



5 Year Housing Land Supply

Policy background

Paragraph 47 of the NPPF requires local authorities to identify specific deliverable sites to provide five years' worth of supply against their housing requirement, plus a margin of 5% from later in the plan period to ensure choice and competition. If there is evidence that an authority has persistently under delivered this buffer rises to 20%. A failure to meet this test means that policies on housing supply cannot be considered up-to-date. This adds weight to the tests for decision-makers in paragraph 14 of the NPPF, including its presumption in favour of sustainable development.

The situation in Herefordshire

The situation in the County is inevitably linked to progress on the LDF. At this stage the situation on the 5 year housing land supply is a source of debate between the Council and the development industry and was tested at a planning inquiry last month.

The most recent figure (as published in the Annual Monitoring Report 2012) was that there was the potential to deliver 4.6 years of the 5 year supply requirements to be met. In July 2013 the Council updated its position on housing land supply in a Position Statement. This identified a 4.17 year supply at that time.

As part of its work leading up to the appeal at Home Farm, Belmont (held between 12 and 15 November 2013) the Council engaged a Barrister to provide specialist advice on this matter. In particular the Barrister provided advice on the methodology to be used in the calculation of housing land supply taking into account recent appeal decisions. On this basis the Council submitted to the Inspector at the Home Farm Inquiry that the County's Housing Land Supply is currently between 4.6 years and 8.64 years depending on which of the various methodologies is used in the calculation. In all the circumstances it is likely that the agreed figure for both the Council and the house building industry will be influenced by the outcome of this Inquiry.

The implications of not having a 5 Year Housing Land Supply

The Planning Minister has made it very clear that the Government expects local planning authorities to have two key components in place. The first is an up-to-date local plan (in our case the LDF). The second is a 5 year housing land supply. Paragraph 14 of the NPPF sets out a presumption of favour of sustainable development and which should be seen as a golden thread running through both plan making and decision making. For decision taking this means that local authorities should approve development proposals that accord with the development

plan without delay. It also means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate that development should be restricted.

The impact of this is based around the advance stage at which we have now reached in the preparation of the LDF and the current uncertainty over the 5 year housing land supply issue. This is suggesting that sites which would otherwise meet normal environmental tests would be granted planning permission for housing development if it is concluded that the County does not have a 5 year housing land supply. There is a widespread view that not having a 5 year housing land supply leaves any Council completely exposed to speculative housing developments. This is not however the case, although Planning Inspectors will need to balance up the lack of a 5 year housing land supply with other factors in the NPPF which would otherwise prevent development coming forward. The foot note to paragraph 14 of the NPPF is helpful in identifying those areas that the NPPF has in mind where development should be restricted. By way of example it lists:

- Sites protected under the Birds Habitats Directives and or designated as Sites of Special Scientific Interest
- Land designated as Local Green Space
- Land designated as an Area of Outstanding Natural Beauty
- Land affected by designated heritage assets
- Land at risk of flooding

The situation elsewhere

The professional press is regularly occupied by articles on this issue. Given the relatively recent publication of the NPPF and the approach currently being taken by the Secretary of State and the Planning Inspectorate, Herefordshire is by no means alone in wrestling with the issue. There is no definitive information on the extent to which local planning authorities in England can demonstrate a 5 year supply of housing land. However it is clear from recent reports that many local planning authorities in England are re-assessing their housing land availability. A recent report has been published indicating that 64% of Welsh authorities fall short of the mark. This includes all our neighbouring authorities (Monmouthshire, Powys and the Brecon Beacons National Park).

Andrew Ashcroft
Assistant Director – Economic, Environment & Cultural Services
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