

Your ref: NA  
Our ref: 0364/TR  
26<sup>th</sup> August 2020

Wychavon District Council  
Civic Centre  
Queen Elizabeth Drive  
Pershore  
Worcs.  
WR10 1PT

F.A.O. Reiss Sadler

By email only: [Reiss.Sadler@wychavon.gov.uk](mailto:Reiss.Sadler@wychavon.gov.uk)

Dear Reiss,

## **MALVERN HILLS (WIDER WORCESTER AREA) APRIL 2020 FIVE YEAR HOUSING LAND SUPPLY**

In accordance with my instructions, I have set out below my conclusions on your April 2020 Five Year Housing Land Supply Report for the Malvern Hills Wider Worcester Area (WWA) with reference, where appropriate, to the fourteen headings set out therein.

I note the acknowledgement in your introduction (paragraph 1.3) of the delay to this year's site visits by approximately 8 weeks and the consequent increase in the 2019/20 period of completions and the corresponding reduction there will be for 2020/2021. Given the nature of the overall calculation, and the assumptions made below about the impact of the COVID-19 pandemic, I am in agreement that this delay should not undermine the 2020 five year supply figure for the Malvern Hills WWA sub area.

### Housing Requirement

I am in agreement that the starting point for the calculation should be the figure of 4,450 for the period 2006 to 2030 as set out in Policy SWDP 3 (Table 4b(ii) and footnotes thereto) of the South Worcestershire Development Plan (SWDP) which was adopted in February 2016. This is consistent with the Government's Planning Practice Guidance which confirms that:

*"Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5 year housing land supply figure where: the plan was adopted in the last 5 years ..."*

(Ref: NPPG Paragraph: 004 ID: 68-004-20190722)

---

Tim Roberts Planning, The Threshing Barn, Hearn Farm, Dulford, Cullompton, Devon, EX15 2DE  
Email: [timrobertsplanning@gmail.com](mailto:timrobertsplanning@gmail.com)  
Tel: 07519 905 220

The policy also makes it clear that the annual requirement rates which are set out in Table 4b(ii) for each sub-area (in this case the Malvern Hills Wider Worcester Area) will apply when monitoring delivery in each sub-area and for purposes of calculating the five-year supply.

The relevant five-year target for 2020/2021 to 2024/2025, excluding any allowance for undersupply/oversupply or buffer, is therefore correctly calculated at 5 years x 371 giving **1,855** dwellings (net).

### Completions

I note that in accordance with Policy SWDP 3 (Table 4b(ii)) of the South Worcestershire Development Plan (SWDP), completions have only been recorded for the last two years (2018/19 and 2019/20); and there has only been **2** completions recorded to date.

### Calculating Past Undersupply/Oversupply

I am in agreement that the way this has been calculated, using the figure of 2 dwelling completions thus far minus the cumulative annual requirements set out in the adopted SWDP (Ref: SWDP 3 Table 4b(ii)) (i.e. 2 years only thus far 2018/2019 and 2019/2020 at 742) is correct. This confirms a shortfall of **740**.

### Addressing Past Undersupply/Oversupply

The 'Sedgefield Approach' adopted by the Council in respect of addressing the past shortfall in supply i.e. by factoring it in to the next five years requirement, is consistent with the Government's Planning Practice Guidance (Ref: Paragraph: 031 Reference ID: 68-031-20190722 Revision date: 22.07.2019); and has, in any event, been invariably upheld in Planning Inspectorate appeal decisions in Wychavon and Malvern Hills over the period of my involvement since 2014.

I agree that this has been correctly calculated at (5 x 371) plus 740 shortfall which gives a 5 year target of **2,595**.

### Buffer

Hitherto, the choice of which buffer to apply i.e. 5% or 20% was dependent on the LPA making a judgement on whether or not there has been a record of "*persistent under delivery of housing*".

---

Tim Roberts Planning, The Threshing Barn, Hearn Farm, Dulford, Cullompton, Devon, EX15 2DE  
Email: [timrobertsplanning@gmail.com](mailto:timrobertsplanning@gmail.com)  
Tel: 07519 905 220

Paragraph 73(c) of the RNPPF now uses the term “*significant under delivery*” and defines this at footnote 39 as measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement. Delivery in South Worcestershire has in fact exceeded the housing requirement. The latest Housing Delivery Test covering the three years 2016/17, 2017/18 and 2018/19 was published by MHLG on 13<sup>th</sup> February 2020 and indicates delivery across the South Worcestershire joint Local Plan Area as running at 176% of the requirement.

In these circumstances Paragraph 73 (b) indicates that where the LPA wishes to demonstrate a 5 year supply of deliverable sites through the submission of an annual position statement to the Planning Inspectorate, then a buffer of 10% should be added in order to account for any fluctuations in the market during that year. Otherwise, as is the case here, Paragraph 73 (a) applies which indicates that a 5% buffer is appropriate (Ref also NPPG Paragraph: 022 Reference ID: 68-022-20190722 Revision date: 22 July 2019).

I agree that the Council has included the correct percentage buffer at **5%**.

#### Lead Times and Delivery Rates

Most of the ‘starting point assumptions’ are those that I have previously endorsed and have argued (successfully) in evidence at a number of Public Inquiries over the period 2014 to 2019 on which the neighbouring LPA Wychavon District Council and more recently MHDC have instructed me as expert planning witness i.e. where land supply was an issue.

I also drew the Council’s attention to Annex 2 to the RNPPF prior to work starting on last years’ 5YHLS; and in particular to the criteria against which to assess whether a site could be considered deliverable.

You also acknowledge at Paragraph 7.2 (4) that the Covid-19 pandemic has had an effect on house construction since the Lockdown was imposed by the Government on 23<sup>rd</sup> March 2020; in effect one working week before the beginning of the 5YHLS period under consideration. There is anecdotal evidence that not all house construction ceased entirely, particularly on some of the very small sites. But it is fair to say that most of the larger volume housebuilders halted construction around that time. There is also some evidence that housebuilders have experienced some supply-chain difficulties which, combined with the trialling and introduction of new Covid-safe working practices could have slowed the return to pre-lockdown levels of construction.

As I understand it, it was nevertheless evident from Officers’ site inspections around mid-June that construction on most sites was back up and running again. This evidence is corroborated by public annual statements made by some of the larger volume housebuilders in advance of publishing their annual results. For example:

---

Tim Roberts Planning, The Threshing Barn, Hearn Farm, Dulford, Cullompton, Devon, EX15 2DE  
Email: [timrobertsplanning@gmail.com](mailto:timrobertsplanning@gmail.com)  
Tel: 07519 905 220

- On 5<sup>th</sup> June Taylor Wimpey stated that they were “Progressing construction on [the] majority of our sites across England and Wales” and that the “Majority of show homes and sales centres [were] open in England”.
- On 26<sup>th</sup> June, Crest Nicholson indicated that since reopening its operations in May, it had seen increased levels of web traffic and footfall, with reservation rates returning to pre-lockdown levels.
- On 6<sup>th</sup> July Barratt Homes confirmed that they had “gradually restarted our site operations from 11 May 2020 in England and Wales” and that “All operational sites were reopened by 30 June 2020 and all employees, other than those shielding, have now recommenced working in the business.”
- In Persimmon Plc’s Trading Update on 9<sup>th</sup> July it reported that “the Group began a phased restart to work on site on 27 April 2020, with site-based sales offices re-opening on 15 May 2020” and “Strong performance in the six week period since sales offices re-opened in mid-May - with average weekly net private sales reservations of 278 new homes, c. 30% higher than the same period last year. It also confirmed that “our build programmes had returned to normal levels by period end [30<sup>th</sup> June]”.

I am still only aware of the one Inspector’s decision dated 9<sup>th</sup> April 2020 (Land north of Nine Mile Ride, Finchampstead) which I referred you to previously where the Inspector sought comments on the likely impact of Covid-19 on housing supply, after that particular Inquiry had closed on 14<sup>th</sup> February. The Inspector eventually concluded that an assumption about effects lasting 3-6 months was “not unreasonable”. The Inspector also surmised that “it is equally possible that a bounce back will occur once the crisis ends. Indeed, it is reasonable to surmise that housebuilders and their suppliers will be keen to rectify losses if it is possible to do so.” Indeed, some commentators have been quite upbeat about the level of activity and evidence of pent up demand, concluding that lost construction might be made by the end of the year, or if not by 2025.

It is in these circumstances that I consider the Councils approach i.e. discounting a full 6 months i.e. 50% of completions on all sites for 2020/2021 to be at the very top end of what is reasonable but would clearly represent the most robust way forward until there is more evidence on the actual level of completions. This not only takes a pessimistic line on the level of construction during the first three months but also on the rate of any recovery. It would, of course, always be possible to test this assumption through conducting a limited number of site inspections on the largest sites six months on, should it be challenged in the course of any future appeal Inquiry.

#### Sites with Planning Permission not Started or Under Construction

You acknowledge at paragraph 8.2 that the Glossary in the revised NPPF states that:

*“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.”*

---

Tim Roberts Planning, The Threshing Barn, Hearn Farm, Dulford, Cullompton, Devon, EX15 2DE  
 Email: [timrobertsplanning@gmail.com](mailto:timrobertsplanning@gmail.com)  
 Tel: 07519 905 220

Insofar as sites with planning permission are concerned it states that:

*“(a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).”*

Sites which involve major development but only have outline permission are required to be considered differently as follows:

*“(b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

(Ref: Glossary at Annex 2 to the RNPPF (February 2019 clarification))

I note that, consistent with recent years, the Council has also considered major sites (i.e 10 units or more) with outline permission only, grouped under this same heading and in the same appendix as sites with full planning permission. And while these major sites with outline planning permission have been considered differently (on a site-by-site basis) to those with detailed (Full or Reserved Matters permission), it might be appropriate in future years to separate these out for consideration together with the potentially deliverable allocated sites under heading 9 so as to more clearly reflect the distinction drawn in the revised NPPF (Annex 2).

With reference to paragraph 8.5 in the report, I note that consistent with the PPG, the Council is now counting housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply; the contribution being based on the amount of accommodation released in the housing market. In accordance with the further guidance set out in ‘Housing for Older and Disabled People’ I agree that it is appropriate to moderate the numbers by a factor of 2.35 which is the average household size for Worcester City.

Insofar as the individual sites with an extant planning permission at 1st April 2020 are concerned, I have reviewed the available evidence and the Council’s comments and, overall, I agree that the assumptions made are prudent and consistent with the definition of ‘Deliverable’ as set above (Ref: Glossary at Annex 2 to the RNPPF February 2019 clarification) and the guidance set out in the PPG (Ref: Paragraph 007 Reference ID: 68-007-20190722).

Out of a total number of dwellings with planning permission but not yet started of 1,453, the Council has discounted 1,130. This produces a contribution from this source of only **323** dwellings over the next 5 years. Further examination of these assumptions is, however, somewhat academic given the scale of the shortfall against the annualised requirement thus far.

### Deliverable Allocated Sites in the Submitted SWDP

Insofar as the remaining allocated sites in the MHWWA are concerned, I agree that they should all be discounted from the five year housing land supply with the exception of one which was the subject of a resolution to approve outline planning permission at 1<sup>st</sup> April 2020, and where the decision was issued later that month. The assumed contribution from this site would be **168**.

### Lapse Rate

Given the recent establishment of this 'policy sub-area' and the lack of any evidence on past lapse rates on permissions within it, I am in agreement with the Council that it is appropriate and reasonable to apply the 5% lapse rate adopted and broadly accepted for the rest of Malvern Hills.

I also note that the Government introduced special measures during the Covid-19 lockdown to ensure that planning permissions which would have lapsed between the period of 23<sup>rd</sup> March and 31<sup>st</sup> December 2020 will be extended until 1 April 2021.

### Windfalls

Given the nature of this 'policy sub-area' (i.e. a discrete housing allocation only) I am in agreement with the Council that it would not be appropriate to rely on a contribution from windfall completions.

### Five Year Land Supply Table

I have checked the calculations and agree with the figure of **0.9** years supply including a 5% buffer, there being a shortfall of **2,235** dwellings.

Please do not hesitate to contact me should you have any queries with the above.

Yours faithfully



**Tim Roberts MRTPI**