

Appeal: **APP/D1265/W/23/3336518**

Site: **Land to the South of Ringwood Road, Alderholt,
Dorset**

LPA: **Dorset Council**

Appellant: **Dudsbury Homes (Southern) Ltd**

Date: **11th June 2024**

TOPIC PAPER: Housing Land Supply

Content

1. Introduction
2. Background
3. Published HLS Position
4. The Housing Requirement
5. Supply Assessment
6. Matters of disagreement
7. Specific Sites

1.0 Introduction

1.1 This Topic Paper on Housing Land Supply (HLS) has been prepared jointly by Dorset Council and tor&co, to assist the Inspector in his consideration of the appeal by Dudsbury Homes (Southern) Limited with respect to the refusal of planning permission for development including up to 1,700 dwellings.

1.2 For reasons covered further below, it is agreed that:

- 1) Dorset Council (formed on 1st April 2019) is required to demonstrate a five-year HLS [5YHLS] (five year supply measured against a five-year requirement).
- 2) HLS within Dorset, for monitoring and assessment purposes, is sub-divided into the former districts. For the Appeal Site, the former district is East Dorset.
- 3) The five year requirement is the standard methodology (SM) local housing need (LHN) for East Dorset.
- 4) The 2022 Housing Delivery Test (HDT) for East Dorset is 90%, an Action Plan is required but no buffer is applied to the requirement.
- 5) The deliverable supply is assessed against the NPPF definition and NPPG guidance.
- 6) There is a cut-off date to the supply and requirement, that being 1st April each monitoring year.
- 7) The Council's published position is 3.9 years HLS.

1.3 The following is in dispute:

- 1) The housing requirement, because the Appellant does not consider that the SM LHN should be capped. Whereas the Council is of the opinion that it should be capped. Both parties consider their position to accord with the NPPF and NPPG.
- 2) A number of sites, as identified in section 6 below, which contribute 291 homes to the HLS. The Appellant's position and the Council's detailed response are set out in their proofs of evidence and rebuttals.

1.4 The appellant is of the view that the HLS range is: 3.0 – 3.9 years. It is the Council's opinion that the 5HLS for the East Dorset area is 3.9 years.

2.0 Background

National Policy Requirement

- 2.1 The following provisions, relating to both five-year supply and requirement are most relevant, covering SM LHN, HDT, definition of deliverable:
- NPPF (December 2023): paragraphs 11 d), 75, 76, 77, 226; footnotes 8, 42, 43; and Annex 2 Glossary 'Deliverable'.
 - NPPG: section 68 'Housing supply and delivery' (particularly sub-sections on 'demonstrating a 5 year housing land supply' and 'confirming 5 year housing land supply'); and section 2a 'Housing and economic needs assessment (particularly paragraph 'How is a minimum annual local housing need figure calculated using the standard method? Step 3 - Capping the level of any increase'

Dorset Context

- 2.2 Dorset Council was formed on 1st April 2019 with an amalgamation of the former LPAs; including North Dorset, East Dorset, West Dorset, Weymouth and Portland and Purbeck. East Dorset is where the Appeal Site is located. BCP Council, formerly Bournemouth, Christchurch and Poole, formed at the same time. Christchurch is located in the BCP area.
- 2.3 At that time, the councils jointly made the decision to produce separate 5-year Housing Land Supply reports for each former council area. Moving forward, and as stated in the Housing Land proof of evidence submitted by the Council (CD X), the Council intends to produce 5YHLS Position Statement across Dorset and this will be in the form of an Annual Position Statement (APS). A draft APS was published for targeted stakeholder engagement on Thursday 6th of June, and it will last until 4th of July 2024.
- 2.4 The Christchurch and East Dorset Local Plan Part 1 was adopted in April 2014. It contains a housing requirement covering the period up to 2028. The Council did not progress a Local Plan Part 2. The HLS requirement must be the SM LHN. The Christchurch and East Dorset Local Plan Part 1 alongside saved polices from the East Dorset Local Plan 2002, form the development plan for East Dorset.
- 2.5 The 2022 HDT for East Dorset is 90%. An Action Plan (CDD31) must be published but there is no need to add a buffer to the requirement. The [Dorset Council Housing Delivery Test Action Plan](#) was published in March 2024 as a response to this. However, the Council did include a 5% buffer in its calculation of LHN for the East Dorset 5YHLS.
- 2.6 It is agreed that Dorset Council does not benefit from transition arrangements set out in paragraph 226 of the NPPF.

3. Published housing trajectory and 5-year housing land supply position (CDD30)

3.1 DC's latest published position, 'East Dorset Housing Land Supply Report April 2023' (published January 2024) identifies a HLS of **3.9 years, base-dated at 1st April 2023**. Figure 5.1 identifies that this is based on a requirement of 2,405 dwellings (including 5% buffer) and supply of 1,876 dwellings. The shortfall amounts to 529 dwellings.

3.2 Contributing to this housing requirement/supply is:

- Minor sites with planning permission (306.7 dwellings)
- Major sites with extant planning permission (1,334 dwellings)
- Sites allocated within the Local Plan (0 dwellings)
- Minor sites windfall allowance (181.6 dwellings)
- Specific large sites (54 dwellings)
- Sites allocated in neighbourhood plans (0 dwellings)
- Rural exception sites (0 dwellings)

3.3 In addition to setting out the five-year housing requirement, summary of supply and associated calculation of the position, DC's HLS Report includes four associated appendices:

- Appendix A is a list of small sites (9 dwellings of less) with planning permission. The total is 323 homes; 95% are included in the deliverable supply (i.e. a 5% non-delivery rate has been applied). The non-delivery rate has been applied as follows:

"Historically, from the point of the grant of planning permission, just under 96% of these minor sites have been built within five years. It is of course impossible to identify which sites will not deliver within five years so to allow for this, the total stock of minor sites with extant consent are discounted by 5%." (para 4.2.2)

- Appendix B is a tabulated list of major sites with extant planning permission, with estimated delivery within 5 years. Some of these sites have detailed permission, some only outline permission. Whilst the Report contains no pro-forma type evidence with respect to housing delivery on major sites, and no trajectory of anticipated completions, the text at paras 4.3.2 and 4.3.3 asserts that a case by case assessment of the sites has been made and:

With respect to extant detailed permission this, "has included consideration of the number and type of units being delivered on a site, the details of any infrastructure requirements, the discharge of conditions associated with the planning permission, whether a CIL commencement notice had been received, feedback from the developer as to their programme for developing the site and information from case officers working on specific applications"

Whilst, with respect to sites with outline permission these, *“were considered in a similar way to detailed consents having regard to recent appeal decisions. Progress towards gaining full consent, along with information from the developer about their programme for delivering the site including their anticipated housing trajectory. Information from the case officer working on the application along with the current planning status of the site was also considered including the discharge of any planning conditions.”*

- Appendix D provides historic windfall rates (since 2018) to derive a five-year annual average of 74.7 dwellings.
- Appendix E identifies two large windfall sites, with their estimated delivery within the five years.

4.0 The Housing Requirement

- 4.1 The Joint Christchurch and East Dorset Local Plan Part 1 Core Strategy, including its housing requirement for the period 2013 – 2028, was adopted in April 2014.
- 4.2 The Dorset HLS Report identifies the SM LHN for the area (Figure 3.2 CDF.31). The appellant is of the view that it presents a capped figure for the East Dorset area (capped at 40% above the annual average household growth figure:
- SM LHN with cap 458 dwellings per annum (five-year requirement of 2,290 dwellings)
 - SM LHN without cap 543 dwellings per annum (five-year requirement of 2,715 dwellings)

The Council disagrees with this approach.

5.0 Supply Assessment

Testing housing site deliverability

- 5.1 Specific deliverable sites must be identified for the purposes of demonstrating a five-year HLS.
- 5.2 The starting point is DC's HLS trajectory, as set out in the HLS Report (CD xx).
- 5.3 The sites must meet the definition of 'deliverable' to be included in the HLS.
- 5.4 Full details of what constitutes a deliverable site, and the type of sites to be included in the 5YHLS, are set out in the NPPF and NPPG.

Sites disputed

- 5.5 A number of sites are disputed and listed in the following section.:

6.0 Matters of disagreement

6.1 In accordance with the above, the following are matters with respect to which the parties disagree:

- 1) The housing requirement, because the Appellant does not consider that the SM LHN should be capped (for reasons set out in their evidence: Planning Proof, Appendix C Housing land supply technical note)
- 2) The scale of the deliverable supply, the following sites are disputed by the Appellant, and covered in the evidence, although agreement has now been reached with respect to sites 1, 2 and 5:

Site	Deduction
1) 84 Golf Links	4.0
2) 180 Ringwood Rd	15.7
3) Howe Road	28.0
4) New Road Parley	96.0
5) Specific Sites	54.0
7) Windfalls	94.0
Total	291.7

Capping of the LHN

- For the East Dorset 5YHLS, the local housing need figure was calculated using the standard methodology as the adopted Local Plan is more than 5 years old.
- The NPPG states that where policies were adopted more than 5 years ago and are in need of review, the local housing need figure is capped at 40% above whichever is higher of:
 - o A) the project household growth for the area over the 10 year period identified in Step ;1 or
 - o The average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists).

The East Dorset and Christchurch Core Strategy has a joint figure, not a separate figure for East Dorset and Christchurch. Therefore, the approach set out in A is used as detailed in the 5YHLS Position Statement.

7. Specific Sites

The Appellant and the Council have worked to narrow differences of opinion regarding specific sites, with the most recent position on each site set out below.

- 1) Land North of Ringwood Road, Alderholt, SP6 3HZ (outline ref: 3/16/1446/out) for 45 dwellings. ***It is agreed that this site is deliverable.***
- 2) 84 Gold Links Road (ref: 3/19/0460/Out): This decision was made on 19/08/19. A recent site visit in April 2024 suggest that this scheme has not yet been implemented. ***The deduction of 4 units is agreed.***
- 3) 180 Ringwood Road (ref: 3/19/1861/Out): This decision was made on 27/12/2019. A recent site visit in April 2024 suggest that this scheme has not yet been implemented. ***The deduction of 15.7 units is agreed.***
- 4) Howe Road (ref: 3/19/0019/RM): The outline permission (ref: 3/13/0674/Out) was allowed through appeal in January 2017. Although a decision on the Reserved Matters was made in 04/07/2019, the applicant has been discharging conditions in 2022 and submitted a NMA application (P/NMA/2022/03717) to amend pre-commencement conditions to allow commencement of plot 1. The Council understands that the single plot part of the planning application has been implemented. ***Agreement has not been reached regarding this site.***
- 5) New Road Parley (various): This site was granted outline permission for 386 units (ref:3/17/3609/OUT) in February 2021. A Reserved Matters application for Phase 1 (P/RES/2022/03505) was approved for 238 units in February 2022. A further Reserved Matters application (P/RES/2022/08041) was granted in May 2023 for Phase 2 of the scheme that relates to the remaining 148 units. First completions were achieved in April 2024. ***Agreement has not been reached regarding this site.***
- 6) Specific Sites: In Appendix E of the East Dorset 5YHLS, the specific large sites are:
 - i. Land to North of Eastworth Farm (LIS_V3) (ref: P/FUL/2022/03125) for 38 units.

- ii. Land at Back Lane (site 1) P/FUL/2021/05768 for 22 units.
The scheme now proposes 20 units rather than the 22 units initially proposed and therefore the deliverable supply is reduced by 2 units.

The Appellant no longer disputes these sites. It is agreed to delete 2 units, and retain 52 units in the 5YHLS.

Windfalls

The Appellant objects to the extent of the windfall allowance included in the Council 5YHLS, as they feel part of the allowance is double counting with the small site permissions, based on past trends of small site delivery. The Council explains how they account for windfalls in the 5YHLS Position Statement to avoid double counting. Both parties agree that the inclusion of windfalls is permitted by NPPG and NPPF.

Agreement has not been reached on the approach to windfalls.

- 6.2 Overall, the Council agrees to the reduction in its over 5YHLS by 21.7 units, whilst the Appellant continues to consider that a further 218 units should be removed from the supply. The result is a reduction from the starting point of 1,876 homes.
- 6.3 Both parties agree that the above sites/sources of supply, from the 2023 HLS Position Statement, are the only ones in dispute.