is realistic. However, this is the 21 unit scheme and not 24 (which will fall away). So, the reduction by -4 units to correct and agreed.	21
8	Land East of North Street, Lower Horsebridge	105	40	-65	Site is controlled by a Registered Provider Stonewater who has partnered with a national construction firm to bring this site forward. Stonewater are intending to present additional affordable homes on this site with the benefit of grant funding from Homes England. That confirms confidence for accelerated delivery here.	105

					Pre-application meeting have been undertaken and Reserved Matters will be submitted before August. Figures of 25, 40 and 40 commencing in 2025/26, 2026/27 and 2027/28 are robust and reflect the data provided by the developer. There is no evidence we have seen to omit 65 units from the HLS.	
9	Land Off Bexhill Road, Ninfield	65	30	-35	The site has been acquired by Riverdale Homes a modest SME developer who has recent experience of delivering a 200 unit scheme in north Wealden. The outline application (WD/20212/2454/MAO) approved the access, which now has s278 approval. It is also material that the site is a greenfield without buildings or other abnormal factors on it, so site commencement is not regarded as complicated. The site would have been brought forward before now but has been delayed by threat of Judicial Review (which did not occur) and then a s38 Deed of Variation which is now completed. Riverdale has undertaken pre-application discussions. Reserved Matters are expected imminently, therefore delivery rates of 25, 30 and 10 units commencing in years 2025/26, 2026/27 and 2027/28 are entirely reasonable and realistic for what is a small to medium sized site. There is no evidence I have seen that justify 35 units from the HLS.	65
10	Land to the East of Benhall Mill Road, Tunbridge Wells	120	0	-120	This site is controlled by Elivia (what was Millwood Designer Homes) a small SME with strong track record of delivering sites in Sussex and Kent. This is a full permission, with resolution to grant planning permission but completion of the s106 has been delayed due to off site tree and ecology mitigation. Those matters now have resolution and the s106 completion is imminent. The Inquiry will be updated accordingly. The Council has previously forecast higher build rates here but is now being more cautious to reflect intractable nature of the s106. Elivia have indicated that the first 20 units will be delivered before the end of 2025. Forecast	120

					should remain with 20 units in 2025/26 and 50 units in both 2026/27 and 2027/28. Although I accept the site has been delayed, these delivery rates are conservative and regarded as robust. The suggestion that the total 120 unit should be deducted from the HLS is not evidenced.	
11	Land at Chiddingly Road, Horam	22	0	-22	Outline permission was granted under WD/2020/2667/MAO. The Reserved Matters application has been submitted (WD/2023/2595.MRM) and it goes to committee in April 2024. Note this is a scheme for 100% custom and self build and the site is controlled by a specialist developer (Leaper Land) who only deliver such schemes. There is partnership with a specialist Registered Provider to develop the custom and self build affordable housing site. This is also a greenfield with no site predations or other abnormal work (that might be construed as a delay). As this is another small scale major, this site is readily deliverable and the build out rates are realistic and viable.	22
12	Land at Coopers Farm, Five Ash Down	30	0	-30	The site has been acquired by Greymoor Homes, a small but active SME in Wealden with strong track record delivering up to c50 units schemes. The Reserved Matters application is submitted WD/2023/2729/MRM and pending determination with good potential to report into the April committee meeting, with May at the very latest. The predicted 10 units in 2026/27 and 20 in 2027/28 is actually overly cautious, and in reality the site is likely to commence and deliver earlier than shown, therefore the figures are robust. This is a small greenfield site without building or other abnormals for site preparations . The suggestion the site will not come forward in the HLS period is contested.	30
13	Land at Station Farm, Station Road, Berwick	23	0	-23	This is a dated yet full application. It has committee resolution and is awaiting s106. This is a greenfield site with no buildings or other abnormal site works/preparations on it. So whilst	23

					it is a small scale major, it is considered deliverable in the five year period.	
14	Land at Sturton Place, Station Road, Hailsham	15	0	-15	This site has outline and reserved matters approval (WD/2021/1971/MAO and WD/2023/2020MRM). The homes here are to be delivered in 2 apartment blocks. Developer has Homes England funding for accelerated delivery. Buildings on site already demolished and site cleared (other than non-designated heritage assets which are retained and to be absorbed into development). No other abnormal (contamination etc.) s278 works agreed with HA and developer has advised work is to begin in April. The 15 dwellings in the HLS is another figure regarded as cautious. Lichfields Start data suggest apartments deliver slower. However, this is a modest scheme (it is not multiple blocks of high rise apartments) and there is some confidence that all 34 apartments will be delivered by the end of 2028. However, we are content to rely on 15 units in the HLS period. There is nothing we have seen to justify no delivery here.	15
15	Land West of Station Road, Hailsham	75	0	-75	The site is owned by national housebuilder Crest. It has outline planning permission and the main access and drainage works have been delivered by Barrats David Wilson in relation to earlier phases on the this wide parcel of land (see line 1 of this Table 2). The Reserved Matters application (WD/2023/1171/MRM) has been with us since Summer 2023 and is now scheduled to go to Committee in June 2024. It has become delayed due to odour modelling issues. The HLS shows the first 25 houses in this phase 3 being delivered in 2026/27 and 50 in 27/28. Having regard to this I would contend the figure is overly cautious and indeed would expect the site to start delivering completions in 2025/26 therefore figure in HLS is robust. The suggestion that it will not deliver any units in the HLS period is contested.	75
16	Mornings Mill Farm, Eastbourne Road, Willingdon	100	0	-100	This is a large strategic site allowed at appeal (WD/2021/0174/MEA). Due to the size of the land it has taken some time to market and sell the land. It has now has been purchased, pre-app discussion have commenced and the first reserved matters application for infrastructure is expected by late April 2024. Reserved matters for Phase 1 will be submitted after. The inquiry can be updated of progress as necessary.	100

					The figure of 25 units for 2027/27 and 75 units for 2027/28 is regarded as robust and would allow for determination of the relevant Reserved Matters. It should be noted that the access works are very well detailed (which was a requirement of the first appeal on this site.	
TOTALS		1,652 (-79) 1573	698	-954 -875		1648

Conclusion

21. For the Appellants, the total reduction from the 5YHLS is claimed to be 1,002 dwellings. Using the LPA's AMR position of 5,513, the Appellants preferred HLS is 4,511 homes. Calculated against a requirement of 7,200 homes, the Appellants figure is **3.13 years HLS**. As noted, we are yet to see the reined justification behind this figure.
22. For the LPA that figure is 5,434 homes (5,513 less the 79 units we have 'agreed' as part of further due diligence) against the requirement of 7,200 homes is **3.78 years HLS**. This statement has explained why that figure is robust for each disputed site in Table 1.
23. Either way, it is agreed for the purposes of this appeal, that the HLS figure before the Inquiry is short of the requirement in paragraph of 76 of the NPPF.