

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

Hertfordshire Holdings Ltd
26 March 2024

tor
&CO

Content

Qualifications

1. Introduction
2. Background
3. The Housing Requirement
4. Supply Assessment
5. Conclusion

Appendices

1. 240228 email exchange regarding 4 year position
2. Land at Old Nursery House (3301104 dated 5 January 2023)
3. Deanland Wood Park (3265476 dated 29 September 2021)
4. WDC response to tor&co requests for clear evidence (email correspondence)
5. Downlands Farm decision (3321978 dated 6 February 2024)
6. Woolpit decision (3194926 dated 28 September 2018)
7. Bures Hamlet decision (3207509 dated 27 March 2019)
8. Darnhall decision (2212671 dated 4 November 2019)
9. Ashmead Drive decision (3256319 dated 12 January 2021)
10. Little Sparrows decision (3265861 dated June 2021)
11. AMR 2017/18 small sites tables
12. Planning history associated with Brook View
13. Custom Build delivery plan

Qualifications

My name is Jacqueline Mulliner. I hold a BA (Hons) and BTP (Dist) from the former Bristol Polytechnic and have been a full member of the Royal Town Planning Institute for twenty-eight years. I am currently the Managing Director of tor&co, a planning and design consultancy. I have worked at tor&co as a town planner since March 1993, where, in more recent years, I have focused on the residential development sector. I regularly participate in development plan examinations and give planning, including housing land supply, evidence at s78 inquiries.

Before agreeing to give evidence with respect to housing land supply matters I took a preliminary view of the position, including consideration of a recent appeal decision, and was content to take the instruction being then confident that a significant shortfall is present and would persist, as demonstrated by this evidence.

I am familiar with the planning history and status of the site but only in so far as it relates to its potential to contribute positively to the HLS.

The evidence that I have prepared and provide for this appeal in this written statement is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions and are provided to the inquiry irrespective of by whom I am instructed.

1.0 Introduction

- 1.1 tor&co has been retained by Hertfordshire Holdings Limited (HHL) to review and assess the 5-year housing land supply (HLS) position of Wealden District Council (WDC), in support of its 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 As set out in the National Planning Policy Framework (NPPF), 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 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**, representing a reduction relative to the previous HLSS of 1st April 2022 which identified a HLS of 3.92 years, as referenced by officers in the delegated report for the appealed application and highlighted further below.
- 1.4 I note WDC's Statement of Case (para 6.5.4), and suggestion that the HLS position might be updated to demonstrate a HLS of more than four years, but this was subsequently withdrawn, as clarified to the Appellant in email correspondence dated 7th March 2024 (appendix 1)
- 1.5 This Proof of Evidence provides my re-assessment of WDC's HLS position with reference to:
 - A review of the housing requirement, according to the standard method in calculating local housing need (given that the Local Plan requirement is more than five-years old), and reflecting the latest available delivery test results.
 - An assessment of the claimed deliverable HLS, using the latest WDC housing trajectory as set out in the HLSS and as the starting point, against the definition of 'deliverable' as set out in the NPPF and Planning Practice Guidance (PPG) to identify an alternative HLS position.
 - A recalculation of the current HLS position.
- 1.6 The evidence below and appended demonstrates a revised HLS position of **3.14 years**.

2.0 Background

National Policy Requirement

- 2.1 Under the NPPF (December 2023) all local planning authorities must identify and update annually their HLS position unless their adopted plan is less than five-years old and identified at least a five-year supply of deliverable sites when the examination concluded (NPPF para 76).
- 2.2 In terms of the base requirement, where a plan is more than five years old this must be calculated using the standard method (Standard Methodology Local Housing Need (SM LHN)).
- 2.3 Where the Housing Delivery Test (HDT) is 85% or more, there is no need to add a buffer to the requirement (NPPF paragraph 77, footnote 43). However, where the HDT is less than 85%, and the authority is required to demonstrate a sufficient HLS, a 20% buffer must be added to the requirement (NPPF para 77 and footnote 43).
- 2.4 Transitional arrangements have been put in place, whereby an authority only needs to demonstrate a minimum of four year HLS (rather than five-years) even if the adopted plan is more than five-years old provided that the local authority has published a Reg 18 Plan (or is at a later stage of plan production) which includes a policies map and allocations towards meeting local housing need (see footnote 8 and paragraphs 77 and 226). The PPG (ID 68-055-20240205) confirms that the four years deliverable HLS is to be demonstrated against a five year requirement.
- 2.5 It is therefore relevant to this evidence that:
- i. The Wealden Core Strategy was adopted February 2013 and contains a housing requirement covering the period 2006 – 2027, hence the requirement must be the SM LHN.
 - ii. WDC's 2022 HDT is 78%, hence a 20% buffer must be added to the requirement, and WDC must publish an Action Plan.
 - iii. On 8th February 2024, WDC resolved to publish a Reg 18 Local Plan, including site allocations, for consultation. That consultation commenced 15th March 2024. Hence the requirement is for WDC to demonstrate a four-year HLS.
 - iv. On WDC's own evidence, it can only demonstrate a HLS of **3.83** years, clearly below the 4-year requirement.
- 2.6 The relevant (HLS) changes to the NPPF are to be implemented from publication (December 2023) but have no consequence for the calculation of the SM LHN. This can be calculated at 1st April each year with reference to the 2014 household projections and market signals, addressed through the application of an affordability ratio.

- 2.7 The national requirements relating to demonstrating deliverability of sites, which are then able to be included in the HLS, is covered in section 4 below, but to highlight, the NPPF definition of deliverable is:

“Deliverable: *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.”

WDC’s Past performance

Housing delivery

- 2.8 The predicted substantial level of under provision in forward delivery of housing over the next five-years (3.83 years representing 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, and is getting progressively worse, the HDT results being:

- 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

- 2.9 It is clear that the undersupply of housing in the District has persisted over many years. Even before the HDT, WDC’s Annual Monitoring Report of 2017/18 reported the following housing delivery relative to the need:

Table H2: Net Housing Completions between 2013/14 and 2017/18 compared to the Interim Housing Requirement of 950 dpa

Year	Net Housing Completions	Wealden District Interim OAN Housing Requirement	Cumulative Difference between Actual (net) Completions and Wealden District Interim OAN Housing Target
2013/14	556	950	-394
2014/15	576	950	-768
2015/16	519	950	-1,199
2016/17	561	950	-1,588
2017/18	462	950	-2,076
Totals	2,674	4,750	-2,076

Past land supply

2.10 This delivery performance is unsurprising and was to be expected. WDC's previous annual housing land supply assessments have identified the following:

- Position at 1st April 2018 – 2.62 years
- Position at 1st April 2019 – 3.67 years
- Position at 1st April 2020 – 3.75 years
- Position at 1st April 2021 – 3.66 years
- Position at 1st April 2022 – 3.92 years

Housing Action Plan

2.11 Despite past performance and in the full knowledge of ongoing under-delivery moving forward, as highlighted by the HLSSs, WDC's Housing Action Plan 2022 (June 2022 - HAP) (CD 10.2) takes no positive position on the ability to release additional sites, through the development management process under the presumption in favour of granting planning permission when the development plan is out of date (the tilted planning balance). It is surprising that the HAP fails to acknowledge the positive opportunity offered by the NPPF and the Council continues to act negatively in terms of applications for housing, given the following appeals in Wealden and decided prior to the refusal of the Appeal Application, for example:

- Land at Old Nursery House (3301104 dated 5 January 2023), appeal allowed for up to 58 homes, the Inspector concluding:
"Taking account of all of the above, the modest adverse impacts of the development would not in my judgement come close to significantly and demonstrably outweighing the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development set out in paragraph 11(d) of the Framework therefore applies and indicates that permission should be granted. Although the proposal would conflict with the development plan when it is read as a whole, the harm would be limited, and would in my assessment be outweighed by material considerations including the Framework which indicate that a decision should be taken contrary to the development plan" (Appendix 2 paragraph 71)
- Deanland Wood Park (3265476 dated 29 September 2021), appeal allowed for an additional 105 park home caravans
"...Applying paragraph 11 d) of the Framework, the proposal benefits from the presumption in favour of sustainable development and this is an important material consideration which outweighs the conflict with the development plan in respect of the site's location outside of development boundaries...." (Appendix 3 paragraph 41)

- 2.12 Instead, the HAP identifies a number of specific actions, that have evidently been ineffective in rectifying the situation. In particular, it highlights the role of the local plan:

Table 5: Actions undertaken so far by Wealden District Council to Support Housing Delivery

Overall Action	Specific Actions Undertaken
Preparing a new Local Plan	The Council is committed to updating its Local Plan. It will contain both strategic and non-strategic policies and will replace all existing Local Plan documents that the Council has adopted. The Local Development Scheme (LDS) was adopted by Wealden District Council on 22 July 2020 and confirms the following timetable for the preparation of the new Local Plan. • Early Engagement Consultation – This document was published and consulted upon in November 2020. • Local Plan Draft (Regulation 18) consultation – Spring 2022 – this is expected to published in the Summer of 2022 • Local Plan Submission Draft (Regulation 20) – Winter 2022/2023 • Local Plan Pre-Submission Draft to the Secretary of State – Spring 2023 • Adoption of the Local Plan – Winter 2023 Please note that the Council will endeavour to meet the future key deadlines within the LDS to ensure that an up-to-date Local Plan is in place and so the Council can deliver against its housing requirements and the Housing Delivery Test in the future.

- 2.13 However, and noting that the current local plan (Core Strategy) period ends on 31 March 2027, there is still no adopted plan. The HAP was wrong to rely on the local plan process, as delays have ensued, with the Reg 18 consultation proceeding almost 2-years late. Restoration of a sufficient five-year housing land supply under WDC's own actions is clearly some way off.
- 2.14 To some degree WDC acknowledges this position, with a Member Update dated January 2024, provided jointly by the Head of Planning Policy, Economy and Climate Change, and the Head of Planning and Environmental Services, highlighting the December NPPF changes, 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)

Published housing trajectory and 5-year housing land supply position (CD 10.1)

- 2.15 WDC's latest published position, 'Five Year Housing Land Supply Statement – as of 1st April 2023' dated 15 December 2023 (HLSS), 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.
- 2.16 Contributing to this requirement 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 planning permission or resolution to grant (78 dwellings)

2.17 In addition to setting out the five-year housing requirement, WDC's HLSS identified delivery rates and lead in times for twelve large sites in the district (Table 4). 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.

2.18 Noting the NPPF definition of 'deliverable', 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). The specific question asked was:

"In the meantime, and in relation to housing land supply, the current WDC document 'Five Year Housing Land Supply Statement – as of 1st April 2023' contains a list of supply sites but, with respect to Appendix 3 (outline permission / resolution to grant) there is no evidence within the documentation to support the position on deliverability and trajectory. In order to properly consider the matter, and to assist the Inspector, we would be grateful to receive a package of site-specific delivery information on which the Council relies as 'clear evidence'." (email dated 22 February 2024)

2.19 The response was:

"Further to my previous reply regarding your request relating to Appendix 3. I have contacted Planning Policy. They confirm that the trajectory is based on the past delivery rates and lead in times that have happened on other major housing developments as shown in Table 4 of the 5YHLS. The trajectory is also based on consideration of sites that have full planning consents, outline consents, reserved matters consents and site commencement dates. Apart from the site commencement dates which are ascertained for site visits all the

other information is available on the Council's web site." (email dated 7th March 2024)

2.20 I have looked at the Council's web site, and whilst planning application / consent details are published, there is no publication of, for example:

- Progress towards reserved matters submissions (unless reserved matters have been submitted)
- Planning Performance Agreements, or written agreements relating to projected progress towards delivery
- Pro-forma information from developers to support the trajectory, in terms of developer intentions and build out rates
- Progress with site assessment work
- Viability and landownership information

Revised Housing land supply position and housing delivery

2.21 By using the LHN as the requirement, plus a 20% buffer, and interrogating the 1 April 2023 HLS trajectory, I have identified the following:

- 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 (939 + 48) the revised HLS is 4,526 homes, equating to a HLS of 3.14 **years** (shortfall of 2,674 homes).

2.22 It is notable that a recent appeal decision, 'The Downlands Farm decision', records an agreed 5-year HLS position of between 3.29 and 3.92 years (6 February 2024, reference 3321978, Appendix 5), although the closing submissions for the WDC records the range as 3.36 - 3.86 years, following the round table session. With the inquiry sitting October – November 2023 this agreed position clearly pre-dates WDC's current published HLSS. However, in the absence of a local plan, up-to-date HAP, and positive action to release sites such as the Appeal Site for development there is no basis on which the situation could have improved.

3.0 The Housing Requirement

- 3.1 The Wealden Core Strategy, including its housing requirement for the period 2006 – 2027, was adopted in February 2013. The 2022 HDT for Wealden District is 78%.
- 3.2 The requirement for the 5-year HLS position is the standard methodology Local Housing Need (SM LHN) figure plus a 20% buffer:
- Baseline (1,200 dpa x 5 years): 6,000
 - 20% buffer (6,000 x 0.2%): 1,200
 - Total requirement (6,000 + 1,200): 7,200
 - Annual requirement (7,200 / 5): 1,440 dpa
- 3.3 Note that the SM LHN does not need to be adjusted to reflect historical under-delivery as this is already taken into account in the calculation, specifically through the application of the affordability ratio.

4.0 Supply Assessment

Testing housing site deliverability

Guidance

- 4.1 The starting point of this assessment is WDC's HLS trajectory, as set out in its HLSS. It considers individual sites, scrutinising their potential to deliver within the five-year period against the definition of deliverability as set out in the NPPF at Annex 2 (Glossary), and against further guidance contained in the Planning Practice Guidance (PPG).
- 4.2 It is clear from the NPPF definition of deliverable, that site deliverability can be assessed with reference to planning status and/or the scale of development proposed. In other terms:
- **Category A** sites are either small sites with planning permission or larger sites benefitting from detailed planning permission, all of which are expected to be readily delivered within a 5-year period, unless there is clear evidence to the contrary.
 - **Category B** sites addresses the planning status of major developments and, as these have a longer delivery timeframe, defines them as deliverable only in circumstances where there is clear evidence supporting that deliverability.
- 4.3 The PPG (Paragraph 006 ID: 68-007-20190722) provides further guidance:

“What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?”

In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- *have outline planning permission for major development;*
- *are allocated in a development plan;*
- *have a grant of permission in principle; or*
- *are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning*

performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;

- *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects."*

- 4.4 The guidance is particularly useful in expanding upon the evidence necessary to establish the principle of deliverability with respect to Category B sites. Such sites can only be considered deliverable if there is **clear evidence** that housing completions **will** begin within 5 years. Major sites that do not benefit from detailed planning permission and cannot be supported with clear evidence that they will be developed within the 5-year period cannot be included in the HLS.

Relevant appeal decisions

- 4.5 The following provide an indication as to how clear evidence can be demonstrated:

- The Woolpit decision dated 28 September 2018 (3194926) particularly paragraphs 65, 67, 72 & 73 93 (Appendix 6), confirmed that:
 - The onus is on the LPA to provide clear evidence for outline permissions and allocated sites
 - The definition of deliverable does not relate to sites that are not subject to an allocation but had a resolution to grant
 - There is a clear cut-off date to the assessment.
- The Bures Hamlet, Braintree, decision dated 27 March 2019 (3207509) (Appendix 7) further elaborates:

*"However, I agree that new planning permissions after the base date should be excluded **and that would include permissions subject to a resolution to grant subject to a Section 106 obligation**. Uncertainty about when such an obligation would be completed could put back a potential start date by months or even years." (para 62, emphasis added)*

"Where there is to be reliance on an annual assessment then that clear evidence should logically be included in that published assessment or at least published alongside it. The information can be provided in summary form but there needs to be some means of identifying the basis for the conclusion reached.

The information published here in the AMR is minimal and relies heavily on unsupported assertions that a site will be delivered. That does not amount to evidence.” (paras 66 & 67)

- The Darnhall, Cheshire, decision dated 4 November 2019 (2212671) (Appendix 8) where the SoS confirmed that:

“He has gone on to consider the deliverability of six non allocated sites without planning permission that are disputed. The Secretary of State disagrees with the reasons given at IR 365 to 367, and does not consider that the sites, amounting to 222 dwellings, are deliverable since they do not fall within category a or b of the Framework’s definition of deliverable, and he does not consider that there is clear evidence of deliverability within five years as required by the Framework, given the outstanding issues of the need for legal agreements and agreements on reserved matters.” (DL para 18, emphasis added)

- Land off Ashmead Drive, Gotherington, Tewkesbury (3256319) 12 January 2021 (Appendix 9), which excluded sites with resolutions to grant:

“The trajectory does not include sites which have a resolution to permit awaiting planning obligations. I also have very little evidence to indicate if any of these would come forward in the next 5 years. The trajectory does not include sites which have a resolution to permit awaiting planning obligations. I also have very little evidence to indicate if any of these would come forward in the next 5 years.” (appendix 9, paragraph 71)

- Little Sparrows, Sonning Common, Oxfordshire (3265861), June 2021 (Appendix 10), where the Inspector confirmed at paragraphs 20 and 21 that something more than a developers ‘say so’ is required to provide clear evidence, speculation and assertion is not sufficient:

“I have also had regard to the PPG advice published on 22 July 2019 on ‘Housing supply and delivery’ including the section that provides guidance on ‘What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking.’ The PPG is clear on what is required:

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions.”

“Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed proforma from a developer or agent does not in itself constitute ‘clear evidence’. Developers are

financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward.”

Lead-in times and delivery rates

- 4.6 In addition to the planning status of sites, the timescales for delivery leading up to detailed planning permission being granted, and the period after all relevant permissions have been granted before first completions are achieved, as well as the rate at which completions are achieved, are relevant: known as lead in times and build out rates.

- 4.7 Whilst changes to the PPG in 2019 removed the detailed guidance on how Authorities should identify a benchmark figure for lead-in times and delivery rates (former PPG paragraph 3-047), the current PPG 3-022-20190722 establishes that:

“Information on suitability, availability, achievability and constraints can be used to assess the timescale within which each site is capable of development. This may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites allowance should be made for several developers to be involved. The advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.”

- 4.8 Consequently, the onus is on Authorities to establish indicative lead-in times and delivery rates from developers and agents on individual sites as part of the ‘evidence of deliverability’ gathering process. In this respect, WDC’s HAP states:

*“The number of houses built in any given year is, in part, a reflection of the number of sites with planning permission. **There is a lag between the granting of planning permission and the completion of new home on site, often around 1-3 years for sites with detailed planning permission and potentially longer on sites with outline planning permission.** The lag time between the granting of planning permission and commencement is dependent on the size of the site and other related matters (such as the provision of infrastructure, as well as recently the impact of Covid-19).” (para 3.15, my emphasis)*

- 4.9 The HLSS also includes information on lead in times and delivery rates (paragraphs 2.35 – 2.40 and Table 4) and confirms:

“This shows that lead-in times are relatively short in Wealden District from the initial outline planning permission being approved to the first housing completions on site, which typically takes between 3 and 5 years. It is therefore considered that sites with outline planning permission in Wealden District will come forward promptly, with some housing completions in the initial five-year housing land supply period, particularly in years 3, 4 and 5.”

“In terms of housing delivery rates, it is shown that four of the five sites of over 200 dwellings have exhibited delivery rates of 76 dpa and above...For the smaller sites of between 100 and 200 dwellings, all the sites have exhibited delivery rates of over 50 dpa and above... The Council has therefore sought to use delivery rates of 75 dpa for housing sites of 200 dwellings or over and delivery rates of 50 dpa for housing sites of between 100 and 200 dwellings as a guide for new housing development coming forward unless evidence from previous years dictates a different figure.....but would be limited to 30 dpa for sites under 100 (net) dwellings, unless evidence from previous years dictates a different figure.”

4.10 Also, when re-referencing lead-in times and delivery rates, the HLSS states:

“As is highlighted in the above sections, in Wealden District, it normally takes between 3 and 5 years to deliver new homes following the granting of outline planning permission for major residential development. It is also noted that delivery rates on new housing sites rarely go beyond 100 dwellings per annum (dpa), meaning that some large housing sites will take a significant amount of time to deliver.” (paragraph 2.45)

4.11 However, analysis of Table 4 highlights that WDC is being over-optimistic. In fact, the average annual delivery rate of the sites of over 200 dwellings is 61 dpa, whilst the average delivery of smaller sites is 43 dpa. These delivery rates correlate more closely to the national picture, as follows.

4.12 Evidence gathered on a national basis suggests supports these lead in times but with lower build-out rates. Published research by Lichfields ‘Start to Finish – Third Edition’ (March 2024), highlights the following averages:

- 6.7 years is the median from validation of first planning application to first completion on sites of 2,000 plus dwellings
- Circa 4 years from outline application to first completions on sites of 50 – 99 dwellings, with the first 1.5 years addressing planning approval and 2.3 years addressing planning delivery (post detailed approval to first completion)
- Circa 6 years from validation of the first planning application to the first dwelling completion on schemes of +100 -499 dwellings
- Build out rates of 100 – 187 dpa on schemes of 2,000 dwellings
- Build out rates of 44 – 83 dpa on schemes of 500 - 999 dwellings
- Build out rates of 35 – 60 dpa on schemes of 100 – 499 dwellings
- Build out rates of 16 – 22 dpa on schemes of less than 100 dwellings
- Build out rates of 69 dpa per outlet on sites with one outlet; 62 dpa per outlet on sites with two outlets; and 55 dpa per outlet on sites with three outlets.

Context to site assessments

4.13 First it is relevant to highlight the position taken by WDC in the HLSS:

“It is the Council’s position that all sites in Appendix 1 and 2 [small site and sites with detailed planning permission] should be considered deliverable as there is no clear evidence that those homes will not be delivered within the five-year period. This amounts to 3,352 (net) dwellings in total.

Appendix 3 sets out a list of sites which either have outline planning permission for major development or are subject to a resolution to grant planning permission (subject to a Section 106 Agreement), and where there is clear evidence that the homes will be delivered within the next five-year period. The total amount of net dwellings that fall into this category and are expected to come forward within the first five-year period amounts to 2,083.” (paragraphs 2.19 and 2.20)

- 4.14 In the context of the guidance and example appeal decisions summarised above, it is relevant that, contrary to WDC’s position/claim, the HLSS contains no evidence of delivery intentions with respect to the Appendix 3 sites. It merely includes the above assertion that *‘there is clear evidence’*. Other than a review of lead-in times and build out rates to provide averages, which are said to be used to inform the trajectory, but are clearly not used consistently in the trajectory, there is not even a description and/or date of the outline permission granted, the number of developers involved, if indeed there are any developers involved at this point in time (i.e. rather than strategic land promoters who then need to sell the site before reserved matters can be progressed). There is no description of developer intentions with respect to reserved matters, or indication of pre-commencement conditions being progressed and/or discharged. There is no mention of information being requested from, or provided by, landowners and/or developers. There is no evidence to support the assertion, let alone the clear evidence required to demonstrate the Appendix 3 sites are deliverable.
- 4.15 This position is supported by the Inspector’s consideration of the HLS for the ‘Land at Old Nursery House’ appeal against WDC (Ref: 3301104, January 2023 – Appendix 2), which included the conclusion that:

“Although I heard from an interested party that the Council has granted planning permissions in excess of requirements, the Council is currently unable to demonstrate a five year supply of deliverable housing. It suggests that the supply position is 3.66 years. The appellant considers the supply position to be 2.78 years, and asserts that a number of sites within the ‘major development with outline planning permission’ element of the Council’s identified supply should be excluded as they were not permitted during the relevant base period, or would not be deliverable as defined by the Framework and Planning Practice Guidance. In the absence of further substantive evidence from the Council to demonstrate that these sites would be deliverable and should appropriately be considered as part of the identified supply, I lean towards the appellant’s view. Even if I were to accept the Council’s position though and find the supply to be 3.66 years, it is common ground between the main parties that the shortfall is substantial, and I agree with this assessment.” (paragraph 63)

- 4.16 In short, ignoring the national policy and guidance that the onus is on the Local Planning Authority to provide the clear evidence of deliverability with respect to Category B sites, and despite previous appeal decisions highlighting the flaws in WDC's approach, WDC still expect developers to go searching for the evidence, through information more generally published (not connect to specific HLS matters and the HLS trajectory) on the WDC website.
- 4.17 The HLSS Appendix 3 major sites, for which outline planning permission has been granted or there is a resolution to grant, contribute 2,083 dwellings to the HLS. If these are discounted from the HLS, because there is no published clear evidence to support the trajectory, taking the fully justifiable stance of the above Inspector, the supply reduces would be **2.38 years**.
- 4.18 However, as directed by WDC in the officer email correspondence (appendix 7), I have looked at the information available on WDC's web site, actively searching beyond the HLSS, even to the extent of matching the supply sites to planning application reference numbers, to specifically look at any planning application/decision information associated with the supply sites to provide a more informed assessment and robust view of the position.
- 4.19 The following paragraphs look in more detail at WDC's HLS assumptions.

Small Sites Assessment

- 4.20 WDC includes all small sites with detailed planning permission for 9 homes or less within its HLS. These are divided into two separate lists in the HLSS Appendix 1: a trajectory of sites of between 5 – 9 dwellings and a list of sites of 1 – 4 dwellings. These are Category A sites and should be included in the land supply unless there is clear evidence that homes will not be delivered. The total delivery from these sites is said to be 690 homes. This would equate to 138 dpa.
- 4.21 Such permissions are generally the result of small-site windfalls, although none of WDC's include any information in relation to the trend rate of such development.
- 4.22 To address any uncertainty of homes coming forward, and to provide a robust position, many authorities apply a lapse rate or non-delivery rate to consents that are often held for many years by individuals (commenced by never completed). For example, in the adjacent county of West Sussex the following is applied to small sites:

"Sites capable of delivering between 1 and 4 dwellings are only included where they have a live consent, and where these sites are uncommenced a discount is applied on the assumption that only 45 per cent of the dwelling quantum will be delivered. This adjustment is made to allow for an anticipated level of non-delivery on these sites and is applied on a standard basis by West Sussex County Council as part of their annual Residential Land Availability survey."
(Crawley Topic Paper 4: Housing Supply May 2023, paragraph 2.4.8)

4.23 Equally in Mid-Sussex a small-site non-delivery rate is applied as follows:

“Annual monitoring of sites for 1 – 4 units shows that that only 60% of such permissions are implemented. There is clear evidence that not all permissions on small sites will be implemented. Therefore, the number of units that small sites will yield is discounted by 40% to allow for non-implementation of permissions.” (Mid Sussex District Council HLS Position as at 1 April 2023, paragraph 4.1)

4.24 A review of WDC’s Annual Monitoring Report 2017 – 2018 (extract at appendix 11), which included lists of sites with detailed planning permission, including small sites commitments, reveals that:

- Of the 5 – 9 dwellings sites, four also featured in the old AMR, contributing 20 homes to the supply of 263 homes (7.6% non-delivery)
- In respect to the four or less dwellings sites, 30 dwellings featured in the old AMR, contributing to the supply of 427 homes (7% non-delivery)

4.25 In summary, the position supports a 7% discount on small sites for non-delivery. This reduces the supply from these sites by 48 homes (7% of 690).

Major Sites with Detailed Planning Permission Assessment

4.26 WDC contends that 2,672 dwellings from sites with detailed planning permission will be delivered within the current five year period. This represents 48% of the total HLS and includes delivery from 34 major sites. Having reviewed these major sites, I dispute the delivery assumptions applied by WDC for the following 3 sites.

Site 1 - Cuckoo Fields and Ersham Park, South of Hailsham (adjacent to site 15)

4.27 A development comprising 400 residential dwellings (WD/2018/0475/MAO). The outline was granted 2 March 2020, with non-material amendments in 2021. The Applicant was Gleeson Strategic Land and Rydon Homes. The site has since been sold to Barratt Homes who received reserved matters approvals for the first phase (128 homes) in April 2022 (WD/2021/1485/MRM) and for the second phase (272 homes) in July 2023 (WD/2021/2265/MRM). It is understood that work has started on site, but there are no completions as yet.

4.28 Based on the analysis of housing delivery rates evidence, involving a single housebuilder, I cap the annual delivery to 50 dwellings. This build out rate for Barratt Homes is supported by the evidence, even if the site is considered as one alongside site 15 (i.e. as a single site with 2 outlets – Barratt and Crest).

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	30	75	75	75	75	330
tor&co	30	50	50	50	50	246
Difference	0	-25	-25	-25	-25	-84

Site 2 - Land West of Uckfield

- 4.29 Outline application for 1,000 dwellings (WD/2015/0209/MEA) was approved in March 2016. Whilst Reserved Matters for phase 1a and 1b, totalling 250 dwellings (WD/2017/1714/MAJ), were approved in September 2017, an application to modify the outline permission s106 agreement was submitted in February 2022 (WD/2022/0299/PO). The decision is still pending. Additionally, there are two applications for non-material amendments to phases 1a and 1b (WD/2023/1219/NMA validated in June 2023, approved in December 2023 and WD/2023/1220/NMA validated in September 2023, approved in December 2023).
- 4.30 The WDC HLSS 2023 identifies that 164 of the 250 consented dwellings have now been delivered (86 remain). A Reserved Matters application, made by Redrow Homes, for 750 dwellings was submitted in November 2023 (WD/2023/2939/MRM), but no decision has been made at this time.
- 4.31 As a result of the delays in progressing reserved matters, whilst the remainder of the approved dwellings (86) are estimated to be built out as anticipated, it is unlikely that the further phases will now follow seamlessly. Allowing for the decision on the s106 and on the final reserved matters, as well as discharge of pre-commencement conditions and site works associated with this final phase of 750 homes, completions have been pushed back set out in the table below.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	50	50	75	75	75	325
tor&co	50	36	0	50	50	186
Difference	0	-14	-75	-25	-25	-139

Site 3 - Hesmonds Stud, Waldron Road, East Hoathly

- 4.32 A full planning application for 205 units was approved in October 2022 (WD/2022/0341/MAJ). Various non-material amendments and discharge of condition applications were submitted throughout 2022 and 2023. Discharge of Conditions application WD/2022/2794/CD was partially refused in April 2023 due to drainage concerns relating to foul sewage upgrades. The decision letter confirms:

“No part of the initial approval of the drainage details, described earlier, shall be construed to allow occupation and acceptance of foul drainage from the development. Occupation, at the time of writing is REFUSED and prevented. As such any development which proceeds is at the developers own risk and in the knowledge that occupation and reliance on the sewerage network cannot take place without breach of planning conditions 18 (ii) and 19.”

- 4.33 There is no record on WDC's web site (to which I have been directed for all information pertaining to site deliverability) that this has been resolved.

- 4.34 As a result, all relevant conditions have yet to be discharged. Given the delay, to accommodate these further condition discharges, the proposed delivery trajectory has been pushed back one year, as set out below.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	25	50	50	50	175
tor&co	0	0	25	50	50	125
Difference	0	-25	-25	0	0	-50

Major Sites with outline planning permission

- 4.35 The Council contends that 2,083 dwellings over the period 2023/24 to 2027/28 will be delivered from 34 sites within this supply element, representing 37% of the total HLS.
- 4.36 The test in the NPPF is that there should be clear evidence that housing completions will begin on these sites within five years. In the following 13 cases, I do not believe there is clear evidence, and therefore dispute the delivery assumptions applied by WDC.

Site 4 - Brook View, Land North of Walshes Road, Crowborough

- 4.37 Outline planning permission for up to 130 dwellings (WD/2020/0596/MAO) was granted in November 2021. In May 2022, an application to discharge conditions 3 and 4 relating to an archaeological Written Scheme of Investigation (WSI) (Condition 3) and a geophysical survey report and trial trench evaluation (Condition 4) was submitted (WD/2022/1412/CD). In July 2022, WDC issued a split decision, approving the Written Scheme of Investigation (WSI), but refusing the Condition 4 element on the basis that the survey results demonstrate that the site has archaeological interest warranting further archaeological investigation (and mitigation). This requires an updated / addendum WSI, and the undertaking of further fieldwork, as well as the production of a post-excavation assessment report, before development can commence. At this point in time, with reference to WDC's web site, there is no re-submission to discharge Condition 4 (see appendix .
- 4.38 A submission for reserved matters was made in April 2023, but has yet to be determined.
- 4.39 Clearly, commencement of the residential development, and achievement of first completions this monitoring year is unfeasible. At the present time, given that progress towards detailed permissions has stalled, there can be no confidence that the scheme will deliver within this five-year period. It does not meet the definition of deliverable for a Category B site.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	25	35	35	35	130
tor&co	0	0	0	0	0	0
Difference	0	-25	-35	-35	-35	-130

Site 5 - Friday Street farm, Oak tree Lane, Stone Cross

- 4.40 An outline planning permission for up to 250 dwellings (WD/2020/1391/MAO) was granted in July 2022. An application to discharge Condition 4 (Archaeology) was submitted in February 2024 (WD/2024/0403/CD), which was approved in March 2024. However, at this time, no reserved matters have been submitted.
- 4.41 Whilst the discharge of conditions process has just begun, reserved matters still need to be submitted and approved before construction can begin. Allowing for the lead in period (a year to submit and approve reserved matters and a year to undertake site works, including up front infrastructure construction, before first completions), in this case, it is more likely that a five-year period from grant of outline to first completions will apply.
- 4.42 In the absence of the requisite permissions, and whilst some progress is being made towards delivery, timescales have extended, such that first completions are now unlikely before monitoring year 2027/28.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	0	50	50	100
tor&co	0	0	0	0	50	50
Difference	0	0	0	-50	0	-50

Site 6 - Land adjoining 154 Station Road, Hailsham

- 4.43 An outline planning permission for up to 12 dwellings (WD/2020/1596/MAO) was granted in December 2022. To date there has been no planning activity associated with discharging any of the planning conditions, nor have reserved matters submissions been made.
- 4.44 In March 2023, an alternative outline application was submitted for up to 9 dwellings (WD/2023/0699/O). This was approved in July 2023. It is evident from the Planning Statement submitted in support of the 9 dwelling application that the development comprising up to 12 dwellings is neither viable nor deliverable:

“Planning Permission was recently granted (06.12.2022) under WD/2020/1596/MAO for outline planning permission for the erection of up to 12 no. dwellings, including access with all other matters reserved, which included a change of use of land to residential. This indicative design of this scheme included a higher density of development with terraced properties also being identified on the indicative site layout. Unfortunately, the prevailing market conditions have meant that the site with the extant scheme is unviable. The site has been marketed for nearly 12 months, including whilst the application was under consideration, but has failed to attract much interest or achieve a sale from potential buyers or developers. To date there have been two successive below valuation price offers accepted, but both withdrawn by the purchasers before exchange of contracts. There has been some interest from potential buyers keen to deliver only 9 units. On the basis of the above, the site is being

reimagined for an improved scheme for up to 9 units, which is more deliverable and desirable in the current market conditions.”

- 4.45 Clearly, there is no developer involved, and almost a year on from the grant of the scheme for 9 homes, there is no evidence of any planning activity associated with discharging planning conditions and progressing reserved matters submissions. The site fails to meet the definition of deliverable.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	6	6	0	12
tor&co	0	0	0	0	0	0
Difference	0	0	-6	-6	0	-12

Site 7 - Land at Straight Half Mile, Maresfield

- 4.46 An outline planning permission for up to 25 dwellings (WD/2017/0694/MAO) was granted in June 2022. However, no progress has been made towards the submission of reserved matters, or discharge of planning conditions. Subsequently, a full planning application for 21 dwellings was submitted in November 2022 (WD/2022/3098/MAJ). Whilst this application remains undetermined, progress has been made and given the scale of the development, it can be retained in the HLS for the reduced numbers.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	10	15	0	25
tor&co	0	0	10	11	0	21
Difference	0	0	0	-4	0	-4

Site 8 - Land East of North Street, Lower Horsebridge

- 4.47 Outline planning permission for up to 130 dwellings (WD/2019/1575/MAO) was granted August 2021. At this point in time, no reserved matters applications have been submitted. An application to discharge Condition 3 (Archaeology) was submitted in January 2024 (WD/2024/0205/CD), which was refused in March 2024. The County Archaeologist advised that the information submitted is not satisfactory and does not provide an adequate mitigation strategy to record any heritage remains that will be impacted by the development.
- 4.48 Whilst the conditions process has begun, the refusal will have caused uncertainty and delay. Reserved matters have not been progressed, and the site cannot be considered to meet the definition of deliverable. At best, the delivery timetable is pushed back, to allow for an appropriate lead in period given the current context/status.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	25	40	40	105
tor&co	0	0	0	0	40	40
Difference	0	0	-25	-40	0	-65

Site 9 - Land off Bexhill Road, Ninfield

- 4.49 Outline planning permission for up to 65 dwellings (WD/2021/2454/MAO) was granted September 2022. An application to discharge Part 1 of Condition 3 (archaeology) was approved January 2024 (WD/2023/2982/CD). However, further conditions discharges and a reserved matters application are still to be submitted.
- 4.50 Noting that some progress has been made, but allowing for an appropriate lead in time, the delivery trajectory has been pushed back.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	25	30	10	65
tor&co	0	0	0	0	30	30
Difference	0	0	-25	-25	+20	-35

Site 10 - Land to the East of Benhall Mill Road, Tunbridge Wells

- 4.51 A full planning application for 159 dwellings (WD/2017/0143/MAJ) was validated February 2017, the decision remains pending.
- 4.52 WDC did resolve to grant permission at the 17 December 2020 Planning Committee (North). The Officer's report confirms that, "*The site is not subject to any detailed housing allocation but this broad location was identified for growth of around 120 dwellings in the Core Strategy Local Plan 2013 under WCS2 and WCS4 (SD11).*"
- 4.53 The resolution to grant was made subject to (a) confirmation from Kent County Council Highways that the local highway impacts could be satisfactorily mitigated; and (b) the signing of a s106 Agreement. Its inclusion as a deliverable site is inconsistent with the approach taken in the appeal decisions noted above.
- 4.54 Since the December 2020 Planning Committee, no further information in relation to local highway impacts has been submitted to WDC. Furthermore, in April 2021 Network Rail requested that the applicant contact Network Rail's Asset protection and Optimisation (ASPRO) team to discuss the sites proximity to Network Rail's land and the operational railway.
- 4.55 It is clear there are numerous and potentially significant outstanding matters which require additional information and consideration by consultees. As such the site fails to comply with the definition of deliverability and should be excluded from the HLS.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	20	50	50	120
tor&co	0	0	0	0	0	0
Difference	0	0	-20	-50	-50	-120

Site 11 - Land at Chiddingly Road, Horam

- 4.56 An outline application for 20 (Custom and self-build) units was approved in December 2022 (WD/2020/2667/MAO). A reserved matters application was validated 3 January 2024 (WD/2023/2595/MRM). The phasing diagram (appendix 13) confirms that the development will depend on the purchase of each plot.
- 4.57 As the application is for 'Custom and Self Build', and the applicant is both Leaper Land Promotion and the landowners, there is no identified purchasers for the custom build plots. This provides significant uncertainty as to when these homes will be delivered.
- 4.58 No conditions discharge applications have been made and no reserved matters applications submitted. Currently, there is no evidence of any further planning activity associated with the site, and as such no clear evidence that homes will be delivered within the five-year period. The site fails to comply with the definition of deliverable and should be excluded from the HLS.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	0	11	11	22
tor&co	0	0	0	0	0	0
Difference	0	0	0	-11	-11	-22

Site 12 - Land at Coopers Farm, Five Ash Down (Application address Coopers Row)

- 4.59 An outline application for 40 dwellings (WD/2021/1895/MAO) was submitted to WDC in July 2021. Despite receiving a resolution to grant planning permission at the July 2022 Planning Committee, no further progress has been made and no decision has been issued.
- 4.60 This is not an allocated site, or within an area where there is a local policy presumption supporting residential development (noting that Policy WSC6 (2011 Core Strategy) only indicates a 'proposed scale of growth' and recognises the need to breach the 1998 Local Plan Settlement boundaries). Hence, grant of this permission would be after the base-date, and it cannot therefore be included in the HLS.
- 4.61 Note, this is a separate site from Land West of Five Ash Down Road, Coopers Green – a site with planning permission for 33 homes (WD/2023/2729/MRM), which has not been challenged.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	0	10	20	30
tor&co	0	0	0	0	0	0
Difference	0	0	0	-10	-20	-30

Site 13 - Land at Station Farm, Station Road, Berwick

- 4.62 A full planning application for 33 dwellings, 3 shops, 2 offices and associated works (WD/2016/1659/MAJ) was submitted to WDC in June 2016. This application received a resolution to grant at Planning Committee in October 2016. However, this decision was subsequently subject to judicial review, resulting in the decision being quashed in January 2017, because of the improper application of s.38(6) of the Planning and Compulsory Purchase Act 2004, and misinterpreted application of local and national planning policy.
- 4.63 Further progress was made on the application in June 2022, when it was returned to WDC Planning Committee. Again it received a recommendation to approve. Since then, no progress appears to have been made, there is no evidence of any further planning activity with respect to this site.
- 4.64 In any event, this is not allocated as being within a strategic development area. Hence, grant of this permission would be after the base-date, and it cannot therefore be included in the HLS.

Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	0	10	13	23
tor&co	0	0	0	0	0	0
Difference	0	0	0	-10	-13	-23

Site 14 - Land West of Station Road, Hailsham (adjacent to site 1)

- 4.65 An outline application for 200 dwellings (WD/2020/2509/MAO) was allowed at appeal in September 2022 (3296579). The appeal was pursued by Gleeson Strategic Land and Rydon Homes, but the site subsequently sold to Crest Nicholson Operations Limited. Conditions attached to the approval required submission of reserved matters no later than 1 year from the date of the permission. Crest submitted reserved matters in May 2023 (validated 18 May 2023 – ref WD/2023/1171/MRM), but these have yet to be approved.
- 4.66 Additionally, Crest have made multiple discharge of condition applications throughout 2023. However, the following have been refused by WDC:
- Condition 16 (Foul Drainage Scheme) (WD/2023/2434/CD),
 - Condition 15 (Construction Method Statement) and 19 (Sustainability) (WD/2023/1425/CD)
 - Condition 9 (Natural Turf Pitches) (WD/2023/2121/CD)
 - Condition 20 (Surface Water Drainage Scheme) (WD/2023/2191/CD)
 - Condition 21 (Survey of the Watercourse) (WD/2023/2192/CD)
- 4.67 Whilst some progress is being made, clearly delay in delivery has been incurred through the above noted refusals, and delayed progress towards the details (reserved matters).

- 4.68 As a result, there is no clear evidence that the site will deliver homes within the current five year period.

Trajectory Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	0	25	50	75
tor&co	0	0	0	0	0	0
Difference	0	0	0	-25	-50	-75

Site 15 - Mornings Mill Farm, Eastbourne Road, Wilingdon

- 4.69 An outline application for 700 dwellings was allowed at appeal in 2022 (WD/2021/0174/MEA). At this point in time, there is no evidence of any further planning activity on WDC's web site, including discharge of conditions or reserved matters applications. Additionally, the applicants, who are Peter & Robert Vine, appear to be the landowner and not a housing developer.
- 4.70 Without detailed consent and without a developer on board, the site cannot be considered deliverable. There is no clear evidence that the site will deliver housing within the current five year period.

Trajectory Position	2023/24	2024/25	2025/26	2026/27	2027/28	Total
WDC	0	0	0	25	75	100
tor&co	0	0	0	0	0	0
Difference	0	0	0	-25	-75	-100

5.0 Conclusion

- 5.1 I have assessed the 5-year HLS and housing trajectory as set out in WDC's HLSS published December 2023. This HLSS claims that WDC can demonstrate a HLS 3.83 years.
- 5.2 However, the HLSS lacks detail and, with reference to NPPF Category B sites, fails to provide an 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. Further, WDC has suggested that all of the evidence is on WDC's web site. I would highlight that the onus is on WDC to provide clear evidence, not for another party (such as myself) to have to search for the evidence.
- 5.3 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 that the claimed 3.83 years.
- 5.4 Specifically, the assessment identified a number of sites that do not comply with the definition of deliverable, or for which delay in making progress towards delivery has been experienced. This has reduced deliverability, as defined within national guidance. In all, there are 16 sites contained within the 2023 HLSS with respect to which deliverability is disputed.

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, 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

- 5.5 Additionally, Section 4 above supports a 7% discount on small sites for non-delivery. This reduces the supply by an additional 48 homes (7% of 690).
- 5.6 The total reduction in the HLS is 987 dwellings. Taken from WDC's starting position of 5,513, the revised HLS is 4,526 homes. Calculated against a requirement of 7,200 homes, the revised position is **3.14 years** HLS, representing a substantial shortfall of 2,674 homes.