

APPEAL BY WADDETON PARK LTD

PINS REFERENCE:

APP/Y1138/W/22/3313401 LAND AT

HARTNOLLS BUSINESS CENTRE

DRAFT

SUPPLEMENTARY STATEMENT OF  
COMMON GROUND (HOUSING)

OUTLINE PLANNING APPEAL FOR THE  
EXTENSION TO THE EXISTING BUSINESS PARK  
FOR UP TO 3.9HA OF EMPLOYMENT LAND AND UP  
TO 150 RESIDENTIAL DWELLINGS WITH  
ASSOCIATED OPEN SPACE AND  
INFRASTRUCTURE (WITH MEANS OF ACCESS TO  
BE DETERMINED ONLY).

AUGUST 2023



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## **1. Introduction**

- 1.1 The Council provided a 5 year Housing Land Summary and associated appendices in March 2023 (CD25). That is the agreed housing supply baseline position.

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## 2. The Housing Requirement

- 2.1 The housing requirement for the DP period (2013 – 2033) is 7,860 dwellings (as set out in policy S3 of the Mid Devon Local Plan). This equates to an annualised rate of 393 dwellings per annum (dpa).
- 2.2 Thus, the total requirement for the DP period to date (2013 – 2022) is 3,537 dwellings.

### Gypsy and Traveller Pitches

- 2.3 The Council's 5YHLS data includes G&T pitches within the deliverable housing supply figure.
- 2.4 The Council recorded 42 G&T completions between 2013 and 2022. These completions are recorded within the 'completions to date' element of the Housing supply data.
- 2.5 Footnote 38 to paragraph 74 of the NPPF states:

*"<sup>38</sup>For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document."*

- 2.6 Accordingly, the parties agree that these should be netted out from the HLS calculation.

## 3. Assessment of Five Year Land Supply

### Relevant Government Policy

- 3.1 In the Glossary (Annex 2) of the Framework, 'deliverable' is defined as:

*"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."*

3.2 Specific government policy applies to making a provision for windfalls:

*"Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area." (NPPF, paragraph 71).*

3.3 The NPPG provides further guidance on the policies set out in the National Planning Policy Framework.

3.4 In relation to the consideration of what constitutes a 'deliverable' site, the NPPG states (at paragraph ID 68-007-20190722) that:

*"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”*

3.5 There are a relatively small number of sites whose deliverability status is disputed. Those sites are set out in the table below. The final column in the table records where the burden of proof in relation to evidence lies (A is the appellant, B is the Council, in accordance with the definition of deliverability set out in Annex A of the NPPF, page 66).

LPA ref:	Address	LPA 5YHLS	PCL 5YHLS	Difference	Burden of Proof A/B
<b>Unconsented allocations</b>					
CU1-CU6 [note 1]	North West Cullompton; Phase 2: Codex 315 dwellings	50	0	-50	B
TIV10	Roundhill	14	0	-14	
TIV16	Blundell's School	75	0	-75	
TIV9	Howden Court	6	0	-6	
<b>Sub-total</b>				<b>-145</b>	
<b>Consented allocations</b>					
14/00881/MOUT [note 2]	TV1-TIV5 Eastern Urban Extension, Tiverton (Area A - 'Chettiscombe Trust Land')	98	0	-98	B
17/00348/MOUT & 22/00063/MARM	CRE5 Pedlerspool, Exhibition Road, Crediton (Creedy Bridge)	180	145	-35	A
<b>Sub-total</b>				<b>-133</b>	
<b>Consented windfalls (1-4 dwellings)</b>					
	1 - 4 dwellings	393	368	-25	A
<b>Consented windfalls (4+ dwellings)</b>					
15/01822/MFUL	Alexandra Lodge, 5 Old Road, Tiverton	45	0	-45	A
20/02128/FULL [note 1]	Pleasant Streams, Uffculme, Cullompton	6	0	-6	
<b>Sub-total</b>				<b>-51</b>	
<b>Windfall allowance</b>					
Windfall	N/A	274	0	-274	B
	<b>Total</b>	<b>1171</b>	<b>513</b>	<b>-628</b>	

Note 1- The Council now accept the appellants assessment of this site

Note 2 - Outline planning permission was granted in June 2017 for up to 700 dwellings. Only one RM application has been granted pursuant to this permission (ref. 21/00454/MARM) which has been counted separately in

the 5YHLS data (and is not disputed by the Appellant). This leaves up to 536 dwellings outstanding pursuant to this outline application, with 98 dwellings counted in the 5YHLS period. The appellant disputes the deliverability of these 98 dwellings. Furthermore, in years 6 – 11 (with year 11 being 2033, the final year of the plan period), the Council's delivery schedule identifies that 300 dwellings will be delivered. The appellant disputes this. The residual 138 dwellings pursuant to this outline permission are expected, by the Council, to be delivered outside the current plan period (2033+). The appellant agrees with this element of the Council's analysis. A map showing these sites is included as appendix 1.

- 3.6 The reasons for the differences between the Council's position and the Appellant's positions will be set out in evidence.
- 3.7 With regard to the HLS calculation the parties agree that a 5% buffer should be used.



Name

Signed .....

Date ..... On behalf of Mid Devon District Council

Name David Seaton

Signed .....

Date ..... On behalf of Waddeton Park Ltd

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## **Appendix 1**



# Tiverton Eastern Urban Extension – Mid Devon Local Plan Review 2013 – 2033 Adopted Policies Map Extract

