

Report to: **West Devon Hub Committee**
Date: **29th November 2016**
Title: **West Devon five year housing land supply assessment 2016 update**
Portfolio Area: **Strategic Planning**
Wards Affected: **All**
Relevant Scrutiny Committee: **Overview and Scrutiny (Internal)**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: 6 December 2016
after Full Council

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Recommendations:

1. That the Hub Committee notes the updated 5 year housing land supply for West Devon (excluding Dartmoor National Park); and
2. That the Hub Committee endorses the emerging Joint Local Plan minimum need for housing development in West Devon (excluding Dartmoor National Park) of 3200 for the period 2014 to 2034.

1. Summary

- 1.1 The purpose of this report is to inform Members of the updated five year housing land supply (5 yr HLS) for West Devon (N.B. All references to West Devon in this report exclude the Dartmoor National Park) based on a March 31st 2016 monitoring point.
- 1.2 The Core Strategy 2011 is the adopted Development Plan with a need of 220 dwellings per annum in West Devon.
- 1.3 As part of the Joint Local Plan, in accordance with National Planning Policy Guidance (NPPG), West Devon, South Hams and Plymouth Councils are jointly moving towards identifying an Objectively Assessed Need (OAN) for the Plymouth Housing Market Area. The

report identifies the element of the emerging OAN that will be expected to be met in West Devon and that will become the minimum need for the Borough when the Joint Local Plan is published.

- 1.4 The report establishes that the Council has granted sufficient planning permissions to meet the need identified in the Core Strategy and that when the JLP is published the Council will continue to be able to demonstrate a 5 yr HLS against the OAN.
- 1.5 Finally, the report clarifies the risks associated with the need to maintain a five year housing land supply; and the measures in place to manage that risk.

2. Housing Need

- 2.1 Currently there are two relevant figures for housing need:
 - 4,400 dwellings from 2006-2026 (220 dwellings per annum) which is the adopted West Devon Core Strategy Strategic Policy 7; and
 - 3,200 dwellings from 2014 – 2034 (160 dwellings per annum), which is the emerging minimum need for West Devon excluding the Dartmoor National Park set out in additional material for the Joint Local Plan July 2016 consultation.
- 2.2 The second of these figures is based on work by consultants, PBA, to determine the Objectively Assessed Need for the Plymouth Housing Market Area (which includes West Devon). This will be published in the submission Joint Local Plan (JLP) and will then become the number against which to demonstrate a 5 yr HLS.

3. Current five year Housing Land Supply

- 3.1 The housing supply assessment for the March 31st 2016 monitoring point uses the current forecast of housing delivery over the next five years and includes:
 - Homes under construction but not completed as at March 31st 2016
 - Commitments (planning permissions not yet completed) as at March 31st 2016;
 - Allocations in adopted Development Plan Documents not yet permitted as at March 31st 2016; and
 - Future windfalls in the next 5 years, avoiding an overlap with commitments, such that windfalls are not double counted.

- 3.2 Table 1 provides a summary of the updated 5 year housing land supply.

Housing Land Supply 2016-2021 based on Core Strategy Housing Requirement & emerging Joint Local Plan

April 2016	Assumed readily deliverable supply 2016-2021	
	Core Strategy	Joint Local Plan
Small Sites Under Construction	105	105
Small Sites with Planning Permission* ¹	113	113
Large Sites (with Planning Permission/Allocated/Other)	1083	1083
Windfall (46 per annum)	92	92
Total Deliverable Supply	1393	1393
Total Required Supply per year (including 5% buffer)	224	177
Housing Land Supply 2016-2021 (including 5% buffer)	6.2 years	7.9 years
Total Required Supply per year (including 20% buffer)	256	203
Housing Land Supply 2016-2021 (including 20% buffer)	5.4 years	6.9 years

*¹ A 10% lapse rate is applied

4. Clarifying the risk associated with the need to demonstrate a 5 yr HLS

'Up to date' policies

- 4.1 The main risks relating to the 5 year housing land supply are associated with Paragraph 49 of the NPPF, which states that:

'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'.

- 4.2 The meaning of 'up to date' and the weight to be attached to the Core Strategy policies are clarified in the recent Hopkins Judgement (*Suffolk Coastal v Hopkins Homes Ltd [2015] EWHC 410 (Admin)*). This judgement held that "relevant policies for the supply of housing" are those that create and constrain housing land supply. Whether such policies fall within the ambit of paragraph 49 of the NPPF is a matter for the decision maker (i.e. the local planning authority or the Secretary of State). The Hopkins judgement indicates that the weight to be given to out of date policies by the

decision maker is a matter of planning judgement in the particular circumstances of the case. These include the extent to which relevant policies fall short of providing for the five year supply of housing land, the action being taken by the local planning authority to address it and the purpose of the particular policy.

- 4.3 Therefore, even in a situation where a 5 year supply cannot be demonstrated, planning decisions will continue to be based on a consideration of whether the adverse impacts of the proposal significantly and demonstrably outweighs the benefits when assessed against the policies in NPPF. So, even in that context, it is still possible to refuse a planning application and have that refusal upheld at appeal.

Changing Development Plan context

- 4.4 'Demonstrating' a 5 yr HLS requires a robust need figure to exist. As we move from the Core Strategy figure to the JLP figure there will be a short period of risk since the former becomes increasingly out of date and the latter has not yet been scrutinised (at Examination) and, subsequently, adopted.
- 4.5 However, the Committee will note that, in the case of West Devon, it is significant that a 5 year supply of deliverable Housing Land exists whether assessed against the Core Strategy or the emerging Joint Local Plan.
- 4.6 Furthermore, since March 31st 2016, planning permissions have been granted for further sites that have already increased the 5 year supply beyond that set out in this report and that would lead to an even more satisfactory housing supply to be demonstrated at the time of submission of the JLP.

5. Conclusions

- 5.1 The Council currently can demonstrate that West Devon has a supply of housing that equates to a 5 yr HLS when considered against the Core Strategy or the emerging Joint Local Plan, and whether a buffer of 5% or 20% is applied, as follows:
- Core Strategy, applying a 5% 'Buffer' 6.2 years
 - Core Strategy, applying a 20% 'Buffer' 5.4 years
 - Emerging JLP, applying a 5% 'Buffer' 7.9 years
 - Emerging JLP, applying a 20% 'Buffer' 6.9 years
- 5.2 There will be a short period of risk during this period where the Core Strategy need becomes increasingly out of date and the JLP gains weight as it is scrutinised and adopted. However, the local planning authority can take comfort from the conclusion that whichever plan is used as the basis for assessment, a 5 year supply can be demonstrated.

- 5.3 During the period of risk the Council needs to clearly articulate its Development Management decisions within the provisions of NPPF policy.

6. Implications

<i>Implications</i>	<i>Relevant to proposals Y/N</i>	<i>Details and proposed measures to address</i>
Legal/Governance	Y	The National Planning Policy Framework, at paragraph 47, requires the Council to publish an annual update with respect to the 5 Year Housing Land Supply. The methodology for doing so is established in the National Planning Policy Guidance.
Financial	N	None
Risk	Y	The Report addresses risk associated with the need to maintain a 5 year housing land supply.
Comprehensive Impact Assessment Implications		
Equality and Diversity		No implications
Safeguarding		No implications
Community Safety, Crime and Disorder		No potential positive or negative impact on crime and disorder reduction
Health, Safety and Wellbeing		No implications
Other implications		None

Supporting Information

Appendices: None

Background Papers: National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG) –
Housing and economic land availability
assessment
West Devon District Council Core Strategy 2011

Plymouth and South West Devon Joint Local
Plan, Thriving Towns and Villages Consultation
Document July 2016

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	N / A