

APPEAL BY WADDETON PARK LTD

PINS REFERENCE:

APP/Y1138/W/22/3313401 LAND AT

HARTNOLLS BUSINESS CENTRE

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).

September 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.

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.
- 2.3 Section 4 of the Appellant’s Rebuttal to Arron Beecham’s Proof of Evidence highlights a discrepancy of 40 dwellings in the completions figure for 2021/22. This relates to an error in the table following paragraph 6.22 of AB’s PoE. The parties agree that the correct completions figure for 2021/2022 is 238 dwellings.

Gypsy and Traveller Pitches

- 2.4 The Council’s 5YHLS data (CD25) identifies 3,160 completions over the plan-period to date (2013-2022). This includes G&T pitches within the deliverable housing supply figure.
- 2.5 Footnote 38 to paragraph 74 of the NPPF states:

“³⁸For 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.
- 2.7 A chronology of the information provided by the Council about the completion of pitches for Gypsy and Travellers is explained as follows:
- 2.8 CD31 includes an annualised list of Gypsy and Traveller Pitch completions for the period 2013 – 2023 (running 1st April – 31st March the following year). This list identified a total of 33 pitches completed in that period.

- 2.9 CD32 includes details of house completions in Mid Devon since 2000. Footnote 6 has drawn attention to the house completions figure in 2018/19 including 2 pitches for Gypsy and Travellers.
- 2.10 There subsequently followed a need to review the house completion figure for Mid Devon in CD32 and to confirm whether the house completions figures included any further pitches completed for Gypsies and Travellers.
- 2.11 The Council's exercise of cross-checking the data has found that there was a total of 42 pitches for Gypsies and Travellers completed in the period to 2013 – 2033, not 33 as had previously been listed in CD31. Of these, pitches, 32 have been found to have been included in the Council's 5YHLS data. The Council had in error advised the Appellant this figure was 36 pitches but has subsequently confirmed to the Appellant the correct figure is 32 pitches (which is set out in Appendix 2 to Arron Beecham's Rebuttal Proof of Evidence).
- 2.12 The Appellant has requested to see the Council's monitoring records that have been used to inform the Gypsy and Traveller pitch data provided in CD32 and Appendix 2 of Arron Beecham's Rebuttal. The Council has not accepted this request since the monitoring records, which include historic data, are not in a form that can presently be published. This is due to the volume of data held and the manner in which it has been recorded, which would require reconfiguration, data protection checks, and detailed explanation to enable its understanding.
- 2.13 Appendix 2 of Arron Beecham's rebuttal shows that there have been a total of 42 pitches for Gypsies and Travellers completed in the period to 2013 – 2023, and that 32 of these pitches have been included in the Council's 5YHLS data.
- 2.14 The Council and the Appellant agree that the completions of pitches for Gypsies and Travellers should be removed from the figure of 3160 in the Council's 5YHLS data. The Council's data in Appendix 2 of Arron Beecham's Rebuttal shows 32 pitches. Should this figure not be accepted the alternative figure that is before the planning inquiry is the total of 42

pitches for Gypsies and Travellers completed in the period 2013 -2023 (i.e. a difference of 10 pitches).

- 2.15 Whilst the appellant cannot verify, nor therefore agree, the Council's latest position (32 G&T pitches), in the interest of expediency the appellant agrees that for the purposes of this inquiry 32 units should be deleted from the completions to date figure. The housing requirement figure used for the purposes of the 5YHLS calculation should therefore be 3,128 units.

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 overleaf (Table 1). 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).

Site delivery Corrections:

3.6 For the site at Pedlerspool (CRE5) the appellant had reduced the yield by 5 units to account for 5 permitted G&T sites. However, the Council had already reduced the number of dwellings included in the housing trajectory to account for the G&T pitches. Therefore, the appellant accepts a 5 unit reduction from this site.

3.7 At Blundells School (TIV16), contrary to paragraph 5.8 of AB’s Rebuttal, (outline) planning permission has not been granted. The correct position is that there is a resolution to grant subject to the completion of a S106 agreement which has not yet been completed. Therefore, no permission yet

exists and the appellant's position (as recorded at paragraph 7.18 – 7.22 of DS' Housing Supply PoE) remains correct.

3.8 At paragraph 2.5 of AB'S rebuttal, he is correct in his assumption. For clarity, these sites are not included in the appellants' 5YHLS calculation.

Table 1 - Disputed Sites

LPA ref:	Address	LPA 5YHLS	PCL 5YHLS	Difference	Burden of Proof A/B
Unconsented allocations					
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	
Sub-total				-145	
Consented allocations					
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	-30	A
Sub-total				-128	
Consented windfalls (1-4 dwellings)					
	1 – 4 dwellings	393	368	-25	A
Consented windfalls (4+ dwellings)					
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	
Sub-total				-51	
Windfall allowance					
Windfall	N/A	274	0	-274	B
	Total	1171	513	-623	

Note 1- The Council now accepts the appellants assessment of these sites.

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.

- 3.9 The reasons for the differences between the Council's position and the Appellant's positions will be set out in evidence.
- 3.10 Section 3 (paragraphs 3.14 – 3.16) of the Appellant's Rebuttal to Arron Beecham's Proof of Evidence notes a difference of 41 dwellings in the windfall data between CD25 and AB's PoE. Following discussion between the parties, it is agreed that no change has been made to the windfall 1-4 data. There was however an error in the totaling formula in CD25 which unfortunately failed to count the development 'South of Lea Road, Tiverton' (Windfall 5+) within the totals (41 dwellings). This was corrected in the version published as part of Arron Beecham's proof of evidence.
- 3.11 With regard to the HLS calculation the parties agree that a 5% buffer should be used. Accordingly, the parties agree that the following table (Table 2) forms the baseline requirement.

Table 2 – 5YHLS Requirement

A	Local Plan Review annual housing requirement	393
B	Total requirement over plan period to date 2013-2022 (A x 9)	3537
C	Completions over plan period to date 2013-2022	3128
D	Shortfall over plan period to date 2013-2022 (B - C)	409
E	Basic 5 year requirement 2022-2027 (A x 5)	1965
F	5 year requirement with shortfall 2022-2027 (E + D)	2374
G	5 year requirement with shortfall applying 5% buffer (F x 1.05)	2493

3.12 The respective 5YHLS calculations are:

Table 3 – 5YHLS Calculation

5YHLS Requirement	2,493	2,493
Components of Supply	PCL Assessment*	MDDC Assessment**
Unconsented Allocations	21	140
Consented Allocations	1,477	1,605
Consented Windfalls (1-4 dwellings)	368	393
Consented Windfalls (5+ dwellings)	232	277
Communal accommodation	9	9
Windfall Allowance	0	274
Total	2,107	2,698
Supply Duration	4.23 Years	5.41 Years

*This has been based off of the breakdown of supply contained in DS' Rebuttal to AB's PoE, with the only changes being:

- Consented Allocations – The 1,472 figure was based off of the sites considered deliverable in DS Housing Supply PoE (1,605 – 133=1,472). Since setting out this position, the appellant has accepted that 5 of the dwellings previously subtracted from "CRE5 Pedlerspool" should remain in the calculation (see paragraph 3.6 of this statement). Therefore, this figure has increased by 5 units to

1,477.

- Consented Windfalls (5+ dwellings) – This figure has been increased by 41 from that in DS' Rebuttal to AB's PoE (191 units) due to the "South of Lea Road, Tiverton" site having not previously been counted in CD25 (which was the basis of the appellant's calculation).

** This has been taken from Table 2 of AB's PoE.

Name Arron Beecham

Signed 

Date 11/09/2023..... On behalf of Mid Devon District Council

Name David Seaton

Signed 

Date 11/09/2023... On behalf of Waddeton Park Ltd

Appendix 1

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

