

Five Year Housing Land Supply Calculation

App Ref APP/E2205/W/21/3284479
Date 22 February 2022
From Martin Taylor

Subject **Appellant Response to Ashford Borough Council Note to the Inquiry**

- 1.1 The Council submitted a “Note to the Inquiry Re Five Year Housing Land Supply clarification” (“the note”) on 21st February 2022. As set out at the roundtable session on 16th February 2022 the appellant reserved the final right of reply to any note.
- 1.2 The Council in evidence has set out that it considers the base date of the calculation is 1st July 2021 and that the five year period covers 1st July 2021 to 31st June 2026.
- 1.3 The Council appears to tacitly accept at paragraphs 7 and 8 of the note that the calculation of the housing requirement part of the position (i.e. 7,195 dwellings) does relate to a base date of 1st April 2021 (i.e. they state it should relate to the year or annual position).
- 1.4 For clarification this is mathematically confirmed by how ABC has worked out its shortfall figure of **2,412** dwellings as set out by the Council at CD2.9b paragraph 3.6:
- a **2,462** dwelling shortfall over the ‘pre-plan’ period of 1st April 2011 to 31st March 2018 (See CD2.1 Para 2.81 and reference to existing shortfall at 1st April 2018);
 - b **8** dwelling shortfall over the period 1st April 2018 to 31st March 2019 (See CD2.7a Page 2 graph – 880 completions 2018/19 against a housing target of 888);
 - c **142** dwelling shortfall over the period 1st April 2019 to 31st March 2020 (See CD2.7a Page 2 – the AMR covers the period 1st April 2019 to 31st March 2020 – 746 completions against a housing target of 888);
 - d **200** dwelling surplus over the period 1st April 2020 to 31st March 2021 (See CD2.7b Page 2 – the AMR covers the period 1st April 2020 to 31st March 2021 – 1,088 completions against a housing target of 888).
- 1.5 The Council is now contending that the monitoring data for the 2019-20 was for a 15-Month period. If that is the case:
- 1 The Council’s calculation of a 142 dwelling shortfall over the period 1st April 2019 to 31st March 2020 (point c above) is wrong. That compares a 12-month (1-year) requirement of 888 with a 15-month delivery 1st April 2019 to 31st June 2020 of 746. This is an obviously skewed comparison, missing three months, and serves to undercount the shortfall.
 - 2 The Council has incorrectly presented its monitoring data within its Annual Monitoring Reports (CD2.7a/b) as being for the period 1st April to 31st March.
 - 3 Furthermore, it has been falsely reporting this data as being for that period to Government in its annual returns. This directly informs Government’s Housing Delivery Test and national monitoring. This will have had the effect of inflating the Council’s supply in those Government datasets (and therefore the HDT result).
- 1.6 The Council note confirms and exposes that, logically, there is a mismatch in the time periods it is adopting. The housing requirement relates to a 1st April base date; the supply purports to

relate to a 1st July base date (notwithstanding the actual dates set out in CD2.9b Tables A3, A6 and A8 being 1st April, which the Council states is simply another error).

- 1.7 Paragraphs 6-10 of the note seek to justify and downplay this mismatch and the effect of the missing three months. However:
- 1 The Council is seeking to mix and match (or equate) 1 year and 15-month completion figures within the past monitoring (paras 1-4), whilst simultaneously setting out a position that the target needs to strictly relate to yearly/annual periods (paras 6-10). These two held positions are incongruous and incompatible; the position has to be balanced and relate to the same time periods on both sides.
 - 2 The Council is wrong that the housing demand relates only to a yearly or annual housing target and therefore only 'accrues' at the year end. Policy SP2 (and CD2.1 at para 2.37) sets a "total" or "overall" housing target for the plan period and the annual requirement is simply an annualised average, but equally could be expressed as a monthly average. There is nothing in the NPPF, PPG or the Plan to suggest the target should not apply as a requirement which accrues continually and on a rolling basis; indeed that is precisely what an "average" does.
 - 3 The Council is wrong to suggest or infer housing targets and methods for monitoring do not apply in some way to a quarterly or monthly basis. The methods in the five-year housing land supply, housing delivery test and housing monitoring can and do often relate to different time periods (including months within the year period):
 - a The PPG (ID 68-031) sets out that any shortfall should be calculated "*from the base date of the adopted plan and should be added to the plan requirements for the next 5 years*" i.e. if a 1st July position is adopted, it must be the shortfall from the base date of the Plan (i.e. 1st April 2011) up to the 1st July 2021, to then be added to requirement for the next five years. The PPG does not support arbitrarily excluding three months.
 - b Government adjusted the HDT requirements by one month in the 2019-20 year and four months in the 2020-21 year¹, effectively splitting up yearly targets into months;
 - c Some LPAs monitor their 5 year land supply position quarterly, fully updating the position each three months. For example, Central Bedfordshire² and Eastleigh³;
 - 4 Fixing the missing three months (i.e. adding its housing requirement to the shortfall, or presenting the position to match 1st April 2021) would not be "*unproductive*" as the Council purports. It is actually fundamentally necessary to present a consistent and balanced calculation as of the base date (whatever that may be) that isn't deliberately over-inflated.
- 1.8 Finally, the Council's contention that any 'gain' in delivery would be negligible, wilfully misses the point. It is not the 'supply' or 'activity' for those three months (which the Council characterises as "*virtually stagnant*", in my view unfairly given how quickly building restarted in early May 2020) which is to be gained, it is the three months of housing target that accrued in those three months; 222 homes. These homes should have been provided before the 1st July 2021, but the Council is seeking, with no objective justification, to entirely exclude, or hide, them from their current calculations and deny that they should have ever been delivered.

¹ <https://www.gov.uk/government/publications/housing-delivery-test-2021-measurement>

² <https://centralbedfordshire.app.box.com/s/yg9c976pfpwjuhhyqpnj5zeerqpm5439>

³ <https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/local-plan-monitoring>

- 1.9 My overall conclusion remains as set out in my original proof; that the five year housing land supply position is significantly worse than 4.54 years claimed by the Council. This conclusion is further strengthened in light of the above missing three months and missing element of shortfall associated. I continue to consider the five year supply is in the order of 2.75 years on my Scenario 1 (a shortfall of 3,236 homes) or 3.57 years on my Scenario 2 (a shortfall of 2,061). Both represent a severe and very significant shortfall.