

Appeal: APP/C1435/W/23/3335625
Land south of the A271 and east of
the A22 Lower Horsebridge, Hailsham
Wealden District

Appellant's 5 Year Housing Land Supply Assessment

SUMMARY PROOF

Hertfordshire Holdings Ltd
26 March 2024

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&CO

1.0 Summary and Conclusions

- 1.1 The Housing Land Supply evidence supports the Hertfordshire Holdings Limited appeal against the refusal of planning permission for 124 homes at Lower Horsebridge, Hailsham, on 30th June 2023 (Ref: WD/2022/3222/MAO).
- 1.2 The consequence of a HLS shortfall is that the policies most important for determining residential planning applications are out-of-date (see NPPF footnote 8), and the presumption in favour of granting planning permission for sustainable development as set out at NPPF paragraph 11 d) is engaged (the tilted planning balance).
- 1.3 Wealden District Council (WDC) opts to demonstrate its HLS through the publication of a Five Year Housing Land Supply Statement (HLSS), base-dated at 1st April each year (CD 10.1). The latest HLSS of 1st April 2023 was published 15 December 2023 and identifies a HLS of **3.83 years**.
- 1.4 With respect to housing land supply, the following is relevant, in the context of national policy provisions:
 - i. The Wealden Core Strategy was adopted February 2013 and contains a housing requirement for the period 2006 – 2027. The five-year requirement must be the Standard Methodology Local Housing Need (1,200 dpa).
 - ii. WDC's 2022 HDT is 78%, hence a 20% buffer must be added to the requirement, and WDC must publish an Action Plan (1,200 dwellings).
 - iii. WDC is now consulting on a Reg 18 Local Plan, including site allocations. Hence the requirement is for WDC to demonstrate a four-year HLS, against a five-year requirement.
 - iv. On WDC's own evidence, and against a five-year requirement of 7,200 dwellings, it can only demonstrate a HLS of 5,513 dwellings, representing **3.83 years**, clearly below the 4-year requirement.
- 1.5 The predicted substantial level of under provision in forward housing delivery over the next five-years (3.83 years represents a shortfall of 1,687 homes) is underscored by significant levels of under provision in previous years. WDC has failed the HDT in all years since 2018:
 - 2022 - 78% - buffer and action plan required
 - 2021 - 82% - buffer and action plan required
 - 2020 - 83% - buffer and action plan required
 - 2019 - 83% - buffer and action plan required
 - 2018 - 112% - no action required
- 1.6 Despite past and projected poor delivery, WDC's Housing Action Plan takes no positive position on the ability to release additional housing sites, through the development management process under the tilted planning balance. This negative approach is unjustifiable, particularly given the number of appeals now allowed in the District under the tilted balance. Instead, the Housing Action Plan

relies on a new local plan to rectify the position, despite significant delays in progress. Restoration of a sufficient five-year housing land supply under WDC's own actions is clearly some way off.

- 1.7 To some degree WDC acknowledges this position, with a Member Update dated January 2024, stating:

“Once our Regulation 18 draft is out for consultation this will reduce our housing land supply requirement. We are currently just short of 4 years supply and so it is likely that this will provide our plan with increased protection during the next 2 years until adoption – at which stage the protections under point 8 above will assist.” (CD 10.3)

- 1.8 WDC's latest published position, 'Five Year Housing Land Supply Statement – as of 1st April 2023' dated 15 December 2023 (HLSS – CD 10.1), identifies a HLS base-date at 1st April 2023, of **3.83 years**. This is based on a requirement of 7,200 dwellings (including 20% buffer) and supply of 5,513 dwellings. The shortfall amounts to 1,687 dwellings. Contributing to the supply is:

- Small sites with planning permission (263 dwellings on sites of 5 – 9 dwellings and 427 dwellings on sites of less than 5 dwellings)
- Major sites with detailed planning permission (2,662 dwellings)
- Major sites with outline planning permission, or resolution to grant (2,083 dwellings)
- C2 accommodation with permission or resolution to grant (78 dwellings)

- 1.9 The HLSS is accompanied by three appendices:

- Appendix 1 is a list of small sites (9 dwellings or less) with planning permission. For sites of 5 – 9 dwellings, a projected delivery rate across a five-year period is provided, for sites of less than 5 dwellings a list is provided. No details are provided with respect to the planning permissions to which they pertain. All of these sites are included in the five-year supply.
- Appendix 2 of the HLSS is a tabulated list of major sites with detailed planning permission together with a trajectory for their delivery.
- Appendix 3 is a tabulated list of major sites with outline planning permission (or resolution to grant) again with a trajectory for their delivery. No details are provided in terms of the planning applications/permissions to which they pertain, developers involved or progress being made towards reserved matters submissions and site work to prepare for development.

- 1.10 Significantly, the HLSS lacks detail, and, with reference to NPPF Category B sites, fails to provide any clear evidence of deliverability. WDC has pointed to a small selection of local examples to provide average lead in times and build out rates. However, this in itself fails to meet the requirement for clear evidence – as noted in the appeal decision 3301104 (appendix 2, para 63). tor&co has asked WDC twice for the clear evidence on which WDC relies to include the

Appendix 3 sites within the HLS (see appendix 4). However, no such evidence has been provided.

1.11 Notwithstanding that position, I have looked at the planning status of a number of sites relied upon the HLS, and the assumptions made with respect to lead in times and delivery rates, the result of which has led me to the conclusion that WDC's HLS is significantly lower than the claimed 3.83 years. I identify:

- If sites with outline planning permission (or resolution to grant) are discounted from the HLS (2,083 dwellings), because WDC has failed to publish clear evidence of their deliverability, the supply reduces from 5,513 dwellings to 3,430 dwellings, equating to a HLS of **2.38 years** (shortfall of 3,770 homes)
- A 7% non-delivery rate applied on the basis of local evidence would reduce this supply further by 48 homes, to 3,382 homes, equating to a HLS of **2.35 years** (shortfall of 3,818 homes).
- Looking more specifically at the assumed delivery trajectory of the major Category A sites, plus planning status of the Appendix 3 Category B sites, specific site deductions can be made of 939 dwellings.
- Adding the specific deductions together (identified site deductions of 939 + small site deductions of 48) the revised HLS is 4,526 homes, equating to a HLS of **3.14 years** (shortfall of 2,674 homes).

1.12 The following disputed sites, lead to the above position of **3.14 years**.

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 Chiddingfold Road, Horam	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 West of Station Road, Hailsham	75	0	-75
15	Mornings Mill Farm, Eastbourne Road, Willingdon	100	0	-100
TOTALS		1,637	698	-939