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## Interim Position Statement: 5 Year Housing Land Supply (5YHLS)

Malvern Hills District Council: 25 June 2013

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1. Paragraph 49 of the National Planning Policy Framework (the Framework) states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*
2. Under paragraph 47 of the Framework, local planning authorities need to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

### Identifying the Target

3. In order to calculate a five year housing land supply, a requirement or ‘target’ needs to be identified against which supply can be measured. Paragraph 47 of the Framework indicates that ‘requirements’ should be identified in Local Plans, and that it is these requirements against which the 5 year supply should be measured.
4. The most recent fully detailed 5 year housing land supply assessment for Malvern Hills was set out in the “Housing Land Availability Monitor and 5 year Housing Land Supply Update April 2012 - updated Nov 2012” (the Nov 2012 HLAM) which measured supply against a number of housing targets. This was in recognition of the conflict between the Framework advice referred to above, the then still in existence Regional Strategy (West Midlands Regional Spatial Strategy 2008 ‘WMRSS’) and the outdated timeframe of the targets in the adopted Malvern Hills Local Plan (1996-2011).
5. In view of this conflict and in the absence of definitive case law or appeal precedent, the Council set out in the Nov 2012 HLAM its supply position against the emerging SWDP (Preferred Options - Sep 2011 and Proposed Significant Changes - August 2012) as well as the adopted WMRSS 2008<sup>1</sup> and the Phase 2 Review of its housing targets (Preferred

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<sup>1</sup> The WMRSS did not set out a target for Malvern Hills District but the Secretary of State’s letter of 15 June 2004 stated that “in the absence of better information authorities should retain the Structure Plan proportions.”

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Option - Dec 2007). The Regional Strategy Phase 2 Review had progressed to the post-examination 'Panel Report Stage' in 2009 before being discontinued.

6. Following the publication of the Proposed Submission SWDP in January 2013 and in the light of a number of appeal decisions elsewhere in the West Midlands which had preferred to use the WMRSS Panel Report 2009 targets, the Council published interim supply data through appeal statements<sup>2</sup> and Committee reports including against the targets set out in the Panel Report and the SWDP Proposed Submission Document. This interim supply information was prepared pending a more detailed assessment and update to be completed after the end of the next monitoring period 2012/13, which would also take into account any further appeal decisions.
7. A detailed updated Housing Land Availability Monitor is under preparation and will be published in July 2013. Although this will still need to set out a range of options, it is important that the Council makes clear its preferred method of calculation (target and supply) in order to apply the appropriate development plan policy tests and the tests set out in the Framework when determining relevant planning applications.
8. Reference to the targets of the following documents is made only in so far as to assess any past "persistent under delivery of housing:
  - The now revoked adopted WMRSS (revoked 20 May 2013)
  - The housing targets of Worcestershire County Structure Plan (Policy was not saved beyond Sep 2007. Remaining saved policies now revoked 20 May 2013)
  - The saved targets of the Malvern Hills District Local Plan (Still saved and extant, but only cover the period 2006-2011)
9. There is therefore effectively no adopted development plan target for housing supply in Malvern Hills District. National policy in both the Framework and the 'The Planning System: General Principles (2004)'; and case law, including the recent Axminster judgment (Save our Parkland Appeal Limited – and – East Devonshire District Council – and – Axminster Carpets Limited, 18 January 2013), are clear that weight can be attached to emerging plans; but until such time as they are adopted, this weight will always be limited.
10. Paragraph 216 of the Framework states that " decision takers may also give weight to relevant policies in emerging plans according to:

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<sup>2</sup> See Appendix B. This data was first published in the Council's Statement of Case for the Appeal Hearing at Walshes Farm, Abberley

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- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

11. The WMRSS Phase 2 revision was discontinued in 2010, however, some inspectors were still indicating that substantial weight could be afforded to the emerging targets set out in the Panel Report because these had undergone examination in public and were more up to date (than the adopted WMRSS). These appeal decisions predate the formal revocation of the WMRSS in May 2013 and it is unclear at the present time how the revocation will affect this stance.

12. At an appeal decision at Dudley Road, Honeybourne in August 2102 (APP/H1840/A/12/2171339) the inspector commented on the adopted WMRSS and described its targets as being *"only on a county wide basis and are extremely old, being based on household projections from the 1990s. Given the policies relating to housing land requirements are out of date and based on old information then little weight can be accorded to the policies. They should not be used for future requirements."* Although he recognised that The Phase 2 Revision Draft of the WMRSS *"is not an approved document and therefore it does not form part of the development plan. It is though a document which is a material consideration in this appeal and given the stage reached (Panel Report) would normally be of substantial weight. In a number of appeals the emerging RSS has been given substantial weight, particularly because it has undergone an EIP and the housing figures are more up to date and have been properly examined. .... The figures contained within the Panel Report remain the most recent objectively assessed figures available, although there have been more recent household and population projections since these were published. The figures in this plan are therefore of weight and are a starting point in the consideration of housing supply."* With regard to the SWDP which was then at Preferred Options stage he commented: *"Given the stage reached the SWDP can be given little weight."*

13. The Panel Report referred to also recommended a phasing policy to manage delivery over the overall plan-period and although these phased figures were not broken down to district level, for Worcestershire, the phasing policy proposed lower targets for the years

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2006-11 and 2011-16 suggesting much lower annual rates than the annualised rates that the inspector at Honeybourne favoured.

14. Since 2009, new household and population projections<sup>34</sup> have been published by CLG. The housing requirement ('target') figures in the Proposed Submission Draft SWDP are based on detailed demographic and economic modelling undertaken as part of the Worcestershire Strategic Housing Market Assessment (SHMA) published in February 2012 which is more up to date than the WMRSS Phase 2 review evidence base. They also take on board the advice of the Framework and have been subject to detailed appraisal and consultation. The SWDP has now reached Examination stage. It is acknowledged, however, that there are representations to these housing targets which have yet to be considered by the Inspector. Whilst the weight to be attached to its policies is therefore limited and can vary from policy to policy, its weight is considered to be significant in terms of decision making.

15. In a Written Ministerial Statement of 27 March 2013 announcing the Coalition Government's decision to revoke the Regional Strategies for the West Midlands, North West and South West, The Parliamentary Under-Secretary of State, Baroness Hanham stated:

*"From now on, every local community in England will have more control over local planning and development. The top-down approach of Regional Strategies from the last Administration imposed centrally set building targets on communities and coincided with the lowest peace-time levels of house building since the 1920s.*

*The abolition of these unpopular and counter-productive Regional Strategies reinforces the importance of councils' Local Plans produced with the involvement of local communities, as the keystone of the planning system. It is this approach that will help deliver the homes, jobs and infrastructure we need."*

16. The local plan-led approach to development is a core principle of the Framework as set out in paragraph 17 which states that planning should be *"genuinely plan-led, empowering local people to shape their surroundings, with succinct local and*

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<sup>3</sup> The Panel Report used evidence from the ONS 2006-based population projections issued in May 2008 Revised 2008-based sub national population projections and 2010-based sub national population projections were issued in May 2010 and March 2012 respectively and in Sep 2012 interim 2011-based sub-national population projections were issued reflecting the updated data available through the 2011 census.

<sup>4</sup> The Panel Reports used evidence from the CLG Household projections issued in March 2009 Revised CLG 2008-based household projections and 2011-based interim household projections were issued in Nov 2010 and April 2013 respectively

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*neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues”.*

17. The Framework and the Written Ministerial Statement clearly support the approach taken in developing a joint SWDP and are clear that regional plans have no role moving forwards, although paragraph 218 of the Framework allows for Local Planning Authorities to draw on the evidence that informed the preparation of regional strategies to support local plan policies, supplemented as needed by up-to-date, robust local evidence.
18. A number of recent appeal decisions in Malvern Hills District have discussed housing supply targets. The decision on APP/J1860/A/11/2161729, Hangmans Lane, Hanley Castle in August 2012 stated that as the Government was committed to abolishing all RSS's, little weight could be given to the WMRSS Phase 2 Revision Preferred Option figure. It also stated with regard to the SWDP (which was then still at the preferred options stage), that it was common ground that it should carry 'little weight' and that this must also apply to the evidence base because it had not yet been tested through the development plan process. *“That leaves the RSS figure of 6.3 years [adopted version] which is the most up to date part of the adopted development plan, albeit dating back to 2008, and on this basis there is an adequate supply of housing land.*
19. The decision on APP/J1860/A/12/2185834, Land at Shoulton Lane, Hallow, on 19 March 2013 came to a conclusion on the 5 year land supply recognising that the different amounts of supply were shown by the Council (in the Nov 2012 HLAM) against different potential targets, but that there *“is a shortfall when the Council’s own preferred target is used”.* (The preferred target figure referred to is the SWDP Proposed Significant Changes 2012 showing a 4.6 years) and the Inspector considered that this showed a *prima facie* shortfall in the housing land supply which could be argued in favour of allowing the appeal.. However, the appeal was dismissed when the impact on the character of the area was weighed against the shortfall in housing supply which was not *“so serious that it can be seen as constituting overriding urgency which would justify allowing development of the appeal site at this stage”.* The Nov 2012 HLAM and the figure of 4.6 years, did not include any of the proposed SWDP allocations.
20. Both these decisions pre-date the revocation of the WMRSS and the Submission of the SWDP. The more recent Rushwick appeal decisions of 10 June 2013 (APP/J1860/A/12/21877934) which post-date the RSS revocation, do not indicate which targets should be used. As the Council conceded during the Inquiry that it could not

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demonstrate a 5 year housing land supply (as attested by the appellant) the Inspector did not make a judgement on this issue except to conclude that this was the case. He did not discuss the SWDP in terms of housing land supply, but in other aspects of the appeal he gave some, but limited weight to the emerging SWDP; and in respect of affordable housing, appeared to give unlimited weight to the SWDP 40% target or evidence underpinning it, even though there are representations to this SWDP policy.

21. In the appeal at 14 Grundy's Lane, Malvern (decision 18 June 2013) (demolition of existing house and erection of 6 houses APP/J1860/A/13/2191669) the Inspector did not refer to housing land supply at all. She did mention the SWDP, in respect of which she noted *"Its intended submission in April 2013 has slipped following the number of objections made to the proposed policies. It was not known at the hearing whether these included objections to the emerging policies relevant to this appeal. Due to this uncertainty and their early stage, limited weight can be attached to them.* This appeal decision did not take account of the Submission of the SWDP.
22. In other appeals elsewhere outside Malvern Hills District, the adopted Regional Strategy, CLG household projections and Council's development plan evidence base studies have all been used as basis for the target.

### **Implications of the Rushwick appeal and costs decision for the 5 year housing land supply position and status of the SWDP**

23. The Rushwick appeal decisions and costs decision make it clear that the Council needs to decide if it can demonstrate that it has a five year land supply, and if not, clearly weigh this matter in determining all relevant applications. The Inspector considered that this was not made clear by the Council in its decisions on the Rushwick applications and stated in his decision.

*"There can be little doubt as to the significance of being able to demonstrate a five year housing supply when planning applications and appeals are considered against the policies of The Framework" (Costs decision para.8).*

24. The 5YHLS position affects the weighing of the development plan policies and the other material considerations, and where, *inter alia*, a 5 year supply is not demonstrated, paragraph 14 of the Framework states that permission should be granted permission unless:

"— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or  
— specific policies in this Framework indicate development should be restricted."

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25. In the costs decision, the inspector did however reiterate *“Of course accepting that you cannot demonstrate a five year supply of housing land does not automatically require you to grant planning permission, what it does require though is that you identify and quantify harm...”*
26. The key issue is that if the Council cannot demonstrate a 5YHLS, then policies for the supply of housing are considered “out of date” and saved Local Plan policies such as DS14 (Housing development in the open countryside) and DS17 (Significant Gap) are potentially significantly weakened by virtue of the harm caused by a particular housing development having to ‘demonstrably outweigh the benefits’, as opposed to more balanced assessment where the contribution that sites may make to meeting housing requirements and need would be weighed against the development plan policy and other material consideration in coming to a decision on relevant applications. Notwithstanding the advice of the Framework, the planning system remains plan-led. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration. The Inspector at Rushwick considered whether policy CN1 (Dwelling Mix and Size) could be relevant to housing supply in this context but was equivocal on this matter.
27. The Council accepted at the Inquiry that it could not demonstrate a five year land supply and the Council had not discussed 5 year land supply in its proof of evidence. The Inspector therefore had to rely on the appellant’s evidence, the Council’s Nov 2012 HLAM, and on the committee reports, which he regarded as equivocal. It is not clear what the Inspector’s view was on either targets or supply calculations, but he considered the Council to have been unclear and, in ultimately conceding that it could not demonstrate a 5 year supply, to have compelled the appellant to demonstrate the position through detailed evidence which was unnecessary. He further concluded that if the Council could not demonstrate a 5 year supply, it should have applied the appropriate (paragraph 14) Framework tests in coming to a decision.
28. The decision did not indicate that the Council could not use the SWDP target or include emerging allocations in its supply. It did not discuss the methodology for calculating either the target or supply.
29. The Inspector appeared to put unlimited weight on some of the emerging SWDP policies, in particular SWDP 15 on affordable housing, whereas by contrast, he put less weight on SWDP 14 (Housing Mix) and stated *“it constitutes a policy itself subject to objection and a component of an emerging plan yet to be examined, found sound or formally adopted; this necessarily limits the weight that may be apportioned to in any judgement...”*. This is
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at odds with his seeming acceptance of SWDP 15 which is also subject to representations.

30. Para 27 of the Inspector's report is ambiguous in stating "*They [the Rushwick sites] would deliver a sustainable mix of market housing in an authority that has very significantly underperformed in that task on a persistent basis, and which presently cannot demonstrate a 5 year supply of housing land, all in the absence of a tested and adopted local development plan*". The reference to persistent underperformance appears to relate to the mix of market housing rather than 5 year supply. There is no specific or clear reference to MHDC being a '20% authority'.
31. The Inspector did support the Council's case for S.106 financial contributions to education, transport and open space requirements, and clearly put weight on the Council's adopted supplementary guidance, and on the Local Transport Plan and Worcester Transport Strategy that gives it local focus. The Inspector was satisfied that these planning obligations met the requirements of Regulation 122 of the Community Infrastructure Levy Regulations and the tests set out in Paragraph 204 of the Framework.
32. In the light of the above and taking account of the other recent appeal decisions, i.e. in the absence of an appeal decision contradicting this stance, it is considered that the SWDP housing requirement figures remains the preferred starting point for the 5 year housing land supply calculations.
33. Whether or not the Council can demonstrate a 5 year housing land supply, the contribution that sites will make to meeting requirements and need should still be weighed against other material consideration in coming to a decision on relevant applications; and indeed the site in question may be one the Council is in part relying on to contribute to achieving a 5 year supply.

#### **Previous performance and implications for future supply**

34. The Framework requires that where there has been 'a record of persistent under delivery of housing', local planning authorities should increase the 5% buffer to 20%. 'Persistent under delivery' is not defined in the Framework but appeal precedent is suggesting this should be significant numerically and look back over the previous five years against the targets in force at that time.
35. In addition to assessing whether the Council is a 5% or 20% authority, there is a question as to whether any target is annualised (divided evenly over the plan period) or

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phased, and whether and how any previous over or undersupply should be addressed. There are two common approaches used.

36. The 'Liverpool approach' takes housing completions to date off the overall plan target, leaving a residual target which is then spread out (normally on an annualised basis) over the remaining plan-period. This approach helps spread out the peaks and troughs of housing provision, over which the council has limited influence. This approach also recognises that targets are often identified to be met over the plan-period and that annual targets are often only 'indicative'.
37. The 'Sedgefield' approach assesses housing completions for the plan period to date against the target for that period (which itself may be based on totalling up the annualised requirements) and then adjusts the targets for the next 5 years to take account of this performance (you would theoretically then be 'back on track' at the end of the 5 year period rather than at the end of the plan period - assuming it is more than 5 years away). This has tended to be the approach favoured at recent planning appeals, normally to take account of past undersupply. On one level this method makes sense to 'get you back on track'. However, where an under delivery exists, it does tend to lead to peaks of permissions, and where an authority cannot demonstrate a 5 year housing land supply but has sufficient sites to meet the overall plan period requirements, it can result in the release of less sustainable sites in advance of, and to the detriment of the delivery of, preferred sites identified in the development plan that the community have been involved in preparing. This may not actually deliver more houses, as where undersupply has been as a result of recession, sites may simply be 'land banked' until market demand picks up. Alternatively, housing may be built ahead of related employment development and community infrastructure, meaning that a balanced approach to housing and employment delivery is not achieved.
38. Appeal decisions are tending to favour the Sedgefield approach.

### **Calculating the Supply**

39. Once the target is identified, authorities need to assess which sites can be included in the supply. There is no clear advice in the Framework or other current guidance as to what can be included other than sites with planning permission can normally be included. In a post-Framework appeal at Cheltenham (20 Jun 2012 - APP/B1605/A/11/2164597) the inspector stated that "*The calculation of housing land supply is not an exact science and I see no need to treat it as such*" and most inspectors are not being prescriptive over the calculations and are recognising the different but valid methodologies.

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40. To be included in the supply, however, sites must be considered deliverable within the 5 year period. Sites with outstanding planning permissions and allocations (without planning permission) are normally included - in so far as they would deliver housing in the next 5 years.
  41. The Framework precludes and/or discourages the inclusion of some types of site which will contribute to supply i.e. garden land in built up areas and greenfield windfalls, although of course once granted planning permission these can be included - in so far as they would deliver housing in the next 5 years.
  42. The Framework allows for a brownfield windfall allowance if there is “*compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply*” (para 48).
  43. There is no guidance on at what stage ‘proposed allocations’ can be included – this depends on the weight to be afforded to the emerging plan. Proposed allocations would normally be sites identified initially in the SHLAA.
  44. Some LPAs include SHLAA sites that have no planning permission or proposed allocation, but this is not considered appropriate in Malvern Hills District.

### **Malvern Hills District Position**

45. This current Interim Position Statement is based partly on the Nov 2012 HLAM methodology which sets out the delivery position as at 1 April 2012 and the future supply for 5 years to 2017. This is currently being reviewed in the light of changed policy circumstances and given that we reached the end of the 2012/13 monitoring year.
46. Pending this full review, an interim position was set out in the Council’s Appeal Statement of Case of 26 April 2013 for the appeal at Walshes Farm, Abberley (12/01008/OUT) (see extract at Appendix B) and in subsequent committee reports.
47. This current Interim Position Statement (24 June 2013) adjusts the Nov 2012 HLAM methodology as follows.
  - In the case of the proposed housing land allocations within the SWDP, given that the Plan has now been submitted for Examination and in the light of the earlier discussion about the SWDP target being the starting point and the clear direction of the Framework, it is a reasonable stance to include certain of the housing land allocations within it for the purposes of calculating 5 year housing land supply. The sites that have been included are subject to pre-application discussions and / or planning applications.\*

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- Windfalls are now further discounted by excluding them entirely from the first two years of the 5 year supply to avoid any double counting against extant planning permissions.\*
  - The windfall allowance is based on the windfall trends in net additional dwellings.\*
  - The way the Sedgefield approach is applied has been adjusted.
  - The assumed lapse has been increased from 4% to 6%.\*
  - (\* These revised approaches were included in the statement of case for the Walshes Farm appeal Hearing that will be heard on 9th July 2013.)

### **Current Supply Components**

48. The key components of supply are therefore as follows:

- Sites with full and outline planning permission
- Dwellings under construction
- Outstanding allocated sites
- A small number of proposed SWDP allocations
- A small sites brownfield windfall allowance

All in so far as they are likely to deliver housing within the next 5 years.

49. The methodology assumes that some outstanding planning applications will lapse and based on the lapse rate from 2006/7 to 2011/12, assumes a rate of 6%.

50. The figure for windfalls is heavily discounted and excludes garden land and only includes small brownfield windfalls on sites of below 5 dwellings. Larger windfall sites (5 and above dwellings) are not counted as these are normally expected to have been identified through the SHLAA or the Local Plan allocations process, although a number of these will come forward and contribute to supply. The windfall figure is therefore considered to be a conservative estimate.

51. A buffer of 5% is included and 20% illustrated.

52. Using the above components and based on an annualisation of the plan-period target, Table 1 shows the current 5 year land supply against the SWDP Proposed Submission Document targets. **These figures show that the Council has a 5 year housing land supply.**

53. The SWDP housing requirement is phased under policy SWDP 3, such that housing numbers are front-loaded at the beginning of the plan period, dropping off after 2013

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before increasing at the end of the plan period after 2019. These phasing assumptions are based on information from landowners and developers that at the time was aspirational. The SWDP also illustrates the expected rate of delivery through a housing trajectory for each sub area.

54. Evidence is rarely robust enough to indicate precise yearly housing requirements, but instead assesses requirements over the plan period and any likely peaks and troughs within this timeframe. Phasing in plans is generally set out in large 5+ year bands and is used to illustrate and to help monitor and manage overall delivery over the plan period. Fluctuations in the local housing market and delivery issues on individual sites makes it difficult to assess from any individual year's monitoring, whether any intervention is actually required. Phasing is not normally intended to be prescriptive and trying to assess the 5 year land supply against phasing is difficult in that more often than not the 5 years will straddle phases and you would then need to annualise figures within each phase - which cuts across the essence of phasing. For these reasons, 5 year housing land supply is normally calculated using an annualisation of the overall plan target as it is that which is identified to meet the housing requirements. Monitoring over phases will still occur to ascertain whether any intervention is required.

#### **Summary of the current 5 year housing land supply position**

55. Circumstances have changed since the Rushwick applications were considered at committee in February 2013. The key changes are the revocation of the WMRSS on 20 May 2013 and the submission of the SWDP for Examination on 28 May 2013. Using a realistic assessment of those SWDP allocations likely to come forward in the five year period, it is considered that the Council can now demonstrate a 5 year land supply against housing requirements of the SWDP Proposed Submission Document (Jan 2013). These calculations are outlined below and set out in Table 1.
56. Table 1 shows that calculated against the SWDP Proposed Submission Document, for Malvern Hills District (excluding the Wider Worcester Area) and including a buffer of 5%, the Council can demonstrate a **5.85** years supply of housing land under the Liverpool approach, and **6.34** years under the Sedgefield approach. It is anticipated that this position may weaken when the 2012/13 commitments and completions are reviewed.
57. Table 3 in Appendix A summarises the sites allocated in the SWDP Proposed Submission Document that are subject to planning applications and formal pre-application discussions amounting to 391 dwellings. (Note: The Rushwick sites now have permission via the appeal decision and will become commitments rather than proposed allocations in due course).

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- The tables in Appendix C show past delivery against a range of annualised targets. From these it can be seen that against the most recent adopted Plan (the Adopted WMRSS 2008)<sup>5</sup>, Malvern Hills over-supplied by 482 dwellings between 2001 and 2012. At the annualised rate of 171 dwellings, this is equivalent to 2.8 years over-supply.
  - WMRSS 2008: 482 dwellings oversupply 2001-2012
  - Malvern Hills District Local Plan: 203 dwellings shortfall 2006-2011
  - WMRSS Panel Report 2009: 174 dwellings shortfall 2006-2012
  - SWDP Proposed Submission Document (Jan 2013):102 dwellings oversupply 2006-2012.

58. It is not therefore considered that the Council has a record of persistent under delivery and is therefore a 5% authority, not a 20% authority. However, the figures in Table 1 show a 5 year supply against both 5% and 20% using either the Liverpool or Sedgefield approach.

59. Table 2 shows the same supply figures and methodology against the Panel Report target for information. This shows an undersupply.

## Conclusion

60. Based on the information contained in this Interim Position Statement and the Council's supporting monitoring data it is considered that the Council can currently demonstrate a 5 year supply of land for housing based on **the emerging SWDP target and the evidence that underpins it**. Using the **Sedgefield approach** and allowing for a buffer of **5%**, the Council can demonstrate a **6.34** years supply of land for housing.

61. The situation will be kept under review.

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<sup>5</sup> The WMRSS did not set out a target for Malvern Hills District but the Secretary of State's letter of 15 June 2004 stated that "in the absence of better information authorities should retain the Structure Plan proportions".

**Table 1: Five year land supply against SWDP Proposed Submission Document target (Preferred Target)**

<b>5 year period: 1 April 2012 to 31 March 2017</b>	<b>Column A: SWDP Proposed Submission Document 2006-2030 (24 years) Liverpool (residual plan period )</b>	<b>Column B: (Preferred Approach) SWDP Proposed Submission Document 2006-2030 ( 24 years) Sedgefield (5 year catch up)</b>
Plan period target and annualised rate	4,900 (204 per annum) (1,020 over 5 years)	4,900 (204 per annum) (1,020 over 5 years)
Required to date 2006-2012	n/a to this method	1,224
(Completions) Net additional dwellings to date (1 April 2012)	1,326	1,326
Residual requirement	3,574	3,574
Historic under/oversupply against annualised requirement to date	n/a to this method	102 oversupply
Five year target	995 (3574÷ 18 yrs remaining = 199 per annum x 5 years)	918 (204 x 5 years – 102 =184 per annum x 5 years)
Five year target + 5%	1,045 (210 per annum)	964 (193 per annum)
Five year target + 20%	1,194 (239 per annum)	1,102 (220 per annum)
<b>Commitments</b>		
Under construction ( net)	232	232
Outstanding planning permissions * (net)	391 (416 @ 6% non-implementation)	391 (416 @ 6% non-implementation)
Saved Local Plan allocations	104	104
Windfall allowance (brownfield <5 dwllgs, net**)	105 (35 per annum for current 5 years x 3 years)	105 (35 per annum for current 5 years x 3 years)
Proposed site allocations in SWDP ***	391	391
<b>Total supply</b>	<b>1,223</b>	<b>1,223</b>
Balance	228	305
Years supply 0%	6.15	6.65
<b>Balance</b>	<b>178</b>	<b>259</b>
<b>Years supply (+5%)</b>	<b>5.85</b>	<b>6.34</b>
Balance	29	121
Years supply (+20%)	5.12	5.56

\* 6% non-implementation applied based on average expiry rate of commitments 2006/7 – 2011/12

\*\* Windfall allowance only counted for 3 years of the 5 year period to avoid double counting with small site permissions. The allowance uses net additional dwelling figures (as opposed to gross figures in Nov 2012 HLAM

\*\*\* SWDP allocations - figure relates to site allocations expected to come forward during 5 year period. All sites are subject to either a submitted planning application, or have undertaken pre-application discussion with officers (at April 2013). Total consists of 10 SWDP proposed allocations.

**Table 2: Five year land supply against WMRSS Phase 2 Review Panel Report target  
(For Information Only)**

<b>5 year period: 1 April 2012 to 31 March 2017</b>	<b>Column A: WMRSS Phase 2 Revision Panel Report 2009 2006-2026 20 years Liverpool (residual plan period )</b>	<b>Column B: WMRSS Phase 2 Revision Panel Report 2009 2006-2026 20 years Sedgefield (5 year catch up)</b>
Plan period target and annualised rate	5,000 (250 per annum) (1,250 over 5 years)	5,000 (250 per annum) (1,250 over 5 years)
Required to date 2006-2012	n/a to this method	1,500
Net additional dwellings to date (1 April 2012)	1,326	1,326
Residual requirement	3,674	3,674
Historic under/oversupply against annualised requirement to date	n/a to this method	174
Five year target	1,312 (262 per annum)	1,424 (285 per annum)
Five year target + 5%	1,377 (275 per annum)	1,495 (299 per annum)
Five year target + 20%	1,574 (315 per annum)	1,709 (342 per annum)
<b>Commitments</b>		
Under construction ( net)	232	232
Outstanding planning permissions * (net)	391 (416 @ 6% non-implementation)	391 (416 @ 6% non-implementation)
Saved Local Plan allocations	104	104
Windfall allowance (brownfield <5 dwllgs, net**)	105 (35 per annum for current 5 years x 3 years)	105 (35 per annum for current 5 years x 3 years)
Proposed site allocations in SWDP ***	391	391
<b>Total supply</b>	<b>1,223</b>	<b>1,223</b>
Balance	-89	-201
Years supply 0%	4.67	4.29
<b>Balance</b>	<b>-154</b>	<b>-272</b>
<b>Years supply (+5%)</b>	<b>4.45</b>	<b>4.09</b>
Balance	-351	-486
Years supply (+20%)	3.88	3.58

**Appendix A:**

## Interim Position Statement: 5 Year Housing Land Supply (5YHLS)

Malvern Hills District Council: 25 June 2013

**Table 3: List of sites included in the proposed allocations quota of 5 year land supply**

SWDP Ref	SHLAA Ref	Address	Application ref	Planning App (PLA) or Pre - App (PRE)	Developer dwellings proposed	Indicative dwellings SWDP	Decision/ Status at June 2013
SWDP 52/3	MHMT41	Land adj Hanley Rd & Rothwell Rd, Malvern	13/00044/OUT	PLA	45	35	Withdrawn 14/03/2013 - to be resubmitted
SWDP 52/4	MHMT55	Land adj to The Homestead, Halfkey Rd, Malvern	C/13/00076/PA	PRE	4	6	Outstanding
SWDP 57/1	MHTW 01	Land at Oldwood Road, Tenbury	12/00659/OUT 13/00413/OUT	PLA PLA	45 30	30	Refused – Appealed - Outstanding
SWDP 58/1	MHHG04	Land at Sunny Bank Meadow, Holly Green		PRE	25	25	Outstanding
SWDP 59/2	MHAB07	Land West of Apostle Oak Cottage, Abberley		PRE	10	10	Outstanding
SWDP 59/3	MHCUT04	Land at Hope Lane Clifton-upon-Teme	C/13/00015/PA	PRE	30	30	Outstanding

**Appendix A:**

SWDP 59/4	MHGW01	Land N of Worcester Rd and W of Great Witley Primary school	12/01412/FUL	PLA	27	23	Council resolution – minded to approve
SWDP 59/6	MHHS03 & MHHS14	Land at Welland Rd, Hanley Swan	C/12/00407/PA	PRE	20	20	Outstanding
SWDP 59/8	MHKY05 & MHKY06	Land S of Kempsey adj lawns Nursing home including Bights Farm (only part of site)	C/13/00033/PA	PRE	50	138	Outstanding
SWDP/12	MHMY03 & MHMY15	Land adj to The Crown, Martley	13/00087/FUL	PLA	51	51	Outstanding
SWDP 60/6	MHRW02	Land adj Claphill Lane, Rushwick	12/00833/FUL 12/01661/FUL	PLA PLA	31 28	23	Granted on appeal 10/6/13
<b>TOTALS</b>					<b>320</b>	<b>391</b>	

Interim Position Statement: 5 Year Housing Land Supply (5YHLS)  
Malvern Hills District Council: 25 June 2013

**Extract from Council's Appeal Statement of Case of 26 April 2013 for the appeal at Walshes Farm, Abberley (12/01008/OUT)**

“

**SWDP Five Year Land Supply**

- 5.14 Where a local planning authority is not able to demonstrate a 5yhls, the last part of paragraph 49 of the Framework is engaged. This states “Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
- 5.15 There is no definitive advice within the Framework and no accompanying guidance as to which plan target or methodology should be used for the purposes of calculating the 5 year housing land supply. The District Council considers that they have a five year land supply against the emerging Local Plan targets. It is also considered that the policies in the emerging plan also have weight, in terms of the policies relating to the development boundary and the proposed allocations.

**Evidence Base**

- 5.16 Paragraph 47 of the Framework explains how, “to boost significantly the supply of housing”, local planning authorities should “use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework;”
- 5.17 Because of the range of interim policies and plans existing at District, sub-regional, and regional level, the District Hills District Council has calculated its 5yls in more recent years against a range of targets. These are the Worcestershire County Structure Plan (which will be no longer saved) ; the Adopted West Midlands Regional Spatial Strategy (2008); the emerging WMRSS Phase 2 Revision (2009) and the emerging South Worcester Development Plan ( SWDP).
- 5.18 Whilst the Adopted WMRSS is dated 2008, for the period 2001-2021) the housing evidence base behind it is older and also considered to be out of date, although it does represent the current adopted development plan target for Malvern Hills District. As stated the WMRSS is to be revoked on 20 May 2013. The WMRSS Phase 2 partial review (2006-2026) (to be discontinued) is based on more up to date evidence (2006 based household projections).. However, the concept of regional housing targets is not supported by the current Government, although the evidence base on which they are derived can be considered appropriate in some instances where there is no more up to date evidence that has been objectively drawn up and assessed. The emerging development plan, the SWDP, is based on an up to date Strategic Housing Market Area Assessment (Feb 2012) and more recent household projections.
- 5.19 The most recently published MHDC Housing Land Availability Monitor (HLAM) April 2012 (updated November 2012) illustrates housing figures against four housing targets, which cover the Adopted WMRSS 2008; the WMRSS Phase 2 revision (Preferred Options 2007); the SWDP Preferred

Options 2011 and the SWDP Proposed Significant Changes 2012 housing requirements. The SWDP is now at proposed submission stage and contains revised housing figures following new evidence in the form of a revised Strategic Housing Market Assessment (SHMA) and updated Office for National Statistics (ONS) population projections information and so requirements have been increased and consulted upon (at the Significant Changes consultation August 2012). It is the District Council's intention, as part of its annual monitoring responsibilities, to update the HLAM with information on housing completions, demolitions, housing starts and planning permissions information from 1st April 2013, along with windfall site trends. This work is currently underway. This will also take account of the progression of the SWDP, recent appeals precedent, and any relevant changes in national policy.

- 5.20 The Council also wishes to draw the Inspectors attention to the fact that new 2011 based household projections have now very recently been published. Initial appraisal suggests that they are lower than the 2008 based projections for South Worcestershire.

### **Components of housing supply**

- 5.21 The Council's most recently published methodology of what is included in the supply is set out in the "Housing Land Availability Monitor and 5 year Housing Land Supply Update – updated Nov 2012, which sets out the position as at 1 April 2012.
- 5.22 The housing land supply April 2012 to March 2017 (five years), consists of sites with full and outline planning permission, sites under construction and existing outstanding allocated sites (MHDLP) that are deliverable over the next five years. These sites are a mixture of new build, change of use and residential conversions on both brownfield and greenfield sites. A 4 per cent lapse rate was applied to the outstanding planning permissions determined by monitoring the average rate of expired planning permissions from 2001/2 to 2011/12.
- 5.23 Under the Framework, an element of windfall allowance can be counted within the five year land supply calculation if there is "compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply". (para 48). The HLAM therefore included an allowance of 45 dwellings per annum, and contributed 225 dwellings to the 5yrs. This was based on a detailed assessment of small previously developed sites (under 5 dwellings). Concerns have been expressed about the possible double counting of this figure with small sites permissions. There may therefore be a suggestion for not counting the windfalls across all 5 years (see table 2, para 5.35). However, the windfalls are already heavily discounted as large windfalls and greenfield windfalls are excluded, despite the fact that a number of these will undoubtedly come forward and contribute to supply, , so the figure is considered to be realistic but very conservative. Nonetheless, allowances for this concern have been factored into table 2 (para 5.35). Furthermore, in table 2 the small sites with outstanding permissions have also been discounted by the 6% lapse rate which is the average expiry rate from 2006/07 to 2011/12. This is also considered to be realistic as an accurate calculation for the emerging SWDP plan period.
- 5.24 The Framework also requires an "...additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land". Where there has been a record of persistent under delivery of housing, local planning authorities should increase the

buffer to 20%...to provide a realistic prospect of achieving the planned supply...”

- 5.25 Using the above range of targets and methodologies, applying a 5% increase for choice and competition, the District Council at 1st April 2012 could demonstrate a five year supply against the adopted WMRSS (7.93 years or 7.56 years +5% –) and the SWDP Preferred Options plan period (6.11 years or 5.82 years +5% –). A five year housing land supply could not be demonstrated for the WMRSS Phase II Preferred Option, or the WMRSS Panel report.

	<b>Adopted WMRSS 2008</b>	<b>WMRS S Phase 2</b>	<b>WMRSS Panel report 2009 (not in HLAM Report)</b>
Plan period	2001- 2021 20 years	2006-2026 20 years	2006-2026 20 years
Years Supply	7.93 (surplus of 335 dwellgs)	3.76 (undersupply of -315 dwellgs)	3.66 (undersupply of - 350 dwellgs)
Years Supply +5%	7.56 (surplus of 325 dwellgs)	3.58 (undersupply of -379 dwellgs)	3.49 (undersupply of - 416 dwellgs)
Years Supply + 20%	6.62 ( surplus of 235 dwellgs)	3.14 ( undersupply of -570)	3.06 (undersupply of - 612 dwellgs)

- 5.26 It is considered that the District does not have a record of persistent under delivery when each of the four plan period scenarios (excluding the Panel report) are analysed over the previous monitoring years. This is illustrated in Appendix 4. The District Council therefore consider it is not a “20%” authority. To be helpful however a 20% buffer is shown against the five year supply calculations in the HLAM for information, (table 13 and reprinted above) but is not considered applicable.
- 5.27 The relevance and robustness of the measures of housing requirements and potential supply is open to discussion. However, recent appeal precedent has established some baseline principles.
- 5.28 Inspectors at three recent appeals (Honeybourne, August 2012; Chapel-en-le-Frith, August 2012; and Shottery, Stratford upon Avon, October 2012 – recovered by the Secretary of State) have concluded that the proposed revocation of Regional Strategies can be afforded limited weight whilst they are still in place. The order to revoke the WMRSS has just been announced.
- 5.29 At „Honeybourne“, the Inspector concluded that the housing supply figures in the Adopted West Midlands Regional Spatial Strategy 2008 (WMRSS) were out of date because they were based on household projections which have since been superseded, to the degree that their targets can only be afforded limited weight, commenting that they should not be used for future requirements.
- 5.30 The Honeybourne Inspector also set out findings on the status of the emerging but now discontinued WMRSS Phase 2 Revision and the emerging South Worcestershire Development Plan. With regard to the WMRSS Phase 2 Revision, the Inspector commented that whilst it is not an approved document forming part of the Development Plan, it could be afforded substantial weight; due to the stage it had reached (Panel Report). Having regard to the stage that the SWDP

had reached at the time (still a „preferred options“ consultation draft) the Honeybourne Inspector concluded that it could be given little weight. It is relevant to note that the Malvern Hills District Council did not accept the findings of the WMRSS Panel ( neither did the other two South Worcestershire Authorities) and those findings were never endorsed or progressed by the Secretary of State. Equally, they have no prospect of being progressed. The Panel report recommended an additional 100 dwellings to Malvern Hills District Council“s (over and above that set out in the earlier submitted version) housing target from 2006 to 2026, giving a total dwelling target of 5,000 ( an additional 5 dwellings per annum.) Since the Panel“s report was published, more up to date evidence has been published, including new household projections, the Worcestershire Strategic Housing Market Assessment (SHMA) February 2012 and a detailed assessment of availability through the Strategic Housing Land Availability Assessment (SHLAA), updated in May 2011 and December 2012).

- 5.31 Having regard to the Honeybourne decision, it is clear that the housing supply figures set out in the WMRSS Phase 2 Revision (Panel Report) and the SWDP are material planning considerations to the degree that regard should be had to these in the decision making process. However, it is relevant to note that since the issuing of the Honeybourne appeal decision, the SWDP is further advanced; now being at „proposed submission stage“. Furthermore, it is based on the most up to date evidence, it takes account of national policy in the Framework and subject to any issues arising from the Examination, there is unlikely to be a significant shift in its content prior to adoption. In additional, further household projections have now been published by DCLG based on 2011 population projections. They only go to 2021, but at this stage appear to show lower household requirements for South Worcestershire. Whilst detailed analysis of these figures is still required, it shows that the 2006 projections which the WMRSS relies on are becoming increasingly outdated, and that the South Worcestershire Authorities have more up to date information.
- 5.32 In terms of other relevant appeal decisions that may be referred to justify the release of housing sites, the SWDP has been subject to considerable detailed consultation on specific site allocations and is at a more advanced stage than many of these cases. The recent appeal at Tetbury (APP/F1610/A/12/2173305) considered that a site in the AONB should be released because of a deficit (large) in 5 year housing supply, but the development plan coverage there was out of date in terms of the Regional Spatial Strategy for the South West, and the Gloucestershire County Structure Plan. The emerging Cotswold Core Strategy was only at issues and option stage, so the Authority in that case was still discussing only broad locations for housing sites- which would be some considerable time from delivery, because a further detailed site allocations document would be needed to be prepared and consulted upon. In contrast the SWDP is at an advanced stage and can be at a position to be adopted within the next 9 months.
- 5.33 Having regard to the recent „Axminster“ judgement, the District Council considers that it is more than reasonable to calculate the 5 year supply using the published SWDP housing land supply requirement.
- 5.34 The table below illustrates the 5yrs position against the SWDP proposed submission document numbers (both „Liverpool“ and „Sedgefield“ approaches) and includes some a proportion of the proposed allocations that are considered deliverable within the next 5 years.

## Appendix B

5.35 It is considered appropriate to count an element of the proposed housing land allocations within the SWDP for the purposes of calculating 5 year housing land supply, now that it is at „proposed submission“ stage, and in the light of the earlier discussion about the SWDP target being the starting point, it is a reasonable stance to include a certain proportion of the housing land allocations within it. [Not all proposed allocations will come forward within 5 years, but the total amount of dwellings allocated to Malvern Hills is 1821 dwellings, which will be delivered between 2013 and 2030 ( 17 years), which would give an additional indicative average of 107 dwellings per annum, or 535 dwellings over a 5 year period]. Note that these allocations exclude the specific housing requirements for Worcester associated growth within MHDC area- the Wider Worcester Area (WWA). It is considered that by taking into account an element of the proposed SWDP site allocations that may be ready to come forward in the immediate years after adoption of the SWDP (currently scheduled for late 2013), Malvern Hills District could deliver an additional supply of approximately 391 dwellings phased over the period 2014 – 2017 which is the latter stages of this current five year housing land supply period. It is the case that there are planning applications and current pre-applications discussions that are already submitted on SWDP sites that indicate that the sites are available with a willing landowner, and that are likely to be deliverable after adoption.

1st April 2012 to 31st March 2017	<b>COLUMN A</b>	<b>COLUMN B</b>
	SWDP Proposed Submission 2006-2030 (24 Years) <b>‘LIVERPOOL’</b> (Annualised) Approach	SWDP Proposed Submission 2006-2030 (24 Years) <b>‘SEDGEFIELD’</b> (Shortfall) Approach
<b>Plan Period Target</b>	4,900 (204 per annum)	4,900 (204 per annum)
<b>Net Completions to Date (at April 2012)</b>	<b>1,326</b>	<b>1,326</b>
<b>Residual Target</b>	<b>3,574</b>	<b>3,574</b>
<b>Historic Under Supply Total Set Against Annual Requirement</b>	N/A - Sedgefield Approach Only	<b>88</b>
<b>Five Year Target</b>	995 (199 residual target annualised)	1,108 (222 plan period target annualised, shortfall added)
<b>Five Year Target +5%</b>	1,045 (209 residual target annualised)	1,159 (232 plan period target annualised, shortfall added)
<b>Five Year Target +20%</b>	1,194 (239 residual target annualised)	1,312 (262 plan period target annualised, shortfall added)
<b>Commitments</b>		
<b>Under Construction (net)</b>	<b>232</b>	<b>232</b>
<b>Outstanding* (net)</b>	(416) <b>391</b> (6% non-implementation rate)	(416) <b>391</b> (6% non-implementation rate)
<b>Local Plan Allocations</b>	<b>104</b>	<b>104</b>
<b>Windfall Allowance (Brownfield) Net**</b>	<b>105</b> (35 per annum for current 5 year period) - 3 years" worth counted	<b>105</b> (35 per annum for current 5 year period) - 3 years" worth counted
<b>Proposed Site Allocations in SWDP***</b>	<b>391</b>	<b>391</b>
<b>Total Supply</b>	<b>1,223</b>	<b>1,223</b>
<b>Balance</b>	<b>228</b>	<b>115</b>

## Appendix B

<b>Years Supply</b>	<b>6.15</b>	<b>5.51</b>
<b>Balance</b>	178	64
<b>Years Supply (+5%)</b>	<b>5.85</b>	<b>5.27</b>
<b>Balance</b>	29	-89
<b>Years Supply (+20%)</b>	<b>5.12</b>	<b>4.67</b>

\*6% Non-implementation rate applied in line with average expiry rate of commitments from 2006/07 2011/12

\*\*Windfall Allowance is only counted for three years" worth of the five year period. This is to avoid double counting of additional small site permissions (i.e. those already identified as commitments in the table) that may come forward during the same five year period. The allowance is calculated using net figures, (minus demolitions) as opposed to gross figures in the HLAM (April 2012, Nov update).

\*\*\*SWDP Site Allocations – A proportion of SWDP proposed site allocations that are expected to come forward within the five year supply period. All sites in this total have either submitted planning applications, or have undertaken pre-application discussion with officers (as at April 2013). The total consists of ten SWDP proposed allocation sites.

- 5.36 Appendix 5 contains the site information on the proposed allocations that are counted in the 5 year land supply. The footnotes explain that the lapse rate of 6% is based on a calculation of the actual average expiry rates from commitments between 2006 and 2012. Furthermore, the SWDP allocation counted in the 5yrs ( 391) are only based on sites that have come forward as planning applications or pre-application enquiries, and this illustrates that they have a willing landowner and developer/ agent on board who wishes to progress the sites now. The windfall allowance has also been decreased in comparison to the most recently published HLAM (April 2012), taking into account the possibility of small site double counting and applying net figures (rather than gross) to the calculation.
- 5.37 The appeal decision at Chapel en le Frith, High Peak, ( APP/H1033/A/11/2159038, August 2012) has been cited as stating that the framework requires that only sites with planning permission should be counted within the 5yrs. However, this would seem inappropriate, given that most permissions will expire within 3 years, which would mean it would be very difficult to show a rolling supply for 5 years. The Framework is not specific in the footnote on page 11, and in some cases it can be clearly shown that allocations are available and likely to be delivered within 5 years. This is particularly the case for SWDP allocations that are subject to pre- application discussions, or current planning applications. An authority such as Malvern Hills which exhibits a predominance of small sites (many in the rural areas) would be penalised by this method. This strict interpretation also does not stand up against the Framework which can permit a windfall allowance if proven, which is thereby additional to permissions, and by the practice by other authorities that even count SHLAA sites within their 5 year supply.
- 5.38 For the purposes of calculating 5yhls requirements within the District of Malvern Hills, the residual methodology (or „Liverpool“ approach) is considered to be the appropriate approach as this

provides for a more balanced approach to the delivery of housing over the Plan period. In this way, any historic shortfall of housing would be calculated across the Plan period of the SWDP (up to 2030), rather than immediately and up front (within 5 years), as in the „Sedgefield“ approach. Furthermore, as the SWDP is to be adopted in less than a year, identified allocated sites will come forward well within the next 5 years and across the plan period to 2030.

### 6.0 Conclusions

- 6.1 In terms of housing land supply, the District Council can demonstrate that it does have a 5yrs against the SWDP Proposed Submission Document target if a modest but realistic assessment is undertaken of the availability and deliverability of a certain proportion of the proposed allocations in the SWDP (see Appendix 5). It is considered that weight can be given to these allocations as the Plan has been drawn up so that the policies are in conformity with the Framework, and the sites have been subject to considerable public consultation and technical assessment including through the SHLAA, and they are also subject to pre-application discussions or current planning applications.
- 6.2 There are two allocated sites at Abberley Common which are considered to be sustainable and of an appropriate scale to meet the needs of Abberley over the plan period. In particular, the housing numbers and scale of the development area proposed have been scaled down over the progression of the Plan in response to an assessment of the site attributes, the character of the sites and the village as a whole, and in response to public consultation. The appeal site has not been identified as a proposed allocation through the plan making process, although it is acknowledged that this is not yet complete and as it is beyond the existing and proposed development boundary of the settlement and therefore in open countryside.
- 6.3 In conclusion, having regard to the advanced stage of the SWDP Proposed submission document it is considered that it may be given significant weight in decision making both in regard to the housing land supply calculation and the proposed housing allocations. As a matter of principle, the proposal is not in accordance with the policies of the saved Local Plan or the emerging SWDP. There are no overriding reasons or public benefits to justify why permission should be granted in this case and as such the proposal is contrary to National policy in the Framework.

### 7.0 Conditions

- 7.1 If the Inspector is minded to allow the appeal the Council recommend the following conditions be imposed to control the development:
1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
    - i. The expiration of three years from the date of this permission;
    - or
    - ii. The expiration of two years from the final approval of the reserved matters; or,
    - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

## Appendix B

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

”

Interim Position Statement: 5 Year Housing Land Supply (5YHLS)  
Malvern Hills District Council: 25 June 2013

### Appendix C: Past Delivery Figures

#### Adopted West Midlands RSS 2001-2021

Date	Net Completions	Adopted WMRSS 2001-2021 3428 Dwellings	Over/under supply (since 2001)	Potential Historic Under Supply to add back onto total requirement
2001-2002	150	171	-21	21
2002-2003	258	171	87	
2003-2004	256	171	85	
2004-2005	195	171	24	
2005-2006	178	171	7	
2006-2007	183	171	12	
2007-2008	299	171	128	
2008-2009	256	171	85	
2009-2010	222	171	51	
2010-2011	137	171	-34	34
2011-2012	229	171	58	
<b>Totals (Net over/under supply performance)</b>	<b>2363</b>	<b>1881</b>	<b>+482</b>	<b>55</b>
<b>HLA 2012*</b>	<b>2342</b>	<b>1881</b>	<b>+461</b>	

\*There is a slight inconsistency in the completions calculations as recorded in the HLAM when compared historic monitoring statistics. Therefore, for consistency, the HLAM total has been applied.

#### West Midlands RSS Phase 2 Review - Preferred Option 2007 (2006-2026)

Date	Net Completions	WMRSS Phase II Preferred Option 2006-2026 4900 Dwellings	Over/under supply (since 2006)	Potential Historic Under Supply to add back onto total requirement
2006-2007	183	245	-62	62
2007-2008	299	245	54	
2008-2009	256	245	11	
2009-2010	222	245	-23	23
2010-2011	137	245	-108	108
2011-2012	229	245	-16	16
<b>Totals (Net over/under supply performance)</b>	<b>1326</b>	<b>1470</b>	<b>-144</b>	<b>209</b>

## West Midlands RSS Phase 2 Review - Panel Report 2009 (2006-2026)

Date	Net Completions	WMRSS Panel Report 2006-2026 5000 Dwellings	Over/under supply (since 2006)	Potential Historic Under Supply to add back onto total requirement
2006-2007	183	250	-67	67
2007-2008	299	250	49	
2008-2009	256	250	6	
2009-2010	222	250	-28	28
2010-2011	137	250	-113	113
2011-2012	229	250	-21	21
<b>Totals (Net over/under supply performance)</b>	<b>1326</b>	<b>1500</b>	<b>-174</b>	<b>229</b>

## Malvern Hills District Local Plan 2006 (1996-2011) (Performance since 2006)

Date	Net Completions	MHDC Local Plan Target 1996-2011 3,900 Dwellings Annual Target (from 2006)	Over/under supply (since 2006)	Potential Historic Under Supply to add back onto total requirement
2006-2007	183	260	-77	77
2007-2008	299	260	39	
2008-2009	256	260	-4	4
2009-2010	222	260	-38	38
2010-2011	137	260	-123	123
<b>Totals (Net over/under supply performance)</b>	<b>1097</b>	<b>n/a</b>	<b>-203</b>	<b>242</b>

## SWDP Preferred Option Target 2011 (2006-2030)

Date	Net Completions	SWDP PO Target 2006-2030 4156 Dwellings	Over/under supply (since 2006)	Potential Historic Under Supply to add back onto total requirement
2006-2007	183	173	10	
2007-2008	299	173	126	
2008-2009	256	173	83	
2009-2010	222	173	49	
2010-2011	137	173	-36	36
2011-2012	229	173	56	
<b>Totals (Net over/under supply performance)</b>	<b>1326</b>	<b>1038</b>	<b>+288</b>	<b>36</b>

## SWDP Proposed Submission Document Target (Jan 2013) 2006-2030

Date	Net Completions	SWDP Revised Target 2006-2030 4900 Dwellings	Over/under supply (since 2006)	Potential Historic Under Supply to add back onto total requirement
2006-2007	183	204	-21	21
2007-2008	299	204	95	
2008-2009	256	204	52	
2009-2010	222	204	18	
2010-2011	137	204	-67	67
2011-2012	229	204	25	
<b>Totals (Net over/under supply performance)</b>	<b>1326</b>	<b>1224</b>	<b>+102</b>	<b>88</b>