

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPEAL BY HALLAM LAND LTD

**An Appeal Against the refusal of
Outline Planning Permission 17/04673/OUT for up to 85 residential dwellings including
open space (Amended Description) at Land at Junction with Carr Road and Hollin Busk
Lane, Sheffield S36 1GH**

**PINS REFERENCE APP/J4423/W/21/3267168
PLANNING APPLICATION REF: 17/04673/OUT**

ROLAND BOLTON SUMMARY PROOF OF EVIDENCE:

HOUSING AND FIVE YEAR LAND SUPPLY

**Prepared by
Strategic Planning Research Unit
DLP Planning Ltd
Sheffield**

May 2021

1.0 EXPERIENCE

1.1 My name is Roland George Bolton. I have an Honours Degree in Town and Regional Planning and I am a Member of the Royal Town Planning Institute (MRTPI). I am currently a Senior Director of DLP Planning Ltd (DLP) and Head of the Strategic Planning Research Unit (SPRU) which specialises in undertaking bespoke planning research projects, including Objective Assessments of Housing Need and Five-Year Housing Land Supply assessments. My experience is set out more fully in my main proof.

2.0 NATIONAL POLICY: PLANNING FOR HOUSING

a) National Planning Policy Framework and Guidance

2.1 The 2019 National Planning Policy Framework (the Framework) was published on 20th February 2019 and came into force with immediate effect. The Planning Practice Guidance was also updated and has been subsequently updated, most recently on the 16th December 2020 which set out the new step 4 in the calculation of the Standard Method for calculating the Local Housing Need (LHN). This did not come into effect immediately for decision making but comes into effect on the 16th June 2021 after a transition period.

i) *Housing Need*

2.2 Paragraph 73 specifies that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide for a minimum of five years' worth of housing against their housing requirement, set out in adopted strategic policies; or as here against their LHN where the strategic policies are more than five years old.

2.3 The Guidance (Paragraph 004, ID: 2A-004-20201216) sets out the 4 step process for calculating Local Housing Need, using the Standard Method. In summary these are:

Step 1 is setting the baseline. This should be done using the 2014-based household projections for England and calculate the projected average annual household growth over a 10 year period.

i) **Step 2** is to make an adjustment to take account of affordability, which requires the most recent median workplace-based affordability ratios, produced by ONS, to be used.

ii) **Step 3** is to cap the level of any increase from the application of the affordability adjustment. The guidance sets out how it should be calculated, depending on the status of strategic policies for housing. For Sheffield there is no requirement to cap the uplift.

iii) **Step 4** is a new step, recently introduced, which requires a 35% uplift to be applied for urban local authorities in the top 20 cities and urban centres list. This urban uplift applies to Sheffield for the purposes of decision making from 16th June 2021 onwards.

2.4 The introduction of Step 4 "the Cities and Urban Uplift" on the 16 December 2020 included specific guidance on how and when this should be applied though transitional arrangements (Reference ID: 2a-036-20201216). In respect of decision making the Transitional Arrangements explain that the old LHN, without the cities and urban centres uplift, can be used for determining the housing requirement for the 5 year housing land supply until the

16th June 2021 and that after this date, the new standard method (i.e. with cities and urban centres uplift) will apply.

ii) **The Buffer**

2.5 The buffer in paragraph 73 is determined by the latest Housing Delivery Test (HDT). This was published in January 2021 and is used to determine the appropriate buffer. In the case of SCC it is agreed that the buffer is 5% (CD6.14 Table 9).

iii) **The Definition of ‘Deliverable’**

2.6 It is important to note, that in the context of assessing what constitutes a “deliverable” site, the 2019 Framework defines “deliverable” in the Glossary (page 66) and this identified two categories of sites which require a different approach to evidence although all sites must be available now.

*Category A sites are those 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).***

*Category B sites are 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.***”

2.7 The onus is therefore placed on the Council to provide clear evidence for those sites which fall within part b), rather than for interested parties to establish whether clear evidence exists.

2.8 Paragraph 007 (Ref ID: 68-007-20190722) provides examples of what may be considered clear evidence to demonstrate that housing completions will begin on site within five years includes:

- *current planning status –how much progress has been made towards approving reserved matters, or 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);*
- *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.”*

3.0 Calculating the Housing Requirement for Five Year Land Supply using the Standard Method

a) Introduction

3.1 The Council and the Appellant disagree with regard to 3 of the 4 steps in the calculation of the Housing Requirement in the context of this appeal these steps being:

- i) Step 1: Should the calculation be based upon a ten year average household growth starting the “current year” 2021 as stated in the NPPG or should, as the Council argue, the base year of the supply be used i.e. 2020?
- ii) Step 2: Should the calculation use the most up to date affordability ratio as required by the NPPG i.e, 2020 (published March 2021) or the earlier 2019 ratio published in March 2020 as argued by the Council?
- iii) Step 4: Should the 35% Cities and Urban Uplift be applied as stated in the NPPG or should this only be applied once the Council has updated its supply?

3.2 Each of these are separate issues and need to be determined as such.

3.3 The differences in approach are set out in summary in the table below. It should be noted that the Council approach effectively stops at step 2 of the standard method as there is no cap to be applied (Step 3) in Sheffield and it argues that the Urban Uplift (Step 4) should not be applied for this appeal.

Table 1. The Comparison of the Appellants and the Councils calculation of the Standard Method

Row	Step 1 Setting the baseline - Annual household growth over 10 years (2021-2031) (source 2014 HHP table 406)			
		SPRU	SCC	
A	2021 households	249,478	247,611	2020 households
B	2031 households	268,950	266,931	2030 households
C	10 year average household growth	1,947	1,932	10 year average household growth
Step 2 An adjustment to take account of affordability				
		SPRU	SCC	
D	Affordability ratio (2020) ONS Table 5c	5.79	5.65	Affordability Ratio 2019
E	Adjustment factor $((5.79-4)/4)*0.25+1$	1.111875	1.103125	Adjustment factor $(5.65-4)/4$
F	Application of adjustment factor $(1,947 * 1.11)$	2,165	2,131	Application $1,932 * 1.03$
Step 3 - Capping the level of any increase				
		SPRU	SCC	
G	Cap (10 year average x 1.40)	3,031	2,984	Cap 10 year average x 1.40
Step 4 - cities and urban centres uplift				
		SPRU	SCC	
H	35% Uplift $(2,165 * 1.35)$	2,923	2,877	35% Uplift
Housing Requirement				
I	Housing Requirement	2,923	2,877	Housing requirement
J	Annual Requirement including Buffer 5%	3,069	2,238	Annual Requirement Including 5% Buffer but Excluding Step 4
K	5 year Requirement including step 4	15,345	11,189	5 year Requirement Including 5% Buffer but Excluding Step 4

3.4 The yellow highlighted outputs are the ones which the Appellant and the Council respectively consider present the annual housing requirement for the purposes of deterring this appeal (excluding the buffer).

b) The Appellant's position on the Housing Requirement

i) Step 1 – Setting the base line (The Current Year)

3.5 The NPPG Paragraph: 004 Reference ID: 2a-004-20201216) requires the use of the national household growth projections (2014-based household projections in England, table 406 unitary authorities and districts in England) for the area of the local authority to calculate the projected average annual household growth over a 10 year period. This should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period.

3.6 I consider the “current year” for this purpose to be 2021.

3.7 This issue of which year is the “current year” and therefore should be used to set the baseline calculation has been considered at earlier inquires (see section 2 of my main Proof including CD5.37 paragraph 54 and 59) which confirms the approach to the use of the current year in the calculation of an up to date housing requirement and in the Secretary of State's decision on appeal (land off Station Road Long Melford Babergh DC CD5.17).

ii) **Step 2 – An adjustment to take account of affordability.**

3.8 The **appellants** use the **2020 affordability ratio of 5.79** (the latest available) to produce a housing requirement of 2,165 dpa (see table 1 line F).

3.9 As highlighted in Section 2 of my main proof (including CD5.37 paragraph 55 and 59) the use of the most recent affordability ratio in the calculation of an up to date housing requirement is the correct approach in line with the requirement of the NPPG Paragraph: 004 Reference ID: 2a-004-20201216 which requires the use of the most recent median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level.

3.10 The **Council** use the **2019 affordability ratio of 5.65** to calculate this adjustment to produce a housing requirement of 2,131 dpa (see table 1 line F)

3.11 Up to this point the two differences of approach make a difference in actual numbers of 34 dpa or 170 over the 5 years.

iii) **Step 3 – the Capping the level of any increase**

3.12 It is agreed that there is no cap to be applied at step 3.

iv) **Step 4 - The Cities and Urban Uplift**

3.13 The NPPG now clearly and specifically adjusts the figure to be applied for the purposes of determining the 5 year requirement for this appeal. There were transitional arrangements and they have now passed.

3.14 This would result in a requirement of **2,923 dpa** (Table 1 Step 4 line I).

3.15 The transition arrangements for the introduction of Step 4 the “Urban Uplift” stated on 16 December 2020 :

*“Transitional arrangements will apply for six months from the publication date of this guidance. This means that the local housing need calculation excluding cities and urban centres uplift, can be used, for example when determining the housing requirement for the 5 year housing land supply, until this date. **After this date, the new standard method (i.e. with cities and urban centres uplift) will apply for relevant decision-making***

purposes. (emphasis added)

Source: Paragraph: 037 Reference ID: 2a-037-20201216

- 3.16 In respect of the local housing need figure to use in the calculation the NPPG states that:
“A 5 year land supply is a supply of specific deliverable sites sufficient to provide 5 years’ worth of housing (and appropriate buffer) against a housing requirement set out in adopted strategic policies, or against a local housing need figure, using the standard method, as appropriate in accordance with paragraph 73 of the National Planning Policy Framework.
Source: Paragraph: 002 Reference ID: 68-002-20190722
- 3.17 The Council seeks to argue that the uptodate housing requirement using standard method (including the urban uplift) cannot be used as it does not “align” with their supply which was based in 1st April 2020. I have highlighted a number of Secretary of State and inspectors’ decisions in Section 2 of my evidence that makes it clear, at the time of the introduction of the first standard method (which had no transition period), decision makers simply applied this new uptodate requirement straight away, regardless of the date of the supply assessment.
- 3.18 In light of the above I conclude that while the only figures apparently available from the Council for the consideration of the supply are those published in December 2020 which have a start date of 1st April 2020, this should nevertheless be assessed against the local housing need figure as required by the Framework (paragraph 70) and the PPG.
- 3.19 The only logical alternative approach, based on the Council's position that the historic supply is not aligned with the uptodate requirement, is not an argument to utilise an older calculation of the requirement, but to reach a conclusion that the Council cannot presently demonstrate a five year land supply based upon uptodate evidence.
- 3.20 The position, based upon the Framework and PPG is set out in the SPRU column of table 1 above.
- c) The Buffer**
- 3.21 It is agreed that a 5% buffer should be applied to the requirement in calculating the five year land supply.
- d) The 5 Year Requirement**
- 3.22 Taking account of the correct position on the calculation of the housing requirement over the 5 year period it is 2,923 dpa (table 1 line I). To this is added a 5 % buffer, resulting in a **5 year requirement of 15,345** (Table 1 line K).

3.23 The implications of undertaking the correct calculation on all aspects of the Housing Requirement and applying it to the Councils last published supply would result in a deficit in the 5 year requirement as demonstrated in the table below.

Table 2. SCC 5 year Land Supply taking into account the “Urban uplift”

Summary Tables	SCC supply / SPRU Requirement
SPRU Requirement	2,923
5% buffer	3,069
5 year requirement	15,346
Net supply claimed by the Council	12,131
Years Supply	3.95
Surplus/Shortfall	-3,214

Source: SCC 5 year Housing Land Supply (December 2020)

3.24 The Council do not accept the above interpretation of the Framework and Guidance and so I have also review the sources of supply and discounted those where I consider there to be clear evidence that they will not deliver in respect of category A sites and where there is not clear evidence of delivery in respect of category B sites.

4.0 THE HOUSING SUPPLY

a) Introduction

4.1 There are 2 areas of disagreement between the Council and the Appellant; the supply as a 1st April 2020 and the availability of evidence to calculate the supply as at 1st April 2021. In summary the issues are:

- a) The Supply at April 2020
 - i) Is there clear evidence that Category A sites will not deliver housing completions in the next five years?
 - ii) Is there clear evidence that Category B sites will deliver housing completions in the next five years?
 - iii) Should Student accommodation be included in the supply without further justification?
- b) The supply position at 1st April 2021 updates the 2020 supply as follows:
 - i) Add into the supply of new permissions granted between 1st April 2020 and 31st March 2021.
 - ii) Add into the supply sites that were delivering in 2024/25 in the 2020 supply and that are forecast to continuing delivering in 2025/6.
 - iii) Add into the supply another year of windfalls.
 - iv) Add into the supply any of the previously excluded (by the Council) “Stalled”

Category A sites in the 2020 supply that have evidence to suggest they are now going to deliver.

- v) Add into the supply any Sites with Outline Planning Permissions excluded from the 2020 supply that have evidence to suggest they are now going to deliver.
- vi) Delete the level of completions between April 2020 and April 2021

4.2 My evidence sets out those sites that have full permission and yet there is clear evidence that they are not available and do not have a realistic prospect of housing being delivered in the next 5 years. This is in addition to considering those sites that either do not have permission or have only an outline permission, where the Council has not in my opinion provided clear evidence that there is a realistic prospect that they will be delivered and has not done so.

b) Category A Sites - Sites with Full Permission or Reserved matters

- i) ***Sites to be removed as evidence the permission will not be implemented as alternative proposal are being pursued.***

4.3 I have removed sites where there was clear evidence as at 1st April 2020 that these permitted schemes will not be implemented. This in some cases has been reinforced by later evidence. Full details of these are provided in Appendix 1 of my Proof.

4.4 These 3 sites are set out in table 3 of the SoCG (CD6.14 page 9) and amount to some 739 dwellings.

- ii) ***Sites without extant permissions***

4.5 I have removed sites from the supply as there are no extant permissions on these sites. The permissions have expired. Full details are provided in Appendix 1 of my proof.

4.6 These 2 sites are set out in table 4 of the SoCG (CD6.14 page 9) and amount to some 23 dwellings in the supply.

- iii) ***Sites with full permission for which there is clear evidence these will not be delivered***

4.7 I have removed sites from the supply as I consider there is clear evidence that these sites will not deliver completions in the next five years. Full details are provided in Appendix 1 of my proof.

4.8 These 16 sites are set out in table 5 of the SoCG (CD6.14 page 10) and amount to some 556 dwellings in the supply

c) Category B sites - Council owned sites on the brownfield register where there is no clear evidence of delivery

4.9 The Council include a substantial number of sites within the supply that have no planning

permission whatsoever. These are Council owned sites which are included on the Council's brownfield register.

- 4.10 As category B sites it is for the Council to demonstrate that there is clear evidence that these sites will deliver completions in the next 5 years.
- 4.11 In summary the issue with these sites is whether the signed proforma is in itself clear evidence of delivery or evidence of the signatory's optimism regarding the delivery of these sites.
- 4.12 Sites have been removed as there are no pending or extant permissions on the sites, little site progress or unresolved constraints, and funding issues. Further details in appendix 2 of my Proof.
- 4.13 These 11 sites are set out in table 6 of the SoCG (CD6.14 page 11) and amount to some 809 dwellings in the supply.

5.0 THE INCLUSION OF STUDENT ACCOMMODATION IN THE FUTURE HOUSING LAND SUPPLY

- 5.1 The PPG (Paragraph: 034 Reference ID: 68-034-20190722) provides guidance on how authorities can count student housing in the housing land supply.
- 5.2 It is recognised that all student accommodation can in principle count towards contributing to an authority's housing land supply, but its inclusion is not automatic.
- 5.3 The NPPG requires the Council to demonstrate that student housing is contributing to the wider housing market in the ways described in the NPPG and that only once this has been done can the student units be included in the supply. Student units should not be automatically included.
- 5.4 The appeal for Land Off Darnhall School Lane, Winsford, Cheshire APP/A0665/W/14/2212671 (CD5.10), which was issued in November 2019 after the PPG was changed on 22nd July 2019, confirms that additional evidence is required to justify inclusion of Student accommodation (DL paragraphs 346 to 350).
- 5.5 Our analysis identifies some 2,763 units included in the 5 year supply that are Purpose built Student Accommodation including cluster flats (CD6.14 SoCG table 7) taking into account the 617 units, removed on grounds of delivery, the impact of removing student accommodation from the supply as a general category due to a lack of evidence of their contribution, as set out in the NPPG, is a further decrease of 2,156 units (2763 – 617) (CD6.14 SoCG paragraph 3.16).

5.6 This represents some 22% of the supply and if there is no evidence to justify their inclusion then these should be removed from supply.

5.7 In the absence of evidence from the Council it would appear that there has been a continued growth in the student population and as such it cannot be simply assumed that additional student accommodation should be counted towards meeting the general housing requirement.

6.0 THE SUPPLY AS AT 1ST APRIL 2021

6.1 The Council's Statement of Case (CD6.4 Paragraph 5.31) says that at the start of the Inquiry on 22 June 2021 the Council will not have published a revision to the December 2020 5 Year Housing Land Supply Monitoring Report and so that will remain their published position.

6.2 I have undertaken the following designed to give a broad assessment of the 2021 year supply position.

a) Additional units from sites already within the Councils identified land supply as at 2020.

6.3 There are a few sites that the Council forecast will be delivering completions in 2024/25 and will continue to deliver in the year 2025/26.

6.4 These are set out in table 7 of my evidence and using the Council assumptions will add a further 439 dwellings to the Council's land supply.

b) New Permissions Granted 1st April 2020 to 1st April 2021

6.5 There have been an additional 2,562 dwellings granted full or outline Planning Permission in the period between 1st April 2020 to 1st April 2021 (SoCG table 2 for details).

6.6 In terms of new outline planning permissions, I have taken a robust approach and included them all in the Council's supply, though some may not be deliverable.

c) Completions 1st April 2020 to 1st April 2021

6.7 Completions are recorded quarterly by the Government (Live table 253a) this records just 630 completions in the first three quarters of the year 2020/21.

6.8 It is noted that this data source is sometimes criticised for **under recording completions** and compare to over 3,000 completions recorded in 2019/20.

d) Windfall and demolitions

6.9 The Council use a figure of 200 a year and I have used the same.

6.10 The Calculation also has to take into account demolitions, again at the same annual rate as the Council at 50 a year.

e) Conclusion of 1st April 2021 5 Year Housing Land Supply

- 6.11 My review of the available evidence as set out below suggests that at best the Council's position would be that there is a supply of **4.78 years**. This updating is as generous as possible in the Council's favour because I have not sought to discount any of the new permissions that have been granted, I have allowed all of the supply from rolling the Council figures on a year and I have probably underestimated completions at just 630 compared to 3,083 net completions in 2019/20 (CD3.13 table 12 page 35). This therefore represents the most advantageous position for the Council in terms of the likely land supply as the final round of recoded completions is likely to be much higher and will reduce future supply as well as there being evidence that some sites I have included might not be deliverable.
- 6.12 In addition, my position is that the reductions I make to the 2020 supply are correct and would carry through to 2021. Taking into account the above additions and deductions from the supply, results in a supply of 12,390 dwellings resulting in a supply of **3.99 years**.
- 6.13 These two positions are set out in the table below.

Table 3. Summary of the position as at 1st April 2021 using the Councils and the Appellants evidence base

	Starting with SCC 2020 Supply	Starting with Appellant 2020 Supply
Summary Tables for 1st April 2021		
Requirement including Urban Uplift and other adjustments	2,923	2,923
5% buffer	3,069	3,069
5 year requirement	15,345	15,345
SCC Supply at 2020	12,131	10,004
Additional delivery from sites in SCC Supply in year 2025/26	449	171
New consents Full and OL (including RM and Full on Stalled (Appendix 4) and Outline PP (Appendix 5) of December Monitoring report.	2,562	2,562
Completions first 3 quarters as recorded by Gov	-630	-630
Windfall 2025/26	200	200
Demolitions 2025/26	-50	-50
Supply as at 1st April 2021	14,662	12,257
Years Supply	4.78	3.99
Surplus/Shortfall	-683	-3,088

7.0 CONCLUSION

7.1 It is my contention that the housing requirement as calculated by standard method (including the Urban Uplift) should be applied to the Council's most recent land supply evidence (Section 2 of my evidence). If the Council are correct that the 1st April 2020 is not aligned with the up to date housing requirement (CD6.14 paragraph 2.3), this would not be justification for reverting back to an earlier calculation of the housing requirement but would lead to the conclusion that this misalignment is a result of the Council's land supply being out of date.

7.2 **If the standard method was to be applied to the Council's published 5 year land supply (CD3.6) this would result in a 3.95 years supply.**

7.3 This however belies the fact that our review of the Council evidence of supply reveals that it includes a number of sites which do not pass the test of being deliverable as set out in the annex to the NPPF.

7.4 Notwithstanding the above the fact that the Council's approach has included a considerable number of student cluster flats without the justification required by the PPG suggest that the actual level of supply is considerably less still. Simply discounting these sites would reduce the supply further.

7.5 **If both the deductions on the basis of deliverable sites and student cluster flats are made the supply is reduced to further still to 2.56 years supply.**

Table 4. Summary of the Council's and the Appellant's 5 year land supply position at 1st April 2020

	SCC 2020 requirement	NPPG Housing Requirement and SPRU Deductions	Impact on years supply of NPPG Housing Requirement and SPRU Deductions
Housing Requirement	2,131	2,923	
5% Buffer	2,238	3,069	
5 year requirement	11,188	15,346	
Councils Supply	12,131	12,131	3.95 years
Category A site reductions – Alternative Proposals		739	3.71 years
Category A sites – expired Permissions		23	3.70 years
Category A sites – other clear evidence will not deliver		556	3.52 years
Category B sites – Brownfield Register		809	3.25 years
Student Accommodation (not included in the above discounts)		2,146	2.5 years
SPRU Supply		7,858	
Years Supply	5.42 years	2.56 years	
Surplus Shortfall	943	-7,487	

7.6 In summary it is my view that either the Council have not got a five year land supply as a result of the application of the standard method or following their own argument their supply is now out of date as it no longer relates to the up to date requirement as calculated by the standard method.



BEDFORD

Planning / SDD / SPRU

bedford@dlpconsultants.co.uk

BRISTOL

Planning / SDD / SPRU

bristol@dlpconsultants.co.uk

EAST MIDLANDS

Planning/ SDD

nottingham@dlpconsultants.co.uk

LEEDS

Planning

leeds@dlpconsultants.co.uk

LONDON

Planning

london@dlpconsultants.co.uk

MILTON KEYNES

Planning

miltonkeynes@dlpconsultants.co.uk

RUGBY

Planning

rugby.enquiries@dlpconsultants.co.uk

SHEFFIELD

Planning/ SDD / SPRU

sheffield@dlpconsultants.co.uk



RTPI

Chartered Town Planner

