



Ashford Borough Council

Assessment of Five Year Housing Land Supply

On behalf of **Pentland Homes Ltd**
& **Malcolm Jarvis Homes Ltd**



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Office Address: Caversham Bridge House, Waterman Place, Reading, Berkshire RG1 8DN
T: +44 (0)118 950 0761 F: +44 (0)118 959 7498 E: reading@peterbrett.com



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	Name	Position	Signature	Date
Prepared by:	Various	Various	--	22/05/2015
Reviewed by:	Joanne Jones	Associate Planner		22/05/2015
Approved by:	Jonathan Walton	Director of Planning		22/05/2015
For and on behalf of Peter Brett Associates LLP				

Revision	Date	Description	Prepared	Reviewed	Approved

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Executive Summary

- This report examines the housing targets set by Ashford Borough Core Strategy (2008) and the Ashford Borough Strategic Housing Market Assessment (SHMA) (2014) and compares these to the estimates of housing potential prepared by Ashford Borough Council.
- Paragraph 47 of the NPPF states that to boost the supply of housing, the NPPF requires that local planning authorities should:
 - 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% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land; and
 - identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
- The housing land supply position for Ashford as of March 2014 is detailed within the Housing Information Audit ('HIA') issued by Kent County Council in October 2014. The HIA acknowledges that the housing requirement within the adopted Core Strategy does not accord with the provisions of the NPPF which requires housing needs to be objectively assessed.
- The HIA notes that, in preparing its new Local Plan, the Council now has updated demographic and other forecasts which allow an up-to-date housing requirement to be identified. On this basis, Ashford considers that the Strategic Housing Market Assessment ('SHMA') 2014 sets out the full objectively assessed housing needs for the borough from 2011/12 to 2030/31. The SHMA identifies a requirement of 14,600 new dwellings over the plan period, equating to an average of 730 dwellings per annum.
- We consider both scenarios as follows:
 - Scenario 1 ('Core Strategy Requirement'): $1,092 \times 5 = 5,460$ dwellings
 - Scenario 2 ('SHMA Requirement'): $730 \times 5 = 3,650$ dwellings
- It is impotent to note, however, that for the purpose of calculating the basic five-year housing requirement we would usually look towards the adopted development plan, which in this case is the Core Strategy (adopted 2008). The emerging requirement as detailed within the SHMA has not yet been tested at examination. Neither scenario is ideal, however. The Core Strategy based target was tested and has not been revoked, but it is arguably dated. On the other hand, the SHMA based target is more recent, but not been tested at examination. Given the NPPF imperative to 'boost significantly the supply of housing' we would usually favour the higher target, in the absence of any up-to-date tested evidence which shows conclusively that the lower target should be used.
- Our supply assessment sought to establish whether the position stated in the Housing Information Audit is a realistic reflection of housing supply. The sites on which the assessment is based have been taken from planning policy documentation from Ashford Borough Council's website. We undertook a desk-based assessment in order to establish whether the sites identified are likely to come forward and whether there are any reasons which, whilst not necessarily preventing those sites coming forward at all, might delay the timescales as to when the site could be realistically delivered.

- From our analysis in this report, the total deliverable housing provision for Ashford Borough Council for the next 5 year period (2014 to 2019) is 3,382 net additional dwellings. This amounts to a shortfall of 11,188 dwellings (Scenario 1) or 7,713 dwellings (Scenario 2) against the 5 year requirement of 14,570 dwellings (Scenario 1) and 11,095 dwelling (Scenario 2). The requirements include and account for the accumulated historic undersupply of housing. Based on the annual requirement of 2,914 dwellings (Scenario 1) and 2,219 dwellings (Scenario 2), **Ashford has a supply of either 1.16 years or 1.52 years, contrary to the requirements of the NPPF.**
- As stated at Paragraph 3.4.22, it is considered that Scenario 1, referring to the adopted Core Strategy, should be adhered to. Irrespective of this, under both scenarios, Ashford has a significant shortfall in its five year housing land supply. An appeal decision from March 2015, relating to a site in Charing, confirms that Ashford Borough Council cannot identify a five year housing land supply

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1 Introduction

- 1.1.1 This report examines the housing targets set by Ashford Borough Core Strategy (2008) and the Ashford Borough Strategic Housing Market Assessment (SHMA) (2014) and compares these to the estimates of housing potential prepared by Ashford Borough Council.
- 1.1.2 Paragraph 47 of the NPPF states that to boost the supply of housing, the NPPF requires that local planning authorities should:
- 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% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land; and
 - identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
- 1.1.3 We therefore assess whether Ashford Borough Council can meet its housing requirement set by the NPPF.

2 Ashford Housing Policy Position

2.1 Ashford Borough Core Strategy (July 2008)

2.1.1 The Ashford Borough Core Strategy was adopted in July 2008. It acts as the central part of the Local Development Framework for the Borough between 2006 and 2021. The Core Strategy sets out an overall requirement for 21,850 new (net additional) dwellings during the period 2001/02 to 2020/21, which equates to 1,092 dwellings per year.

2.2 Ashford Borough Strategic Housing Market Assessment (SHMA) (January 2014)

2.2.1 The SHMA sets out an objectively assessed need for the Borough from 2011/12 to 2020/2021. Using the draft planning guidance, the 2011 - based Sub National Population Projections (SNPP) and related CLG household projections, the SHMA identifies a required average of 835 dwellings per annum.

2.2.2 In order to estimate future housing demand, the Plan sets out scenarios to forecast alternative projections for population growth in the Borough over the Plan period. PROJ1 is considered the most appropriate projection to assess housing requirement in the Borough. In line with the draft guidance, PROJ1 incorporates migration inputs which have been moderated to reflect the latest available demographic information; and consider a longer-term projection period to 2030. The projection indicates a requirement for 13,800 dwellings over the 2011 to 2030 period, equivalent to 726 dwellings per annum, which is considered by the Council as a robust starting point for housing requirements in Ashford.

2.3 Ashford Borough Council Housing Section Authority Monitoring Report (AMR) 2013/14

2.3.1 The AMR provides information on housing completions and performance against housing policies and indicators in Ashford Borough Council, covering the period from 1st April 2013 to 31st March 2014.

2.3.2 The report states that just 137 dwellings across the Borough were completed in 2013/14, considerably lower than the 284 completed in 2012/13. However with 601 dwellings under construction on 31st March 2014, it is reasoned that this situation is improving, with a total of 923 dwellings granted permission in 2013/14.

2.3.3 The report also includes details regarding the current status of outstanding applications as at 31st March 2014. These sites, and their current status (at September 2014), will be considered as part of the following assessment in this report, and comprise:

- **Newtown Works (U2)** 928 dwellings – Outline Application Permitted
- **Newtown Works (U2)** 107 dwellings – Under Construction
- **Maidstone Road (U9)** 61 dwellings – Under Construction
- **Former Ashford Hospital (U10)** 66 dwellings – Outline Application Permitted
- **Former Ashford Hospital (U10)** 56 dwellings – Application Permitted, Not started
- **Bishop's Green, Singleton (U11)** 14 dwellings – Outline Application Permitted
- **Warren Lane (U18)** 61 dwellings – Under Construction.

2.4 Kent County Council (HCC) Housing Information Audit (HIA) (2013/14)

- 2.4.1 KCC released the publication of its Housing Information Audit for the year 2013/2014 in December 2014. The HIA aims to monitor Development Plan documents in respect to meeting dwelling requirements, whilst providing a level of co-operation and consistency across local authorities.
- 2.4.2 The HIA recognises that the targets set within the Ashford Borough Core Strategy (2008) do not accord with requirements set out within the NPPF, which require for housing requirements to be objectively assessed (NPPF para. 47). Consequently, the HIA uses the figures produced in the Strategic Housing Market Assessment (SHMA) (March 2014), which sets out objectively assessed housing needs for the Borough covering the period 2011/12 – 2030/31.
- 2.4.3 Based on the SHMA, the HIA states that the District Annual Requirement for housing supply covering the period 2011/12 – 2030/31, according to the Emerging Ashford Borough Local Plan, as 730 dwellings, equating to a total of 3,650 dwellings over each 5 year period up to 2030/2031. This amounts to a total provision of 14,600 dwellings over the plan period.
- 2.4.4 The housing trajectory indicates that the Council has a total housing land supply of 14,439 units between 2014/15 to beyond 2030/31, comprising:
- 10,209 dwellings from allocated sites;
 - 4,020 dwellings from extant sites;
 - 210 dwellings from windfall sites.
- 2.4.5 Over the five year period 2014/15 – 2018/19, the Council estimates a total land supply capable of providing 4,721 units, equating to a surplus of 1,071 units, or 129.34% of the quantified housing requirement. This comprises:
- 2,179 dwellings from allocated sites;
 - 2,437 from extant sites;
 - 105 dwellings from windfall sites.
- 2.4.6 These figures provided by the HIA have acted as the key information base for which the validity of the five year housing land supply for Ashford Borough has been considered in this report.

3 Ashford Housing stated housing supply position

3.1 Introduction

3.1.1 In this section we assess the housing land supply position in Ashford, comprising five key stages:

- i. identify the dwelling requirement;
- ii. identify the cumulative shortfall in housing delivery;
- iii. identify the method of addressing the housing shortfall (the 'Sedgefield' method);
- iv. apply the appropriate 'buffer' (5 per cent of 20 per cent); and
- v. assess housing sites to identify the realistic level of deliverable housing land supply over the five-year assessment period [Section 4 of this report].

3.1.2 At the outset we note that one of the main messages in the National Planning Policy Framework ('NPPF') is the need to significantly boost the supply of housing. Whilst it is clear from our review of numerous appeal decisions that more applications are being refused than was the case 12 or 18 months' ago – particularly those that are being determined by the Secretary of State ('SoS') – the absence of a five-year supply of housing land ('5YSHL') remains a very important material consideration.

3.1.3 Below, to set the context for the remainder of this section of our report, we highlight a selection of appeal decisions which confirm the continuing importance of the housing land supply consideration.

Church Lane, Wistaston, Crewe, Cheshire East (PINS appeal ref. APP/R0660/A/14/2213505, 26 February 2015)

3.1.4 In this recent decision, the SoS disagreed with Inspector John Chase's recommendation and refused to grant permission for a residential scheme of up to 300 dwellings. The SoS considered that the absence of a 5YSHL weighed 'significantly' in favour of the scheme, but he concluded (para 20) that this did not outweigh the permanent loss of Green Gap land in advance of the emerging Local Plan process determining whether Green Gap and/or Green Belt land needs to be released.

3.1.5 Other noteworthy points from para 10 of the SoS's decision letter are as follows:

- the SoS agreed with the Inspector's conclusion (para 96) regarding the Council's full objectively assessed need ('FOAN') that *'there remain a significant number of valid criticisms of the methodology and the conclusions reached, which create sufficient doubt about the Council's estimate of FOAN to indicate that it should not be treated as a sufficiently robust basis for assessing the five year position'* – this reinforces the generally accepted premise that housing targets should not be based on FOAN assessments which have not yet been found sound following examination;
- the SoS also agreed with Inspector Chase's conclusion (para 98) that six consecutive years of under-provision against the housing targets represents 'persistent under-delivery', even taking account of the depressive effects of the recession and the 2007-08 moratorium, and so Cheshire East should be regarded as a 20 per cent buffer authority; and

- the SoS agreed with the Inspector (para 104) that because there is not a five-year supply in Cheshire East, relevant policies for the supply of housing should not be considered up-to-date and that the presumption in favour of sustainable development should be applied.

Horwood Road, Winslow, Aylesbury, Buckinghamshire (PINS appeal ref. APP/J0405/A/14/2213924, 25 February 2015)

3.1.6 The SoS upheld the decision of Inspector John Felgate to refuse this outline application for up to 100 dwellings. The decisive factor was harm to the area's landscape character and appearance which was thought to be significant in terms of scale and severity. Notable points are as follows:

- the SoS (para 32) agreed with Inspector Felgate (paras 210-211) that 'significant weight' should be given to related economic benefits;
- also in para 32, the SoS agreed with the Inspector's view (para 174) that the absence of a five-year supply 'must attract substantial weight in favour of the proposed development'; and
- in para 156, the Inspector considered that failing to achieve the targets in five out of the past seven years amounts to '*a record of persistent under-delivery, justifying the application of the 20% buffer.*'

Land at Nyton Road and Northfields Lane, Westergate and at Fontwell Avenue, Eastergate, Arun (PINS appeal ref: PP/C3810/A/14/2217385, 23 February 2015)

3.1.7 This application for up to 268 dwellings on land within the countryside was recently approved by Inspector Lesley Coffey. Key points from the Appeal Decision are as follows:

- para 74 – any shortfall should be met within the first five years ('Sedgefield approach') and therefore needs to be added to the housing requirement: '*This approach would be consistent with the NPPF and its key objective to significantly boost the supply of housing. It is also favoured by the Planning Practice Guidance and also the Secretary of State in most appeal decisions because it deals with the issue of past delivery failures promptly over the short-term*';
- para 82 – the annualised target has only been met in two out of the past eight years, which represents a persistent record of under-delivery and so the 20 per cent buffer should apply; and
- para 134 – confirmation that because the Council cannot demonstrate a 5YSHL, policies relevant to the supply of housing cannot be considered up-to-date and so the presumption in favour of sustainable development set out in paragraph 14 of the NPPF applies.

Minton Distribution Centre, Wellingborough Road, Sywell, Wellingborough (PINS appeal ref. APP/H2835/A/14/2220599, 23 February 2015)

3.1.8 Key points to note from Inspector Paul Griffiths' recent decision to grant permission for a residential scheme are as follows:

- para 22 – four years of under-provision against the targets was sufficient to represent '*persistent under-delivery*' and, hence, a 20 per cent buffer;

- para 32 – confirmation that the absence of a five-year supply of deliverable housing land renders the Council's housing land supply policies out-of-date, and so the NPPF paragraph 14 balancing-exercise applies;
- para 38 – *'Put very simply, in a case like that at issue, if, when assessed against the policies in the Framework taken as a whole, the benefits of a proposal are not significantly and demonstrably outweighed by adverse impacts, then the proposal benefits from the presumption in favour of sustainable development'*; and
- para 76 – noting the direction of para 47 of the NPPF to significant boost the supply of housing, Inspector Griffiths said this: *'The provision of housing, and especially affordable housing, is a social benefit that carries weight in favour of the proposal. Given that the Council cannot demonstrate a 5-year supply of deliverable housing sites, that weight is magnified to the extent that it is considerable.'*

Land off Sandbach Road North, Alsager, Cheshire East (PINS appeal ref. APP/R0660/A/13/2195201, 20 February 2015)

- 3.1.9 In para 33 of his Appeal Decision, Inspector Stephen Roscoe stated that a supply of 2.43 years 'is a very serious shortfall of housing land supply.' Whilst he went on to dismiss the appeal for up to 155 residential units on the basis of permanent loss of and significant harm to a 'distinctive' landscape, the Inspector's comment confirms that it is not sufficient to assess whether or not a LPA has a 5YSHL – it is the extent of the shortfall that is relevant.

Land off Highworth Road, Faringdon, Vale of White Horse, Oxfordshire (PINS appeal ref. APP/V3120/A/132210891, 19 February 2015)

- 3.1.10 This SoS decision has some parallels with the Alsager decision. The appeal was dismissed because of significant harm to the character and appearance of a valued landscape, but the key point of note is that Inspector Anthony Lyman confirmed that it is the extent of the shortfall that is relevant, and he also used the phrase 'significant and severe shortfall' (para 66). The whole of Inspector Lyman's para 47 is instructive:

'Where it is accepted that there is an absence of a 5 year supply, and there is little difference between the parties on the estimated shortfall, there is little utility in debating matters over a couple of months supply. However, that is not to say that the extent of a supply is immaterial in the determination of an application. The Hunston Court of Appeal decision supports that proposition. The extent of the shortfall must be material in the planning balance of any decision, and not just those situations identified in footnote 9 to the Framework. The greater the need in quantitative terms, the more weight should be given to meeting that need in the planning balance. The need for residential development is a material consideration in this case, and therefore, the extent of that need must be a material consideration increasing in weight the greater the demonstration of need.' [Our emphasis added]

Saltersford Farm, Macclesfield Road, Holmes Chapel, Crewe, Cheshire East (PINS appeal ref: APP/R0660/A/14/2221374, 10 February 2015)

- 3.1.11 In allowing this appeal for up to 100 dwellings, Inspector Colin Ball concluded (para 37) that the loss of open countryside was outweighed by the *'substantial weight as a benefit that would boost significantly the supply of housing.'* He also made this instructive comment in para 30: *'...action to address the housing shortfall should not be delayed to await adoption of the emerging CELP [the emerging development plan].'*

- 3.1.12 The key messages from these appeal decisions can be summarised as follows:

- the 'Sedgefield' method to addressing historic under-provision of housing continues to be favoured over the 'Liverpool' approach;

- it is not sufficient to simply assess whether or not a LPA has a five-year supply of housing land – it is the extent of the shortfall that is relevant;
- allied to the above point, Inspectors and the SoS continue to afford significant/substantial weight to the absence of a 5YSHL;
- the importance of housing targets being based on a full objectively assessed need figure could not be clearer – it is not sufficient for councils to rely on household projections or other untested figures; and
- several years of under-delivery is typically found to represent ‘persistent under-delivery’, and arguments that the shortfalls were partially due to the recession are usually not accepted by Inspectors.

3.2 Requirements of the NPPF

3.2.1 Paragraph 47 of the NPPF confirms that to significantly boost the supply of housing, LPAs should:

- 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 per cent (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, LPAs should increase the buffer to 20 per cent to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land; and
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.

3.2.2 Footnote 11 of the NPPF explains that, to be considered ‘deliverable’, sites should be:

‘...available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans).’

3.2.3 Footnote 12 of the NPPF explains that to be considered ‘developable’, sites should be *‘...in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.’*

3.2.4 Paragraph 49 of the NPPF advises that relevant policies for the supply of housing should not be considered up-to-date if the local authority cannot demonstrate a five-year supply of deliverable housing sites. This provision of the NPPF is critically important, because paragraph 14 of the NPPF advises that, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted for development proposals *unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed in this Framework taken as a whole’* or where specified policies in the NPPF indicate that development should be restricted.

3.2.5 Thus, if a council does not have a five-year supply of deliverable housing land, an application for housing should be approved unless it can be demonstrated that the effects of granting permission for the proposed scheme significantly outweigh the benefits. Put the other way, where schemes will deliver benefits which substantially outweigh any negative effects, planning permission should be granted in accordance with the presumption in favour of sustainable development.

3.3 Planning Practice Guidance

- 3.3.1 The Government launched the PPG on 6 March 2014, which is a new online national planning guidance resource. This streamlined planning practice guidance does not replace the NPPF, but is intended to make planning guidance more accessible and easier to keep up-to-date.
- 3.3.2 Paragraph 29 under the section entitled 'Housing and economic land availability assessment' confirms that all aspects of a Local Plan must be realistic and deliverable and it confirms that there are specific requirements in the NPPF in relation to planned housing land supply. Paragraph 30 of the PPG goes on to confirm that, in accordance with the NPPF, LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, and that there should be an identified five-year housing supply at all points during the plan period.
- 3.3.3 Paragraph 33 makes clear that the demonstration of a five-year supply is a key material consideration when determining housing applications and appeals, and is central to establishing whether relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development. Paragraph 35 advises that LPAs should aim to deal with any undersupply within the first five years of the plan period where possible. The PPG explains that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five-year supply, and that considerable weight should be given to the housing requirement figures in adopted Local Plans which have successfully passed through the examination process.

3.4 Our Assessment of Housing Land Supply in Ashford

Stage 1 – Identify the basic five-year housing requirement

- 3.4.1 The housing requirement for Ashford Borough Council ('ABC') is currently set by the Core Strategy, which was adopted in 2008. The Core Strategy prescribes an overall requirement for 21,850 new (net additional) dwellings during the period 2001/02 to 2020/21, which equates to 1,092 dwellings per year.
- 3.4.2 The housing land supply position for Ashford as of March 2014 is detailed within the Housing Information Audit ('HIA') issued by Kent County Council in October 2014. The HIA acknowledges that the housing requirement within the adopted Core Strategy does not accord with the provisions of the NPPF which requires housing needs to be objectively assessed.
- 3.4.3 The HIA notes that, in preparing its new Local Plan, the Council now has updated demographic and other forecasts which allow an up-to-date housing requirement to be identified. On this basis, ABC considers that the Strategic Housing Market Assessment ('SHMA') 2014 sets out the full objectively assessed housing needs for the borough from 2011/12 to 2030/31. The SHMA identifies a requirement of 14,600 new dwellings over the plan period, equating to an average of 730 dwellings per annum.
- 3.4.4 Below, we consider both scenarios as follows:
- **Scenario 1** ('Core Strategy Requirement'): $1,092 \times 5 = 5,460$ dwellings
 - **Scenario 2** ('SHMA Requirement'): $730 \times 5 = 3,650$ dwellings
- 3.4.5 It is impotent to note, however, that for the purpose of calculating the basic five-year housing requirement we would usually look towards the adopted development plan, which in this case is the Core Strategy (adopted 2008). The emerging requirement as detailed within the SHMA has not yet been tested at examination. Neither scenario is ideal, however. The Core Strategy based target was tested and has not been revoked, but it is arguably dated. On the other hand, the SHMA based target is more recent, but not been tested at examination. Given the NPPF imperative to 'boost significantly the supply of housing' we would usually favour the

higher target, in the absence of any up-to-date tested evidence which shows conclusively that the lower target should be used.

- 3.4.6 We are aware of recent appeal decisions where, in advance of the development plan being found sound, the Inspector/the SoS have favoured appellants' suggested FOAN figures where they are higher than the Council's FOAN figures. The very recent Cheshire East Appeal Decisions are good examples of this. We are not aware of the converse – that is, Appeal Decisions where the Inspector/the SoS have accepted FOAN-based housing targets put forward by councils which are lower than the targets in the adopted development plan, and where the lower targets have not been found to be robust following examination.

Stage 2 – identify the cumulative shortfall in housing delivery

- 3.4.7 Table 3.1 below shows the cumulative housing delivery position under 'Scenario 1', which compares housing completions on an annual basis with the Core Strategy requirement covering the period 2001 to 2021. Under this scenario there is a cumulative under-supply of 6,682 dwellings.

Table 3.1: Scenario 1 – Annual Housing Completions since 2001 Against Core Strategy Targets

Year	Housing Requirement	Net Additional Completions	Shortfall
2001/02	1,092	753	339
2002/03	1,092	728	364
2003/04	1,092	910	182
2004/05	1,092	962	130
2005/06	1,092	590	502
2006/07	1,092	359	733
2007/08	1,092	566	526
2008/09	1,092	536	556
2009/10	1,092	501	591
2010/11	1,092	555	537
2011/12	1,092	633	459
2012/13	1,092	284	808
2013/14	1,092	137	955
Total	14,196	7,514	6,682

Source: Housing Information Audit – Ashford Borough Council 2013/2014 edition (Kent County Council, 7 October 2014)

- 3.4.8 Table 3.2 shows the cumulative housing delivery position under 'Scenario 2', which compares dwelling completions on an annual basis against the adopted Core Strategy target for the years 2001 to 2011, and against the objectively assessed target of 730 dwellings per annum for the years 2011 to 2014. Under this scenario there is a cumulative under-supply of 5,596 dwellings.

Table 3.2: Scenario 2 – Annual Housing Completions since 2001 Against Core Strategy and OAN Targets

Year	Housing Requirement	Net Additional Completions	Shortfall
2001/02	1,092	753	339
2002/03	1,092	728	364
2003/04	1,092	910	182
2004/05	1,092	962	130
2005/06	1,092	590	502
2006/07	1,092	359	733
2007/08	1,092	566	526
2008/09	1,092	536	556
2009/10	1,092	501	591
2010/11	1,092	555	537
2011/12	730	633	97
2012/13	730	284	446
2013/14	730	137	593
Total	13,110	7,514	5,596

Source: Housing Information Audit – Ashford Borough Council 2013/2014 edition (Kent County Council, 7 October 2014)

- 3.4.9 On the basis of the analysis above, it is clear that the housing targets have consistently not been met, regardless of which scenario is considered. In each case there is a significant shortfall, of between approximately 5,600 and 6,700 dwellings, which has accrued since 2001.
- 3.4.10 At the current time the adopted development plan is the Core Strategy and so the higher shortfall figure of 6,682 dwellings, accrued since the 'base' year of the Core Strategy, should be used.

Stage 3 – identify the method of addressing the housing shortfall

- 3.4.11 Using the same terminology that has been quoted in recent appeal decisions, it is clear that the historic shortfall of 6,682 dwellings is 'serious and significant'. As we have explained, the NPPF seeks to 'boost significantly' the supply of housing and the PPG (and recent appeal decisions) confirms that LPAs should aim to deal with any under-supply within the first five year period. Accordingly, the shortfall must be addressed in the first five-year period (2015-2020).
- 3.4.12 The approach described above is commonly referred to as the 'Sedgefield method'. There have been numerous appeal decisions endorsing this approach, both pre- and post the publication of the NPPF. We highlighted some recent appeal decisions at the beginning of this section which confirm that that Sedgefield remains the preferred method of addressing historic under-provision. Other slightly older appeal decisions – but which also post-date the publication of the NPPF in March 2012 – are highlighted below.

- 3.4.13 In allowing an appeal for 50 dwellings at land between Leasowes Road and Laurels Road, Offenham, (Ref: APP/H1840/A/13/2203924) in January 2014, Inspector Mike Fox said this in paragraph 26:

'The Council's evidence, although predicated on the RS target, attempts to determine its housing supply in accordance with the strategic direction set out in paragraph 47 of the Framework. Furthermore, the Council readily accepts that its delivery since the agreed start date of 2006 has been below the targeted level, and that the 20% buffer should be applied, and that this should be included into its target within the first 5 years (i.e. using the Sedgefield method) rather than distributing this amount over the entire plan period (which is referred to as the Liverpool method).'

- 3.4.14 In allowing an appeal for 350 dwellings at land to the south of Shutterton Lane in Dawlish, Devon (Ref: APP/P1133/A/12/2188938) in September 2013, the SoS agreed with Inspector Jessica Graham who stated in paragraph 12.17 of her report that the Sedgefield method should be used:

'I recommended in my earlier report on an appeal at Moreton-in-Marsh that any residual shortfall in housing supply ought to be addressed promptly by including it the requirement for the next five years' provision, and the SoS agreed with that approach.'

- 3.4.15 On 7 November 2013 the SoS allowed two appeals by Bloor Homes and Gladman Developments at Little Tarnbrick Farm in Kirkham (Refs: APP/M2325/A/13/2192188 and APP/M2325/A/13/2196027). The Secretary of State agreed with Inspector Julia Gregory, who confirmed in paragraph 217 of her report that:

'The shortfall should be made up as quickly as possible to accord with the aspirations of the Framework to significantly boost the supply of housing.'

- 3.4.16 Another example of where the Sedgefield method has been favoured relates to an appeal at Red House Farm in Burton-on-Trent (Ref: APP/B3410/A/13/2197299). On 12 November 2013 the SoS issued his decision, agreeing with Inspector Martin Whitehead, and granted outline planning permission for 250 houses. In reaching his decision Inspector Whitehead stated, at paragraph 9.5, that:

'In terms of the past shortfall in housing supply, the Council has spread the under-delivery since 2006 over the remaining 18 years of the plan period between 2012 and 2031 (Liverpool approach). I find very little support for this approach, given that the Framework seeks in paragraph 47 to boost significantly the supply of housing. Whilst there is limited guidance on how to deal with under delivery, a more effective way of significantly boosting the supply of housing would be to spread the shortfall over the next 5 year period (Sedgefield approach). The need exists now and the Council's approach could result in some of this need being met up to 18 years into the future. In this respect the Council has failed to justify the approach that it has taken to address the shortfall.'

- 3.4.17 A further example relates to a site north of Congleton Road, Sandbach (Ref: APP/R0660/A/13/2189733). In his Appeal Decision of 18 October 2013, Inspector Philip Major stated the following at paragraph 31:

'The intention of the NPPF is clear – it is to “boost significantly the supply of housing”. That aim would not be best served by being too relaxed about the need to recover the backlog. I agree with the Appellant that every effort should be made to deal with the backlog in as short a time as possible. For that reason I subscribe to the Sedgefield method.'

- 3.4.18 Accordingly, there is overwhelming evidence in both national planning guidance and appeal decisions – including various decisions of the Secretary of State – to suggest that the significant previous shortfall in housing delivery should be addressed in the first five years. If necessary we could supply further examples.

Stage 4 – apply the appropriate ‘buffer’

- 3.4.19 Paragraph 47 of the NPPF confirms that an additional ‘buffer’ of 5 per cent should be added to the five-year housing requirement, brought forward from later in the plan period. Where there is a record of persistent under-delivery of housing, the NPPF makes clear that LPAs should increase the ‘buffer’ to 20 per cent to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 3.4.20 Under both scenarios considered above there has been a persistent under delivery of dwellings year-on-year since 2001. It is therefore appropriate to apply a 20 per cent buffer in this instance. We note that in the County Council’s HIA report no ‘buffer’ appears to have been applied.

Five Year Housing Requirement

- 3.4.21 The tables below set out the housing targets under both scenarios, based on our analysis above:

Table 3.3: Housing Requirement – Scenario 1 (Core Strategy based targets)

Housing Target	
Base requirement	5,460
Add accrued shortfall (2001-2014)	6,682
Add 20% 'NPPF' buffer	2,428
Total five-year requirement	14,570
Annual average requirement	2,914

Table 3.4: Housing Requirement – Scenario 2 (SHMA based targets)

Housing Target	
Base requirement	3,650
Add accrued shortfall (2001-2014)	5,596
Add 20% 'NPPF' buffer	1,849
Total five-year requirement	11,095
Annual average requirement	2,219

- 3.4.22 It should be noted that Table 3.3 (Scenario 1) refers to figures as set out in the adopted Core Strategy and therefore until such time that the emerging Local Plan and the OAN has been examined and found sound, the Core Strategy requirement should be adhered to. As we have explained, this approach has been confirmed in recent Appeal Decisions.

Stage 5 – identify the realistic and deliverable five-year housing supply

- 3.4.23 The assessment is set out in Section 4 of this report.

4 Stage 5 – Identify the realistic and deliverable housing supply

4.1 Introduction

- 4.1.1 Section 3 of this report sets out what the housing requirements for Ashford should be, based on two scenarios. This assessment now seeks to establish what Ashford's housing supply is in comparison to these requirements figures.
- 4.1.2 The Housing Information Audit (2013/14) states the housing supply is made up of a combination of extant planning permissions, allocated sites and a windfall allowance. However, it does not provide a list of sites that are contained within the supply elements. The list of housing sites has been sought from both Kent County Council and Ashford Borough Council, but nothing has been provided. Ashford stated that they do have a standalone list of sites they used to calculate their five year housing land supply, and confirmed that their supply is produced from various sites many of which are found in documents published online.
- 4.1.3 This stated position is at odds with fact that the Housing Information Audit provides a precise housing figure for both the supply from extant permissions and the supply from allocations, which was also broken down in to supply per year. It is surely the case that for a precise supply figure to be stated there must be a list of sites from which the figure is calculated. Nevertheless, this information has not been provided.
- 4.1.4 Therefore, a review of Ashford's website; a housing trajectory for the period five year period 2012/13 to 2016/17 was found (included at Appendix A). This sets out a number of the key sites including allocation from the Borough Local Plan 2000 and the Urban Sites Allocations DPD. Also, a housing trajectory for the Chilmington Green Area Action Plan was identified covering the period 2014/15 to 2038 (included at Appendix B).
- 4.1.5 This assessment considers housing development sites against the requirements of NPPF and the PPG. Paragraph 47 of the NPPF states that ... *"To boost the supply of housing, the NPPF requires that local planning authorities should:*
- *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% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
 - *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15."*

The meaning of 'deliverability'

- 4.1.6 The NPPF states that:

"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans." (para 47, footnote 11)

- 4.1.7 However, subsequently to the publication of the NPPF, the PPG has clarified the above position in relation to planning permissions and allocations by adding:

“However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.” (para 31)

- 4.1.8 However, no reference is made as to what consideration has been given to the deliverability of individual sites in the KIA Housing Information Audit (2013/14) or the housing trajectories found on Ashford’s website. The fact that a site may already benefit from an allocation for housing or even a planning permission for residential development does not necessarily mean that it is deliverable within the first five years of the plan period. Thus it is necessary to assess the delivery of a site before it is included and therefore relied upon as part of the Council’s housing supply.

Assessing Deliverability

- 4.1.9 The PPG provides, at paragraphs 19 to 22, further clarification as to what should be considered when assessing the deliverability of a potential development site, stating three factors; suitability, availability and achievability. To paraphrase the guidance:

- **Suitability:** Factors to be taken into consideration include market signals (an alternative use could be more appropriate) policy restrictions, sustainability, physical problems or limitations, potential impacts and environmental conditions.
- **Availability:** This requires reasonable confidence that there are no ownership problems which might prevent development.
- **Achievability:** This comprises a judgement as to the economic viability of the site and will be affected by market factors, cost factors and delivery factors.

4.2 Assessment Basis

- 4.2.1 Our starting point for the assessment is that all the sites included in the assessment are all suitable for development. The reason for this is that they all have planning permission or have been through public examination as part an adopted development plan document. We have therefore sought to establish whether anything in terms of availability or achievability can be found which might indicate that the site would not come forward as expected. If nothing can be found then we have accepted the housing trajectory put forward for that site, and no adjustments have been made.
- 4.2.2 From Ashford’s website it is not possible to identify exactly which sites make up the stated supply, particularly in reference to the sites with an extant planning permission. These are not listed in the entirety and would mean that every one of Ashford’s planning application records would have to be reviewed; this is simply not a reasonable, practical exercise to undertake.
- 4.2.3 Equally, it is not possible to establish which of the allocated sites are included; the housing trajectories found are likely to be reasonably comprehensive, albeit the main trajectory found is four years out of date.
- 4.2.4 Those sites that are already stated as being under construction are assumed to be fully deliverable.

- 4.2.5 We have used the period 1st April 2014 – 31st March 2019 as the basis for the calculations as to whether the Ashford Borough Council will be able to provide sufficient housing in the next 5 years.

4.3 Assessment Findings

Housing Trajectory 2010-2017

- 4.3.1 For the allocations, we have also undertaken a desk based assessment in order to establish when they are likely to come forward and whether there are any reasons which, whilst not necessarily preventing the sites coming forward at all, might delay the timescales as to when the site could be realistically delivered. The assessment included:
- searching online planning application records;
 - review of planning policy documentation including Annual Monitoring Reports and Major Development Updates; and
 - general web searches.
- 4.3.2 From the information found, judgements have then been made as to whether the trajectory provided by Ashford is realistic. Adjustments have been duly made as a result and these adjustments largely stem from the fact that, from the current planning status of the site and what would therefore need to be undertaken in planning terms in order for development to commence on site, we do not consider the development will come forward as quickly as anticipated. We have therefore provided what we consider to be a more realistic trajectory.
- 4.3.3 Appendix C sets out this revised trajectory.

Chilmington Green

- 4.3.4 A similar approach to that set out above was undertaken with regards to the progress being made on for the delivery of the Chilmington Green development. The council's Development Update (February 2015) confirms that the S106 Agreement is expected to be completed by the end of March 2015, enabling the issue of the outline planning consent.
- 4.3.5 Based on the fact that before development could commence on the site, Reserved Matters Consent would have to be secured together with the discharge of the necessary conditions, we have set out, in Appendix C, what is considered to be a more realistic trajectory for delivery over the next five year period.

Results Summary

- 4.3.6 As set out in Section 4.2 above, we have not been able to source a definitive list of sites which make up the five year housing land supply position stated in the Kent HIA. Whilst we have identified and assessed a number of the key allocated sites which are more than likely to form part of the five year housing land supply, we cannot state what we consider Ashford's housing land supply to be by simply adding up the supply from the sites we have identified. Inevitably, there will be a number of sites that we have not identified, particularly those with extant planning permissions. Therefore, we have had to take an alternative approach to adjusting the housing supply.
- 4.3.7 We have therefore taken the approach of comparing the Ashford stated supply figure for those sites we have identified, to the adjusted, reduced figure we have assessed. The difference has then been deducted from the overall five year housing land supply stated in the Kent HIA.

- 4.3.8 For the 20 sites we have identified and assessed, we consider that the housing supply for these sites can be reduced by some 1,339 dwellings over the five year period.
- 4.3.9 The findings of our assessment are summarised in Table 4.1 below. It also provides a comparison of the Council's estimated housing provision and our assessed housing provision for the period 2014 to 2019:

Table 4.1 – 5 Year Housing Supply Assessment Results

	Ashford Borough Assessment	PBA Assessment (Scenario 1)	PBA Assessment (Scenario 2)
Requirement	3,650	14,570	11,095
Supply:	4,721	4,721	4,721
- <i>Extant Planning Permissions</i>	2,437	2,437	2,437
- <i>Allocations</i>	2,179	2,179	2,179
- <i>Windfall Allowance</i>	105	105	105
Deductions	0	1,339	1,339
Total Supply	4,721	3,382	3,382
Supply compared to requirement	+1,071	- 11,188	- 7,713
Years of supply	6.47 ^(a)	1.16 ^(b)	1.52 ^(c)

- (a) Based on annual average requirement of 730
 (b) Based on annual average requirement of 2,914
 (c) Based on annual average requirement of 2,219

- 4.3.10 From our analysis in this report, the total deliverable housing provision for Ashford Borough Council for the next 5 year period (2014 to 2019) is 3,382 net additional dwellings. This amounts to a shortfall of 11,188 dwellings (Scenario 1) or 7,713 dwellings (Scenario 2) against the 5 year requirement of 14,570 dwellings (Scenario 1) and 11,095 dwelling (Scenario 2). Based on the annual requirement of 2,914 dwellings (Scenario 1) and 2,219 dwellings (Scenario 2), Ashford has a supply of either 1.16 years or 1.52 years, contrary to the requirements of the NPPF.
- 4.3.11 As stated at Paragraph 3.4.22, it is considered that Scenario 1, referring to the adopted Core Strategy, should be adhered to. Irrespective of this, under both scenarios, Ashford has a significant shortfall in its five year housing land supply.
- 4.3.12 Paragraph 49 of the NPPF 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.”*
- 4.3.13 As such it is considered that sustainable developments should be considered favourably by Ashford Borough Council in the absence of a 5 year housing land supply.

5 Charing Appeal Decision

5.1.1 On 30th March 2015, an appeal decision was issued which granted outline planning permission for 4 dwellings at Land to the rear of Millgarth, The Hill, Charing – appeal reference: APP/E2205/W/3000568 (see Appendix D). Fundamental to the decision made by the Planning Inspector was whether Ashford Borough Council could demonstrate a five year supply of housing land. Where there is no identified five year supply, the NPPF confirms that applications for housing schemes should be considered in the context of the presumption in favour of sustainable development.

5.1.2 In making her decision, the Inspector stated the following:

“It is not for me to anticipate the outcome of the Local Plan Inquiry as to the eventual identified need for housing land but, applying the advice in the PPG, by taking the latest available data and spreading the shortfall over 5 years, I consider that the Council cannot demonstrate a supply of housing land for the next 5 years and the relevant policies for the supply of housing are therefore out-of-date. In such circumstances, the provisions of paragraph 14 of the Framework are engaged and if the scheme is judged to be sustainable development it should be granted planning permission unless any adverse impacts significantly and demonstrably outweigh the benefits when judged against the policies in the Framework.” (Paragraph 15, 3000568)

5.1.3 The appeal decision sets out the general figures that were used in coming to the conclusion about the five year housing land supply; the requirements for land based on both the Core Strategy and the emerging Local Plan were considered, as we have done in previous sections of this report as Scenario 1 and Scenario 2. Whilst our conclusion and the Inspector’s is the same – that Ashford cannot demonstrate a five year housing land supply – the extent of the shortfall is where our findings differ from that of the Inspector.

5.1.4 We believe that there are three main reasons for this difference:

- **The period of time considered in reference to historic completions:** Whilst we do not have the full detail behind the appeal decision, it would appear from a comparison with the completion figures shown in Table 3.2 above, that the historic shortfall stated is based on only the three year period from 2011/12. This therefore does not take account of the considerable under supply of housing which has accumulated over the plan period of the Core Strategy, and this should not be discounted. This links to the point below on the additional buffer of housing to be added.
- **Percentage of additional buffer:** The NPPF requires an additional buffer of housing to be delivered and the level of the buffer to be added stems from the historic delivery record of the council. Looking over the plan period, it is clear that the council has a record of persistent under delivery (see Tables 3.1 and 3.2) which should result in a 20% buffer being added to the requirement. Were it only the last three years from 2011/12 being considered, this may not be considered as a persistent under delivery; potentially why the Inspector has only added the 5% buffer. However, the PPG states that *“the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.”* (Paragraph: 035 Reference ID: 3-035-20140306). It is considered that a 20% buffer should be applied.
- **Assessment of the deliverable housing supply:** It is not clear whether the sites of housing supply put forward by the council for this appeal were assessed for their deliverability. The supply figure stated in the Inspector’s Report was similar to that stated in the Kent HIA. However, our supply assessment, set out at Section 4 of this report, makes adjustments to the delivery trajectories of a number of the key sites which reduces the likely level of supply for the five year period.

- 5.1.5 These three factors combined account for the difference in the level of supply stated in this report in comparison to that of the Inspector's Report. In the context of the appeal case, it may not have been necessary to undertake the level of assessment we have on the basis that it was clear that Ashford could not demonstrate a five year housing land supply, and that the proposed development was only proposing four dwellings.
- 5.1.6 Nevertheless, the Inspector's conclusion is clear; that Ashford Borough Council cannot demonstrate a five year supply of housing. The findings of our assessment increases further the shortfall in housing supply.

Appendix A Housing Trajectory 2010-2017

Housing Trajectory 2010-2017 (Ashford Urban Area)

Urban Sites	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	TOTAL
Windfall completions in Urban Area	65	61						126
Hunter Avenue	121	172	57					350
Brisley Farm (windfall area)		23						23
Wyvern School	19	32						51
Borough Local Plan 2000 Sites								
Repton Park	58	155	100	100	110	110	110	743
Singleton	26		64					90
Brisley Farm	53							53
Park Farm South & East	98	101	101	101				401
Urban Sites DPD Allocations								
U1 - Land off Abbey Way					20			20
U2 - Newtown Works			25	50	50	50	50	225
U4 - Lower Queens Road						20	20	40
U5 - Blackwall Road						20	20	40
U6A - Former Ashford South Primary School					30	40	40	110
U6B - K College				30	50	74		154
U7 - Leacon Road						50	50	100
U9 - Maidstone Road				35	35			70
U10 - Former Ashford Hospital			20	40	20			80
U11 - Bishop's Green, Singleton			20					20
U12 - Associate House					15			15
U13 - Mabledon Avenue					20			20
U14 - Land at Willesborough Lees					50	75	75	200
U18 - Warren Lane				30	35			65
U22 - Conningbrook				75	75	75	75	300
Past Completions	440	544						984
Projected Completions			387	461	510	514	440	2,312
Windfall allowance on urban sites *			45	45	45	45	45	225
TOTAL projected completions			432	506	555	559	485	2,537

*includes extant permissions (not started, under construction and outline) and unidentified sites

Appendix B Chilmington Green Housing Trajectory

Appendix 4 : Chilmington Green Area Action Plan Housing Trajectory 2014 - 2038

2014 - 2025

2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	TOTAL
150	225	250	275	275	275	240	240	240	240	240	2,650

2025 - 2038

2025 – 2029	1150
2030 – 2034	1030
2035 – 2038	920
TOTAL	3,100

Appendix C Adjusted Housing Trajectory

PBA Adjusted Housing Trajectory

Site address	Total no. of units	Delivery trajectory						Commentary
		5 Year Supply Period						
		2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	
Borough Local Plan 2000 Sites								
Repton Park	743	100	110	110	110			No reasons identified for adjustments to be made.
Singleton	90							No reasons identified for adjustments to be made.
Brisley Farm	53							No reasons identified for adjustments to be made.
Park Farm South and East	401	101						No reasons identified for adjustments to be made.
Urban Sites DPD Allocations								
U1 - Land off Abbey Way	20			20				No planning application yet submitted. No reasons identified for adjustments to be made
U2 - Newton Works	108	50	50					Under Construction. Reserved matters granted for 108 dwellings for Phase 1. Trajectory has been adjusted to account for this revised capacity figure.
U4 - Lower Queens Road	40							Appears that this site is still in use as part of the industrial complex; use would have to cease before redevelopment could take place. There have been no steps taken to take this site through the planning process. Completions are unlikely in the 5 year period. Adjustments made.
U5 - Blackwall Road	34				34			Some objecting representations to allocation from public but these not considered grounds to alter final allocation. Planning application (14/01456/AS) submitted for 34 dwellings submitted Nov 2014. Adjustment made for fewer dwellings.
U6A - Former Ashford South Primary School	110							Site cannot come forward for redevelopment until the K College site is redeveloped as access to this site comes across the K College site. Refer to site U6B below. Adjustments made.
U6B - K College	154						30	Site cannot come forward for redevelopment for housing until a new campus is provided in the town centre which is anticipated to be open in 2017. Adjustments made.
U7 - Leacon Road	100				50	50		No planning application yet submitted - delay in delivery of housing likely. Adjustments made.
U9 - Maidstone Road	61		35	26				Under Construction, but for development of 61 dwellings. Capacity adjusted.
U10 - Former Ashford Hospital	56			56				Under Construction, but for development of 56 dwellings. Capacity adjusted.
U11 - Bishop's Green, Singleton	14				14			Outline planning permission has been granted for 14 dwellings. Capacity adjusted.
U12 - Associates House	9				9			Planning permission granted for 9 dwellings. Capacity adjusted.
U13 - Mabledon Avenue	20					20		No reasons identified why site would not come forward, but adjustment made to timescales for delivery due to lack of planning permission.
U14 - Land at Willesborough Lees	200							Considered unlikely that site will come forward in 5 year period; no planning applications have been made and it is dependent on the provision of significant highways and drainage infrastructure. Adjustments made.
U18 - Warren Lane	61			61				Under Construction, but for development of 61 dwellings. Capacity adjusted.
U22 - Conningbrook	300				75	75	75	Application 12/01245/AS was granted (subject to an ES) in Oct 2014. No evidence to suggest development has commenced - conditions yet to be discharged. Development will be delayed. Adjustments made.
Chilmington Green (Appendix 4: Housing Trajectory 2014-2038)								
Chilmington Green	5,750				50	150	225	An Extension of Time Agreement has been signed between developers and the council on four separate occasions (Aug 13, Dec 2013, Apr 2014, Dec 2014) for planning application 12/00400/AS. The most recent agreement has extended the time to determine the planning application to 31st March 2015. S106 yet to be agreed. It is therefore apparent that the scheme is significantly delayed. Adjustments made.
Adjusted Total			195	273	342	295	330	1435

Stated Housing Trajectory Position						
Housing Trajectory 2010-2017 (Ashford Urban Area)		555	559	485		
Chilmington Green Area Action Plan		150	225	250	275	275
Stated Totals		705	784	735	275	275
Difference between stated figure and adjustments		-510	-511	-393	20	55

Appendix D Charing Appeal Decision

Appeal Decision

Site visit made on 9 March 2015

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2015

Appeal Ref: APP/E2205/W/14/3000568

Land to the rear of Millgarth, The Hill, Charing TN27 0LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Charing TN27 Ltd against the decision of Ashford Borough Council.
 - The application Ref 14/01111/AS, dated 28 August 2014, was refused by notice dated 1 October 2014.
 - The development proposed is outline planning for 4 dwellings.
 - The application is in outline with all matters reserved for future approval.
-

Decision

1. The appeal is allowed and outline planning permission is granted for 4 dwellings at land to the rear of Millgarth, The Hill, Charing TN27 0LU in accordance with the terms of the application, Ref 14/01111/AS, dated 28 August 2014, and the plans submitted with it, subject to the conditions set out in Annex A to this Decision.

Procedural matters

2. The Council's Decision Notice refers to the site as being to the rear of 'Millgarth' and does not mention 'Little Minden' as also named on the application form. The other property to the rear of the site now appears to be known as 'Wessex House', but without confirmation of this I shall adopt the address used by the Council, and by the appellants on their appeal form.
3. Following the Government's recent guidance on the reduced need for infrastructure provision in relation to small developments of 10 units or less, and pending further guidance from the Department of Communities and Local Government, the Council has now withdrawn its 4th reason for refusal relating to the lack of such provision in relation to the appeal scheme.

Main Issues

4. I therefore consider that the main issues in this case are now whether the proposal represents sustainable development in relation to local and national planning policy and its location within the countryside, with particular reference to the effect of the proposed development on the character and appearance of the surrounding area and whether there has been sufficient information submitted to determine the impact of the proposed development on the ecological value of the site.

Site and surroundings

5. The appeal site lies within an area on the edge of the village of Charing designated as countryside and adjacent to, but not included within, the North Downs Area of Outstanding Natural Beauty (AONB). It is an irregularly shaped, four sided parcel of land accessed via a track that runs between 2 residential properties and is surrounded on most of its perimeter by garden land. The remaining border is with open agricultural countryside. There is a substantial belt of mature trees around the edges of the site where it abuts the agricultural land and a distinct change in level on the eastern border.
6. The site is close to the facilities in the village of Charing, which is identified as a principal service centre in the Ashford Borough Council Core Strategy 2008 (CS). It is 0.5 miles from the mainline station providing twice hourly services to Ashford and London and close to a bus stop used by 2 routes which provide hourly services to Ashford and Maidstone.

Reasons

Sustainable development

7. There is disagreement over whether the Council can demonstrate a 5 year supply of housing land, and this has implications for how the sustainability of the proposed development should be judged in terms of its relationship to existing planning policy. Where there is no identified 5 year supply, applications for housing schemes should be considered in the context of the presumption in favour of sustainable development, as set out in paragraph 14 of the National Planning Policy Framework (the Framework).
8. This paragraph explains that the presumption in favour of sustainable development requires proposals that accord with the development plan to be approved without delay and, where relevant policies are out of date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
9. Paragraph 7 explains that sustainability has 3 dimensions, economic, social and environmental, and these are to be considered together because they are considered to be mutually dependent. The Framework also makes clear that development must normally be in accordance with the other policies within it.
10. In this case, the Council's housing strategy was originally set out in the CS which covers the years from 2001 to 2021. However, although the Council accepts that, following a shortfall in delivery in recent years, it now has a backlog requirement of 1124 units. It is also now using the revised, lower figures for housing land requirement that are proposed to be included in the emerging Local Plan. This is now a requirement for land sufficient for 3650 units (3833 with a 5% buffer as required by the Framework) but the Local Plan is at an early stage of development and, according to the appellants, is unlikely to be adopted before 2016. The Council has not disputed this statement.
11. The Council considers there is presently a requirement for land sufficient for 4180 units over the next 5 years. This is calculated by using a baseline figure of 3630 units (726 dwellings per annum) plus a proportion of the backlog which it intends to spread across the remainder of the Plan period rather than aim to provide in the next 5 years. The Council submits that it has identified land sufficient for 4853 units.

12. The appellants suggest that the method of dealing with the shortfall should be in line with the recommendations in the national Planning Practice Guidance (PPG) published in 2014, which recommends that the aim should be to deal with any undersupply within the first 5 years of the Plan period where possible. Where this cannot be done, the local planning authority is expected to work with neighbouring authorities under the 'Duty to Co-operate' set out in the Framework, to meet the shortfall.
13. All parties that have commented on the 5 year housing land supply have referred to the Kent County Council Housing Information Audit Ashford Borough Council 2014/2014 edition when considering housing need figures. The appellants have also referred to the Housing Section Authority Monitoring Report 2013 – 14 (AMR).
14. The identified 5 year supply of available housing land on the Council's estimate is, as noted above, sufficient for 4853 units. The requirement for land based on the CS is for 5460 units and if the CS figures are used as the basis for assessing the availability of the 5 year supply there would clearly be a shortfall, based on the above figures. If the Local Plan figures are used and the shortfall is addressed in the first 5 years, as recommended in the Framework, there would be a requirement for land sufficient for 4969 units and there would again be a shortfall.
15. It is not for me to anticipate the outcome of the Local Plan Inquiry as to the eventual identified need for housing land but, applying the advice in the PPG, by taking the latest available data and spreading the shortfall over 5 years, I consider that the Council cannot demonstrate a supply of housing land for the next 5 years and the relevant policies for the supply of housing are therefore out-of-date. In such circumstances, the provisions of paragraph 14 of the Framework are engaged and if the scheme is judged to be sustainable development it should be granted planning permission unless any adverse impacts significantly and demonstrably outweigh the benefits when judged against the policies in the Framework.
16. Whilst the Framework generally resists isolated new houses in the countryside, this site cannot be considered isolated, due to its proximity to other development in the village. The Framework also recognises that, in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities. The appeal site is well located for local services and has reasonable transport links. The provision of 4 new houses, although not making a large contribution to the overall requirement in the Borough, would nevertheless have social and economic benefits for the community as a whole, and accord with the objective of boosting the supply of new homes as identified in the Framework.
17. In terms of the impact on the countryside, the land is self-contained by the planting on the borders beyond the appeal site and makes little contribution to the wider landscape, including the AONB. As previously noted, it is largely surrounded by residential curtilage and well screened from most viewpoints. I consider that the new houses would not, therefore necessarily appear out of place in this location, even though the layout might take a different form to nearby development. Fears that development could lead to pressure to fell the trees could be countered by placing them under a Tree Preservation Order, if the Council considered this to be necessary.

18. There have been criticisms of the Phase 1 Habitat Survey that has been carried out on the site, but the Council appears to accept, in the Officer's report and its appeal statement, that the this report demonstrates that the only species that might be at risk is a population of slow worms of 'exceptional size' that has been identified on the site. I note that the 'red line' on the application plan is drawn at least 7m from the site boundaries, ensuring that an area of mature planting and vegetation would remain as a natural habitat for other species and the trees would provide roosts for bats.
19. The appellants have submitted a reptile survey report which notes that a specific mitigation strategy document will be needed to ensure that the 'exceptional' slow worm population is successfully translocated to a suitably viable location. The report makes recommendations for how this could be achieved but falls short of the full documentation and investigation of a possible alternative site.
20. The appellants consider that this could be the subject of a condition and I note that such a course of action is accepted by saved policy EN30 of the Ashford Borough Local Plan (LP). This is an outline application and a suitable strategy can be required to be submitted for approval before the layout for the development is finalised and before the reserved matters are considered by the local planning authority.
21. Interested parties submit that dormice nests have been recorded within 175m of the site and that this means that they could easily travel onto the land. The Habitat Survey concludes that there is some limited potential for dormice to inhabit the site but it does not recommend a further survey. Nevertheless, a precautionary approach could be employed and a protected species survey undertaken to determine whether a Mitigation Licence from Natural England is required, as part of a condition requiring a scheme for the enhancement of the biodiversity of the site in accordance with policy CS11 of the CS.
22. Adjacent owners are concerned about the impact of the proposed development on their residential amenity although this has not been raised by the Council as a reason for refusal. Although a previous appeal¹ for 11 dwellings on the site concluded that there would be no unacceptable impact on residential amenity, I note that since that appeal was determined, an extension to Wessex House has brought this dwelling to within 0.2m of the site boundary.
23. However, there are now only 4 houses proposed, and it is unlikely that the number of cars and service vehicles using the access road would be numerous or unduly disturbing. The site is large enough to ensure that the new dwellings could be well separated from their nearest neighbours and positioned so that there was no loss of privacy or creation of an overbearing outlook. I also accept that visibility splays could be provided to the satisfaction of the Highways Authority. Consequently, I do not consider that any impacts brought about by the proposal would '*significantly and demonstrably outweigh the benefits*' of the scheme, when considered against the policies in the Framework as a whole.
24. Therefore, I consider that the proposal is sustainable development in terms of the policies in the Framework and the benefits of providing 4 new dwellings indicate that outline planning permission should be granted for the proposal.

¹ Application Ref: 89/011101/AS Appeal Ref: APP/E2205/A/89/133634/P2

Conditions

25. I have considered the conditions suggested by the Council, in the event of the appeal succeeding, in accordance with the guidance given in the PPG. I have amended the suggested wording where necessary to follow this guidance.
26. In addition to the standard conditions relating to the approval of the reserved matters, I shall impose a condition relating to the provision of a suitable parking layout within the site, to ensure sufficient space and prevent inconvenience to other road users through additional on-street parking. A scheme for parking/turning areas will also be required for site construction traffic throughout the period of the works, to ensure that the amenities of occupiers of neighbouring properties are protected. To ensure that the highway is kept clear of debris from construction traffic, wheel washing facilities will be required at the exit from the site.
27. To ensure a satisfactory appearance for the development, a condition requiring the details of the external materials of the dwellings to be submitted to, and approved by, the local planning authority will be imposed. In the interest of highway safety, the visibility splays required by the Highway Authority will be required to be provided before the dwellings are occupied. An archaeological investigation will be required to ensure that any items of interest are examined and recorded. Landscaping conditions will be imposed to ensure that details of the reserved matters are implemented, in the interests of the amenity of the area and to protect existing trees.
28. In order to reduce the impact of the development on flood risk and possible pollution, a scheme for the drainage of the site, including sewage disposal, will be secured through conditions. To ensure the local planning authority has control over future development on the site and limit the potential for expansion, permitted development rights pertaining to the extension of the dwellings and development within their curtilages will be removed. As discussed above, conditions relating to a scheme for protecting and enhancing the biodiversity of the site will also be imposed.
29. I find no reason to impose the suggested condition relating to a list of plans, as only 2 have been submitted, one is directly referred to is the condition relating to the visibility splays and the other is the 'red line' location plan and will be referred to in the wording of the permission.

Conclusions

30. I have found that the proposal represents sustainable development in terms of the Framework and that there are no adverse impacts that could not either be dealt with by condition or that would outweigh the benefits of the proposal in terms of housing provision. Therefore, for the reasons given above I conclude that the appeal should be allowed.

Katie Peerless

Inspector

ANNEX A

Conditions to be attached to outline planning permission 14/01111/AS for 4 dwellings at land to the rear of Millgarth, The Hill, Charing TN27 OLU.

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) (i) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
(ii) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
- 3) Details of motor vehicle parking facilities (that accords with the Council's adopted Residential Parking & Design Guidance SPD or any other standards agreed with the local planning authority and clearly shows which spaces relate to which unit as well as those that are communal/visitor spaces) shall be submitted to and approved by the Local Planning Authority at the same time as the submission of details pursuant to Condition 1. The approved facilities shall be provided prior to the development to which they relate being occupied. Thereafter, the facilities shall be retained for ancillary parking use and access thereto shall not be precluded.
- 4) Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.
- 5) No dwelling shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the commencement of development and such approved works shall be appropriately retained and maintained in perpetuity.
- 6) Written details including source/manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.
- 7) Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

- 8) Prior to works commencing on site, details of parking for site personnel and visitors and construction vehicle loading/unloading and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The approved parking, loading/unloading and turning areas shall be provided prior to the commencement of development and thereafter retained throughout the construction works.
- 9) Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.
- 10) The visibility splays shown on Drawing No. B/PvPCharing.1/01, within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge, shall be provided at the access prior to the first occupation of the dwellings hereby approved and shall be so maintained at all times.
- 11) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.
- 12) A landscaping scheme for the site (new native hedgerow planting to the southern boundary) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.
- 13) The development shall be carried out in accordance with the approved Preliminary Landscape and Arboricultural Assessment by Landscape Vision Ltd., ref: LV 216LR1 dated July 2014, unless otherwise agreed in writing by the Local Planning Authority. Any trenches for underground services should be in accordance with the current National Joint Utilities Group guidelines.
- 14) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
 - (i) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction recommendations) and in accordance with a Tree Protection Plan and Arboricultural Method Statement which are to be

submitted to and approved in writing by the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;

(ii) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;

(iii) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;

(iv) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(v) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority;

(vi) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order (or any Order revoking and reenacting that Order), without prior approval of the Local Planning Authority.
- 16) Prior to the submission of the reserved matters required by conditions 1 and 2, commencement of the development hereby approved, details of measures to enhance the biodiversity of the site, including a dormouse survey, shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved details with any amendments agreed in writing.
- 17) Prior to the submission of the reserved matters required by conditions 1 and 2, a mitigation and compensation strategy shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.