

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 78 APPEAL

BY

Dudsbury Homes

LAND SOUTH OF Ringwood Road

Alderholt

DORSET

Rebuttal

Claire Lynch

BSc (Hons), M.Sc., M.Sc.,

ON BEHALF

OF

DORSET COUNCIL

Planning Inspectorate Reference: APP/D1265/W/23/3336518

Local Planning Authority Reference:

Introduction

- 1.1: This Rebuttal relates to Housing Land Supply and should be read in conjunction with the Planning PoE and Housing Land Supply PoE.
- 1.2: The appellant has introduced new concerns through their Planning PoE and Topic Papers that were not previously seen by the local authority. To be helpful, this rebuttal will provide additional evidence to aid the Inspector.

Calculating Local Housing Needs:

- 2.1 The appellants, first mentioned in their draft topic paper concerns with the local authority using a cap on the LHN to inform the 5YHLS. More recent iterations of the topic paper have suggested that the appellants concerns have now changed to which figure the Council uses to inform the LHN; the adopted Local Plan or standard methodology rather than the cap. For this rebuttal, the Council will explore the issue of both 'capping' LHN and the baseline figure to inform the LHN.
- 2.2 Para 8.6.2 of the Planning PoE challenges again the Council using the 'capped figure'. Tor&co housing land supply technical note in Appendix C, relies solely upon the East Dorset and Christchurch Core Strategy Inspectors Notes in 2014. However, the passage of time has meant that in the past 10 years:
- i) The NPPF and NPPG has been updated several times since, and
 - ii) The reorganisation of local authorities in Dorset resulted in East Dorset now forming part of Dorset Council alongside North Dorset, Purbeck, and West Dorset, Portland and Weymouth. Whereas Christchurch now forms part of BCP Council alongside Bournemouth and Poole.
- 2.3 The reorganisation of local authorities in Dorset is material to the calculation of the housing target.
- 2.4 The policies for the East Dorset area, contained in the ED and Christchurch Core Strategy, were adopted more than five years ago. Since the formation of Dorset Council, the work to produce a single Dorset Council Local Plan has commenced having been subject to a Regulation 18 consultation in January 2021. The Council has therefore considered that there is a need for the policies, adopted in April 2014, to be updated. Para 005 (ref: 2a-005-2019022) of the NPPG states that "where the relevant strategic policies for housing were adopted more than 5 years ago (at the point of making the calculation), the local housing need figure is **capped** at 40% above whichever is the higher of:

A. the projected household growth for the area over the 10 year period identified in step 1; or

B. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists)”.

2.5 Given that the adopted strategic policies gave a housing target for the joint plan area, it is not possible to separate an adopted strategic policy target for the East Dorset area. A figure does not therefore exist for East Dorset. The application of the cap is therefore addressed under part A of this paragraph and should be applied to the projected household growth over the 10 year period as identified in Step 1 of the Standard Method for calculating Local Housing Need.

2.6 For A, using the Standard Methodology, the East Dorset growth figure is 327 dwellings. Whereas a combined growth figure for East Dorset and Christchurch would be 589 dwellings. For B, using the average annual housing requirement figure as set out in the Core Strategy, it has a joint housing target figure of 566 dwellings. Again, this joint housing target figure is not separated out for East Dorset and Christchurch separately, and therefore it does not exist. It is noteworthy, that as the combined growth figure and Core Strategy figures are comparable, this suggests that the Council is correct in the way it has applied standard methodology and the cap in Step 3.

2.7 Strict interpretation of the NPPF would be there is not an adopted target separately for East Dorset and therefore B does not apply. The cap would therefore be applied at 40% above the 327 dwellings Figure derived by A, and this figure is for East Dorset area only.

2.8 Therefore, the Council applying a cap to the LHN figures are fully in line with the NPPF and NPPG. Moreover, the approach and method taken to calculate the LHN is correct and in accordance with the NPPF and NPPG.

Site Specific Disputes and Agreements:

2.9 The Appellants raised concerns with the Council’s East Dorset Housing Land Supply Statement on the 15th May 2024 via a draft Topic Paper. The Council has agreed to the deduction of 4 units – 84 Golf Links Road (ref: 3/19/0460/out) and 15.7 units at 180 Ringwood Road (ref: 3/19/1861/out) as the planning permissions expired. The Appellants agreed with the Council on the inclusion of Land to North of Eastworth Farm (LIS-V3) (ref: P/FUL/2022/03126) for 38 units, Land at Back Lane (site 1) P/FUL/2021/05768 for 20 units and Land North of Ringwood Road, Alderholt, SP6 3HZ (45 dwellings). The appellants still dispute the following sites:

- Howe Road (ref: 3/19/0019/RM): 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. An email from planning officer on 27/12/2023 confirms that Conditions 5, 6, 14 & 19 are the only conditions remaining which have all been partially discharged. The planning officer confirms that the applicant can commence plot 1 but cannot commence other plots until outstanding conditions 5, 6, 14 & 19 are fully discharged. From our understanding, development has commenced on plot 1. In accordance with the definition of deliverable sites in the NPPF, progress is being made towards the site's delivery. Therefore, justifying the inclusion of 29 dwellings in the 5YHLS.
- 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 site visit in 2023, confirmed that nearly all the foundation of these units were complete due to a change in Building Regulations coming forward that year. A site visit confirmed in April 2024, that 4 dwellings are now fully completed, with many other dwellings nearing completion. At the time of writing, 19 units were advertised for sale on the developer's webpage. 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. The developer submitted an email in December 2022, confirming their building trajectory for the site with 256¹ units included in the 5YHLS. Please see Appendix A to view this email. All of Phase 1 was included, and 40² units from Phase 2 in the last year of the 5YHLS. The developer is best placed to understand their business model, building materials, contractors and they are a national housebuilder. Most importantly this rate of delivery, and even higher rates of delivery, have been delivered on other sites in the Dorset Council area that are being built out by national housebuilders.

¹ A typo was noticed in the 5YHLS PoE. This number is 256 not 258 dwellings. This is set out in the East Dorset 5YHLS. This was mistake does not affect 5YHLS figures.

² Again, a typo was noticed in the 5YHLS PoE. This number should be 40, not 20 dwellings. This is set out in the East Dorset 5YHLS. This was mistake does not affect 5YHLS figures.

This rate of delivery is in line with the range suggested by the Lichfield's Start to Finish Report (2024) – Appendix C. The appellant has not provided clear site specific evidence to the contrary showing that these rates of delivery cannot be achieved, especially given that a significant number of units have had a technical start – construction of foundations. Hence, the inclusion of 296 dwellings in the 5YHLS.

Still disputed, the inclusion of Minor Windfalls Sites:

- 2.10 A windfall site is a site not specifically identified in the development plan. Para 70 of the NPPF makes provision for such sites to be included in the supply of homes specifically noting that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly”.
- 2.11 When including an allowance for windfall sites within the housing supply, Para 72 of the NPPF indicates that there needs to be “compelling evidence that they will provide a reliable source of supply ...” and that the allowance “...should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends”.
- 2.12 A detailed analysis of windfall rates has been undertaken for the East Dorset area (as summarised in Appendix D of the East Dorset 5YHLS). This analysis has been focused on the sites that fall within the minor category (i.e. sites of between 1 and 9 dwellings) with major (i.e. sites of 10 or more dwellings) being considered as a separate supply category.
- 2.13 The Council has been conservative in removing the windfall allowance for the first two years in all areas, to avoid any potential double counting for sites that may have permission. Although the windfall rate and build-out rate as based on detailed assessment of past delivery, the numbers of windfalls sites each year will most likely change. For this reason, a further 10% discount has been applied to the estimates of windfall delivery within the remaining three-year period.
- 2.14 The approach to minor windfall sites is considered to be in accordance with national policy. Again, this approach is used across the Dorset Council area when calculating 5YHLS and it has not been raised as an issue for appeals. The Council is of the opinion that the inclusion of minor windfall sites in the 5YHLS is in accordance with the NPPF and NPPG.

Housing Land Supply

2.15 Therefore, the Council agrees to the reduction in its 5YHLS by 21.7units. this reduced the total amount of deliverable sites from 1,876.3 to 1,854.6. The annualised LHN requirement is 480.8 dwellings. Thus, equating to a 5YHLS of 3.857 years, a shortfall of 549.4 units³.

Working towards finalising an Annual Position Statement (APS) update:

2.16 As previously mentioned, Dorset Council has notified PINS of its intention to 'confirm' its Housing Land Supply for the 2024/25 year through the production of an Annual Position Statement. The Council intends to produce a single Housing Land Supply Position Statement for the whole Dorset Council area, which includes the former East Dorset District Council area. The draft APS was recently published for targeted stakeholder engagement showing a 5YHLS for Dorset of 5.34years. Once the targeted stakeholder engagement period is completed, the Council will review the representations submitted and identify if further changes are required to the APS. The 5YHLS is therefore subject to change.

2.17 The final version of the APS must be submitted to PINS on, or before the 31 July 2024, with the expectation that PINS will confirm the position on Dorset Council's 5YHLS in October 2024.

Longer Term Housing Land Supply Position:

2.18 Para 8.66 of the appellants Planning PoE, and which is further expanded upon in Section 6 of Appendix C, identifies a persistent shortfall of homes until at least 2030, with the presumption that the earliest any benefit from allocations within a new local plan can be expected to be delivered. It is the Council's view that this is not the case, and there is no clear evidence to support this. A number of proposed allocated sites in the draft Dorset Council Local Plan have pre-apps or planning applications submitted, even though this document carries no weight. It should be noted that, the Dorset Council Local Plan is expected to be adopted in 2027.

2.19 Paragraph 11.3 of the Planning PoE incorrectly suggests that all site allocations in the adopted Local Plan for East Dorset and Christchurch are built, under construction or in the planning system. There are still 369 dwellings from the adopted East Dorset and Christchurch Local Plan allocations outside of the 5YHLS for East Dorset that are yet to be developed. Some developers have informed us that these sites will commence from year 6 onwards. These

³ A typo was noticed in the PoE regarding the Council's 5YHLS figure. Para 2.16 corrects this.

dwellings have not been included in the 5YHLS as they currently do not meet the definition of deliverable sites as set out in the NPPF and NPPG.

Conclusion:

2.20 In conclusion, the Council agrees to the reduction in its over 5YHLS by 21.7 units. This reduces the total requirement of deliverable sites from 1,876.3 to 1,854.6. The annualised LHN requirement is 480.8 dwellings. Thus, equating to a 5YHLS of 3.857 years, a shortfall of 549.4 units.

planningpolicy

From: David Nash [REDACTED]
Sent: 06 December 2022 12:59
To: Karen Barnes; Debbie Turner
Cc: Simon Packer
Subject: RE: Land East of New Road, West Parley

Follow Up Flag: Follow up
Flag Status: Completed

Hi Karen and Debbie,

Bellway's latest projected annual completion details below – assumes legal completions (sales) start from December 23 with two sales outlets 24/25-27/28.

Kind regards

David

David Nash
Planning Manager

[REDACTED]
Bellway Homes Limited (Wessex)

Embankment Way
Castleman Business Centre
Ringwood
Hampshire
BH24 1EU
www.bellway.co.uk



From: Karen Barnes [REDACTED]
Sent: 24 November 2022 14:22
To: David Nash [REDACTED]
Cc: Simon Packer [REDACTED]
Subject: FW: Land East of New Road, West Parley

ALERT: This message originated outside of Bellway's network. **BE CAUTIOUS** before clicking any link or attachment.

Hi David,

See the below request from Dorset for housing delivery updates for West Parley – are you able to complete please?

Thanks.

Karen Barnes
Senior Planner

Turley

Mobile: [REDACTED]
Office: [REDACTED]

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From: Debbie Turner [REDACTED]

Sent: 24 November 2022 14:13

To: Karen Barnes [REDACTED]

Subject: RE: Land East of New Road, West Parley

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Dear Ms Hingley

I'm currently updating Dorset Council's housing land trajectory. With regard to Land East of New Road, West Parley, would you be able to update us on your anticipated timeframe for delivery?

I'm particularly interested in the next five financial years (2022/23 to 2026/27) but any further information relevant to delivery of the site would also be helpful. If possible, please could you fill in the table below.

	2022/23	2023/24	2024/25	2025/26	2026/27
Anticipated delivery of homes		14	82	80	80

If you have any questions regarding this matter, please let me know.

Kind regards

Debbie Turner
Senior Planning Policy Officer
Economic Growth and Infrastructure
Dorset Council

[REDACTED]
dorsetcouncil.gov.uk





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