



Summary Proof of Evidence of Ben Pycroft BA(Hons), Dip TP, MRTPI in relation to housing land supply

Outline planning application for up to 151 no. dwellings –
Land at Cardwell Farm, Garstang Road, Barton, Preston,
PR3 5DR

for Wainhomes (North West) Ltd

Emery Planning project number: 16-344

PINS ref: APP/N2345/W/20/3258889

LPA ref: 06/2019/0752

Project : 16-344
Site address : Cardwell Farm, Garstang
Road, Barton, Preston,
PR3 5DR
Client : Wainhomes (North West)
Ltd
Date : 12 January 2021
Author : Ben Pycroft

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

No part of this document may be reproduced without the prior written approval of Emery Planning.

Emery Planning Partnership Limited
trading as Emery Planning.

Contents:

1. Introduction	1
2. Preston's Five Year Housing Land Supply	2
3. South Ribble, Preston and Lancashire City Deal	7
4. Affordable housing supply	8
5. Conclusions	8

1. Introduction

- 1.1 This summary proof of evidence is submitted on behalf of Wainhomes (North West) Ltd (i.e. the Appellant) in support of its appeal against the decision of Preston City Council to refuse to grant outline planning permission for a residential development of up to 151 no. dwellings at land at Cardwell Farm, Garstang Road, Barton (PINS ref: APP/N2345/W/20/3258889, LPA ref: 06/2019/0752).
- 1.2 This summary and my main proof of evidence specifically address matters relating to housing land supply. They should be read alongside the proof of evidence prepared by Mr Harris, which deals with all other planning matters in relation to the appeal.

Qualifications

- 1.3 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am a Director of Emery Planning, based in Macclesfield, Cheshire.
- 1.4 I have extensive experience in dealing with housing supply matters and have prepared and presented evidence relating to five year housing land supply calculations at several Local Plan examinations and public inquiries across the country.
- 1.5 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.
- 1.6 I provide this summary, my main proof of evidence and a set of appendices. I also refer to several core documents and the statement of common ground in relation to five year housing land supply.

2. Preston's Five Year Housing Land Supply

2.1 Paragraph 73 of the Framework states:

"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old."

2.2 Footnote 37 of the Framework explains that unless the housing requirement set out in the strategic policy has been "reviewed and found not to require updating", local housing need will be used for assessing whether a five year supply of specific deliverable sites exists using the standard method set out in the PPG once the strategic policy is more than five years old.

2.3 The housing requirement for Preston is 507 dwellings per annum as set out in Policy 4 of the Central Lancashire Core Strategy. The Core Strategy is more than 5 years old. However, it is common ground that the housing requirement set out within Policy 4 was reviewed in 2017 when the Central Lancashire authorities commissioned the production of a Strategic Housing Market Assessment (SHMA) and then signed a Memorandum of Understanding (MOU) which agreed that the housing requirement figures should continue to be applied prior to or pending adoption of a replacement local plan¹.

2.4 Whilst the review of Policy 4 took place before the July 2018 Framework was published and the standard method for calculating local housing need was introduced, footnote 37 of the Framework is clear that where the housing requirement has been reviewed and found not to require updating, it should continue to be used to measure the five year housing land supply. This part of footnote 37 was introduced in the July 2018 Framework without any transitional arrangements. Therefore, from the day the 2018 Framework was first published, even if the strategic policy was over five years old, as long as it had been reviewed and found not to require updating then the housing requirement within it should continue to be used for five year housing land supply purposes. There is no distinction in the Framework between reviews undertaken

¹ Please see paragraph 2.4 of the Statement of Common Ground on Housing Land Supply

before or after the publication of the 2018 Framework. This is confirmed in the PPG. Paragraph 68-005 of the PPG² is within the section entitled: "Housing supply and delivery". It states:

"Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5 year land supply figure where:

- *the plan was adopted in the last 5 years, or*
- *the strategic housing policies have been reviewed within the last 5 years and found not to need updating. (my emphasis).*

2.5 Paragraph 68-005 was last updated on 22nd July 2019 and therefore would apply to any review which had been undertaken from July 2014 onwards i.e. including those before the 2018 Framework was published. Indeed, the previous version of this paragraph contained within paragraph 3-030³ was published the same day as the PPG provided the standard method for calculating local housing need in September 2018. It contained similar wording to paragraph 68-005 and stated:

"Housing requirement figures identified in strategic policies should be used as the starting point for calculating the 5 year land supply figure:

for the first 5 years of the plan, and

where the strategic housing policies plans are more than 5 years old, but have been reviewed and are found not to need updating." (my emphasis)

2.6 As the policy which contains the housing requirement for Preston has been reviewed within the last 5 years and found not to need updating, national planning policy contained within footnote 37 and supported by guidance contained within paragraph 68-005 of the PPG is clear that the five year housing land supply should be measured against it. Indeed, until December 2019, the Council accepted this is the case. The previous Housing Land Position statement (HLPS, base date 31st March 2019, published June 2019) states:

"Whilst the housing requirement policy (Policy 4) is now almost seven years old, Preston are still using this requirement rather than the local housing need figure due to a 'review' of this policy which took place in 2017. At this time, following the publication of the new Central Lancashire Strategic Housing Market Assessment, Preston entered into a Memorandum of Understanding with its

² Paragraph: 005 Reference ID: 68-005-20190722: "What housing requirement figure should authorities use when calculating their 5 year housing land supply?"

³ Paragraph: 030 Reference ID: 3-030-20180913: "How can an authority demonstrate a 5 year supply of deliverable housing sites?"

neighbours South Ribble and Chorley Council's endorsing the requirements set out in Policy 4. This decision was taken to ensure the three authorities continued to meet their own respective Objectively Assessed Needs, but also to meet the aspirations of the Preston, South Ribble and Lancashire City Deal and Government's aspirations to increase the supply of housing."

- 2.7 It is common ground that assessing the five year housing land supply against the adopted housing requirement means that the Council cannot demonstrate a deliverable five year housing land supply⁴. Applications were recommended for approval on this basis⁵, including the appeal application in October 2019⁶.
- 2.8 The Council changed its position following the publication of a decision in relation to an appeal made by Wainhomes (North West) Ltd against the decision of South Ribble Council to refuse to grant outline planning permission for up to 100 dwellings at land to the south of Chain House Lane, Whitestake on 13th December 2019⁷. This was because the Inspector in that case concluded that the 2017 SHMA and MoU did not properly constitute a review and therefore that the local housing need should be used for calculating the housing land supply. The appeal application was taken back to Planning Committee and recommended for refusal within this context⁸.
- 2.9 However, subsequently, the Chain House Lane decision was successfully challenged and quashed in the High Court⁹. The judgment is dated 21st August 2020 and explains that Ground 1 of the challenge was that the Inspector erred in concluding on the basis of the material before her that the MOU and the SHMA leading up to it did not amount to a review under footnote 37 of the Framework. This ground succeeded as the Judge found the Inspector's reasons for concluding that the MOU and the SHMA process leading up to it did not properly constitute a footnote 37 review are not legally adequate.
- 2.10 In its statement of case, the Council now asserts that Policy 4 is out of date, regardless of having been subject to a review in October 2017 (paragraphs 7.6 and 7.8). It explains that a review of the MOU took place and a Central Lancashire Housing Study was commissioned to assess whether a) the standard method was the correct starting point for determining local housing

⁴ Please refer to paragraphs 2.11 and 3.1 of the Statement of Common Ground on Housing Land Supply

⁵ Appendix **BP2**

⁶ Core document **D1**

⁷ Core document **F2**

⁸ Core document **D3**

⁹ Core document **G1**

need and b) what the distribution of the local housing need should be across Central Lancashire (paragraph 7.9). The Central Lancashire Housing Study (March 2020)¹⁰ does not however assess housing need. It simply uses the local housing need calculated by the standard method and seeks to re-distribute it amongst the three local authorities. The Central Housing Study makes no reference to the fact that Policy 4 was reviewed within the last five years and found not to require updating. It refers to the Chain House Lane appeal decision, which at the time the Housing Study was published had not been quashed.

2.11 Unlike the SHMA, the Housing Study does not provide an assessment of housing need. This is surprising because it forms part of the evidence base for the Local Plan. The Housing Study states that the considerations set out in paragraph 2a-010 of the PPG¹¹ are for plan-making yet it makes no recommendation that a higher level of need than the standard method suggests should be made because of (for example) funding being in place to promote and facilitate additional growth in Preston (i.e. City Deal). The Housing Study does however conclude that the annual net need for rented affordable housing in Preston is 250 per annum. This is the same as the total local housing need using the standard method. However, the Housing Study makes no recommendation that the housing requirement figure should be higher than the standard method to meet this need as set out in section 67 of the PPG¹².

2.12 The Council's statement of case states that following the Central Lancashire Housing Study, the Central Lancashire authorities entered into a second MOU, signed in April 2020 and at this point the first MOU was superseded and became redundant. However, as of 4th November 2020 the Council has since withdrawn from the second MoU with immediate effect. The report to the Cabinet meeting is not publicly available. However, the minutes of the meeting confirm that the Council has withdrawn from the second MoU¹³. This was because in a decision regarding an appeal made by Gladman Developments Ltd against the decision of Chorley Council to refuse outline planning permission for up to 180 no. dwellings at land at Pear Tree Lane, Euxton, Chorley¹⁴, the Inspector concluded that Chorley Council could not re-distribute the local housing need through the second MOU.

¹⁰ Core Document **A11**

¹¹ Paragraph: 010 Reference ID: 2a-010-20201216: "When might it be appropriate to plan for a higher housing need figure than the standard method indicates?"

¹² Section 67: "Addressing the need for different types of housing"

¹³ Appendix **BP3**

¹⁴ Core document **F1**

2.13 The Council's statement of case does not explain why the reasons the Council concluded in 2017 that the adopted housing requirement should be retained are no longer relevant i.e.:

- a. The Council would continue to meet its OAN (of 402 dwellings per annum);
- b. It would meet the aspirations of the Preston, South Ribble and Lancashire City Deal;
and
- c. It would meet the Government's aspirations to increase the supply of housing.

2.14 The Council's statement of case does not explain why there should be a departure from national planning policy set out within footnote 37 of the Framework and supported by the guidance as set out in paragraph 68-005 of the PPG.

2.15 Against the adopted housing requirement plus backlog and a 5% buffer, the Council cannot demonstrate a deliverable five year housing land supply as set out in the following table.

Preston City Council's Five Year Housing Land Supply at 1st October 2020

	Requirement	
A	Annual requirement	507
B	Past shortfall at 30 th September 2020	910
C	Amount of past shortfall to be addressed in the five year period	910
D	Total five year requirement (A X 5 + C)	3,445
E	Requirement plus 5% buffer (D + 5%)	3,617
F	Annual requirement plus buffer (E / 5 years)	723
	Supply	
G	Five year supply 1 st April 2019 to 31 st March 2024	3,581
H	Years supply (G / F)	4.95

2.16 The implication of this is addressed by Mr Harris.

3. South Ribble, Preston and Lancashire City Deal

- 3.1 The South Ribble, Preston and Lancashire City Deal is referred to in the previous HLPS as one of the reasons why the Council decided to continue to measure its housing land supply against the adopted housing requirement even after the 2018 and 2019 Frameworks were published. It is discussed in paragraphs 1.19 to 1.21 on page 11 of the Preston Local Plan and is relevant in terms of the number of homes Preston has agreed with the Government that it is going to deliver.
- 3.2 The City Deal was signed in September 2013. It is an agreement between the Government and four local partners; Lancashire County Council, Lancashire Enterprise Partnership, Preston City Council and South Ribble Borough Council. A total of £434m new investment will lead to the expansion and improvement of the transport infrastructure in Preston and South Ribble at an unprecedented rate, enabling a forecast 20,000 new jobs and 17,420 new homes to be created over a 10 year period¹⁵.
- 3.3 Completions and commitments in the area would mean 12,613 dwellings would be delivered by 2025 i.e. a year after the term of the City Deal ends. The shortfall against the City Deal is therefore at least 4,787 dwellings. The commitment to deliver 17,400 homes by 1st April 2024 is clearly not going to be met unless additional housing sites come forward and are delivered.
- 3.4 In summary, as set out in the Preston Local Plan, the Council is committed to delivering many more new homes than even the adopted housing requirement set out in the Core Strategy requires. Within this context, it is surprising that Preston Council now considers that its five year housing land supply should be measured against a figure of just 250 homes per year and wishes to depart from its previous position that the five year housing land supply should be measured against the adopted housing requirement to help meet the aspirations of the City Deal.

¹⁵ Core Document **A15**

4. Affordable housing supply

- 4.1 Affordable housing completions have been below the net need identified in the SHMA and more recent Central Housing Study. Despite 1,121 housing completions in the 18-month period from 1st April 2019 to 30th September 2020, only 186 (16.5%) were affordable.
- 4.2 The Council's deliverable supply over the five year period is 3,581 dwellings. Of these, only 916 (25.5%) are affordable as I set out in appendix **BP11**. Therefore, the affordable housing need identified in the SHMA and the Central Lancashire Housing Study will not be met by the existing housing land supply.

5. Conclusions

- 5.1 My main proof of evidence and this summary conclude that the five year housing land supply should be measured against the adopted housing requirement set out in policy 4, plus backlog and a 5% buffer. This means that the Council cannot demonstrate a deliverable five year housing land supply. The implications of this are addressed by Mr Harris.
- 5.2 I also conclude that the Council will not deliver the number of homes it has agreed it will deliver with the Government through the City Deal without additional housing sites. Finally I conclude that the Council's deliverable housing land supply will not meet the identified affordable housing need. The implications of this are also addressed by Mr Harris.