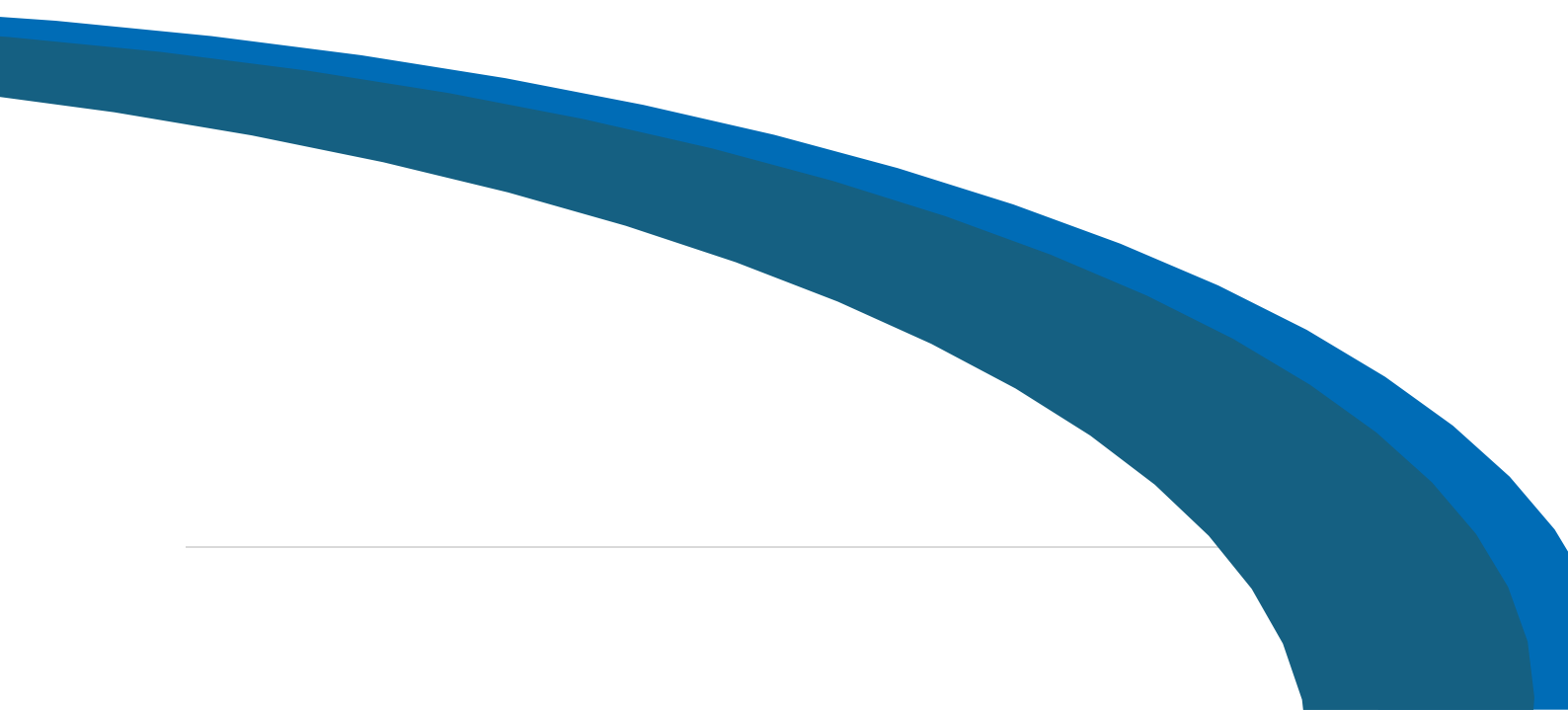


Appendices for Affordable Housing Proof of Evidence of Annie Gingell BSc (Hons) MSc MRTPI

2-4 Ringers Road and 5 Ethelbert Road, Bromley, BR1
1HT



Appendices for Affordable Housing Proof of Evidence of Annie Gingell BSc (Hons) MSc MRTPI

Demolition of existing buildings and construction of a mixed use development comprising residential units, ancillary residents' facilities (including co-working space) and commercial floor space (Use Class E) across two blocks, along with associated hard and soft landscaping, amenity spaces, cycle and refuse storage (Revised scheme incorporating a second stair into Block A and Block B, internal layout and elevational changes, and changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road).

2 - 4 Ringers Road, Bromley, BR1 1HT

Ringers Road Properties Ltd

June 2024

PINS REF: APP/G5180/W/24/3340223

LPA REF: 21/05585/FULL1

OUR REF: M24/0305-02.RPT

TETLOW KING PLANNING
UNIT 2, ECLIPSE OFFICE PARK, HIGH STREET, STAPLE HILL, BRISTOL, BS16 5EL
Tel: 0117 9561916 Email: all@tetlow-king.co.uk

www.tetlow-king.co.uk

Appendices

- Appendix AG1 Freedom of Information Correspondence (19 March 2024 to 5 June 2024)
 - Appendix AG2 Extracts from Planning Practice Guidance (March 2014, Ongoing Updates)
 - Appendix AG3 Summary of Corporate Documents
 - Appendix AG4 Affordable Housing as a Separate Material Consideration
 - Appendix AG5 Darlington Strategic Housing Market Assessment 2020 Section 3
 - Appendix AG6 Consequences of Failing to Meet Affordable Housing Needs
 - Appendix AG7 Relevant Secretary of State and Appeal Decisions
 - Appendix AG8 Appeal Decision: Land at Witney Road, Ducklington, Oxfordshire (January 2023)
-

Appendix AG1

Freedom of Information Request (19 March 2024 to
5 June 2024)



Lisa Luong

From: Lisa Luong
Sent: 19 March 2024 17:25
To: data.protection@bromley.gov.uk
Cc: Annie Gingell
Subject: Freedom of Information Request - Housing Data

Dear Sir/Madam,

Can you please provide the following data in line with the provisions of the Freedom of Information Act.

Questions 1 to 11 of this request relate to data held by the Housing Department.
Questions 12 to 15 of this request relate to data held by the Planning Department.

Housing Register

1. The total number of households on the Council's Housing Register at 31 March 2023.
2. The average waiting times at 31 March 2023 for the following types of affordable property across the Authority:
 - a. 1-bed affordable dwelling;
 - b. 2-bed affordable dwelling;
 - c. 3-bed affordable dwelling; and
 - d. A 4+ bed affordable dwelling.
3. The average waiting times at 31 March 2022 for the following types of affordable property across the Authority:
 - a. 1-bed affordable dwelling;
 - b. 2-bed affordable dwelling;
 - c. 3-bed affordable dwelling; and
 - d. A 4+ bed affordable dwelling.
4. The total number of households on the Council's Housing Register at 31 March 2023 specifying the following locations as their preferred choice of location:

| Location | Household Preferences (31 March 2023) |
|-------------------|--|
| Bromley Town Ward | |

5. The number of properties advertised, and the average number of bids per property over the 2022/23 monitoring period for the following types of affordable property in the locations listed below:

| Type of affordable property | Bromley Town Ward | |
|-----------------------------|---------------------------------|---------------------------|
| | Number of properties advertised | Average Bids per Property |
| 1-bed affordable dwelling | | |

| | | |
|----------------------------|--|--|
| 2-bed affordable dwelling | | |
| 3-bed affordable dwelling | | |
| 4+ bed affordable dwelling | | |

6. Any changes the Council has made to its Housing Register Allocations Policy since 2011 including:

- The date they occurred;
- What they entailed; and
- Copies of the respective documents

Social Housing Stock

7. The total number of social housing dwelling stock at 31 March 2023 in the following locations:

| Location | Total Social Housing Stock (31 March 2023) |
|-------------------|---|
| Bromley Town Ward | |

Social Housing Lettings

8. The number of social housing lettings in the period between 1 April 2021 and 31 March 2022; and between 1 April 2022 and 31 March 2023 in the following locations:

| Location | Social Housing Lettings | |
|-------------------|----------------------------------|----------------------------------|
| | 1 April 2021 to 31 March 2022 | 1 April 2022 to 31 March 2023 |
| Bromley Town Ward | | |

Temporary Accommodation

9. The number of households on the Housing Register housed in temporary accommodation within and outside the London Borough of Bromley on the following dates:

| Households in Temporary Accommodation | 31 March 2022 | 31 March 2023 |
|---|---------------|---------------|
| Households Housed within London Borough of Bromley | | |
| Households Housed outside London Borough of Bromley | | |
| Total Households | | |

10. The amount of money spent on temporary accommodation per household within the London Borough of Bromley over the following periods:

- 1 April 2022 to 31 March 2023.

11. The amount of money spent on temporary accommodation per household outside the London Borough of Bromley over the following periods:

- 1 April 2022 to 31 March 2023.

Housing Completions

12. The number of **NET** housing completions in the London Borough of Bromley broken down on a per annum basis for the period between 2000/01 and 2022/23.
13. The number of **NET** affordable housing completions in the London Borough of Bromley broken down on a per annum basis for the period between 2000/01 and 2022/23.
14. The number of **NET** housing completions in Bromley Town Ward broken down on a per annum basis for the period between 2000/01 and 2022/23.
15. The number of **NET** affordable housing completions in Bromley Town Ward broken down on a per annum basis for the period between 2000/01 and 2022/23.

Glossary of Terms

| | |
|----------------------------|---|
| Housing Register | The housing register is a waiting list of households in a given authority area who are eligible and in need of an affordable home. |
| Affordable Property | Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions: <ul style="list-style-type: none"> a) Affordable housing for rent b) Starter Homes c) Discounted market sales housing; and d) Other affordable routes to home ownership.^[1] |
| Housing Completion | A dwelling is counted as completed when construction has ceased, and it becomes ready for occupation. This includes new build dwellings, conversions, changes of use and redevelopments. Housing completions should be provided as net figures. |
| Net | Net refers to total (gross) figures minus any deductions (for example, through demolitions). |
| Monitoring Period | From 1 April in any given calendar year through until 31 March in the following calendar year. |
| Prevention Duty | The prevention duty applies when a local authority is satisfied that an applicant is threatened with homelessness and eligible for assistance. |
| Relief Duty | The relief duty applies when a local authority is satisfied that an applicant is homeless and eligible for assistance. |
| Parish | The smallest unit of local government. |
| Ward | A division of a city or town, for representative, electoral, or administrative purposes. |

I look forward to hearing from you. If there are any issues with providing any of the data then please get in touch.

Kind regards,

E: lisa.luong@tetlow-king.com **T:** 0117 9561916 **M:** 07933 821572 **W:** tetlow-king.co.uk

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[¹] As defined by Annex 2 of the National Planning Policy Framework (2023) which can be viewed [here](#).

Lisa Luong

From: Lisa Luong
Sent: 04 April 2024 16:10
To: data.protection@bromley.gov.uk
Cc: Annie Gingell
Subject: RE: Freedom of Information Request - Housing Data

Dear Sir/Madam,

Further to my previous email and as it is now the 4th April 2024, I understand that data for the latest monitoring year of 2023/24 should now be available (released 31 March 2024), please can this be provided alongside the already requested FOI data.

Kind regards,

**Lisa Luong BSc (Hons) MSc
Planner
TETLOW KING PLANNING**



E: lisa.luong@tetlow-king.com **T:** 0117 9561916 **M:** 07933 821572 **W:** tetlow-king.co.uk

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From: Lisa Luong
Sent: Tuesday, March 19, 2024 5:25 PM
To: data.protection@bromley.gov.uk
Cc: Annie Gingell <Annie.Gingell@tetlow-king.co.uk>
Subject: Freedom of Information Request - Housing Data

Dear Sir/Madam,

Can you please provide the following data in line with the provisions of the Freedom of Information Act.

Questions 1 to 11 of this request relate to data held by the Housing Department.
Questions 12 to 15 of this request relate to data held by the Planning Department.

Housing Register

1. The total number of households on the Council's Housing Register at 31 March 2023.
2. The average waiting times at 31 March 2023 for the following types of affordable property across the Authority:
 - a. 1-bed affordable dwelling;
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 - d. A 4+ bed affordable dwelling.
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- b. 2-bed affordable dwelling;
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| Type of affordable property | Bromley Town Ward | |
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| | Number of properties advertised | Average Bids per Property |
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| 2-bed affordable dwelling | | |
| 3-bed affordable dwelling | | |
| 4+ bed affordable dwelling | | |

6. Any changes the Council has made to its Housing Register Allocations Policy since 2011 including:

- The date they occurred;
- What they entailed; and
- Copies of the respective documents

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7. The total number of social housing dwelling stock at 31 March 2023 in the following locations:

| Location | Total Social Housing Stock (31 March 2023) |
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| | 1 April 2021 to 31 March 2022 | 1 April 2022 to 31 March 2023 |
| | | |

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9. The number of households on the Housing Register housed in temporary accommodation within and outside the London Borough of Bromley on the following dates:

| Households in Temporary Accommodation | 31 March 2022 | 31 March 2023 |
|---|---------------|---------------|
| Households Housed within London Borough of Bromley | | |
| Households Housed outside London Borough of Bromley | | |
| Total Households | | |

10. The amount of money spent on temporary accommodation per household within the London Borough of Bromley over the following periods:

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12. The number of NET housing completions in the London Borough of Bromley broken down on a per annum basis for the period between 2000/01 and 2022/23.

13. The number of NET affordable housing completions in the London Borough of Bromley broken down on a per annum basis for the period between 2000/01 and 2022/23.

14. The number of NET housing completions in Bromley Town Ward broken down on a per annum basis for the period between 2000/01 and 2022/23.

15. The number of NET affordable housing completions in Bromley Town Ward broken down on a per annum basis for the period between 2000/01 and 2022/23.

Glossary of Terms

| | |
|----------------------------|--|
| Housing Register | The housing register is a waiting list of households in a given authority area who are eligible and in need of an affordable home. |
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| | |
|--------------------------|--|
| Net | Net refers to total (gross) figures minus any deductions (for example, through demolitions). |
| Monitoring Period | From 1 April in any given calendar year through until 31 March in the following calendar year. |
| Prevention Duty | The prevention duty applies when a local authority is satisfied that an applicant is threatened with homelessness and eligible for assistance. |
| Relief Duty | The relief duty applies when a local authority is satisfied that an applicant is homeless and eligible for assistance. |
| Parish | The smallest unit of local government. |
| Ward | A division of a city or town, for representative, electoral, or administrative purposes. |

I look forward to hearing from you. If there are any issues with providing any of the data then please get in touch.

Kind regards,

**Lisa Luong BSc (Hons) MSc
Planner**
TETLOW KING PLANNING



E: lisa.luong@tetlow-king.com **T:** 0117 9561916 **M:** 07933 821572 **W:** tetlow-king.co.uk

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[1] As defined by Annex 2 of the National Planning Policy Framework (2023) which can be viewed [here](#).

 From Bromley FOI Team

03/20/2024, 04:01 PM GMT 
MM/DD/YYYY

Dear Lisa Luong,

FOI 9CKJ93VANJ - Luong

Thank you for your request for information which I received on **20/03/2024**. Your request is now receiving attention and depending on any necessary clarifications you should hear from the Council within 20 working days.


Kind Regards

**Information Coordinator
Information Management Team**

**Bromley Council now has new webforms for submitting requests for information
To make the following requests for information please use the links below:**

[Subject Access Request](#)
[Freedom of Information Request](#)
[Environmental Information Regulations Requests](#)

 From Bromley FOI Team

04/17/2024, 09:07 AM BST 
MM/DD/YYYY

Dear Lisa Luong,

FOI EAYXQGKJ9N - Luong

Thank you for your request for information which I received on **05/04/2024**. Your request is now receiving attention and depending on any necessary clarifications you should hear from the Council within 20 working days.

Please note that this refers to your follow up request for 2023/2024 data. This is being treated as a separate request, and we will get the response to you as soon as possible.

Kind Regards

Information Coordinator
Information management Team

Bromley Council now has new webforms for submitting requests for information


To make the following requests for information please use the links below:


[Subject Access Request](#)

[Freedom of Information Request](#)

[Environmental Information Regulations Requests](#)

Reply

 From Bromley FOI Team

05/02/2024, 02:24 PM BST 
MM/DD/YYYY

Dear Lisa Luong,

FOI 9CKJ93VANJ - Luong

Please accept my sincere apologies that there has been a delay in providing a response to your request, this is being actively worked on and we aim to get back to you as soon as possible.

Kind Regards

**Information Coordinator
Information Management Team**

Bromley Council now has new webforms for submitting requests for information

To make the following requests for information please use the links below:

[Subject Access Request](#)

[Freedom of Information Request](#)

[Environmental Information Regulations Requests](#)

Lisa Luong

From: Annie Gingell
Sent: 05 June 2024 10:47
To: Lisa Luong; FOI.Requests@bromley.gov.uk
Subject: RE: FOI request ID: EAYXQGKJ9N and 9CKJ93VANJ

Importance: High

Good morning,

Following up on my colleague's email below, I would like to remind the Council that the statutory response time for a freedom of information request is 20 working days, equivalent to four working weeks, as set out in Freedom of Information Act (2000).

It has now been 11 weeks since the request was submitted, meaning the response is now 7 weeks overdue.

Additionally, as you are no doubt aware, the data requested pertains to an ongoing planning appeal. To maintain transparency and fairness in the appeals process, it is crucial that this data is provided prior to the exchange of evidence to allow all parties equal opportunity to review and comment, as necessary.

If we do not receive a response by the end of this week, we will have to notify the Planning Inspectorate.

Thank you for your prompt attention to this matter.

Best regards,

Annie Gingell BSc (Hons) MSc MRTPI
Associate Director
TETLOW KING PLANNING



E: annie.gingell@tetlow-king.co.uk **T:** 0117 956 1916 **M:** 0751 710 6114 **W:** tetlow-king.co.uk

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From: Lisa Luong <lisa.luong@tetlow-king.co.uk>
Sent: Wednesday, June 5, 2024 10:19 AM
To: FOI.Requests@bromley.gov.uk
Cc: Annie Gingell <Annie.Gingell@tetlow-king.co.uk>
Subject: RE: FOI request ID: EAYXQGKJ9N and 9CKJ93VANJ

Good morning,

Please can you advise if you have heard back regarding the outstanding information?

Please can we receive a full response to the FOI requests dated 20th March and 5th April by the end of this week?

Kind regards,

Lisa Luong BSc (Hons) MSc
Planner
TETLOW KING PLANNING



E: lisa.luong@tetlow-king.co.uk **T:** 0117 9561916 **M:** 07933 821572 **W:** tetlow-king.co.uk

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From: Lisa Luong
Sent: Wednesday, May 29, 2024 11:47 AM
To: FOI.Requests@bromley.gov.uk
Cc: Annie Gingell <Annie.Gingell@tetlow-king.co.uk>
Subject: RE: FOI request ID: EAYXQGKJ9N and 9CKJ93VANJ

Dear Sir or Madam,

Thank you for looking into this.

As you are aware, both requests are long overdue in our first request dating 20th March 2024 and updated request of the 5th April 2024 asking for data for the new monitoring year of the 2023/24.

It is imperative that we receive this information as soon as possible or else I will be given no choice but lodge a formal complaint to the ICO.

Has there been any updates since you last chased your internal team for the requested information? Can you please advise as to when we can expect a full response?

Once you are in receipt, please can I receive the information via email instead of the your onetrust portal.

Kind regards,

Lisa Luong BSc (Hons) MSc
Planner
TETLOW KING PLANNING



E: lisa.luong@tetlow-king.co.uk **T:** 0117 9561916 **M:** 07933 821572 **W:** tetlow-king.co.uk

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From: FOI.Requests@bromley.gov.uk <FOI.Requests@bromley.gov.uk>
Sent: Friday, May 24, 2024 2:01 PM
To: Lisa Luong <lisa.luong@tetlow-king.co.uk>
Subject: RE: FOI request ID: EAYXQGKJ9N and 9CKJ93VANJ

Dear Lisa Luong

EAYXQGKJ9N and 9CKJ93VANJ - Luong

Thank you for your patience with this request, we are currently awaiting the final parts of the response to come back from the service. We had been expecting to receive them this week, but at the time of this email we are yet to receive them.

Please accept my sincere apologies for the delay, we are actively chasing and will get the responses to both requests out to you as soon as possible.

Kind regards

Information Coordinator
Information Management Team

From: Lisa Luong <lisa.luong@tetlow-king.co.uk>
Sent: Wednesday, May 22, 2024 1:05 PM
To: Data Protection (Group Mailbox) <DataProtection.Mailbox@bromley.gov.uk>
Subject: FOI request ID: EAYXQGKJ9N and 9CKJ93VANJ

You don't often get email from lisa.luong@tetlow-king.co.uk. [Learn why this is important](#)

Dear Sir or Madam,

Please can I get a response to the data requested as per my FOI request regarding FOI request ID: EAYXQGKJ9N and 9CKJ93VANJ.

Kind regards,

Lisa Luong BSc (Hons) MSc
Planner
TETLOW KING PLANNING



E: lisa.luong@tetlow-king.co.uk **T:** 0117 9561916 **M:** 07933 821572 **W:** tetlow-king.co.uk

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Appendix AG2

Extracts from Planning Practice Guidance (March 2014,
Ongoing Updates)



Extracts from Planning Practice Guidance

Appendix AG1

*as of 04/01/2024

| Section | Paragraph | Commentary |
|---------------------------------------|--------------------------------------|---|
| Housing and Economic Needs Assessment | 006 Reference ID: 2a-006-20190220 | <p>This section sets out that assessments of housing need should include considerations of and be adjusted to address affordability.</p> <p>This paragraph sets out that <i>“an affordability adjustment is applied as household growth on its own is insufficient as an indicators or future housing need.”</i></p> <p>This is because:</p> <ul style="list-style-type: none"> • <i>“Household formation is constrained to the supply of available properties – new households cannot form if there is nowhere for them to live; and</i> • <i>people may want to live in an area in which they do not reside currently, for example to be near to work, but be unable to find appropriate accommodation that they can afford.”</i> <p><i>“The affordability adjustment is applied in order to ensure that the standard method for assessing local housing need responds to price signals and is consistent with the policy objective of significantly boosting the supply of homes. The specific adjustment in this guidance is set at a level to ensure that minimum annual housing need starts to address the affordability of homes.”</i></p> |
| Housing and Economic Needs Assessment | 018 Reference ID 2a-01820190220 | <p>Sets out that <i>“all households whose needs are not met by the market can be considered in affordable housing need. The definition of affordable housing is set out in Annex 2 of the National Planning Policy Framework”</i>.</p> |
| Housing and Economic Needs Assessment | 019 Reference ID 2a-01920190220 | <p>States that <i>“strategic policy making authorities will need to estimate the current number of households and projected number of households who lack their own housing or who cannot afford to meet their housing needs in the market. This should involve working with colleagues in their relevant authority (e.g. housing, health and social care departments).</i></p> |
| Housing and Economic Needs Assessment | 020 Reference ID 2a-02020190220 | <p>The paragraph sets out that in order to calculate gross need for affordable housing, <i>“strategic policy-making authorities can establish the unmet (gross) need for affordable housing by assessing past trends and current estimates of:</i></p> <ul style="list-style-type: none"> • <i>the number of homeless households;</i> |

| | | |
|--|--|--|
| | | <ul style="list-style-type: none"> • <i>the number of those in priority need who are currently housed in temporary accommodation;</i> • <i>the number of households in over-crowded housing;</i> • <i>the number of concealed households;</i> • <i>the number of existing affordable housing tenants in need (i.e. householders currently housed in unsuitable dwellings); and</i> • <i>the number of households from other tenures in need and those that cannot afford their own homes, either to rent, or to own, where that is their aspiration.”</i> |
| <p>Housing and Economic Needs Assessment</p> | <p>024 Reference ID 2a-02420190220</p> | <p>The paragraph states that <i>“the total need for affordable housing will need to be converted into annual flows by calculating the total net need (subtract total available stock from total gross need) and converting total net need into an annual flow based on the plan period”</i>.</p> <p>It also details that:</p> <p><i>“An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.”</i></p> |
| <p>Housing Supply and Delivery</p> | <p>031 Reference ID: 68-031-20190722</p> | <p>With regard to how past shortfalls in housing completions against planned requirements should be addressed, the paragraph states:</p> <p><i>“The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach)...”</i></p> |

Appendix AG3

Summary of Corporate Documents



Summary of Corporate Documents

Appendix AG3

- 3.1 Brief summaries of the Corporate Documents published by LBB which are relevant to the appeal, are summarised below. The full documents are included as Core Documents.

Making Bromley Even Better (Corporate Strategy) 2021 to 2031 – CD6.6

- 3.2 The Bromley Corporate Strategy covers the 10-year period from 2021 to 2031 and sets out several values and ambitions which the Strategy works towards.
- 3.3 Ambition three of the Strategy on page 21 is *“For people to make their homes in Bromley, and for business, enterprise and the third sector to prosper”*. Page 21 goes on to explain Bromley Council’s ambition to provide high quality affordable housing:

“We want to enable Bromley residents to thrive in the borough by having access to high quality and affordable homes in supportive communities as described in our Housing Strategy” (my emphasis).

- 3.4 Page 22 acknowledges that whilst levels of home ownership are higher in the London Borough of Bromley (“LBB”) than in other London Boroughs there are relatively low levels of social housing compared to other boroughs. Page 22 goes on to explain that:

“The borough has relatively low levels of social housing compared to other London boroughs, nearly 14% of all available housing against a London average of 23%. Numbers of homeless households have increased, with over 1,500 households living in temporary accommodation.”

- 3.5 Page 23 of the Strategy considers “what we will do” in order to achieve ambition three. Relevant actions include:

*“Implement our Housing strategy to meet the needs of our growing population including delivering **1,000 new affordable quality homes**¹. Maximise opportunities on Council-owned land and in our renewal areas, ensuring that residential development is supported by appropriate infrastructure.”*

¹ 1,000 new affordable homes between 2021 to 2031 equates to an average of just 100 new affordable homes per annum over the 10 year period.

*“Work closely with the local Federation of Housing Associations, as well as private developers, to **ensure the housing targets we have set in the Local Plan are met.**”*

*“Seek to **reduce use of temporary accommodation** and improve the temporary housing options available to people in Bromley who have been accepted as statutorily homeless, reducing reliance on nightly paid accommodation where possible, increasing the supply of self-contained accommodation and improving the quality of temporary housing options provided to homeless people.”*

Bromley Housing Strategy 2019-2029 – CD6.7

3.6 Bromley Housing Strategy sets out how the Council plan to address housing pressures in the Borough over the 10-year period from 2019 to 2029.

3.7 Chapter 01 on page 3 outlines the context of the Strategy stating that:

“Bromley, like many parts of the country and London in particular, is experiencing severe affordable housing pressures. Although the borough has managed to deliver slightly above its current target for new homes in recent years, high house prices and increasing rents have meant that the demand for affordable housing dramatically outstrips supply. Homelessness applications are increasing, and the need for homes, particularly those at a social rent, is growing all the time.” (my emphasis).

3.8 Page 5 of the Strategy discusses ‘Housing in Bromley’ and sets out the current makeup of the housing market within the Borough:

“Bromley has a lower proportion of socially rented housing than anywhere else in London – 14%, compared to an average of 23%. Home ownership is high in the borough – 73% of housing is privately owned, compared to an average of 50% across London. Whilst the private rented sector has grown steadily in recent years, it remains relatively small – 14% of all housing, compared to an average of 27% across London.”

3.9 The page goes on to provide details of the Council’s housing register:

“In December 2019 there were 3,253 households on the Council’s Housing Register. In 2019/2020, 2,081 applicants approached the Council as homeless. 781 were owed a Prevention Duty and 583 were owed a Relief Duty under the

Homeless Reduction Act. Of these, 446 progressed to a homeless application, of which 407 were deemed homeless and accepted on to the Housing Register.”

3.10 Page 6 discusses the Council’s past affordable housing delivery rates:

“The targets set by the current London Plan and the Local Plan are for all new homes, taking no account of housing tenure or purchase/rental value. The picture for affordable housing is very different. In 2017/2018, 574 new homes were built. 88 of these homes were made available as affordable housing. This includes affordable housing which was available on the Council’s Housing Register, as well as properties which may have been made available through other providers, including shared ownership.”

3.11 Page 9 highlights the positive long-term impacts on the economy of addressing housing pressures. On page 9, LBB states that: *“Investing in housing will, in the longer term, reduce the financial demands on the public purse.”*

3.12 Page 11 of the Strategy outlines the following four key priorities to address housing need across the borough:

- *More homes – increasing the number of homes in Bromley*
- *Better quality, more affordable homes*
- *Preventing and tackling homelessness*
- *Supporting vulnerable people”*

3.13 Page 14 of the Strategy seeks to explain the issues and opportunities for housing in LBB and acknowledges that:

“Whilst the previous target for additional new homes has been met, the majority of these have been for the private market, which is unaffordable for those on low incomes or seeking to buy a home for the first time.”

3.14 In order to address the housing challenges within the Borough, pages 16 sets out several goals, including to:

- *“Ensure the affordable housing targets set out in the Local Plan are achieved”;*
and
- *“Ensure that s106 housing contributions are effectively used to maximise the delivery of affordable housing”.*

3.15 Chapter 04 of the Strategy which begins on page 18 addresses the priority of providing “Better quality, more affordable homes”. Pages 20 and 21 set out a series of issues and opportunities in relation to affordable housing.

3.16 Page 20 discusses the correlation between private rents and Local Housing Allowance stating that:

“Private rents have increased, well above the level of Local Housing Allowance (LHA), which is the upper limit of benefits that can be received towards housing costs. The average rent of a two bedroomed home is £1,411 per month (www.home.co.uk). The total benefit that can be claimed for a dwelling of this size is £1,097 per month – a significant gap. This means that private rents are unaffordable to many households on a low income, even if they receive the maximum possible welfare benefits.”

3.17 Page 21 goes on to consider the implications of low incomes vs high rents within the Borough, stating that:

“Because of higher rents, low income and changes to benefits, more households are falling into rent arrears. It is estimated that around 6,000 households in the borough are in rent arrears. A financial problem, and fear of eviction due to rent arrears, causes enormous stress for both individuals and families. This can lead to mental health issues, relationship breakdown and a number of related problems.”

“Lower paid workers, including those in key roles, are finding it very difficult to get accommodation they can afford within a reasonable travelling distance of the borough. As a result of this, the health and social care sectors, in particular, report difficulty recruiting and retaining staff.”

3.18 Page 23 of the Strategy outlines the Council’s goals to deliver the objective of providing “Better quality, more affordable homes”. Relevant goals include:

- *“Continue to keep under review the Affordable Housing Supplementary Planning Document to ensure it reflects current demand and pressures and ensure this remains reflective of changes in the housing market and housing need”*
- *“In addition to the immediate target of 1,000 new affordable homes, agree a target for the number of additional affordable homes we intend to build on Council-owned land, acquired sites and in partnership with private developers and housing*

association partners in the borough by 2030 to address the housing needs of local residents and sustain reductions in the use of temporary accommodation.”

- *“Review our approach to affordable housing targets in the Local Plan and the exceptional circumstances that will allow these to be waived.”*

3.19 Page 26 provides information on ‘The issues and opportunities for LBB in respect of homelessness. The page notes that the loss of private rented accommodation is one of the main causes of homelessness in LBB, and that the number of households in temporary accommodation the Borough have more than doubled in five years, from 764 households in April 2013 to 1,556 households in April 2019.

3.20 The page goes on to highlight that:

“Because there is so little affordable housing in Bromley, most temporary accommodation placements are outside the borough – 73% as at March 2020. Most of these out of borough placements are a significant distance away. Pressure on accommodation in the borough means that current policy is to place people (where possible) within 75 minutes travelling time from schools and up to 90 minutes from their place of work.”

3.21 Page 27 discusses the impact of the lack of affordable housing provision on households in temporary accommodation:

“Once people are in temporary accommodation, there is so little affordable housing available in Bromley that they often have to stay there for some time. As an example, waiting times are in excess of 4 years for accepted homeless households requiring 2 bedroom accommodation.”

3.22 Appendix 01 of the Strategy on pages 44 to 46 outlines some key points from the Housing Strategy public consultation. The Appendix concludes on page 46, among other things, that:

- *“Many young people who aspire to live independently and work in Bromley are unable to do so because of the high cost of renting and buying”;*
- *“Investing in housing will, in the longer term, reduce the financial demands on the public purse. Good quality, affordable housing is required and for specific supported housing, it must be well designed, accessible and safe taking into account the needs of the people that may live there”;* and

- *“More social housing that is affordable is required and consultees felt that Bromley Council should own and manage any properties that are developed”.*

The Bromley Homelessness Strategy 2018-2023 – CD6.8

3.23 The Bromley Homelessness Strategy 2018-2023 provides an overview of existing services and initiatives in place to prevent homelessness in LBB and outlines the priorities and objectives that will inform the development of the Council's homelessness services from 2018 to 2023.

3.24 Page 11 of the document outlines four key priorities *“to ensure everyone has access to a home”*, including to:

- *“Increase the Supply of Accommodation”*
- *“Explore all available housing options to prevent homelessness and identify more affordable and sustainable long-term accommodation to reduce stays in temporary accommodation”.*

3.25 Part 1 of the Strategy sets out ‘The Homelessness Review’, with pages 21 to 23 outlining the national context. Page 21 explains that:

“Assisting people to access private tenancies used to be the most common homelessness prevention activity but since 2009/10 the annual volume of these cases has almost halved.

This decrease may be a result of the increasing detachment of Local Housing Allowance (LHA) rates from market rents and the diminishing proportion of local lettings remaining affordable for benefit dependent households.”

3.26 Page 21 continues, explaining that *“LHA rates are based on private market rents being paid in the area and set at the 30th percentile of rents meaning claimants are only able to afford the cheapest 30% of properties.”*

3.27 In respect of the wider ‘Regional strategic context’, page 23 adds that:

“The London strategy includes a set of commitments boroughs should consider when addressing homelessness and rough sleeping. The strategy focuses on helping rough sleepers, increasing the number of affordable homes and improving the private rented sector.”

3.28 Page 23 also identifies *“Increasing the supply of affordable housing”* as a key commitment of the London Housing Strategy.

3.29 Page 25 discusses home ownership and house prices in the Borough setting out that:

“Buying a home in Bromley is becoming increasingly expensive. House prices rose by 45 % between 2012 and 2016 and continue to rise.

The majority of sales in Bromley during the 2017 were terraced properties, selling for an average price of £428,069. Flats sold for an average of £321,314, with semi-detached properties averaging £572,482.

Overall sold prices in Bromley over the last year were 5% up on the previous year and 20% up on the 2015 level of £415,739 (www.rightmove.co.uk/house-prices/Bromley.html).

Private rent levels have also risen sharply and this has subsequently reduced access and security for low income households.”

3.30 Page 28 of the Strategy addresses homelessness applications and acceptances in LBB. It states that *“in recent years, prevention options have become more difficult to achieve, mainly due to reduced access to affordable accommodation.”*

3.31 Page 29 of the Strategy looks at the reasons for homelessness in the Borough, highlighting that:

“There have been significant changes in the reasons for homelessness over recent years with loss of private rented accommodation representing the biggest increase. In the majority of cases the reason relates to affordability in rents and in particular the shortfall between rental levels and LHA levels.”

“It is primarily the affordability gap and reduced supply of lettings that caused rising levels of homelessness within Bromley. Many individuals and families simply find themselves priced out of the market and have little option other than to approach the local authority for assistance.”

3.1 Furthermore, page 41 goes on to identify that *“Since 2013 the number of social lettings has been reducing, both through re-lets and new build properties becoming available. There was a slight increase during the last year but the number is still significantly smaller than in the years up to 2013.”* Whilst *“the waiting times for social housing have gradually increased over the last 5 years. Currently a typical waiting time for a two bedroom property is 4 – 5 years.”*

3.2 In discussing the private rented sector page 42 explains that:

“Historically Bromley has been successful in assisting homeless households to secure private rented accommodation as a long-term housing solution. However rising rents overtaking and leaving behind the Local Housing Allowance and the loss of direct housing benefit payments to landlords means that the private rented sector in Bromley is out of reach for an increasing number of households.

The average rent for a 2-bedroom property in Bromley is around £545 per month (over £6,500 per annum) more than the maximum benefit payable to assist with housing costs.

The widening gap between the LHA and actual rents has reduced the supply of private rented sector properties able to be secured to prevent or relieve homelessness has reduced year-on-year.”

3.3 Part 2 of the document sets out the Council’s Homelessness Strategy, page 44 identifies the three most common causes of homelessness in LBB:

- *“Loss of private rented accommodation*
- *Parents or friends no longer willing to accommodate*
- *Relationship breakdown and domestic violence”*

3.4 Page 44 goes on to identify that the delivery of more affordable accommodation is a priority for the Council’s partners and stakeholders.

3.5 Page 46 states a number of challenges for Bromley including:

- *“796 households in Bromley were affected by the benefit cap by February 2018*
- *House prices and rents have risen steeply in recent years”*

3.6 In discussing the Council’s priority to ‘Increase the supply of accommodation’ page 51 explains that:

“Access to affordable long-term accommodation, particularly within the borough, has become increasingly problematic as demand is high, costs are rising and social housing stock is limited.

Securing good quality affordable temporary accommodation has also become increasingly difficult. Rents have risen and LHA has not kept pace. Homeless households are spending longer in temporary accommodation, and this has placed a significant financial burden on the Council.”

- 3.7 In relation to this objective page 52 sets out several challenges, including:
- “A reducing supply of housing association properties becoming available”
 - *Rising private sector rents and limits on Local Housing Allowance meaning fewer properties are affordable for benefit-dependent households*
 - *The difficulty of securing move-on accommodation means households are staying longer in temporary accommodation”*
- 3.8 Furthermore, page 52 goes on to set out the Council’s goals in relation to the objective to ‘increase the supply of accommodation’, one of these goals includes increasing the supply of affordable accommodation by *“Working with development partners to build more affordable homes”*.
- 3.9 Page 53 goes on to state that in order to address the challenges and goals in relation to increasing the supply of affordable housing the council will need to:
- “Work with planning colleagues to ensure that affordable housing provision is secured on new developments and maximise the use of s106 payment in lieu contributions for new supply”*.
- 3.10 Appendix 1 on pages 60 and 61 of the document provides the key points from Homelessness Strategy consultation and questionnaire, relevant messages include:
- *“The current housing situation is mostly affecting the ability of people to afford their rent and housing costs”*;
 - *“The public felt that the best way to reduce homelessness is to reduce cuts and increase housing”*; and
 - *“More affordable homes need to be built in the borough”*.

Conclusions on Corporate Documents

- 3.11 The evidence set out above clearly highlights that within a wide range of plans and strategies, providing affordable housing is established as, and remains, a key challenge for the LBB.
- 3.12 The Council has produced an array of strategies and corporate documents, all of which seek to address issues relating to housing and affordable housing in the authority area.

Appendix AG4

Affordable Housing as a Separate Material Consideration



Affordable Housing as a Separate Material Consideration

Appendix AG4

- 4.1 Regarding the weight to be attached to the proposed affordable housing benefits at the appeal site, as I set out in my Affordable Housing Hearing Statement, the need is acute, the benefits are considerable, and the weight in the planning balance should be **Substantial Weight**. Affordable housing is a material benefit and should therefore be awarded its own weight in the planning balance.
- 4.2 Many appeal decisions issued by Inspectors and the Secretary of State (“SoS”) have recognised affordable housing as an individual benefit and have specifically awarded affordable housing provision its own weight in the planning balance. Some examples are summarised below.

| Appeal Ref. | Site Name | Decision Type | Decision | Date | Para Ref. | Weight to Affordable Housing | Paragraph Text |
|---|---|---------------|-----------|-----------|-----------|------------------------------|--|
| APP/F2360/W/22/3295498 and APP/F2360/W/22/3295502 | Pickering’s Farm Site, Flag Lane, Penwortham, Lancashire | SoS | Allowed | 20-Nov-23 | 25 | Significant | <i>"For the reasons given at IR343 the Secretary of State agrees that the delivery of a total of some 1,100 homes in a mix of sizes is a significant benefit, to which he gives significant weight. He further agrees that the delivery of affordable housing would be a benefit carrying significant weight."</i> |
| APP/C2741/W/21/3282598 | Land to the East of New Lane, Huntington, York | SoS | Allowed | 17-Oct-23 | 44 | Very significant | <i>"He further agrees that the provision of 30% affordable housing, of a tenure and size to be agreed, would also be a very significant benefit of the scheme (IR380)."</i> |
| APP/Q3115/W/22/3296251 | Land off Papist Way, Cholsey, Oxfordshire | SoS | Dismissed | 10-Oct-23 | 26 | Significant | <i>"For the reasons given at IR359 and IR390, the Secretary of State agrees that the benefits of affordable housing which the proposal would provide would comply with SOLP policy H9 and should be afforded significant weight."</i> |
| APP/C1570/W/21/3289755 | Land East of Highwood Quarry, Park Road, Little Easton, Dunmow | SoS | Allowed | 11-Sep-23 | 34 | Great | <i>"For the reasons given at IR535 he agrees that the delivery of affordable housing is a benefit of great weight."</i> |
| APP/L5240/W/22/3296317 | 103-111a High Street, Croydon | SoS | Dismissed | 06-Apr-23 | 25 | Significant | <i>"For the reasons given at IR153 and IR168, the Secretary of State agrees with the Inspector that affordable housing delivery is a priority, and like the Inspector, he affords the provision of affordable dwellings significant beneficial weight (IR153)."</i> |
| APP/C2741/W/21/3282969 | Site to the West of The A1237 and South of North Lane, Huntington, York | SoS | Allowed | 14-Dec-22 | 27 | Significant | <i>"For the reasons given at IR178 and IR196, the Secretary of State agrees that delivery of 30% affordable housing would be a further social and economic benefit to which significant weight should be attached."</i> |

| | | | | | | | |
|------------------------|---|-----|-----------|-----------|----|------------------|--|
| APP/M0655/W/17/3178530 | Land at Peel Hall, Warrington | SoS | Allowed | 09-Nov-21 | 24 | Very substantial | " He further agrees (IR524) that <u>the provision of affordable housing attracts very substantial weight</u> , for the reasons given." |
| APP/A2280/W/20/3259868 | Land off Pump Lane, Rainham, Kent | SoS | Dismissed | 03-Nov-21 | 33 | Substantial | "...The Secretary of State considers that the weight to be afforded to the delivery of housing in the light of the housing land supply shortfall is substantial (all IR12.201). Similarly, the Secretary of State agrees at IR12.202 that for the reasons given there is an acute need for affordable housing and in light of that, <u>the delivery of at least 25% of the residential units as affordable accommodation attracts substantial weight.</u> " |
| APP/W1850/W/20/3244410 | Land North of Viaduct adj. Orchard Business Park, Ledbury | SoS | Allowed | 15-Mar-21 | 27 | Substantial | "For the reasons given in IR16.122-16.123, the <u>Secretary of State also gives substantial weight to the delivery of affordable housing.</u> " |
| APP/Y0435/W/17/3169314 | Newport Road and Cranfield Road | SoS | Dismissed | 25-Jun-20 | 32 | Significant | "Weighing in favour of the proposal, <u>the Secretary of State affords the provision of affordable housing significant weight</u> and also affords the provision of market housing significant weight." |
| APP/E5330/W/19/3233519 | Land at Love Lane, Woolwich | SoS | Dismissed | 03-Jun-20 | 28 | Substantial | "The Secretary of State considers that, in terms of benefits, <u>the provision of housing benefits and affordable housing benefits each carry substantial weight.</u> " |
| APP/Q3115/W/19/3230827 | Oxford Brooks University, Wheatley Campus | SoS | Allowed | 23-Apr-20 | 35 | Very substantial | 35 "...Given the seriousness of the affordable housing shortage in South Oxfordshire, described as "acute" by the Council, he agrees with the Inspector at IR13.111, <u>that the delivery of up to 500 houses, 173 of which would be affordable, are considerations that carry very substantial weight.</u> " IR 13.111 " <u>The Framework attaches great importance to housing delivery that meets the needs of groups with specific housing requirements. In that context and given the seriousness of the affordable housing shortage in South Oxfordshire, described as "acute" by the Council, the delivery of up to 500 houses, 173 of which would be affordable, has to be afforded very substantial weight irrespective of the fact that the Council can demonstrate a 3/5YHLS.</u> " |
| APP/G1630/W/18/3210903 | Land at Fiddington, Ashchurch near Tewkesbury | SoS | Allowed | 22-Jan-20 | 20 | Substantial | "...The Secretary of State agrees with the Inspector, and further considers that <u>the provision of affordable housing in an area with a serious shortfall would be of significant benefit and attracts substantial weight in favour of the proposal.</u> " |
| APP/A0665/W/14/2212671 | Darnhall School Lane | SoS | Dismissed | 04-Nov-19 | 28 | Substantial | "The Secretary of State agrees that the social benefits of <u>the provision of affordable housing should be given substantial weight</u> , for the reasons set out at IR408-411." |

| | | | | | | | |
|--|---|-----------|-----------|-----------|----|------------------|---|
| APP/P4605/W/18/3192918 | Former North Worcestershire Golf Club, Hanging Land, Birmingham | SoS | Allowed | 24-Jul-19 | 33 | Significant | <i>30 "Weighing in favour the Secretary of State considers that the 800 family homes, including up to 280 affordable homes is a benefit of significant weight."</i> |
| APP/E2001/W/18/3207411 | Hutton Cranswick | Inspector | Dismissed | 05-Jun-19 | 39 | Significant | <i>"However, aside from the provision of affordable housing (to which I attach significant weight), the provisions are essentially intended to mitigate the effect of the development-although they could be of some benefit to the wider public, and I have therefore given them very limited weight."</i> |
| APP/P0119/W/17/3191477 | Coalpit Heath, South Gloucestershire | Inspector | Allowed | 06-Sep-18 | 61 | Substantial | <i>"There are three different components of the housing that would be delivered: market housing, affordable housing (AH) and custom-build housing(CBH). They are all important and substantial weight should be attached to each component for the reasons raised in evidence by the appellants, which was not substantively challenged by the Council, albeit they all form part of the overall housing requirement and supply. The fact that the much needed AH and CBH are elements that are no more than that required by policy is irrelevant –they would still comprise significant social benefits that merit substantial weight."</i> |
| APP/L3815/W/16/3165228 | Land at the Corner of Oving Road and A27, Chichester | Inspector | Allowed | 18-Aug-17 | 63 | Substantial | <i>"Moreover, the provision of 30% policy compliant affordable houses carries weight where the Council acknowledges that affordable housing delivery has fallen short of meeting the total assessed affordable housing need, notwithstanding a recent increase in delivery. With some 1,910 households on the Housing Register in need of affordable housing, in spite of stricter eligibility criteria being introduced in 2013 there is a considerable degree of unmet need for affordable housing in the District. Consequently I attach substantial weight to this element of the proposal."</i> |
| APP/P1425/W/15/3119171 | Mitchelswood Farm, Newick, Lewes | SoS | Allowed | 23-Nov-16 | 18 | Significant | <i>"For the reasons given at IR196-201 the Secretary of State agrees that the provision of 20 affordable homes is a tangible benefit of significant weight."</i> |
| APP/G1630/W/14/3001706 | Cornerways, High Street, Twynning | Inspector | Allowed | 13-Jul-15 | 63 | Very substantial | <i>"...Table 7.16 of the Strategic Housing Market Assessment [SHMA] Update [CDA17] identifies that the net annual need for affordable housing in Tewkesbury is 587 dwellings. This is more than twice the equivalent figure for the neighbouring District of Wychavon, despite the fact that Tewkesbury's population is little more than two thirds of that in Wychavon. The Inspector in the Wychavon appeal found that the provision of affordable housing in that case: "...is a clear material consideration of significant weight that mitigates in favour of the site being granted planning permission"; the Secretary of State agreed. Given the much larger quantum of identified need in Tewkesbury and the magnitude of the accumulated shortfall in affordable housing delivery, it would be appropriate to attribute very substantial weight to this important benefit of the proposal."</i> |
| APP/E2001/A/13/2200981 and APP/E2001/A/14/221394 | Brickyard Lane, Melton Park, East Riding | SoS | Dismissed | 25-Jun-15 | 11 | Substantial | <i>"However, he also agrees with the Inspector's conclusion that substantial weight should attach to the proposals in proportion to the contribution they would make to the supply of affordable housing."</i> |

| | | | | | | | |
|---|--|-----|---------|-----------|------------------|---------------------|---|
| APP/K2420/A/ 13/2208318 | Land surrounding Sketchley House, Watling Street, Burbage, Leicestershire | SoS | Allowed | 18-Nov-14 | 13 / IR 6.19 | Substantial | <p>13. "For the reasons given at IR11.20-IR11.23, the Secretary of State agrees with the Inspector's findings in relation to affordable housing, and with his conclusion at IR11.23 that the need for affordable housing is acute and warrants the provision offered by the appeal proposal."</p> <p>IR 6.19 "In those circumstances, there is no reason to depart from the statutory basis to providing for affordable housing set out in policy 15 of the Core Strategy. The policy takes account of the needs identified in the SHMA (2008) and was found to be sound by the Core Strategy Inspector. Hence, although <u>substantial weight should be given to the affordable housing</u> offered, that weight should not be overwhelming."</p> |
| APP/H1840/A/ 13/2199085 and APP/H1840/A/ 13/2199426 | Pulley Lane, Droitwich Spa | SoS | Allowed | 02-Jul-14 | 23 / IR 8.126 | Very significant | <p>23. "For the reasons given at IR8.112-8.126, the Secretary of State agrees with the Inspector's conclusion at IR8.127 that the Council does not have a 5-year supply of housing land and the appeal scheme is necessary to meet the housing needs of the district, including the need for affordable housing."</p> <p>IR 8.126 "It seems to me that the Council has largely ignored the affordable housing need in its evidence. The poor delivery record of the Council has also been largely overlooked. The Council's planning balance is struck without any apparent consideration being given to one of the most important reasons why housing in Droitwich Spa is needed. <u>From all evidence that is before me the provision of affordable housing must attract very significant weight in any proper exercise of the planning balance.</u>[4.47]"</p> |

Appendix AG5

Darlington Strategic Housing Market Assessment 2020

Section 3

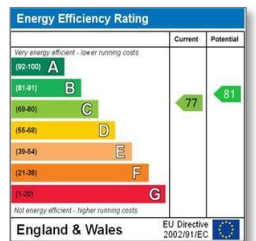




Darlington Strategic Housing Market Assessment 2020

Report of Findings

December 2020





Opinion Research Services | The Strand, Swansea SA1 1AF
Jonathan Lee | Belinda Herbert | Scott Lawrence
Nigel Moore | Trevor Baker | Hugo Marchant
enquiries: 01792 535300 · info@ors.org.uk · www.ors.org.uk

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1. Introducing the Study

Background to the project

Introduction

- 1.1 Opinion Research Services (ORS) was commissioned by Darlington Borough Council in 2015 to prepare a Strategic Housing Market Assessment, which was subsequently published as Part 1 Objectively Assessed Needs including affordable housing and Part 2 which considered the housing needs of particular groups.
- 1.2 An update to Part 1 was published in 2017 to reconsider the overall housing need for Darlington and this found an annual need for 459 dwellings. plus the equivalent of 33 more dwellings to provide for Class C2 needs. However, the need for affordable housing and the needs of particular groups were not reassessed in that study.
- 1.3 Since 2015, the National Planning Policy Framework and Planning Practice Guidance for housing needs has been updated and the date range for the proposed Darlington Local Plan has been changed from 2011-36 to 2016-36. Therefore, the evidence to be found in both Parts 1 and 2 of the SHMA 2015 is now over 5 years old and references policies and guidance which is now out of date.
- 1.4 This current study utilises with the 2017 updated overall housing need figure of 459 dwellings annum plus the 33 dwellings to provide for Class C2 needs, but provides up to date information on affordable housing needs and the needs of particular groups in line with current policy requirements. It also includes information from the SHMA 2015, such as the section on Housing Market Areas, to ensure that with the 2017 update it can be read without further need to reference the SHMA 2015.

Government Policy

- 1.5 The Government published the National Policy Planning Framework (the Original NPPF) in 2012. This set out the planning policies for England and how these were expected to be applied.
- 1.6 The Original NPPF had a presumption in favour of sustainable development, and paragraph 47 stated that Local Plans should meet *“the full, objectively assessed needs for market and affordable housing in the housing market area”*. The responsibility for establishing housing need rested with the local planning authority and Paragraph 159 of the Original NPPF set out that they *“should prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries”*.
- 1.7 A revised version of the National Policy Planning Framework (the Revised NPPF) was published in July 2018. Whilst the Revised NPPF maintains the underlying theme of sustainable development, several significant changes have been introduced in relation to identifying and meeting housing needs. The Revised NPPF was updated in February 2019 to incorporate a number of detailed changes following a technical consultation. Whilst most of the changes appear relatively minor, they may have a substantial impact on identifying and meeting housing needs in some areas. The results of the consultation were summarised in the document *“Government response to the technical consultation on updates to national planning policy and guidance”*.
- 1.8 Under the Revised NPPF, local planning authorities are still responsible for assessing their local housing needs; however, Paragraph 60 identifies that *“strategic policies should be informed by a local housing need*

assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach". This represents a significant change, as the standard method sets out a formulaic approach to determine the minimum Local Housing Need (LHN) figure and prescribes the use of specific data for the calculation. Therefore, whilst the responsibility for establishing housing need continues to rest with the local planning authority, this is now constrained to a minimum figure that is determined centrally by the Government.

- 1.9 This focus on local area has led to a change in the Duty to Cooperate, where neighbouring authorities now have to produce Statements of Common Ground. Whilst HMAs are no longer mentioned explicitly in the Revised NPPF, Paragraph 60 identifies that *"any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for"*; and PPG identifies that HMAs are still one of the factors which must be considered when determining the relevant cross-boundary areas for plan-making [ID 61-010-20180913].
- 1.10 The Revised NPPF has also introduced a new definition for affordable housing. Whilst the Original NPPF identified (in the Glossary at Annex 2) that affordable housing should be provided for households *"whose needs are not met by the market"*, the Revised NPPF adds that this includes *"housing that provides a subsidised route to home ownership and/or is for essential local workers"*. This has led to a specific change in the Planning Practice Guidance (PPG) for assessing affordable housing need.
- 1.11 Under the Original NPPF, affordable housing need was based on those who could not afford to buy or rent in the market. Households who could afford market rent were not counted as in affordable housing need even if they would have preferred to buy and couldn't afford to do so. However, the latest PPG states that assessments must now include the needs of *"those that cannot afford their own homes, either to rent, or to own, where that is their aspiration"* [ID 2a-020-20190220]. On this basis, households able to afford market rent who aspire to but are unable to afford homeownership must now be counted as being in affordable housing need.

Covid 19

- 1.12 Queries have been raised across the country about the impact of Covid 19 on population projections. However, unless Covid 19 becomes an recurring event the impact on population projections over a plan period is likely to be minimal. Similarly, any movement away from major cities to rural locations cannot yet be taken as a long-term trend. Therefore, we have made no adjustments within this study in light of the impact of Covid 19.

Brexit

- 1.13 It is important to recognise that at this stage there is still great uncertainty as to the nature of any future trade relationship with the EU and therefore the potential short, medium, and long-term implications of Brexit on the UK economy. As a result, there is little clarity on what that will mean for the economy or housing needs, so it is difficult to specifically account for at this stage and again we have made no specific adjustments to the report.

3. Affordable Housing Need

Identifying households who cannot afford market housing

Introduction

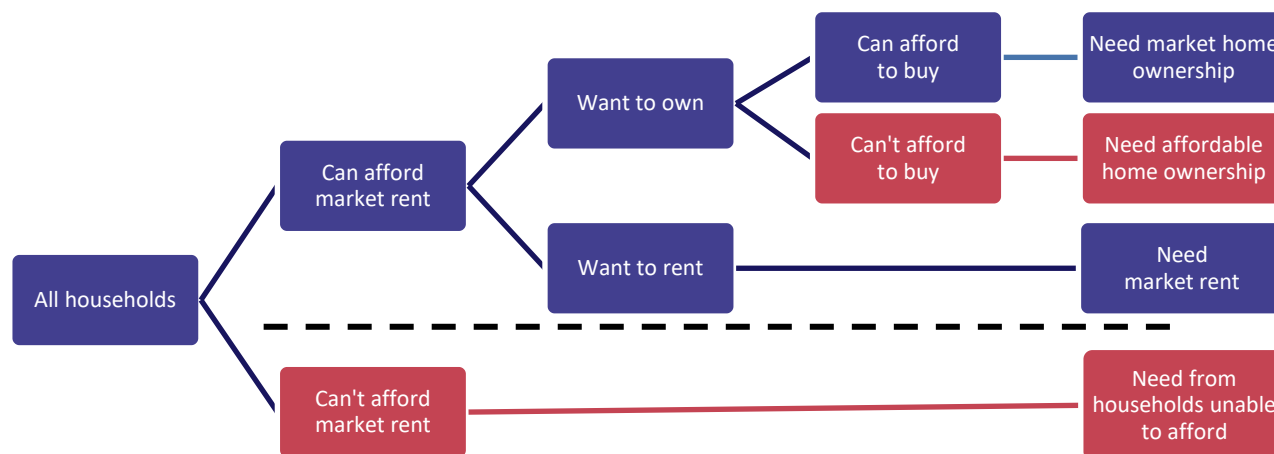
- 3.1 This section represents an update of the analysis in the SHMA 2015 to include new data and the impact of policy changes. It represents a technical exercise to comply with the requirements of the NPPF and the PPG. We would note that all figures in this section relate to households, not dwellings, until Figure 21 where the results are converted in to the need for dwellings.
- 3.2 The definition of affordable housing was changed by the new National Planning Policy Framework (2018), with a specific emphasis now placed on affordable homeownership. Annex 2 of the Framework now defines affordable housing as being:

Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)

National Planning Policy Framework 2018, Annex 2

- 3.3 To reflect this change, relevant paragraphs of PPG have also been updated to confirm that the types of household to be considered in housing need should include *“those that cannot afford their own homes, either to rent, or to own, where that is their aspiration”* [PPG ID 2a-020-20190220].
- 3.4 The assessment of affordable housing need therefore needs to consider both those who cannot afford to rent and those households who can afford to rent but would like to buy.

Figure 6: Establishing the need for market and affordable housing



- 3.5 There is a well-established method for assessing the needs of households who cannot afford to own or rent suitable market housing. However, PPG provides no guidance on how the needs of households who can afford to rent but would prefer to own, should be assessed.

Assessing Affordable Housing Needs

- 3.6 The ORS Housing Mix Model considers the need for market and affordable housing on a long-term basis that is consistent with household projections. The model uses a range of secondary data sources to build on existing household projections and profile how the housing stock will need to change in order to accommodate the projected future population.
- 3.7 The model provides robust and credible evidence about the required mix of housing over the full planning period and recognises how key housing market trends and drivers will impact on the appropriate housing mix.
- 3.8 The PPG identifies that “projections of affordable housing need will need to take into account new household formation, the proportion of newly forming households unable to buy or rent in the market area, and an estimation of the number of existing households falling into need” (ID 2a-021). **The ORS Model recognises that the proportion of households unable to buy or rent in the market area will not be the same for all types of household, and that this will also differ by age.** Therefore, the appropriate proportion is determined separately for each household type and age group.
- 3.9 The affordability percentages in Figure 7 are calculated using detailed information from the 2011 Census alongside data published by DWP about housing benefit claimants. For each type of household in each age group, the table identifies the percentage of households unable to afford their housing costs. This is the proportion of households in each group that either occupy affordable housing or receive housing benefit to enable them to afford market housing.

Figure 7: Assessing affordability by household type and age (Source: Census 2011 and DWP)

| Percentage unable to afford market housing | Under 25 | 25-34 | 35-44 | 45-54 | 55-64 | 65+ |
|--|----------|-------|-------|-------|-------|-----|
| Single person household | 24% | 13% | 35% | 37% | 40% | 34% |
| Couple family with no dependent children | 21% | 7% | 10% | 7% | 8% | 13% |
| Couple family with 1 or more dependent children | 39% | 24% | 13% | 7% | 12% | 20% |
| Lone parent family with 1 or more dependent children | 82% | 64% | 47% | 37% | 43% | 55% |
| Other household type | 53% | 59% | 39% | 22% | 20% | 13% |

Current Unmet Needs of Households Unable to Afford

- 3.10 Any exploration of housing need in an area must first give consideration to existing unmet needs. The PPG states:

How should the current unmet gross need for affordable housing be calculated?

Plan makers should establish unmet (gross) need for affordable housing by assessing past trends and recording current estimates of:

- » *the number of homeless households;*
- » *the number of those in priority need who are currently housed in temporary accommodation;*
- » *the number of households in overcrowded housing;*
- » *the number of concealed households;*

- » *the number of existing affordable housing tenants in need (i.e. householders currently housed in unsuitable dwellings);*
- » *the number of households from other tenures in need and those that cannot afford their own homes.*

Care should be taken to avoid double-counting, which may be brought about with the same households being identified on more than one transfer list, and to include only those households who cannot afford to access suitable housing in the market.

Planning Practice Guidance (February 2019), ID 2a-020-20190220

- 3.11 Households assumed to be unable to afford housing include:
- » All households that are currently **homeless**;
 - » All those currently housed in **temporary accommodation**; and
 - » People in a **reasonable preference category** on the housing register, where their needs have not already been counted.
- 3.12 Given this context, the model includes the needs of all these households when establishing the need for affordable housing at a base date of 2016.
- 3.13 The analysis counts the needs of all households living in overcrowded rented housing when establishing the affordable housing need (which could marginally overstate the requirements) but it does not count the needs of owner occupiers living in overcrowded housing (which can be offset against any previous over-counting). Student households are also excluded, given that their needs are assumed to be transient and do not count towards the need for affordable housing in Darlington.
- 3.14 **Concealed families** are an important part of unmet housing need. However, not all concealed families want separate housing. Those with older family representatives will often be living with another family, perhaps for cultural reasons or in order to receive help or support due to poor health. However, those with younger family representatives are more likely to be experiencing affordability difficulties or other constraints (although even here not all will want to live independently).
- 3.15 Any concealed families in a reasonable preference category on the housing register will be counted regardless of age. The analysis also considers the additional growth of concealed families with family representatives aged under 55 (even when not on the housing register) and assumes that all such households are unlikely to be able to afford housing (otherwise they would have found a more suitable home).
- 3.16 The analysis does not count people occupying insanitary housing or otherwise living in unsatisfactory housing conditions as a need for additional affordable housing. These dwellings would be unsuitable for any household and enabling one household to move out would simply allow another to move in – so this would not reduce the overall number of households in housing need. This housing need should be resolved by improving the existing housing stock, and the Council have a range of statutory enforcement powers to improve housing conditions.

3.17 Figure 8 sets out the assessment of current affordable housing need for Darlington:

Figure 8: Assessing current unmet gross need for affordable housing (Source: ORS Housing Model)

| | Affordable Housing | | | Current unmet Housing Need |
|--|--------------------|------------|------------|----------------------------|
| | Gross Need | Supply | Net Need | |
| Homeless households in priority need [Source: CLG P1E returns 2016] | | | | |
| Currently in temporary accommodation in communal establishments (Bed and breakfast or Hostels) | 3 | | 3 | 3 |
| Currently in temporary accommodation in market housing (Private sector leased or Private landlord) | 0 | | 0 | |
| Currently in temporary accommodation in affordable housing (Local Authority or RSL stock) | 1 | 1 | 0 | |
| Households accepted as homeless but without temporary accommodation provided | 6 | | 6 | 6 |
| Concealed households [Source: Census 2001 and 2011] | | | | |
| Growth in concealed families with family representatives aged under 55 | 63 | | 63 | 63 |
| Overcrowding based on the bedroom standard [Source: Census 2011 and English Housing Survey] | | | | |
| Households living in overcrowded private rented housing | 247 | | 247 | |
| Households living in overcrowded social rented housing | 273 | 273 | 0 | |
| Other households living in unsuitable housing that cannot afford their own home [Source: CLG Local Authority Housing Statistics 2016] | | | | |
| People who need to move on medical or welfare grounds, including grounds relating to a disability | 222 | 11 | 211 | |
| People who need to move to a particular locality in the authority, where failure to meet that need would cause hardship (to themselves or to others) | 27 | 1 | 26 | |
| TOTAL | 842 | 286 | 556 | 72 |

3.18 Based on a detailed review of both the past trends and current estimates our analysis has concluded that 842 households are currently living in unsuitable housing and are unable to afford their own housing. This assessment is based on the criteria set out in the PPG and avoids double counting, as far as possible.

3.19 Of these households, 286 currently occupy affordable housing that does not meet the current householders' needs, mainly due to overcrowding. Providing more suitable housing for these households will enable them to vacate their existing affordable housing property, which can subsequently be allocated to another (smaller) household in need of affordable housing.

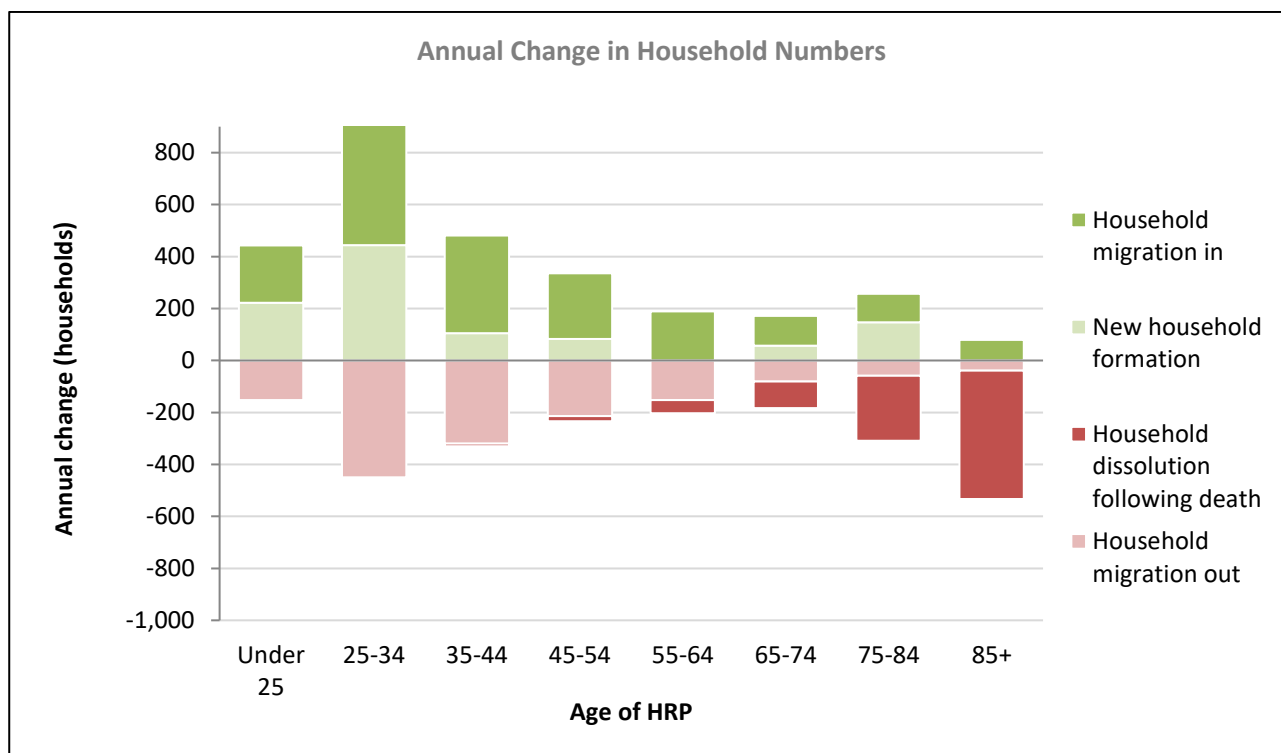
3.20 There is, therefore, a net affordable housing need of 556 households (842 less 286 = 556). However, depending on property types and size of households in need, a higher number of new homes *may* be needed to ensure there is no overcrowding.

3.21 Providing the net affordable housing need for 556 households will release back into the market (mainly in the private rented sector) the dwellings currently occupied by a total of 484 households (556 less the 72 households which are homeless or concealed and thus do not release dwellings).

Projected Future Need of Households Unable to Afford

- 3.22 When considering the number of newly arising households likely to be in affordable housing need, the PPG recommends a “gross annual estimate” (ID 2a-021) suggesting that “the total need for affordable housing should be converted into annual flows” (ID 2a-024).
- 3.23 Figure 9 shows the age structure of each of the components of household change. This analysis is based on changes within each age cohort. Comparisons are based on households born in the same year and relate to their age at the end of the period. Therefore, all new households are properly counted, rather than only counting the increase in the number of households in each age group.

Figure 9: Annual change in household numbers in each age cohort by age of HRP in Darlington (Source: ORS Housing Model)



- 3.24 Together with information on household type, this provides a framework for the model to establish the proportion of households who are unable to afford their housing costs. The following tables looks at the impact of different types of household.

Figure 10: Annual components of Household Growth 2016-36 (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

| | All households | Households able to afford housing costs | Households unable to afford housing costs | % unable to afford housing costs |
|------------------------------------|----------------|---|---|----------------------------------|
| Newly forming households | 977 | 657 | 320 | 33% |
| Households migrating into the area | 1,858 | 1,341 | 517 | 28% |
| All new households | +2,835 | +1,998 | +837 | 30% |

- 3.25 The ORS Model identifies 977 new households projected to form in Darlington each year, of which 33% will be unable to afford their housing costs. This amounts to 320 households each year.

3.26 The model also considers new households migrating to the area. The projection is for 1,858 households per annum of which 28% (517 households) will be unable to afford their housing costs.

3.27 **This results in a total of 837 new households in need of affordable housing** (Figure 10).

Figure 11: Annual components of Household Growth 2016-36 (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

| | All households | Households able to afford housing costs | Households unable to afford housing costs | % unable to afford housing costs |
|---|----------------|---|---|----------------------------------|
| Household dissolutions following death | 931 | 691 | 240 | 26% |
| Households migrating <u>out</u> of the area | 1,468 | 1,062 | 406 | 28% |
| All households no longer present | +2,399 | +1,754 | +645 | 27% |

3.28 PPG identifies that “there will be a current supply of housing stock that can be used to accommodate households in affordable housing need” and that it is necessary to establish “the number of affordable dwellings that are going to be vacated by current occupiers that are fit for use by other households in need” (ID 2a-022).

3.29 The model identifies 931 households are likely to dissolve following the death of all household members. Many of these households will own their homes outright however, 240 of these are likely to have been unable to afford market housing and will mostly be living in social rented housing.

3.30 In addition, some households that are unable to afford housing are will migrate away from the area, so their needs should be discounted to ensure consistency with the household projections. The model identifies that 1,468 households will migrate out of the area each year, including 406 households who are unable to afford their housing costs. A proportion of these will vacate rented affordable housing (which will become available for another household) whereas others that have not yet been allocated an affordable home will reduce the number of households waiting. (It should be noted that some might have chosen to stay if housing costs were cheaper or more affordable housing was available).

3.31 **Altogether, there are 645 households who will vacate affordable dwellings or will no longer be waiting for a home** (Figure 11).

Figure 12: Annual components of Household Growth 2016-36 (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

| | All households | Households able to afford housing costs | Households unable to afford housing costs | % unable to afford housing costs |
|--|----------------|---|---|----------------------------------|
| Existing households falling into need | - | -203 | +203 | 100% |
| Existing households climbing out of need | - | +264 | -264 | 0% |
| Change in existing households | - | +61 | -61 | - |

3.32 PPG also identifies that it is important to estimate “*the number of existing households falling into need*” (ID 2a-021). Whilst established households that continue to live in Darlington will not contribute to household growth, changes in household circumstances (such as separating from a partner or the birth of a child) can lead to households who were previously able to afford housing falling into need. The needs of these households are counted by the model, and it is estimated that 203 established households will fall into need in Darlington each year.

- 3.33 However, established households' circumstances can also improve. For example:
- » When two single person households join together to form a couple, pooling their resources may enable them to jointly afford their housing costs (even if neither could afford separately).
 - » Households also tend to be more likely to afford housing as they get older, so young households forming in the early years of the projection may be able to afford later in the projection period.
- 3.34 These improved circumstances can therefore reduce the need for affordable housing over time. The model identifies that the circumstances of 264 households will improve such that they become able to afford their housing costs having previously being unable to afford.
- 3.35 Therefore, considering the changing needs of existing households overall, **there is a net decrease of 61 existing households needing affordable housing each year** (Figure 12).
- 3.36 The following table (Figure 13) summarises the overall impact of
- » new households adding to housing need,
 - » the households no longer present reducing housing need and
 - » the changes in circumstances impacting existing households.

Figure 13: Annual components of Household Growth 2016-36 (Source: ORS Housing Model)

| | | All households | Households able to afford housing costs | Households unable to afford housing costs |
|--|----------------|----------------|---|---|
| All new households | | 2,835 | 1,998 | 837 |
| All households no longer present | | 2,399 | 1,754 | 645 |
| Change in existing households | | - | +61 | -61 |
| Future affordable housing need 2016-36 | Annual average | +436 | +305 | +131 |
| | 20-year Total | +8,716 | +6,103 | +2,612 |

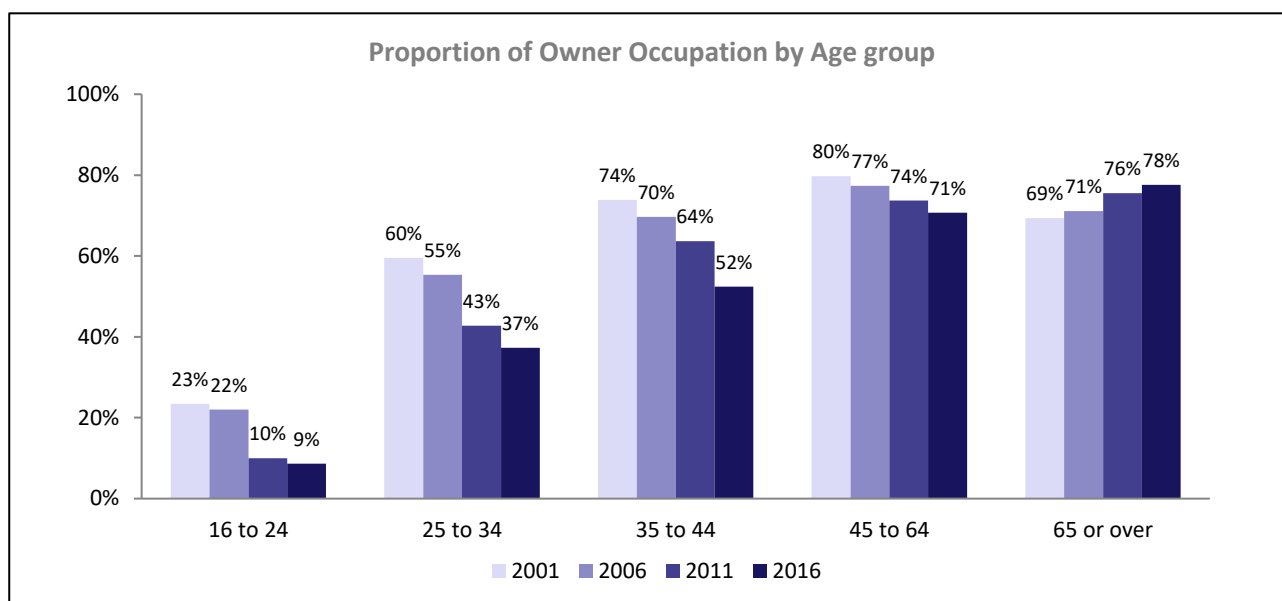
- 3.37 Overall reviewing the contribution of each element amounts **to an additional 2,612 households needing affordable housing over the 20-year period 2016-36.**

Needs of Households Aspiring to Homeownership

Home Ownership Trends

- 3.38 The new emphasis on households that cannot afford to own their home reflects Government concerns that the proportion of owner occupiers has reduced nationally over the last ten to fifteen years. Estimates from the English Housing Survey suggest that the proportion of owner occupiers reduced from around 69% in 2006 to 65% in 2011 and to 63% by 2016. Over the same period the proportion of households renting from a social landlord also reduced from 19% to 17% whilst the proportion renting privately increased from 12% to 20%.
- 3.39 The proportion of owner occupiers varies by age with younger age groups less likely to own their home than older households. The real change is in the extent to which younger age groups owning their property has fallen over recent years whilst at the upper end of the age scale (aged 65 or over) home ownership has been increasing (Figure 14).

Figure 14: Percentage of Owner Occupiers by Age Group 2001-2016 (Source: English Housing Survey)



Establishing the number of households aspiring to home ownership

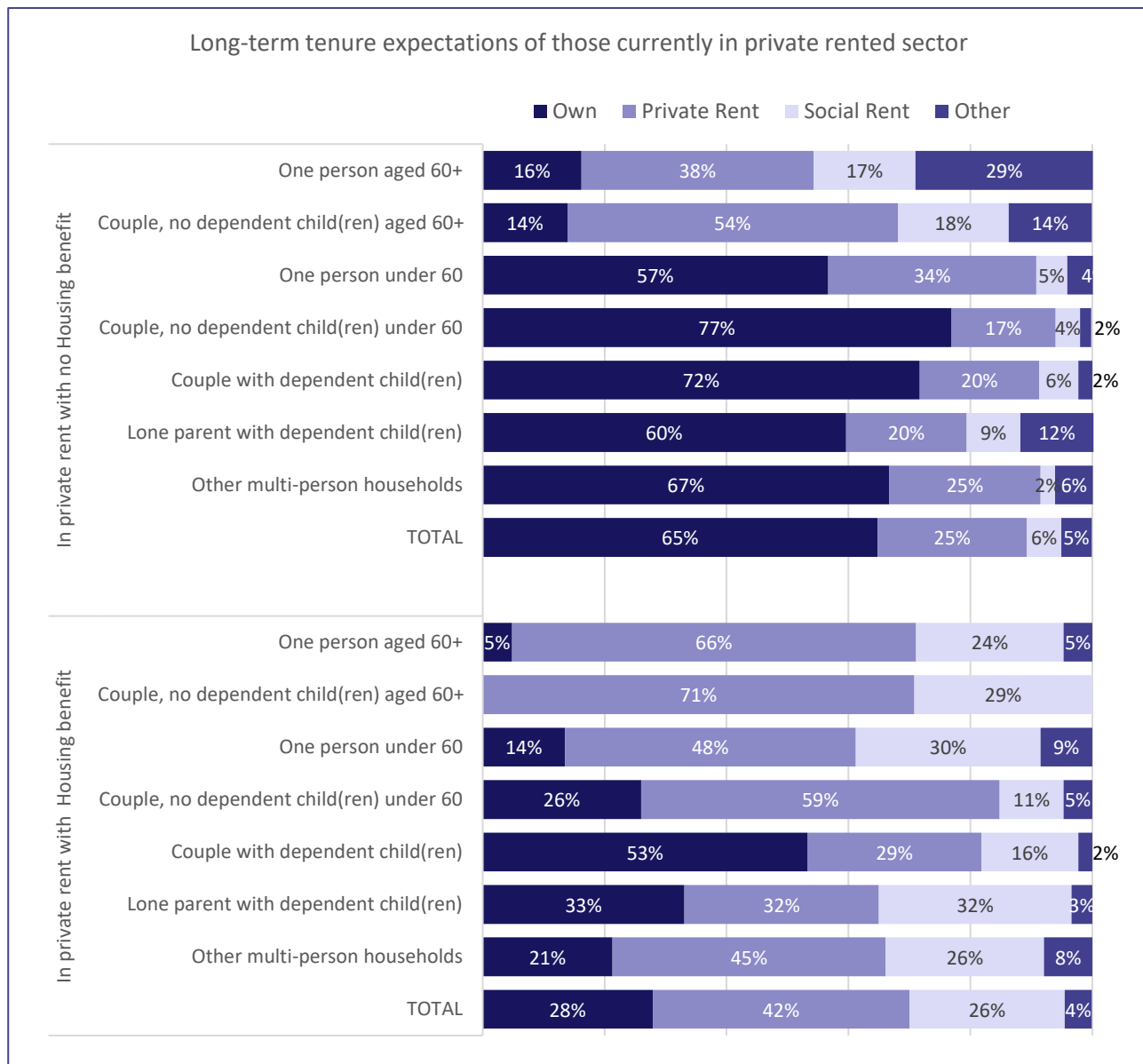
- 3.40 English Housing Survey data shows that, unsurprisingly, 96% of households who currently own their property wish to stay as owner occupiers in the long term. In terms of potential demand over half (54%) of households who rent privately and almost a fifth (18%) of those in social rented housing aspire to homeownership.

Figure 15: Long-term aspirations (Source: English Housing Survey 2013/4)

| Current Tenure | Long-term Tenure Plan | | | | |
|----------------|-----------------------|------------------|----------------------------|---------------------------|-------|
| | Owner Occupier | Shared Ownership | Rent from Private Landlord | Rent from Social Landlord | Other |
| Owner occupied | 96.1% | 0.4% | 0.7% | 1.1% | 1.6% |
| Private rent | 53.5% | 2.6% | 28.8% | 11.4% | 3.8% |
| Social rent | 18.1% | 1.8% | 1.9% | 77.0% | 1.1% |

- 3.41 These figures relate to aspirations only and there is no test within the data as to whether this aspiration is affordable. It is therefore worth considering the responses of those currently in private rent in more detail with a view to understanding the types of household aspiring to buy.
- 3.42 The following chart (Figure 16) shows long-term tenure aspirations of those in private rent by household type as well as whether they are currently in receipt of housing benefit.
- 3.43 Almost two in three (65%) of those who are currently renting privately and NOT receiving housing benefit wish to buy their own home in the future. The proportion is much lower for those households with an HRP over 60 (averaging 15%) and slightly higher amongst couples under 60 (77% and 72% depending on whether or not there are dependent children in the household).
- 3.44 Just under three in ten (28%) of those households in the private rented sector and in receipt of housing benefit wish to buy their own home in the future. This increases to 53% of couples with dependent children.

Figure 16: Long-term Tenure Expectation for those in the Private Rented Sector with and without Housing Benefit support
 (Source: English Housing Survey 2013-14. Note: Own includes shared ownership)



Additional Need for Affordable Homeownership

- 3.45 Through combining data on the number of households of each type in each age group living in private rented housing and paying their own rent with the aspiration data from the EHS 2013-14, Figure 17 establishes the number of existing households likely to aspire to home ownership that have not been counted in the affordable housing need.

Figure 17: Households currently living in the Private Rented Sector and paying their own rent that aspire to home ownership
(Note: Figures may not sum due to rounding)

| Household Type | Age of Household Representative | | | | | | TOTAL |
|---------------------------------|---------------------------------|--------------|------------|------------|------------|-----------|--------------|
| | 15-24 | 25-34 | 35-44 | 45-54 | 55-64 | 65+ | |
| Single person | 200 | 541 | 234 | 106 | 16 | 24 | 1,122 |
| Couple without children | 71 | 347 | 80 | 109 | 78 | 23 | 708 |
| Families with child(ren) | 99 | 466 | 320 | 92 | 0 | 0 | 977 |
| Other households | 34 | 0 | 9 | 17 | 27 | 0 | 87 |
| Total | 404 | 1,354 | 643 | 325 | 121 | 47 | 2,894 |
| <i>Percentage of households</i> | 14% | 47% | 22% | 11% | 4% | 2% | 100% |

- 3.46 Based on this analysis, we can estimate that there is a total of around 2,894 households currently resident in Darlington who cannot afford to own their own home but would aspire to do so. 61% of these households are aged 15-34 with the substantial majority (83%) aged under 45.
- 3.47 In addition to the current need, it is also important to consider new households that are projected to form over the period 2016-2036. Through combining this data with the aspiration data from the EHS, we can conclude that it is likely that there would be a further 2,116 households that form over the 20-year period who will be able to afford to pay market rent but unable to afford to own, despite that being their aspiration. **Overall, there are likely to be 5,010 households who aspire to homeownership but who cannot afford to buy their own home over the period 2016-36, a net annual need of 251 per year.**
- 3.48 When identifying the need for Affordable Home Ownership (AHO) including First Homes, it is necessary to consider the housing costs for both renting and buying market housing in order to understand the relative incomes required and establish the appropriate income range for AHO products and the associated purchase costs.

Identifying the Overall Affordable Housing Need

- 3.49 Figure 18 brings together the information on assessing the unmet need for affordable housing in 2020 together with the future need for affordable housing and those aspiring to home ownership arising over the 20-year period 2016-36. It can be noted that this assessment has no regard for whether those aspiring can access affordable home ownership options.

Figure 18: Assessing total need for affordable housing 2016-2036 (Source: ORS Housing Model)

| | Affordable Housing Need | | Overall Affordable Housing Need |
|------------------------------|-----------------------------|---------------------------------------|---------------------------------|
| | Households unable to afford | Households aspiring to home ownership | |
| Current housing need in 2016 | 556 | 2,894 | 3,450 |
| Future housing need 2016-36 | 2,612 | 2,116 | 4,728 |
| TOTAL HOUSING NEED | 3,168 | 5,010 | 8,178 |

3.50 On this basis, we can conclude that the overall need for affordable housing would comprise a total of 8,176 households over the 20-year period 2016-2036, equivalent to an average of 409 per annum.

3.51 This represents a substantial proportion of the annual need of 459 dwellings. This is due to a large proportion of this need being associated with the whole population as opposed to the projected new households, which is recognised by the PPG:

How does the housing need of particular groups relate to overall housing need calculated using the standard method?

The standard method for assessing local housing need identifies an overall minimum average annual housing need figure but does not break this down into the housing need of individual groups. This guidance sets out advice on how plan-making authorities should identify and plan for the housing needs of particular groups of people.

This need may well exceed, or be proportionally high in relation to, the overall housing need figure calculated using the standard method. This is because the needs of particular groups will often be calculated having consideration to the whole population of an area as a baseline as opposed to the projected new households which form the baseline for the standard method. How can needs of different groups be planned for?

Strategic policy-making authorities will need to consider the extent to which the identified needs of specific groups can be addressed in the area, taking into account:

- » *the overall level of need identified using the standard method (and whether the evidence suggests that a higher level of need ought to be considered);*
- » *the extent to which the overall housing need can be translated into a housing requirement figure for the plan period; and*
- » *the anticipated deliverability of different forms of provision, having regard to viability.*

Planning Practice Guidance, ID 67-001-20190722

3.52 The size, type and tenure of homes also needs to be calculated separately from the standard method. PPG February 2019 states:

How does the housing need of particular groups relate to overall housing need calculated using the standard method?

The standard method for assessing housing need does not break down the overall figure into different types of housing. Therefore the need for particular sizes, types and tenures of homes as well as the housing needs of particular groups should be considered separately.

Planning Practice Guidance, ID 2a-017-20190220

3.53 Given that the need for affordable housing and affordable home ownership in particular is very high, it is necessary to consider how this need can be addressed within the overall need established.

3.54 It will be important for the local authority to plan for the needs of **all** households unable to afford to rent or own market housing if they are going to avoid the number of housing benefit claimants living in private rented housing increasing. This represents a need from 3,168 households.

3.55 It is important to recognise that the figures for those who aspire to home ownership are based upon those households who currently can afford market rent. But these households would not necessarily choose new

build Affordable Home Ownership if it was available, as some may prefer to secure full ownership in the less expensive second-hand housing market. Similarly, some households may not ultimately need affordable home ownership if their circumstances change to such a degree that they are eventually able to buy without financial assistance. It is also important to recognise that the identified demand could only be realised if Affordable Home Ownership products can be delivered at prices that are truly affordable in the area, in line with local house prices and incomes.

- 3.56 Neither the NPPF or PPG identify that any affordability criteria should be applied to those households who aspire to homeownership but cannot afford to buy their own home. However, it is appropriate to consider the extent to which these households could plausibly afford affordable homeownership products if they were provided. Whilst a range of affordable homeownership products are available, each with different costs and eligibility criteria, it is unlikely that housing would be delivered at values below 60% of newbuild prices.⁶ While 70% of market house prices is the maximum price suggested for a First Home in the consultation, a larger discount can be applied. However, if too large a discount is applied then this will significantly affect the viability of many schemes and lead to a reduction in the level of affordable housing which can be provided. Therefore, we have assumed a maximum discount of 40% on open market prices for properties which are compatible with the First Homes scheme.
- 3.57 Given this context, Figure 19 identifies those households with income that would be insufficient to afford 60% of newbuild prices at the lower quartile for the local area, and those households with savings of less than £5,000. This is based on further analysis of the EHS data which considers the income distribution and savings data for households that rent privately but aspire to homeownership. This data has been updated to reflect current income levels and scaled for each local area using indices from the ONS gross disposable household income (GDHI) tables.
- 3.58 Of the 5,010 households who can afford to rent but who aspire to homeownership and cannot afford to buy, there would be 1,130 where the household had insufficient income to have a realistic prospect of being able to afford at 60% of open market values (Figure 19). Of the remaining dwellings for households with incomes above the minimum threshold, there would be 2,523 where the household had savings of less than £5,000 and were therefore unable to afford the assumed deposit in the local area.

Figure 19: Affordable homeownership housing mix by household affordability to 2016-2036 (Source: ORS Housing Model)

| | All households aspiring to home ownership | MINUS households unable to afford 60% of newbuild LQ | Households able to afford 60% of newbuild LQ | MINUS households with savings of less than £5,000 | Households able to afford and have savings of £5,000 or more |
|--------------|---|--|--|---|--|
| 1 bedroom | 516 | 104 | 412 | 252 | 160 |
| 2 bedrooms | 2,678 | 603 | 2,075 | 1,316 | 758 |
| 3 bedrooms | 1,592 | 336 | 1,256 | 881 | 375 |
| 4+ bedrooms | 223 | 86 | 137 | 73 | 65 |
| TOTAL | 5,010 | 1,130 | 3,880 | 2,523 | 1,358 |

- 3.59 On this basis, only 1,358 dwellings are needed for households that aspire to homeownership who have at least £5,000 in savings and incomes above the relevant threshold.

⁶ Developers will typically receive 50-60% of open market value when delivering Affordable Rented units

- 3.60 Whilst it will be a policy decision as to how much of the additional need for affordable homeownership from households able to afford market rent should be provided, it would seem appropriate to only plan for the needs of those 1,358 households likely to form an effective demand (i.e. those able to afford the various products that will be available) in addition to the 3,168 households unable to afford. Figure 20 provides a breakdown of the planned affordable housing on this basis.

Figure 20: Overall need for Affordable Housing, including aspiring households able to access affordable home ownership, by property size (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

| | Affordable Housing Need | | Planned Affordable Housing |
|---------------------------|-----------------------------|---------------------------------------|----------------------------|
| | Households unable to afford | Households aspiring to home ownership | |
| 1 bedroom | 437 | 160 | 596 |
| 2 bedrooms | 1,218 | 758 | 1,976 |
| 3 bedrooms | 1,267 | 375 | 1,642 |
| 4+ bedrooms | 246 | 65 | 311 |
| TOTAL HOUSING NEED | 3,168 | 1,358 | 4,526 |

- 3.61 The LHNA identifies an overall affordable housing need from 4,526 households over the 20-year period 2016-36 (226 per annum). This includes the needs from all households unable to afford to rent or own market housing and also provide for those households who aspire to homeownership but who cannot afford to buy, where there is a realistic prospect of those households being able to purchase an affordable homeownership product.
- 3.62 However, it is important to recognise that there are many more households who aspire to homeownership who either do not have sufficient income or savings that would enable them to realise their aspiration. It is also important to recognise that these figures assume that the number of households in receipt of housing benefit to enable them to afford market housing in the private rented sector does not change. In determining the affordable housing requirement, the Council may want to consider these households alongside those households living in private rented housing who aspire to home ownership.

Size and Tenure Mix based Upon LHN

- 3.63 All data from this point onwards of the report now reference dwellings, not households. Therefore, we have taken the results from Figure 20 and applied a vacancy and second rate to them which allows us to calculate the number of dwellings required in Darlington. The totals therefore now match the annual need figure 459 dwellings per annum plus the equivalent of 33 dwellings for Class C2 per annum.
- 3.64 Whilst it will be a policy decision as to how much of the additional need for affordable homeownership from households able to afford market rent should be provided, it would seem appropriate to only plan for the needs of those households likely to form an effective demand (i.e. those able to afford the various products that will be available).
- 3.65 It would therefore seem appropriate for the local authority to plan to provide 1,394 dwellings for households aspiring to homeownership in addition to the 3,252 dwellings for households unable to afford. Figure 21 provides a breakdown of the Local Housing Need of 9,840 dwellings between market and affordable housing on this basis. In summary, there is a need for:

Social rented housing = 2,175 dwellings (22.1%) for households unable to afford affordable rent;

Affordable Rent = 1,077 dwellings (10.9%) for households that can afford affordable rent but unable to afford market rent;

Affordable home ownership = 1,394 dwellings (14.2%), for households that can afford market rent but aspire to homeownership and have reasonable prospect of being able to afford this;

Market housing = 5,194 dwellings (52.8%); and

Market housing includes an allowance for C2 provision within the total housing need of 9,840= equivalent to 660 dwellings that would be counted against the minimum LHN target.

Figure 21 Planned overall need for Affordable Housing (including households aspiring to home ownership) and Market Housing by property size (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

| | Affordable Housing | | | Total Affordable Housing | Total Market Housing | Total |
|-------------------------|----------------------------|-----------------|----------------------------|--------------------------|----------------------|---------------|
| | Dwellings Unable to afford | | Aspiring to Home Ownership | | | |
| | Social rent | Affordable Rent | | | | |
| 1 bedroom | 384 | 64 | 164 | 612 | -6 | 606 |
| 2 bedrooms | 828 | 423 | 779 | 2,029 | 884 | 2,913 |
| 3 bedrooms | 806 | 495 | 385 | 1,686 | 2,901 | 4,587 |
| 4+ bedrooms | 157 | 95 | 67 | 319 | 754 | 1,073 |
| DWELLINGS | 2,175 | 1,077 | 1,394 | 4,646 | 4,534 | 9,180 |
| C2 Dwellings | - | - | - | - | 660 | 660 |
| LHN | 2,175 | 1,077 | 1,394 | 4,646 | 5,194 | 9,840 |
| Percentage Split | 22.1% | 10.9% | 14.2% | 47.2% | 52.8% | 100.0% |

^{3.66} The data indicates a split between affordable to rent and affordable to own of almost exactly 70:30. However, this must be placed in the context of local viability and policy considerations. In particular, the overall level of affordable housing need of 4,646 units is unlikely to be met, so Darlington will need to assess the relative priority given to different housing needs when setting policy targets.

Delivery 2016-2020

^{3.67} Figure 22 shows that in the past 4 years, Darlington has achieved an average dwelling delivery of 452 per annum, which sits within the draft Local Plan dwelling requirement of 422-492 per annum. Affordable housing completions have been around 110 per annum, below the need figures set out in Figure 21. However, the delivery of affordable housing has been around 24% of the total dwelling delivery and is as high as could be expected given the levels of viability in Darlington.

Figure 22: Housing Delivery in Darlington 2016-2020 (Source: Darlington Borough Council. Note: Includes 49 Park Homes in the market total have been counted as 25 two bed and 24 three bed properties)

| | Market Housing | Affordable Housing | TOTAL |
|--------------|----------------|--------------------|--------------|
| 1 bedroom | 85 | 15 | 100 |
| 2 bedrooms | 289 | 279 | 568 |
| 3 bedrooms | 480 | 128 | 608 |
| 4+ bedrooms | 515 | 19 | 534 |
| TOTAL | 1,369 | 441 | 1,810 |

Comparison with the 2015 SHMA Update

- 3.68 It is possible to compare Darlington Strategic Housing Market Assessment 2015 Part 1 – Objectively Assessed Needs with the figures set out above. Figure 53 of the SHMA 2015 (reproduced here as Figure 23) set out the size and tenure mix for the period 2011-36 for Darlington.

Figure 23: Housing mix of OAN for market and affordable housing 2011-36 (Source: Darlington Strategic Housing Market Assessment 2015 Part 1 – Objectively Assessed, Figure 53. Note: Figures may not sum exactly due to arithmetic rounding)

| | | Dwellings |
|---------------------------------|-------------|---------------|
| MARKET HOUSING | | |
| Flat | 1 bedroom | 28 |
| | 2+ bedrooms | 265 |
| House | 2 bedrooms | 1,915 |
| | 3 bedrooms | 3,960 |
| | 4 bedrooms | 870 |
| | 5+ bedrooms | 89 |
| Total Market Housing | | 7,127 |
| AFFORDABLE HOUSING | | |
| Flat | 1 bedroom | 796 |
| | 2+ bedrooms | 301 |
| House | 2 bedrooms | 1,355 |
| | 3 bedrooms | 1,368 |
| | 4+ bedrooms | 214 |
| Total Affordable Housing | | 4,033 |
| TOTAL | | 11,160 |

- 3.69 The SHMA 2015 assumed an overall annual housing growth rate of 446 dwellings per annum, with annual affordable housing need of 161 dwellings per annum which covered the need for affordable to rent and shared ownership properties. This represents 36% of the overall need. This current study has an affordable housing need to rent figure of 163 dwellings per annum which is 33% of the overall need.
- 3.70 These figures are comparable because they are both based upon households unable to afford the cost of market housing. However, this current study also includes the additional need from those who aspire to own, but who can afford to meet their own private rents. This amounts to a further 70 dwellings per annum which result from the need to consider private renters who aspire to own. Therefore, the additional affordable housing need contained in this study comes directly from the change in definition for affordable housing set out in Annex 2 of the NPPF 2018.

Appendix AG6

Consequences of Failing to Meet Affordable Housing Needs



Consequences of Failing to Meet Affordable Housing Needs

Appendix AG6

- 6.1 The National Housing Strategy¹ sets out that a thriving housing market that offers choice, flexibility and affordable housing is critical to our social and economic wellbeing.
- 6.2 A debate took place in the House of Commons on 24 October 2013 concerning the issue of planning and housing supply. Despite the debate taking place almost a decade ago the issues remain, and the commentary is sadly still highly pertinent to the issues surrounding affordable housing in London Borough of Bromley (“LBB”).
- 6.3 The former Planning Minister, Nick Boles, provided a comprehensive and robust response to the diverse concerns raised, emphasising the pressing need for more housing, and in particular affordable housing across the country. He opened by stating:
- “I need not start by underlining the scale of the housing crisis faced by this country, the extent of the need for housing or the grief and hardship that the crisis is visiting on millions of our fellow citizens.”*
- 6.4 When asked to clarify the word “*crisis*” by the Member for Tewkesbury, Nick Boles commented that in the past year the percentage of first-time buyers in England who were able to buy a home without their parents’ help had fallen to the lowest level ever, under one third. He also commented that the first-time buyer age had crept up and up and was now nudging 40 in many parts of the country. He stated that the crisis “*is intense within the south-east and the south, but there are also pockets in parts of Yorkshire*”.
- 6.5 In response to questions, Nick Boles reaffirmed that:
- “Housing need is intense. I accept that my hon. Friend the Member for Tewkesbury (Mr Robertson) does not share my view, but many hon. Members do, and there are a lot of statistics to prove it”.*

¹ Laying the Foundations: A Housing Strategy for England (November 2011)

- 6.6 He went on to say: *“It is not unreasonable, however, for the Government to tell an authority, which is representing the people and has a duty to serve them, “Work out what’s needed, and make plans to provide it”. That is what we do with schools. We do not tell local authorities, “You can provide as many school places as you feel like”; we say, “Provide as many school places as are needed”. We do not tell the NHS, “Provide as many GPs as you feel you can afford right now”; we say, “Work out how many GPs are needed.” The same is true of housing sites: we tell local authorities, “Work out how many houses will be needed in your area over the next 15 years, and then make plans to provide them.”*
- 6.7 Mr Boles’ full response highlighted the Government’s recognition of the depth of the housing crisis and continued commitment to addressing, in particular, affordable, housing needs. The final quote above also emphasised the importance of properly assessing and understanding the needs; and planning to provide for them.
- 6.8 Mr Boles indicates that there are *“a lot of statistics to prove it”*. My evidence in subsequent sections sets out an array of statistics, which I consider demonstrates that the crisis remains as prominent now as it did in 2013.

Consequences of Failing to Meet Affordable Housing Need

- 6.9 This section highlights some of the evidence gathered in recent years demonstrating the significant consequences of failing to meet affordable housing needs.
- 6.10 In August 2019 the Children’s Commissioner produced a report titled *“Bleak Houses: Tackling the Crisis of Family Homelessness in England”* to investigate the impact of homelessness and in particular the effect of this upon children.
- 6.11 The report identified that family homelessness in England today is primarily a result of structural factors, including the lack of affordable housing and recent welfare reforms².
- 6.12 It stated that the social housing sector has been in decline for many years and that between the early 1980s and early 2010s, the proportion of Britons living in social housing halved, because of losses to stock through the Right to Buy and a drop in the amount of social housing being built.
- 6.13 The research found that the decline in social housing has forced many households, including families, into the private rented sector. High rents are a major problem:

² The Children’s Commissioner Report references a National Audit Office Report titled ‘Homelessness’ (2017) which concludes that government welfare reforms since 2011 have contributed towards homelessness, notably capping, and freezing Local Housing Allowance.

between 2011 and 2017 rents in England grew 60% quicker than wages. It stated that *“Simply put, many families cannot afford their rent. It is telling that over half of homeless families in England are in work”*.

- 6.14 The report particularly focused on the effect on children. The report revealed that many families face the problem of poor temporary accommodation and have no choice but to move out of their local area, which can have a *“deeply disruptive impact on family life”*. This can include lack of support (from grandparents for example) and travel costs.
- 6.15 It found that a child’s education can suffer, even if they stay in the same school, because poor quality accommodation makes it difficult to do homework and that younger children’s educational development can also be delayed.
- 6.16 Temporary accommodation also presents serious risks to children’s health, wellbeing, and safety. This is particularly so for families in B&Bs where they are often forced to share facilities with adults engaged in crime, anti-social behaviour, or those with substance abuse issues.
- 6.17 Other effects include lack of space to play (particularly in cramped B&Bs where one family shares a room) and a lack of security and stability. The report found (page 12) that denying children their right to adequate housing has a *“significant impact on many aspects of their lives”*.
- 6.18 More recently, in May 2021, Shelter published its report *“Denied the Right to a Safe Home – Exposing the Housing Emergency”* which sets out in stark terms the impacts of the affordable housing crisis. The report affirms that affordability of housing is the main cause of homelessness (page 15) and that *“we will only end the housing emergency by building affordable, good quality social homes”* (page 10).
- 6.19 In surveying 13,000 people, the research found that one in seven had to cut down on essentials like food or heating to pay the rent or mortgage. In addition, over the last 50 years the average share of income young families spend on housing has trebled. The following statements on the impacts of being denied a suitable home are also made in the report:

“Priced out of owning a home and denied social housing, people are forced to take what they can afford – even if it’s damp, cramped, or away from jobs and support networks.” (Page 5)

“... people on low incomes have to make unacceptable sacrifices to keep a roof over their head. Their physical and mental health suffers because of the

conditions. But because of high costs, discrimination, a lack of support, and fear of eviction if they complain to their landlord, they are left with no other option.” (Page 5)

The high cost of housing means the private-rented sector has doubled in size over the last 20 years. [...] Most private rentals are let on tenancies of 6 to 12 months, and renters can be evicted for no reason because of section 21. This creates a permanent state of stress and instability. (Page 6)

If you live in an overcrowded home, you’re more likely to get coronavirus. If you live in a home with damp and black mould on the walls, your health will suffer. (Page 9)

“14% of people say they’ve had to make unacceptable compromises to find a home they can afford, such as living far away from work or family support or having to put up with poor conditions or overcrowding” (Page 12)

“Spending 30% of your income on housing is usually the maximum amount regarded as affordable. Private renters spend the most, with the average household paying 38% of their income on rent, compared to social renters (31%) and owner-occupiers (19%).” (Page 14)

“19% of people say their experiences of finding and keeping a home makes them worry about the likelihood they will find a suitable home in the future.” (Page 15)

“Families in temporary accommodation can spend years waiting for a settled home, not knowing when it might come, where it might be, or how much it will cost. It’s unsettling, destabilising, and demoralising. It’s common to be moved from one accommodation to another at short notice. Meaning new schools, long commutes, and being removed from support networks. Parents in temporary accommodation report their children are ‘often unhappy or depressed’, anxious and distressed, struggle to sleep, wet the bed, or become clingy and withdrawn.” (Page 25)

“Landlords and letting agents frequently advertise properties as ‘No DSS’, meaning they won’t let to anyone claiming benefits. This practice disproportionately hurts women, Black and Bangladeshi families, and disabled people.” (Page 29)

“The situation is dire. A lack of housing means landlords and letting agents can discriminate knowing there is excess demand for their housing.” (Page 30)

- 6.20 Shelter estimate that some 17.5 million people are denied the right to a safe home and face the effects of high housing costs, lack of security of tenure and discrimination in the housing market (Page 32).
- 6.21 The Report concludes (page 33) that for change to happen, “*we must demand better conditions, fight racism and discrimination, end unfair evictions, and reform housing benefit. But when it comes down to it, there’s only one way to end the housing emergency. **Build more social housing***” (emphasis in original).
- 6.22 In April 2022 Shelter published a further report titled “*Unlocking Social Housing: How to fix the rules that are holding back building*”. The first paragraph of the Executive Summary is clear that:
- “Our housing system is broken. Across the country, renters are stuck in damp, crumbling homes that are making them sick. Private renters are forced to spend more than 30% of their income on rent. As a result, nearly half have no savings. Desperate parents fighting to keep a roof over their heads are forced to choose between rent and food.”*
- 6.23 The Executive Summary goes on to state that “**An affordable and secure home is a fundamental human need**” (emphasis in original) noting that one in three of us don’t have a safe place to call home and that finding a good-quality home at a fair price is impossible for so many people.
- 6.24 At page 6 the report considers the impacts of the Government plans to scrap developer contributions (Section 106 – s106) and replace it with a flat tax called the ‘infrastructure levy’. It states that:
- “This would mean that developers no longer build social housing on site, in return for planning permission, but instead pay a tax to the local council when they sell a home. The unintended consequence could add yet more barriers to social housebuilding and spell the end of mixed developments where social tenants live alongside private owners.” (My emphasis).*
- 6.25 In considering the impact of the PRS the report highlights at page 7 that nearly half of private renters are now forced to rely on housing benefit to pay their rent – “*That’s taxpayer money subsidising private landlords providing insecure and often poor-quality homes.*” The paragraph goes on to note that:
- “The lack of social housing has not just pushed homeownership out of reach, it’s made it nearly impossible for working families to lead healthy lives and keep stable*

jobs. Poor housing can threaten the life chances and educational attainment of their kids. If we want to level up the country, we must start with home.”

- 6.26 Regarding the temporary accommodation (“TA”) the report notes on page 10 that number of households living in such accommodation has nearly doubled over the last decade and the cost to the taxpayer has gone through the roof. The page also notes that *“TA cost councils £1.45bn last year (2020/21). 80% of this money went to private letting agents, landlords or companies.”*
- 6.27 Page 11 goes on to highlight that *“Of the nearly 100,000 households living in TA, more than a quarter (26,110) of these households are accommodated outside the local authority area they previously lived in.”* This means that *“Families have been forced to endure successive lockdowns in cramped, unhygienic, and uncertain living conditions, away from jobs, family, and support networks.”*
- 6.28 The page goes on to conclude that *“As a result, the national housing benefit bill has grown. Tenants’ incomes and government money is flowing into the hands of private landlords, paying for poorer quality and less security. **There are now more private renters claiming housing benefit than ever before.**”* (Emphasis in original).
- 6.29 Page 9 is also clear that *“Since 2011, freezes to Local Housing Allowance (housing benefit for private renters) and blunt policies like the benefit cap have been employed to limit the amount of support individuals and families can receive. As a result, many thousands of renters’ housing benefit simply doesn’t meet the cost of paying the rent.”*
- 6.30 In considering the consequences of this page 12 notes that *“With fast growing rents, mounting food and energy bills, and a dire shortage of genuinely affordable social housing, these policies have failed to curb the rising benefits bill. Instead, they have tipped people into poverty, destitution and homelessness.”*
- 6.31 Finally, page 21 is clear that:

“For the over 1 million households on housing waitlists across England, who in the current system may never live with the security, safety, and stability that a good quality social home can provide, reforms cannot come any faster. Access to good housing affects every aspect of one’s life and outcomes like health, education, and social mobility. More to the point, the outcomes and holistic wellbeing of an individual or an entire household is not only meaningful for their trajectory, but also contributes to the threads of society by helping people contribute to their communities.”

The evidence is clear, the financial requirements to own one's home are out of reach for many. And many will spend years stuck in a private rented sector that's not fit for purpose. The answer is clear: build many more, good quality social homes for the communities that so desperately need them.” (My emphasis).

- 6.32 The consequences of failing to provide enough affordable homes were also recognised by the Inspector in a recent decision in Mole Valley where I provided affordable housing evidence. Inspector McGlone (**CD7.6, p.16, [88]**) was clear at paragraph 88 of his decision that:

“The consequences of not providing enough affordable homes affect people. Being able to access good housing has a bearing upon everyday life and there are socio-economic effects such as financial security and stability, physical and mental health, decreased social mobility and adverse effects on children’s education and development. In Mole Valley the number of people on the housing register has risen, there are increasing affordability ratios and people are paying significantly over 30% of their income on rent.”

- 6.33 It is also pertinent to highlight that LBB themselves recognise the consequences of failing to meet affordable housing needs.

- 6.34 The Housing Strategy 2019-2029 (**CD6.7**) highlights the positive long term impacts on the economy of addressing housing pressures. On page 9, LBB states that: *“Investing in housing will, in the longer term, reduce the financial demands on the public purse.”*

- 6.35 Of the same document, page 26 discusses the effects of lack of affordable housing in LBB:

“Because there is so little affordable housing in Bromley, most temporary accommodation placements are outside the borough – 73% as at March 2020. Most of these out of borough placements are a significant distance away. Pressure on accommodation in the borough means that current policy is to place people (where possible) within 75 minutes travelling time from schools and up to 90 minutes from their place of work.”

- 6.36 The Bromley Homeless Strategy 2018-2023 (**CD6.8**), recognises the health implications of the delivery of housing citing on page 24 that: *“The supply of decent housing as a prerequisite to health and wellbeing.”*

- 6.37 Further on the same page, the Council also acknowledges that:

“Research has shown that the current and future wellbeing of children are significantly affected by the standard of their housing. Inadequate housing or

homelessness could potentially have an adverse effect on a health, both physical and mental, as well as their educational attainment and life expectancy.”

The Cost of Living Crisis

6.38 On 8 March 2024, the House of Commons published its ‘Rising Cost of living in the UK’ briefing report³ which highlights that the annual rate of inflation reached 11.1% in October 2022, a 41-year high, affecting the affordability of goods and services for households.

6.39 The briefing report details at Section 5.1 that *“47% of adults in Great Britain reported an increase in their cost of living in February 2024 compared to a month ago.”* Moreover, Section 5.1 further specifies that *“64% of those who reported a rise in the cost of living between 14 and 25 February 2024 said they are spending less on non-essentials as a result, while 45% reported using less energy at home and 40% report cutting back on essentials like food shopping. 3% were being supported by a charity, including food banks.”*

6.40 Additionally, page 45 of the House of Commons report recognises that renting in the private sector is becoming more unaffordable to people receiving benefits.

6.41 Shelter published a briefing report in September 2022 titled ‘Briefing: Cost of Living Crisis and the Housing Emergency’ which further explains the private rented sector problem on page one:

“LHA which determines the amount of housing benefit private renters receive has been frozen since March 2020 while private rents have risen 5% in England – and even more in some parts of the country. The freeze has left low-income private renters in an incredibly precarious position. 54% of private renters claiming housing benefit have a shortfall to their rent.” (My emphasis).

6.42 The Shelter briefing sets out that low-income households (including those at risk of homelessness) have no choice but to turn to the private rented sector due to a severe shortage of affordable housing, and concludes on page two that *“the only sustainable solution is to address the causes of the housing emergency by investing in truly affordable social homes”*.

³ Source: <https://commonslibrary.parliament.uk/research-briefings/cbp-9428/>

The Cost of Temporary Accommodation

- 6.43 In my opinion the cost of temporary accommodation is an important material consideration in the determination of this appeal.
- 6.44 BBC News reported on 13 October 2023 that English Councils spent more than £1.7bn on temporary accommodation for homeless people in the 2022/23 financial year. In my opinion this is a significant cost arising primarily as a consequence of a lack of affordable housing to adequately house people in need.
- 6.45 The article highlighted that the figure, published by the Department for Levelling Up, Housing and Communities (“DLUHC”), has increased by around 9% from the previous year. B&B accommodation alone in 2022/23 accounted for almost £500m in gross costs, increasing by a third on the previous year.
- 6.46 Shelter's chief executive Polly Neate was quoted in the article, stating that the amount spent on temporary accommodation was not only *"outrageous, but it's also illogical"*. She went on to say that:
- "We simply can't keep throwing money at grim B&Bs and hostels instead of focusing on helping families into a home. [..]*
- This decision combined with the decades of failure to build enough social homes has meant that families can't find anywhere affordable to live and as a result are forced into homelessness in cramped and unsuitable temporary accommodation, often miles away from their children's schools and support networks."* (Emphasis added)
- 6.47 Inside Housing reported in October 2023 that homelessness in England is continuing to increase, with figures published in July 2023 showing the number of people in temporary accommodation was at a record high and that the number of children in this situation is also at the highest level since records began in 2004.
- 6.48 On the 5 March 2024 the Department for Levelling Up, Housing and Communities published data on the age of children under ten in temporary accommodation. The study found that there were 86,945 children under the age of ten living in temporary accommodation at the 30 June 2023, with 19,430 of these children less than 12 months old.
- 6.49 The Inside Housing article also highlighted that the growing cost of temporary accommodation is putting local authorities' budgets under strain. It noted that that Hastings Borough Council recently faced bankruptcy, partly due to its large

expenditure on temporary accommodation, which had risen to £5.6m per year, compared with £730,000 in 2019.

6.50 The report added that London councils are expected to overspend on temporary accommodation by £90m this year.

6.51 In December 2023, ITV News reported that almost one in five council leaders in England expect to issue Section 114 notices⁴ in 2024.

6.52 On the 23 January 2024, ITV News reported that the increasing cost of housing homeless people in temporary accommodation is putting local authorities on the brink of financial ruin.

6.53 The ITV News article added that according to homelessness charity Crisis, some 298,430 households approached their local council for homelessness support in the past year. Jasmine Basran, head of policy and campaigns at Crisis, said:

"Crippling financial pressures from rising living costs, unaffordable rents and a severe lack of social homes is forcing more and more people into homelessness."
(Emphasis added)

6.54 The ITV News article continued, adding that Eastbourne Borough Council ("EBC") is currently spending 49p of every £1 on temporary accommodation for homeless people. Stephen Holt, the leader of EBC said ministers must "recognise the gravity of this situation" and work out how to resolve it "before it is too late", adding that:

"Simply put, without government intervention to tackle the tremendous cost of temporary accommodation and homelessness, the next step for many councils of all stripes is emergency budgets and section 114 notices."

6.55 A further article from Inside Housing on 24 January 2024 reported that the surge in spending on temporary accommodation could spell the "end of local government".

6.56 The article highlighted that Councillors from across the political spectrum had expressed serious concerns over temporary accommodation spending at an emergency meeting in Westminster on 23 January 2024 where more than 50 local leaders met to discuss the "national crisis" caused by the cost of temporary accommodation.

⁴ A section 114 notice means the council cannot make new spending commitments and must meet within 21 days to discuss what to do next.

- 6.57 I agree that the cost of housing people in affordable housing is spiralling out of control. I also agree with Polly Neate that, “*We simply can't keep throwing money at grim B&Bs and hostels instead of focusing on helping families into a home.*”

Conclusions

- 6.58 Evidently, the consequences of failing to meet affordable housing needs in any local authority are significant. Some of the main consequences of households being denied a suitable affordable home have been identified as follows:
- A lack of financial security and stability;
 - Poor impacts on physical and mental health;
 - Decreased social mobility;
 - Negative impacts on children’s education and development;
 - Reduced safety with households forced to share facilities with those engaged in crime, anti-social behaviour or those with substance abuse issues;
 - Being housed outside social support networks;
 - Having to prioritise paying an unaffordable rent or mortgage over basic human needs such as food (heating or eating); and
 - An increasing national housing benefit bill.
- 6.59 These harsh consequences fall upon real households, and unequivocally highlight the importance of meeting affordable housing needs. These are real people in real need. An affordable and secure home is a fundamental human need, yet households on lower incomes are being forced to make unacceptable sacrifices for their housing.
- 6.60 I am strongly of the opinion that a step change in the delivery of affordable housing is needed now.
- 6.61 The acute level of affordable housing need in LBB coupled with worsening affordability, will detrimentally affect the ability of people to lead the best lives they can. The National Housing Strategy requires urgent action to build new homes, acknowledging the significant social consequences of failure to do so.

Appendix AG7

Relevant Secretary of State and Appeal Decisions



Relevant Secretary of State and Appeal Decisions

Appendix AG7

- 7.1 Brief summaries of appeal decisions relevant to the appeal, are summarised below. The full decisions are included as Appendices.

Appeal Decision: Land North of Upper Chapel, Launceston (April 2014) – CD7.8

- 7.2 The Inspector acknowledged at paragraph 41 that the appeal proposal would have a very significant social role in bringing forward 40 affordable housing units, noting that there was an acute shortage of affordable housing in Launceston. The Inspector also noted that the need for additional affordable housing was all the greater having regard to other sites negotiating lower proportions of affordable housing in lieu of other planning obligation contributions.

- 7.3 At paragraph 51 the Inspector noted that:

“irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant”.

- 7.4 At paragraph 52 of their report, the Inspector considered that:

“there is an acknowledged acute need for affordable housing in this locality and the proposed scheme would bring forward 40 affordable units. This has to be a substantial benefit of the scheme.” (my emphasis). In concluding the Inspector found that the benefits of the proposals outweighed the small degree of policy conflict.

Appeal Decision: Land east of Park Lane, Coalpit Heath, South Gloucestershire (September 2018) – CD7.9

- 7.5 Paragraph 61 of the decision states that *“there are three different components of the housing that would be delivered: market housing, affordable housing (AH) and custom*

*build housing (CBH). They are all important and **substantial weight** should be attached to each component for the reasons raised in evidence by the appellants, which was not substantively challenged by the Council, albeit they all form part of the overall housing requirement and supply. The fact that the much needed AH and CBH are elements that are no more than that required by policy is irrelevant – they would still comprise significant social benefits that merit substantial weight.” (My emphasis).*

Appeal Decision: Land to the rear of the former Dylon International Premises, Station Approach, Lower Sydenham, London (June 2019) – CD7.14

- 7.6 The appeal related to a proposal for 151 residential units on a site in the London Borough of Bromley. In determining the appeal, the Inspector states that ministerial speeches and Government commissioned reports stretching back several years set out in ‘stark relief’ the scale of the housing crisis.
- 7.7 The Inspector then (at paragraph 32) cited the former Secretary of State at MHCLG (James Brokenshire) where he said that the consequences of the housing crisis are that “...*ordinary families, young people starting out in life and many others struggling to secure that most basic of human needs – a place to call their own – and being denied the opportunities that come with it*”
- 7.8 The inspector went on to conclude at paragraph 35 that “*very substantial weight attaches to the contribution of this scheme to the provision of market housing and particularly the pressing need for affordable housing*” (my emphasis).

Appeal Decision: Land off Spruce Close, Exeter (August 2022) – CD7.11

- 7.9 Paragraph 46 of the decision is clear that:

*“There are key social and economic benefits associated with the provision of up to 93 dwellings. I attribute significant weight to the delivery of market housing in the context of a national policy objective to significantly boost the supply of homes and a less-than-modest HLS shortfall in Exeter, even if it is capable of being rectified in the short term. The proposal would also provide affordable dwellings at a full policy-compliant level and with a mix of dwellings that would contribute to the choice of homes in the City. Given the context of a demonstrably acute and persistent under-delivery of affordable housing, the affordable housing the appeal scheme would realise carries **substantial weight in its favour.**” (My emphasis).*

Appeal Decision: Land at Witney Road, Ducklington (January 2023) – Appendix AG8

7.10 At this appeal in Oxfordshire delivering 40% policy-compliant affordable housing (up to 48 affordable homes), the Inspector considered the role of open market-led housing development in delivering affordable homes in West Oxfordshire.

7.11 At paragraph 102 at page 14 of the decision, the Inspector noted that:

“The Council acknowledged that it relies upon the delivery of market housing to provide affordable homes. Such delivery is being impaired by the inadequate housing land supply provision and as I found earlier is unlikely to be remedied in the near future”.

7.12 The Inspector went on to consider evidence of past shortfalls of affordable housing delivery, alongside affordability indicators including long waits for allocation and lengthy Housing Register figures. Paragraph 103 at page 14 states that:

“When assessed against the 2014 SHMA target there is 6 years of under delivery and 2 years of surplus but an overall significant shortfall. According to the Council’s own most recent figures, there are 2,985 applicants on the Council’s housing register. Waiting times are between 721 days and 1,027 days according to the size of the dwelling. I find the affordable housing shortfall is substantial”.

7.13 At paragraph 103, the Inspector noted the real-world impact of these affordability problems, explaining that:

“These figures represent people lacking suitable housing everyday of their lives, resulting in impaired quality of life and challenges for health and wellbeing” (my emphasis).

7.14 At paragraph 105, the Inspector reaches a conclusion on weight and in doing so, supported the evidence of the Appellant, setting out that *“I therefore conclude that the proposal should be afforded the **substantial weight** suggested by the appellant”* (my emphasis).

Overview of Secretary of State and Appeal Decisions

7.15 The decisions above emphasise the great weight which the Secretary of State has, on various occasions, attached to the provision of affordable housing in the consideration of planning applications. Inspectors have agreed that affordable housing is a significant

benefit in its own right. Some of the key points I would highlight from these examples are that:

- Affordable housing is an important material consideration;
- The importance of unmet need for affordable housing being met immediately;
- Planning Inspectors and the Secretary of State has attached State have attached substantial weight to the provision of affordable housing; and
- Even where there is a five-year housing land supply material benefits of the scheme can weigh in favour of development.

Appendix AG8

Appeal Decision: Land at Witney Road, Ducklington,
Oxfordshire (January 2023)



Appeal Decision

Inquiry held on 6, 7, 8, 9 and 21 September 2022

Site visit made on 8 September 2022

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/D3125/W/22/3297487

Land at Witney Road, Ducklington, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ainscough Strategic Land against the decision of West Oxfordshire District Council.
 - The application Ref 21/03405/OUT, dated 13 October 2021, was refused by notice dated 10 March 2022.
 - The development proposed is up to 120 dwellings with associated landscaping and infrastructure. Detailed vehicular access from Witney Road with all other matters reserved.
-

Decision

1. The appeal is allowed and planning permission is granted for: Up to 120 dwellings with associated landscaping and infrastructure. Detailed vehicular access from Witney Road with all other matters reserved at land at Witney Road, Ducklington, Oxfordshire, in accordance with the terms of the application, Ref 21/03405/OUT, dated 13 October 2021, subject to the conditions in the conditions annexe at the end of this decision.

Preliminary matters

2. The application was submitted in outline with all matters reserved except access. A master plan layout was included, and I have given this consideration as an indicative scheme only.
3. The second reason for refusal related to the understanding of the significance of archaeology and therefore the potential effect of development. A survey by Cotswold Archaeology has been undertaken and the Council have confirmed that they are now satisfied subject to a recording condition. I have no contrary evidence before me and therefore concur.
4. A signed Section 106 agreement was submitted on 23 September 2022. This confirms 40% of the dwellings would be affordable. It also makes financial contributions to The Lower Windrush Valley Area project, A40 improvements, public transport, sport/leisure, education, highway works and a Traffic Regulation Order. The Council considers these planning obligations would overcome the third reason for refusal. I shall return to this matter below.

The main issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area particularly in terms of its scale, coalescence, loss of green space and contexts including the relationship with Witney Lake and Country Park and the Windrush Valley; and
- the effect of the proposal on the significance of the Ducklington Conservation Area having particular regard to the effect on its setting.

Reasons

Character and appearance

Background

6. The appeal site and immediate surroundings are not within a designated landscape and not a 'valued landscape' as identified in paragraph 174 of the National Planning Policy Framework (the Framework).
7. Both parties also agree the site is within National Character Area 108 Upper Thames Clay Vales¹. This notes the prevalence of enclosed pasture and field trees, again reflected by the appeal site. The West Oxfordshire Landscape Assessment² (WOLA) places the site within the Lower Windrush Valley and Eastern Thames Fringes character area. This landscape is typically floodplain pasture, close to rivers, low lying and semi-enclosed, which also reflects the characteristics of the appeal site. The site is included in the Windrush Valley Project Area which the Local Plan at paragraph 8.11 describes as an area of major landscape change associated with mineral extraction and after uses specifically for recreation, tourism and nature conservation.
8. The site is just off Witney Road which connects Ducklington village with Witney town. Close to the site, Witney Road is crossed by the elevated A40 dual carriageway with a roundabout junction and surrounding commercial development.
9. The western part of Ducklington (stretching towards Witney and the appeal site) is characterised by 20th century residential development whereas the eastern part of the village has a historic core around the church and environs towards the River Windrush.
10. The north-eastern boundary of the site adjoins Witney Lake and an adjacent Country Park, wherein several well used and marked trails allow public access around the lake and link to wider footpaths. To the western side of the site is an extensive area of allotments and straggle of individual houses. The east side has several residential properties and is dominated by an electricity substation. Substantial pylons and electricity wires prominently traverse the site.
11. The site's boundaries have a varied mix of mature and semi-mature trees and hedges. The site is traversed north-south and east-west by two signposted footpaths. These are well used judging by the eroded surface and cross over several streams with small bridges.

¹ Core Document 6.6

² Core Document 4.7 page 72

12. The potential effect on the character and appearance of the area needs to be considered in several respects as I have identified under the heading in the first main issue. They are derived from the decision notice and local plan policies. Whilst they are inter-related, they are divided below for ease of analysis.

Coalescence

13. Policy OS2 of the West Oxfordshire Local Plan 2031 (LP) seeks to avoid coalescence and loss of identity of settlements. The Council and local residents consider that the appeal site forms a gap between Ducklington and Witney, thereby maintaining the separate identity and character of both settlements.
14. However, the Inspector reporting on the Local Plan³ in 2015 found that such a gap was not clearly defined. In any event whilst considering the need for a particular policy for this 'gap' he concluded that other policies were in place which seek to ensure that development protects the character of the area, to which the Council point to OS2.
15. Conversely, in determination of an appeal at the adjacent 110 Witney Road⁴, that Inspector comments that this appeal site is part of a notable gap in the Witney Road frontage which contributes to the open setting around the outskirts of Ducklington.
16. The appellant suggests the village adjoins the commercial area off the A40 roundabout as evident by the road sign for Ducklington. This is also partly reflected by the Ducklington-Witney parish boundary being the A40 carriageway.
17. I note that there are differences to the perception of the extent of Ducklington and it is a matter of opinion whether the appeal site forms a gap between Ducklington and Witney. However, it is clear that the appeal site, as an open space, does form a discernible gap between the groups of buildings on the Witney Road frontage. As such this gap may help some people segregate the village from the more intensive A40 roundabout area of development.
18. However, this gap is only on the east side of the Witney Road as the other side has a continuous line of buildings up to the roundabout. Indeed, in some places this development extends substantially behind this western Witney Road frontage particularly by the cul-de-sacs: Dale Walk and Moors Close both opposite the appeal site. Thus, there is currently coalescence on one side.
19. Moreover, the Council confirmed that the front garden to 110 Witney Road has an extant permission for a new dwelling. This would narrow the gap between the groups of buildings, thereby contributing to coalescence.
20. I therefore find that the role of the appeal site segregating groups of buildings would be reduced. This would lead towards more sense of coalescence, but I do not find this particularly significant due to the extensive development on the opposite side of the Witney Road.

Loss of green space, ditches and openness

21. Policy EH2 requires the conservation of the landscape character and its distinctiveness. The site is of rough grassland, which has not been grazed for

³ Core Document 4.10 Paragraph 122 Report on the Examination of the West Oxfordshire Local Plan 2031

⁴ APP/D3125/W/20/3261473 Mr Wood Appendix 1a

several years apparently due to problems with dogs and livestock. It lacks the character of a grassland meadow as it has not been maintained as such, rather it appears overgrown and unkempt. As such I find that the grassland in itself does not contribute significantly to the character of the area.

22. The site is also characterised by its network of drainage ditches, which appear long standing judging from the historic maps. The ditches are crossed by bridges, which indicate a floodplain character. Most of the drainage ditches would be likely to be lost by the proposal.
23. The site has a perceptible openness particularly from Witney Road. However, away from this frontage, the openness is partly impinged by adjacent hotel buildings, electricity sub-station and various houses.
24. Nonetheless the master plan shows an indicative scheme for 120 dwellings but both parties agree⁵ approximately 2.64ha 'public open space and green space', 42% of the site, would remain. Some open space could also be left on the frontage, which would retain some sense of openness and limit impact in this regard. Even so there would still be some loss of openness from Witney Road and within the site.
25. This loss of openness and the gap would not be significant when viewed from the east including Witney Lake as I explain latterly.

Views and context

26. Policy OS4 titled high quality design requires new development to respect the landscape character of the locality and where possible enhance. The most notable view over the appeal site is of Witney church spire, seen from the Witney Road frontage and the footpaths within the site. The master plan shows it is possible to accommodate the built development without obstruction to these views.
27. The other views are of the various boundary trees. The submitted Preliminary Arboricultural Impact Assessment plots the root protection areas of the boundary trees and concludes that no removal would be necessary as a result of the proposal. Moreover, the master plan also shows that it would not only be possible to retain the existing trees but also some open space could be arranged so they would remain in view. New tree planting is indicated, and the undeveloped part of the site would provide space for the new trees to flourish.
28. The views within and into the appeal site are dominated by overhead pylons and power lines. These are both distracting and unsightly due to their height and industrial nature. The appellant has suggested that they would be removed and placed underground, funded as part of the development, which would be a notable benefit and a condition is suggested. Whilst the Council suggest this could happen irrespective of the proposal, such expense would be likely to be prohibitive unless part of a development.
29. Both parties agree that the only lost vegetation would be a 25m length of hedgerow along Witney Road for the site access; this would be capable of being replaced.

⁵ Paragraph 3.4 Statement of Common Ground

30. Both parties agree that potentially 42% of the site could be undeveloped. Therefore, the reserved matters scheme would have scope to create open spaces with new tree planting to create discernible character so that the context for the views of the existing boundary trees would not be expected to be overwhelmingly of new houses. In addition, the layout would be unconstrained by the lack of existing features on the site and would have a central access point thereby giving the designer flexibility to use the spaces to provide character.
31. The appellant's Landscape Visual Appraisal (LVA) had only photographs taken in summer, not in winter when the intervisibility would be expected to be greater. From the footpath to the north alongside the Witney Lake, views into the appeal site are largely filtered in summer and I would expect the winter views to be more apparent due to the deciduous nature of the trees. However, the dwellings would be likely to be deeper into the site, away from this view, as the suggested drainage strategy shows this area is needed for water storage basins being the lowest⁶ part of the site.
32. The details of these water storage basins would be determined at a reserved stage but there is no reason why they could not be shaped and landscaped to form attractive features. Indeed, they would be commensurate with the low-lying meadow character.
33. Views of the north-east corner of the appeal site, further along the lakeside footpath where the vegetation becomes sparse, are dominated by the electricity substation. It is unsightly due to its metallic, industrial like construction and is eye catching, so whilst the proposed dwellings may be visible from this footpath, due to the distance they would not dominate.
34. The LVA identifies other more distant viewpoints, wherein the site is small and insignificant beyond the immediate landscape. Consequently, whilst Policy EH2 makes reference to the much wider Lower Windrush Valley Project, the site is experienced as a localised entity, so there is no conflict in that respect.
35. The views of the appeal site would change from an area of open land dominated by pylons to residential dwellings but with some open space, landscaping and the loss of pylons. The overall impact on views would be neutral.

Scale of the proposal and shape of the settlement

36. Policy OS2 allows for limited development which is a proportionate and appropriate scale to its context including the potential cumulative impact of development. The Council submit that the proposal would be of an inappropriate scale, contravening this policy. However, the master plan shows up to 120 dwellings could be accommodated on the appeal site whilst achieving 42% open space. The Council also acknowledge the scheme would be low density.
37. Relatedly, the Council foresees the development would be disproportionate to Ducklington. The 2011 census records only 654 households in Ducklington⁷ and the recent developments in the area have been more modest. However, there are existing extensive residential areas, which adjoin part of some of the site

⁶ Paragraph 5.5 Flood Risk Assessment

⁷⁷ Mr Woods paragraph 3.46 Proof of Evidence

boundaries and are opposite Witney Road; these are clearly evident from the public footpaths and roads. In addition, the commercial development in the vicinity of the A40 roundabout has a prominent presence.

38. Furthermore, the village extends over a wide area. It took considerable time to walk the length of the village on my site visit. Similarly, it is also not possible to look from one side of the village to another. In this respect the physical extension of the development area would not be significant.
39. The first reason for refusal also refers to the pattern of development. The original core of the village is concentrated around the church. There is a scattering of original buildings along radial roads, however, there is a considerable spread outward of twentieth century residential development, leading to a nonlinear form. As I have found earlier this development in depth is evident in the cul-de-sacs opposite the appeal site and at the nearly adjacent Chalcroft Close.
40. The proposal would conflict with Policy OS2 in terms of not being limited in scale, however the indicative scheme shows that the site can accommodate 120 dwellings at low density. I find that the proposal would not be seen or perceived to be overwhelming and would not undermine the form of the settlement, so in these respects would not conflict with Policy OS2.
41. In addition, the Council felt this issue impacted on the setting of the Conservation Area, which I will consider latterly.

Overall Conclusion:

42. The adverse impacts include less separation between groups of buildings, loss of some openness, and drainage ditches, and I agree with both main parties that the effect would be localised. There would be benefits of new tree planting and removal of pylons and the low density of the proposal would allow the opportunity to create characterful spaces, retain and reinforce the boundary trees. I therefore find that the proposal would result in limited harm to the character and appearance of the area.
43. Policies OS2, OS4 and EH2 seek protection of the landscape and character of the area, to which the proposal would conflict as it would lead to limited harm.
44. Paragraph 126 of the Framework seeks the creation of high quality, beautiful and sustainable buildings and places. Paragraph 130 requires developments are visually attractive; reference is made to layout and appropriate and effective landscaping. It also seeks a strong sense of place. Paragraph 174 requires decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Similarly, as I have found above, the proposal would be harmful, albeit limited, and as such would conflict with most of the criteria in the above paragraphs.

The effect of the proposal on the significance of the Ducklington Conservation Area with particular regard to the effect on its setting

Background

45. The Ducklington Conservation Area (CA) was designated in 1988 and has not been reviewed since. The appeal site is outside the CA but has the potential to

contribute to its setting. Policies OS2 and OS4 refer to conserving heritage. Policy EH9 is titled historic environment and seeks to conserve and/or enhance the special character, appearance and distinctiveness of the historic environment, including the setting of Conservation Areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

46. Both parties agree on the relevance of Historic England's Good Practice Advice on the Setting of Heritage Assets. This describes the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The definition in the glossary to the Framework also refers to the setting as the surroundings in which the asset is experienced. The PPG on 'Historic environment' highlights that the extent and importance of setting includes visual factors as well as experiences including the historic relationship. Both parties highlighted the relevance of the Court of Appeal case involving Kedleston Hall⁸ which shows that historical, social and cultural matters are relevant to the definition of setting, and that a direct physical or visual connection is not always necessary to form part of a setting.

The main elements that contribute to the significance of the CA

47. Paragraph 195 of the Framework highlights the need to assess the particular significance of the heritage asset would be potentially affected. In this context the contribution the setting makes to the significance is also therefore of relevance.
48. The CA is drawn around the historic core of the village, which latterly spread towards Witney with outlying dispersed groups of buildings at Little Ducklington and other connecting roads.
49. The traditional part of the village is clustered close to the River Windrush, which would have helped support basic living, but equally there is some separation as the flat landscape would be prone to flooding.
50. The village has medieval origins although the surviving buildings are generally later. The twelfth century church is one of the oldest, sited on the edge of the historic core so that it forms a focus particularly with its tower.
51. I noted that the village has a considerable number of traditional buildings, which are largely domestic in character, with a predominance of small cottages. The buildings are tightly knit with few spaces so that an enclosed character predominates. The buildings are typically representative of the vernacular in terms of natural stone walling, proportions and detailing. There are a variety of roof coverings including thatch which adds to the rustic character.
52. There are only a few outward views from the village, so these are consequently noticed due to the otherwise enclosed streets. Similarly, the views into the village tend to be limited to the periphery.

⁸ Inquiry document 15

The main elements which contribute to the significance of the CA that are most relevant to this appeal

53. The site is outside the Conservation Area, and its relationship needs to be considered in terms of historical, social and cultural matters as well as visual connection.
54. The visual connection to the countryside is also present from the several views into and outward of the CA. These provide interest and contrast to the otherwise enclosed nature of the traditional form and so contribute to the CA's significance.
55. The Council argued that the village has agricultural origins which fostered its social and economic growth, leading to the development of the village in keeping with the Cotswold traditions. Whilst this assumption is fair it is not unusual, and the Council suggest that the appeal site being historically in agricultural use would have made an important contribution. I give this consideration in the next section below.
56. The Council also advocate that roof pitches, narrow gable widths and limestone materials show the agricultural influence in the nature of buildings in the village. However, I find that the village has generally domestic architecture which does not show an agricultural character.
57. The village spread away from the original historic core around the church towards Witney (and the appeal site) with outlying and dispersed groups of buildings at Little Ducklington. Whilst the CA does have a discernible form, I find that the suggested linearity of traditional buildings along the outward connecting roads is not significant: the Conservation Area Character Area Appraisal notes 'there has been extensive modern development between the conservation area and the bypass although this has no strong overall ordering form and the relationship with the earlier fabric appear somewhat arbitrary'. Additionally, it notes that 'the 20th century infill development on gardens and former farmyards has tended to subvert the linear form within the Conservation 'Area'.
58. I concur that modern development has eroded the original linear form within the Conservation Area and even more so around its edges, so this is not pertinent to this appeal.

Does the appeal site contribute to the significance of the CA

59. An undated Conservation Area Character Area Appraisal has been published by the Council, which did not comment on the boundaries or review the designation. It also makes no specific mention of the appeal site, which is an indication that it is not important.
60. The Council has also published 'Proposals for Preservation and Enhancement' for the CA. This refers to the retention and management of floodplain pasture and meadows and planting along watercourses. There is general mention of the need to soften settlements' edges with new landscaping but again there is no mention of the appeal site specifically.
61. The appeal site being historically in agricultural use is suggested by the Council as making an important contribution to social and economic growth, leading to the development of the village.

62. The Council also point to the significance of the appeal site being within fields called 'The Moors'. However, the historic maps show the annotation for The Moors varies in location and extent. The appeal site is also shown in the historic maps⁹ as 6 fields in 1960, 5 in 1982 and 1 in 1999, as currently, indicating different historic boundaries and possibly various ownerships. The surrounding fields have also lost their boundaries. The Council accepts¹⁰ that much of The Moors has been lost to roads, the former quarry now Witney Lake and the electrical sub-station.
63. The Conservation Area Appraisal does not mention The Moors, which if significant, would be expected in such a Council document analysing historic characteristics and significance. Similarly, the WOLA makes no reference to the Moors.
64. The Council at the Inquiry commented on the experience of walking across the appeal site, then joining the Conservation Area. However, as I observed on my site visit, the intervening fields have overgrown boundaries without a clear pattern. In addition, the rear gardens and elevations of twentieth century houses are also prominent. Thus, I find that the dynamic or kinetic experience of the series of views does not demonstrate any historic significance.
65. Consequently, I find that the appeal site does not contribute to any surviving historic field pattern nor has it had a significant historic or cultural association with the village which contributes to the significance of the CA.
66. The Appraisal maps¹¹ 'significant views' out from the Conservation Area towards the adjacent countryside. However, these are neither near or orientated towards the appeal site and both parties agree¹² none of these particular views would be affected.
67. However, there is a view along Witney Road from the edge of the CA, towards the appeal site. The intervisibility with the site frontage is confirmed by the appellant's photograph. Thus, the appeal site has an influence on the visual appreciation of the CA and therefore forms part of its setting.

The effect of the proposal on the CA

68. I find on the basis of evidence submitted to the Inquiry, a historic or cultural connection between the CA and the appeal site has not been clearly demonstrated. I find that the only contribution the appeal site makes to the significance of the CA is the extent to which its appearance can be appreciated in the view along Witney Road.
69. Both parties agreed at the Inquiry that only the appeal site frontage would be visible so that only a small part of this view would be influenced by the appeal proposal, largely the new access and the loss of the hedgerow. Whilst the hedge could be replaced by new landscaping this would take time to establish.
70. The houses would be slightly further back from the point of the access due to the need for visibility and therefore even more obliquely in view, even if the reserved matters showed frontage development.

⁹ Core Document 6.7 EDP Extracts from Historic Mapping

¹⁰ Closing Paragraph 75 (l)

¹¹ Map pages 6-7

¹² Statement of Common Ground paragraph 7.37

71. The proposed development would be visible from this outward view which would attract attention whereas the current view is of countryside which provides a muted background.

Level of harm

72. Both parties agree that the effect of the proposal would be 'less than substantial' harm to the CA however the Council at the Inquiry argued that it was towards the upper end of this position and needed to be weighed accordingly in the overall balance.

73. As I found above the view out/into the CA to/from the appeal site is very oblique and at a fair distance, I find that the access and new houses would only be a small element and not prominent particularly with the potential for landscaping. In addition, the appeal site is also not a distinctive part of this view. Consequently, the proposal would lead to very limited harm to the CA as a whole.

74. As such, I therefore find that the proposal would lead to very limited harm to the character and appearance of the CA: a low point within 'less than substantial harm'.

Conclusion

75. Policies OS2 and OS4 refer to conserving heritage. Similarly, Policy EH9 seeks to conserve and/or enhance the historic environment, including the setting of Conservation Areas. As I have found the proposal would lead to an intrusion, albeit very limited, to the views towards and from the Conservation Area, the proposal would be contrary to these policies.

76. Paragraph 202 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use. Accordingly, this is considered latterly in the overall balance. Whilst it is a low point within 'less than substantial' harm, the effect on the CA must be given special attention under section 72 of the 1990 Act and great weight under paragraph 199 of the Framework. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below.

Other matters

77. There are several listed buildings in the vicinity. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As I noted earlier the spire of St Mary's church, a Grade I listed building is visible from Witney Road and within the appeal site, and these views could be retained as the master plan shows. The nearest listed buildings are the Grade II, 61-63 Witney Road, which are built of stone to a vernacular design and are just outside the Conservation Area. There is restricted inter-visibility, and the Committee Report suggests a 70m¹³ distance away.

¹³ Paragraph 5.6

78. I have not been made aware of any apparent historic or cultural connection of these listed buildings with the appeal site. I find that the listed buildings and their settings would not be harmed by the proposal, and I note the Council did not object to the settings of listed buildings and the questionnaire records no such effects.
79. Local residents and Councillors gave written and oral evidence that the appeal site was prone to flooding. Councillor Maynard questioned the Environment Agency (EA) Flood Plain maps and relayed his conversation with them on the need for updating. He suggested the maps had been changed and an earlier one showed a markedly different pattern of flooding.
80. The appellant confirms that the West Oxfordshire SFRA¹⁴ was updated in November 2016. This informed the Agency's mapping which places the majority of the site in Flood Zone 1. A Flood Risk Assessment was submitted with the application. This acknowledges the site's existing drainage ditches, the topographical survey, geology, existing greenfield run-off rates and confirms the detention strategy. The Council duly consulted the EA who have particular responsibility for such matters and the flood plain maps show the best understanding to date of the likelihood of flooding. The EA had no objection, commenting on the application to their best professional expertise, and I accept their conclusion in the absence of any clear evidence to the contrary.
81. The application details show a drainage strategy of using holding basins on the site to accommodate surface water run-off from the proposed hard surfaces away from dwellings. The land levels of appeal site show that such water holding would be effective and the site is large enough to manage water run-off arising from the development: the holding basins could be sized, shaped and orientated towards this specific need. The Council had no objection to the strategy subject to a condition on the details. I find there is no clear evidence to come to a different conclusion.
82. One of the local residents comments that the holding basins could have stagnant water causing nuisance and could be a safety risk to children. However, they could be designed to ensure that they would be appropriate; these are a commonly used means of water management.
83. Some local residents have concern about the safety of children walking and cycling to school. A Transport Assessment was submitted with the application which analysed the safety implications and concluded favourably, which was also accepted by the Council's Highway Officer. Moreover, the proposal provides funding towards implementing a potential Traffic Regulation Order for the reduction of the Witney Road speed limit from 30mph to 20mph, which would help safety. Whilst air quality is another concern, this was the subject of a study including a survey at the application stage and Council Officers¹⁵ had no objections. I was not presented with clear evidence that would lead me to a different conclusion.
84. I also note the concern about inadequate car parking, but there is no reason why a detailed layout could not be designed to meet the Council's requirements. Similarly, there would be sufficient space to design a scheme to avoid impairing the living conditions of existing residents.

¹⁴ Strategic Flood Risk Assessment

¹⁵ Paragraph 5.78 Committee Report

85. Several residents comment about sewage capacity in the area. However, Thames Water commented at the application stage that they had no objection in terms of foul water capacity. Comments are also made about health provision however the additional households would not be a significant increase in the population of the area. School capacity is also raised but the Section 106 agreement provides funding for expansion.
86. The local residents have concerns about the wildlife particularly birds, bats and badgers which have been seen on the site. However, the site's ecological value was considered in the submitted report dated 24 September 2021, which did not find significant species or habitat. Similarly, I note there is a SSSI nearby, but Natural England had no objection to the proposal. The appellant also suggests a condition promoting ecological measures to create a biodiversity net gain.

Housing Land Supply

87. The Council suggest housing land supply is 3.96 years (a 1,080 dwellings shortfall) and the appellant finds 3.56 years (a 1,485 dwellings shortfall). The yearly requirement 2011-2021 being 550.
88. Both sides acknowledge the definition of deliverable in the Glossary to the Framework and the need for clear evidence. However, the build rate and deliverability of several sites are disputed.
89. At 'REEMA North and Centra' there was dispute whether an extant permission for 200 dwellings existed. In addition, the MoD are discussing a revised scheme which is yet to be submitted. Thus, the implementation and timing are both uncertain, and I do not find that this would meet the test of deliverable.
90. On land east of 'Monaham Way', the appellant suggests a shortfall of 80 units using the Lichfields¹⁶ delivery rate yardstick. The Council rely on the comment from the builder, which may be optimistic given it is the only seller and there is no basis to suggest faster delivery than the Lichfield's rate. I therefore find that these 80 dwellings should not count towards the 5 year supply.
91. For land at 'London Road and Russel Way' there was considerable debate over the contribution of 35 units in a Use Class C2 development near Chipping Norton. The Council preferred to rely upon the nature of the facilities and the internal layout whereas the appellant favoured the C2 use and yardstick in the PPG which bases the number of dwellings for land supply in terms of those freed up. The Council's stance is based on an interpretation however the appellant's is more inclined towards accepted national practice which I find more appropriate.
92. The Council suggest that 24 lapsed small sites could be the subject of new planning applications and make an allowance. However, that would not meet the definition of deliverable in the Framework and in any event their likely implementation date would be beyond 5 years and should not be included within the 5 year land supply.
93. There was also dispute whether an assumption should be made that some permissions on small sites will lapse. The appellant suggests 10% and a

¹⁶ Research following the progress of numerous developments. The second edition considers 180 sites from 50 to over 2,000 dwellings.

reduction of 66 dwellings should be made. There is a logic to the assumption that some permissions will lapse as the owners may change their minds, may neglect the 3 year deadline or a constraint emerges. Given these eventualities I find that a 10% allowance and 66 dwellings reduction would be reasonable.

94. I therefore find that the housing land supply position is between the Council's and the appellant's positions, nearer the latter. But in any event, I do not find that there is much difference between 3.56 and 3.96 years. Even taking the Council's less pessimistic position the supply is substantially short.
95. Moreover, LP Policy H2 shows that the District from 2021-22 onwards has to take some of the housing need from the Oxford City area. This adds 275 dwellings each year to West Oxfordshire's housing land supply requirement, which is a daunting increase as a proportion and in the context of already under-delivery.
96. Both parties make reference to the recent appeal decision at Burford¹⁷. That Inspector found that the housing land supply was between the Council's position of 5.02 years and the appellant's 3.68 but closer to the latter. However different evidence was submitted to this Inquiry and so that decision does not lead me to a particular conclusion.
97. Paragraph 5.23 of the LP acknowledges there has been previous under supply and a shortfall of housing. It continues that the Local Plan therefore seeks to make a significant increase in supply. The Council suggest that housing delivery has improved since the Local Plan adoption in September 2018. However, that impetus has happened, and the review of the plan has only just been commenced. Future allocations would be expected to be affirmed at the earliest in 2024. It would take some time thereafter for schemes to be designed, for the planning application process to be completed and for implementation to be arranged. In addition, the abandonment of the Oxfordshire Plan creates further uncertainty of the strategic picture.
98. The Council suggest that delivery on large sites could well improve, but equally some could run into difficulties.
99. I therefore conclude that the housing land supply shortfall is substantial and the prospects for it improving are poor, even more so with the additional requirement from Oxford City.

Affordable housing

100. The proposal would provide 40% of the dwellings as affordable homes in accordance with Policy H3. The dispute at the Inquiry was over the weight this should be given.
101. The Council agree that affordable housing is much needed¹⁸ and it is important that it be delivered as soon as possible¹⁹. This is echoed in paragraph 5.3 of the LP which refers to the high prices in the area. The Council however suggests that the need in Ducklington is low based on the responses to the housing register. The appellant suggests that those in need are unlikely to select Ducklington because of the assumed unavailability. In any event the

¹⁷ APP/D3125/W/22/3293656

¹⁸ Statement of Common Ground paragraph 8.13

¹⁹ Affordable Housing Round table

site would be well placed to meet the needs of West Oxfordshire. Indeed, the planning obligation makes provision for general affordable needs and not specifically to Ducklington. 1,084²⁰ households on the housing waiting list expressed a preference for Witney.

102. The Council acknowledged that it relies upon the delivery of market housing to provide affordable homes. Such delivery is being impaired by the inadequate housing land supply provision and as I found earlier is unlikely to be remedied in the near future. Indeed, the Local Plan²¹ includes housing affordability as one of its key issues of greatest significance.
103. When assessed against the 2014 SHMA target²² there is 6 years of under-delivery and 2 years of surplus but an overall significant shortfall. According to the Council's own most recent figures, there are 2,985 applicants on the Council's housing register. Waiting times are between 721 days and 1,027 days²³ according to the size of the dwelling. I find the affordable housing is shortfall is substantial.
104. These figures represent people lacking suitable housing everyday of their lives, resulting in impaired quality of life and challenges for health and wellbeing. The proposal is for 40% of the up to 120 dwellings to be affordable, which would be a very significant amount. The Council's Strategic Housing and Development Officer concluded²⁴ that the affordable housing proposed here would make an important contribution to local housing need.
105. I therefore conclude that the proposal should be afforded the substantial weight suggested by the appellant.

Other Planning Obligations

106. The West Oxfordshire Infrastructure Delivery Plan Policy highlights the need for facilities. The 2010 CIL Regulations and paragraph 57 of the Framework provide the tests for obligations. Both the District and the County Councils have provided CIL Compliance Statements. Whilst both parties generally agree on the obligations, there is nonetheless a clause²⁵ that, if I am not minded that a particular obligation meets the CIL tests or is not material to this proposal, it can be struck out.
107. EH5 requires contributions towards outdoor recreation and play facilities and accordingly the 'Sport and Leisure contribution' would meet the additional demands of new households and is capable of being provided within the catchment area. The two contributions to the 'Capital infrastructure improvements' in the Lower Windrush Valley Area and the 'Countryside enhancements' relating to the Lower Windrush Valley Project would offset the impacts of the new residents. Both are supported by Policy EH4 which requires contributions towards local green infrastructure. The public open space/play obligation is needed to ensure that satisfactory management is in place for the amenity of users and the appearance of the scheme.

²⁰ Paragraph 42 Appellant closing

²¹ Paragraph 1.1

²² Figure 4 Mr Stacey Proof of Evidence

²³ Paragraph 52 Appellant closing

²⁴ Core document 3.28

²⁵ Clause 6.11

108. The 'A40 improvements' are necessary due to the increase in vehicles arising from the development. The County Council confirmed at the Inquiry that an improvement scheme has been devised. The bus stops, crossings, walking signs and dropped kerbs are necessary to ensure that non-vehicular movement is encouraged in the interest of saving carbon emissions. Policy T1 promotes sustainable transport and more specifically T3 seeks to expand the use and provision of public transport, walking and cycling. The travel plan monitoring fee is similarly warranted. The 'TRO implementation fee' is necessary to support the speed limit being changed to 20mph to help safety.
109. The education contributions are necessary to ensure that provision is made for the new residents as the County Council CIL Statement explains there is insufficient capacity. OS5 requires new development to contribute towards essential infrastructure.
110. The above are intended to mitigate the needs and impact of the intended occupants of up to 120 additional houses, to avoid placing undue pressure on the existing community facilities. The requirements were based on calculating the resulting new residents and the likely need for the particular facilities.
111. The CIL Compliance Statements set out how each obligation would meet the tests in the CIL Regulations and the Framework. Similarly, they meet the requirements of the particular Development Plan policies. I am satisfied that each obligation contained in the agreement would meet the tests in that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in kind and scale.

The Development Plan and Planning Balance

112. Paragraph 202 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.
113. Addressing the heritage balance first, I found earlier the proposal would lead to less than substantial harm to the significance of the Ducklington Conservation Area, resultant from an adverse effect on the contribution the setting makes to the designated area, which would be a low point on this scale. Albeit that harm would be very limited, I give this considerable importance and weight as harm to a designated heritage asset. Balanced against this are the positive benefits of the scheme including up to 120 new homes, of which 40% would be affordable housing. I conclude that these public benefits would outweigh that harm. The Council also arrived at a similar conclusion, even though they concluded that the level of impact and the weight they ascribed to the harm to the heritage asset would be greater. On this basis there is no clear reason for refusing the development in the context of paragraph 11(d)i and footnote 7 which therefore does not disengage the presumption in favour of sustainable development or the tilted balance as set out in 11(d)ii of the Framework, however I will still include the heritage harm as part of the harms when undertaking the overall balance.
114. In addition to the above, I have found limited harm to the character and appearance of the area. Accordingly, the proposal would conflict with Policies OS2, OS4, EH2 and EH9 but I ascribe only limited weight to this conflict due to the limited and localised nature of the harm.

115. Policy H1 states that development will be monitored annually to ensure that the overall strategy is being delivered, which shows the importance of maintaining housing land supply. H1 also directs that the Witney sub area²⁶ (wherein the appeal is located), is the second largest area for growth in the District. Indeed, the Local Plan targets the Witney sub area for new development. Paragraph 9.2.1 confirms that Witney as the District's largest town acts as the main service centre. The submitted Transport Assessment shows that the site would be within walking distance to the southern environs of Witney, whereby the residents would be readily able to access everyday local facilities without having to rely upon the use of private car. Paragraph 9.2.24 states limited development opportunities within Witney mean that greenfield land on the edge of the town will be required for future need. The proposal would not conflict with H1.
116. Policy H2 titled 'Delivery of New Homes', foresees growth in the Witney area. It allows for new homes on undeveloped land adjoining the built-up area 'where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs [if] it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'. The proposal would only conflict with H2 by its cross reference to OS2 which has the 'limited development' criterion.
117. Policy OS1 has a presumption in favour of sustainable development. This states that where policies are out of date then permission will be granted unless material considerations indicate otherwise. It then cross references to the Framework.
118. Considering the above collectively there is some support but also some conflict with the development plan. Taken as a whole, I find that the proposal would conflict, but that conflict would only be very limited and consequently warrants very little weight.
119. Both parties accept that the Council is not meeting its five-year housing land supply requirements. Paragraph 11d(ii) of the Framework is therefore engaged. This states that where policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
120. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this paragraph 8 of the Framework provides three overarching objectives: economic, social and environmental.
121. In terms of the economic objective the proposal would provide up to 120 houses which would have benefits from their construction. The housing land supply shortfall is substantial with little prospect for improvement. Paragraph 60 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
122. In terms of the social objective the Framework refers to the need to provide sufficient number and range of homes to meet the needs for present and future

²⁶ Figures 9.1a and 9.2a Local Plan

generations. The housing land supply shortfall is substantial with little prospect for improvement, and there is a pressing need to increase supply with deliverable sites. The proposal would provide a range of new homes, in terms of size, form and tenure. The proposal would also provide a significant quantum of new homes, which is particularly important bearing in mind the aforementioned shortage. 40% of the new homes would be affordable thereby providing for those in housing need and alleviating that shortfall.

123. In terms of the environmental objective the proposal would lead to landscape and heritage harms as above however those would be limited and very limited, albeit the latter warrants great weight and importance. Conversely, the occupants of the dwellings would be close to facilities without reliance upon car use, thereby helping towards low carbon living as advocated in this criterion of paragraph 8.
124. The appeal at 110 Witney Road was recently dismissed. However, this was for a single dwelling which had a different scale of planning benefits. In addition, the inadequate 5-year housing land supply shortfall was not evident at the time. Moreover, that Inspector found, in any event, that: 'I am not persuaded that the proposal would significantly increase the impression of coalescence between Ducklington and Witney and that, the resulting harm to the wider landscape would be no more than minor in terms of significance. Accordingly, I find that appeal does not lead me to a different decision.
125. In the light of the above I therefore conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of sustainable development in the context of the tilted balance therefore lead me to conclude that the appeal should be approved not in accordance with the development plan as material considerations indicate a decision otherwise is appropriate.

Conditions

126. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. Both parties have collaborated on the suggested conditions and are in agreement.
127. Rather than the standard 3 years for the submission of application(s) for reserved matters, the appellant suggests this could be reduced to 2 years. This would encourage the site's implementation and support its contribution to the 5-year housing land supply requirement, in accordance with paragraph 77 of the Framework.
128. A condition is needed to confirm which details need to be the subject of reserved matters. Similarly, a condition lists the submitted and approved plans. Both these conditions help certainty.
129. An archaeological recording condition was recommended following the site investigation. This would ensure that any heritage significance is properly recorded. This is worded as pre-commencement out of necessity.
130. A Construction Method Statement is necessary to safeguard the reasonable living conditions of local residents. Some elements of the suggested

Construction Traffic Management Plan condition partially overlap and are integrated into this one condition. Several elements go beyond the scope of planning control and are not included. The condition is worded as pre-commencement to ensure that the required measures are in place from the outset.

131. Whilst a tree survey has been undertaken measures are needed to ensure that these existing trees around the site's boundaries are protected during construction. As I found earlier, they form an attractive backdrop to the site. This is worded as pre-commencement out of necessity.
132. The landscaping details are a reserved matter, but a condition is needed on the timing of planting and any replacement of lost specimens. Similarly, a landscape management plan is also necessary as the scheme will include significant open space which should be managed appropriately to ensure its long-term value.
133. A condition requiring details of biodiversity measures is necessary to ensure that the proposal delivers a positive gain, as in paragraph 179 of the Framework. The condition also extends into the future maintenance. Whilst several conditions are suggested, the measures can be encompassed in a re-worded single condition simply requiring details and implementation.
134. A condition is necessary to control external lighting to avoid disturbance to wildlife and limit light pollution as promoted by paragraph 185 of the Framework. This was also recommended in the 2021 Ecological Assessment Report. The condition on electric car charging points is necessary to ensure provision is made and is unobtrusive to the scheme and convenient to the residents, whilst benefiting the wider environment. Similarly, the condition on provision of the Travel Information Pack would help promote non vehicular use of local facilities.
135. The condition on accessible and adaptable dwellings is necessary to ensure that the dwellings would be capable of meeting the everyday needs of the population as a whole. Similarly, this condition includes provision for self-build/custom dwellings which is a particular need identified in paragraph 62 of the Framework.
136. The connection to broadband facilities would be at the behest of potential suppliers and details were not provided over the practicalities of implementation. Therefore, there is no certainty that the suggested condition could be complied with and if so when. Accordingly, it is not imposed.
137. A condition on surface water drainage is necessary to accommodate the additional water run-off from the new hard surfaces to avoid exacerbating flooding. The use of SUDS would be advantageous for the site's appearance and biodiversity. Other suggested conditions duplicate this wide-ranging condition and are not so imposed. Conditions on wastewater and water connection are unnecessary as this would be provided by the supplier. Similarly, the suggested condition requiring submission of records showing SUDs implementation is unnecessary as the Local Planning Authority would be able to check themselves.
138. A condition to investigate and potentially remediate land contamination is suggested. The field has been used for agriculture in the past and it is possible

that some chemicals may have been used. This is warranted as a precaution to ensure the health of the new residents.

139. As I found earlier the removal of the overhead power lines and their installation below ground would improve the appearance of the site and a condition on implementation is necessary. This is pre-commencement out of necessity and agreed by the appellant.

Conclusion

140. For the reasons set out above I conclude that the appeal should be allowed subject to the conditions in the annex below and all the obligations within the Section 106 agreement.

John Longmuir

INSPECTOR

Appearances

For the Council

Mr Cain Ormondroyd Counsel

Mr Chris Wood Senior Planner West Oxfordshire District Council

For the Appellant

Mr Killian Garvey Counsel

Mr Jeff Richards BA(Hons) MTP MTRPI Senior Director Turley

Mr James Stacey BA(Hons) Dip TP MRTPI Director Tetlow King

Mr Charles Mylchreest Dip LA CMLI AIEMA Director EDP

Mr Edmund Stratford BA(Hons) MCIfA Associate EDP

Interested parties

Ms Emma Morse Local resident

Mr John Dunsdon Local resident

Mr Mick Clack Local resident

Ms Joyce Hussain Local resident

Mr Matthew Barker Local resident

Councillor Maynard West Oxfordshire District Council

Councillor Woodruff West Oxfordshire District Council

Oxfordshire County Council (for the Section 106 session)

| | |
|-------------------------|-----------------------------------|
| Mr Richard Oliver | Infrastructure Funding Negotiator |
| Mr Rashid Bbosa MSc IHE | Senior Transport Planner |

Documents submitted during the Inquiry

- INQ1 appellant's opening submission
- INQ2 LPA opening submissions
- INQ3 Mr Barker's representations
- INQ4 Mr Maynard's representations
- INQ5 Letter from Mr and Mrs Clark
- INQ6 Letter from Mrs Waddoups
- INQ7 E-mail from Richard Oram, lead archaeologist OCC
- INQ8 E-mail exchanges regarding REEMA North
- INQ9 E-mail from Murray Burnett with updated affordable housing numbers
- INQ10 E-mail chain between Annie Gingell and Chris Hargreaves re FOI request
- INQ11 Further tables prepared by Mr Stacey
- INQ12 Written representation from Mr. Clark
- INQ13 Draft section 106 agreement
- INQ14 Draft conditions
- INQ15 Plan showing Ducklington parish boundary
- INQ16 *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697
- INQ17 *Hallam Land Management Ltd v SSCLG* [2018] EWCA Civ 1808
- INQ18 Email from Mr Witts on flood risk
- INQ19 CIL Compliance Statement from West Oxfordshire District Council
- INQ 20 Signed S106 agreement

Conditions annexe

1. Application(s) for approval of reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be approved.
2. Details of the appearance, landscaping, layout and scale (herein called the reserved matters) shall be submitted to and approved in writing to the Local

Planning Authority before any development begins and the development shall be carried out only as approved.

3. Applications for approval of reserved matters submitted pursuant to conditions 1 and 2 shall be in accordance with the following plans: site location plan drawing number 21_5503_01 and site access detail plan drawing number 3453-F01 rev D.

4. Prior to commencement of development, including any clearance and preparatory works, an archaeological written scheme of investigation shall be prepared relating to the application site area, which will be submitted to and approved in writing by the Local Planning Authority. The approved scheme of investigation shall be fully undertaken prior to the commencement of development.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- the methods for accessing the site, including wider construction vehicle routing;
- loading and unloading of plant and materials;
- the management of waste materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- the use of wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- delivery, demolition and construction working hours;
- details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6. Prior to first occupation, a scheme for biodiversity measures and management, together with a timetable for implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall be implemented in accordance with the approved details and the approved timetable. It shall be maintained thereafter in accordance with the approved management scheme.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species

8. A landscape management plan setting out the management and maintenance responsibilities, including a timetable for actions, for all hard and soft landscape areas shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development. The landscape management plan shall be carried out in accordance with the approved details and the approved timetable.

9. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

10. Prior to first occupation of the dwellings, a scheme to deliver electric charging points, together with a timetable for implementation, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented in accordance with the approved details and to the approved timetable.

11. A Travel Information Pack shall be submitted to and approved by Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved travel information pack prior to the first occupation of each dwelling.

12. Prior to first occupation, a scheme for the external lighting shall be submitted to the Local Planning Authority for approval. Only external lighting in accordance with the approved scheme shall be installed. The external lighting shall be maintained and retained as approved thereafter.

13. Prior to the commencement of development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, will be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall also include:

- A compliance report to demonstrate Standards and Guidance for Surface Water Drainage on Major Development with full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
- Detailed design drainage layout drawings of the Sustainable Urban Drainage (SUDS) proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;

- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections required into third party drainage systems;
- Maintenance plan for the surface water systems and
- A timetable for phased implementation.

14. No less than 25% of the dwellings hereby approved shall be adaptable dwellings designed to meet building regulations requirement M4 (2) and not less than 5% of the dwellings hereby approved shall meet the NPPF definition of self-build or custom dwellings.

15. Prior to the commencement of development a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which has been previously submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a remediation scheme specifying the measures to be taken to remediate the site to render it suitable for development together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing.

Any remediation scheme as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works. On completion of such works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If during the course of development any contamination is found which has not been identified in the site investigation additional measures for remediation of the contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the additional approved measures.

16. Prior to the commencement of development, a scheme to place the overhead power lines across the extent of the appeal site (as shown by the red line on the site location plan) and remove the existing above ground power lines, shall be submitted to the Local Planning Authority for approval, including a timetable for such works. The overhead power lines shall be placed underground, and the overhead lines removed, in accordance with the approved details and approved timetable.

End of conditions