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The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/W1715/W/17/3176347

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr J Wilkinson
Company/Group Name	Rivendale Construction Ltd
Address	Rivendale Construction Ltd, Office 3, Ground Floor 38 Leigh Road EASTLEIGH SO50 9DT

Preferred contact method — Email ☑ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? — Yes ☑ No ☐

Name	Mr Stephen Andrews
Company/Group Name	SDA Planning Ltd
Address	19 Well Copse Close Horndean Waterlooville Hants PO8 0HB
Phone number	07415873657
Email	stephen.andrews@sdaplanning.co.uk

Preferred contact method — Email ☑ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Eastleigh Borough Council
LPA reference number	F/17/79817

Date of the application	05/01/2017

Did the LPA validate and register your application?	Yes ☑	No ☐
Did the LPA issue a decision?	Yes ☑	No ☐

Date of LPA's decision	02/03/2017

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes ☑	No ☐

Address

Rivendale Construction Ltd, Office 3, Ground Floor
38 Leigh Road
EASTLEIGH
SO50 9DT

Is the appeal site within a Green Belt?	Yes ☐	No ☑
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes ☐	No ☑

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes ☐	No ☑

Please enter details of the proposed development. This should normally be taken from the planning application form.

Alterations and extensions to existing roof to create 3no. (including 2nd floor balconies) within the roof space following conversion of the existing office space (B1a) on the ground and first floors to residential dwellings (C3) with rear extension, and associated parking, cycle and bin storage.

Does the proposal include demolition of non-listed buildings within a conservation area?	Yes ☐	No ☑

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the develeopment.	☑
2. Refused permission to vary or remove a condition(s).	☐
3. Refused prior approval of permitted development rights.	☐
4. Granted planning permission for the development subject to conditions to which you object.	☐
5. Refused approval of the matters reserved under an outline planning permission.	☐
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.	☐
7. Refused to approve any matter required by a condition on a previous planning permission (other than those above).	☐
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.	☐
9. Failed to give notice of its decision within the appropriate period because of a dispute over	☐

provision of local list documentation.

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☑

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☑ No ☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☐ No ☑

2. Hearing ☐

3. Inquiry ☐

H. FULL STATEMENT OF CASE

The full statement of case is:

☑ see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes ☑ No ☐

☑ see 'Appeal Documents' section

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ☐ No ☑

(b) Have you made a costs application with this appeal? Yes ☑ No ☐

☑ see 'Appeal Documents' section

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates; ☐

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below: ☑

Owner's Name: Jason Wilkinson
Address at which notice was served: 74 Pitmore Road, Allbrook, Eastleigh, SO50 4LW
Date the notice was served: 22/05/2017

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below. ☐

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding. ☑

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole ☐

agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below. ☐

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☑

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form). ☑

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ☑

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☑

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ☑

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☑

05.(c) A list of all plans, drawings and documents upon which the LPA made their decision. ☑

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application. ☐

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐

07. A copy of the design and access statement sent to the LPA (if required). ☑

08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. ☐

09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion. ☐

09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA. ☐

10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. ☐

11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application; ☐

(b) all plans sent at outline application stage; ☐

(c) the original outline planning permission. ☐

12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached. ☐

13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application. ☐

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☐ No ☑

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledege.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature	Mr Stephen Andrews
Date	23/05/2017 06:11:48
Name	Mr Stephen Andrews
On behalf of	Mr J Wilkinson

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

  https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Appeal Statement - Rivendale House.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	Appendix 1 - Local Context.pdf
File name:	Appendix 2 -Inspectors Report on Local Plan Submission.pdf
File name:	Appendix 3 Eastleighs Update on Local Plan.pdf
File name:	Appendix 4 High Court Decision - Cotswold (1).pdf
File name:	Appendix 5 - Housing Evidence Eastleigh.pdf
File name:	Appendix 6 - CGI Image2.jpg
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the costs application.
File name:	Costs Application 10.5.2017.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
File name:	Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	Decision Notice-1886209.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	Location Plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Existing Floor Plan.pdf
File name:	Existing Elevations Plan.pdf

File name:	05 Proposed Grnd & First Floor Plans Rev A.pdf
File name:	06 Proposed Second & Roof Plans Rev A.pdf
File name:	07 Proposed Elevations Rev A.pdf
File name:	08 Site Layout Rev A.pdf
File name:	Proposed Technical Plan.pdf
File name:	10 Street Scene Elevations Rev A.pdf
File name:	Planning Statement.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	List of Plans and Documents.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
File name:	List of Plans and Documents.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	Design & Access Statement.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Completed by	MR STEPHEN ANDREWS
Date	23/05/2017 06:11:48



TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY: MR J.WILKINSON – RIVENDALE CONSTRUCTION LTD

LOCATION: RIVENDALE HOUSE, 38-40 LEIGH ROAD, EASTLEIGH, SO50 9DT

PROPOSAL: **Alterations and extensions to existing roof to create 3no. flats (including 2nd floor balconies) within the roof space following conversion of the existing office space (B1a) on the ground and first floors to residential dwellings (C3) with rear extension, and associated parking, cycle and bin storage.**

COUNCIL REF. NO: F/17/79817

STATEMENT OF CASE

1.0 Introduction

1.1 This appeal is made following Eastleigh Borough Council's decision to refuse planning application F/17/79817 for the above development.

1.2 This statement will demonstrate that the decision to refuse the planning application was unfounded. The development would in fact accord with relevant policies in the local plan and more importantly current national plan policy. This statement should be read in conjunction with the supporting Planning Statement and Design and Access Statement documents submitted in support of the planning application, which provides the context and justification for the development proposed.

2.0 Site Description

2.1 Rivendale House is a two storey building that originally comprised two separate residential dwellings. It's most recent use was as office space (B1a) but is currently being converted to residential units under recent permitted development changes.

2.2. The building itself is Edwardian in character, with some architectural features still apparent. It is a somewhat tired building that sits within a very varied street scene. Whilst predominantly brick, there is a variety of materials apparent including white render, cream render and a mix of brick colours. In terms of style and appearance, many of the buildings are former residential dwellings now converted to commercial use, with associated signage and hardstanding. The surrounding buildings vary in age and design, with some modern buildings in close proximity to the appeal site.

2.3 The property immediately to the west is a detached building with a commercial use and residential at first floor level. The building immediately to the east is a brick two storey commercial building. Approximately 80m to the west sits a large, recently constructed three and four storey building comprising private residential accommodation for older persons. This building has a brick and white render finish, with grey UPVC fenestration and cladding.

2.4 The site frontage is currently hardstanding, which contributes to the very urban character of the area; however it is proposed to landscape the site frontage so as to soften the setting of the new residential use. There is a single tree, which is located on the public highway to the front of the premises, which is to be retained. Vehicle access is via the rear of the site, from Toynbee Road, with a private parking area that can accommodate 12 vehicles.

2.5 The site falls within a mixed use area with both commercial and residential uses present, and is located approximately 0.3 miles from Eastleigh Town Centre, where there is access to a range of public transport networks, including rail. In addition the site is located 0.1 miles from Eastleigh Park, 0.3 miles from Grantham Green and 0.8 miles from Fleming Park leisure centre. The site is therefore highly accessible and sustainably located with an array of amenities, schools, shops, medical facilities and leisure pursuits in close proximity (Appendix 1).

3.0 Proposal

3.1 The proposal is to alter the roof of the existing building to create three additional flats within a new second floor level, to be clad with grey/blue cladding. The development would retain the existing bay features at ground and first floor level whilst creating a more modern appearance above with low profile flat roof. The building would then be

rendered and painted white to give it a fresh modern appearance. It is pertinent to note that the new ridge height of the building will be lower than the existing ridge height.

3.2 The development includes front and rear balcony areas for the three new flats at the second floor level with 12 on-site parking provided to the rear of the site, accessed via Toynbee Road, soft landscaping to the front and secure refuse and cycle storage.

4.0 Council's Decision

4.1 The planning application was refused for two reasons;

4.2 **Reason 1:**

"The proposed alterations and extensions to the roof of the building, owing to their bulk, scale, height, massing and incongruous design, are considered to represent an unsympathetic addition to the building that will have a detrimental impact upon its existing character and which will serve to adversely and unacceptably increase its visual prominence in the street scene, to the detriment of the prevailing character of this section of Leigh Road. The proposals are therefore considered to be in conflict with Saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011, Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, and Section 7 of the National Planning Policy Framework."

4.3 **Reason 2:**

"The proposed provision of an additional 3no. residential units within the enlarged roof space of the building is considered to represent an overdevelopment of the site which results in a cramped internal arrangement and an unacceptable level of residential amenity for the future occupiers of the development by way of the insufficient provision of internal space, a lack of external amenity space, and the poor level of outlook afforded from habitable windows. The application is therefore in conflict with Saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011, Policies DM1 and DM29 of the Submitted Eastleigh Borough Local Plan 2011-2029. Paragraph 17 of the National Planning Policy Framework, and the guidance contained within the Council's adopted Quality Places Supplementary Planning Document."

4.4 This appellants response to the Council's reasons for refusal will demonstrate that the Council's reasons are unfounded and that the application submitted does in fact accord with the relevant policies of the local plan (many of which are out-of-date following the

introduction of the NPPF, 2012), Supplementary Planning Guidance and more significantly the aims and objectives of the National Planning Policy Framework, 2012.

5.0 Relevant Planning Policy

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-
"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

5.2 The Council has relied on two policies from the Revised Draft Eastleigh Borough Local Plan (2011-2029) to support its decision; DM1 and DM29. However it is pertinent to note that both of these policies are part of the emerging local plan which was found to be unsound at a local plan enquiry (Appendix 2). In addition the Council has now indicated that it intends to withdraw this emerging plan and prepare a new local plan (Appendix 3). Whilst this has not yet been formally done it is evident that no weight can be afforded to these policies.

5.3 **National Planning Policy Framework 2012:**
The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. The National Planning Policy Framework begins by identifying that:

"There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to*

climate change including moving to a low carbon economy." (Paragraph 7, NPPF, 2012).

5.4 Paragraph 8 goes on to say:

"These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."

5.5 Paragraph 6 makes clear that regard must be had to the document as a whole in determining what the Government's view of sustainable development means in practice. It promotes the effective use of land through the re-use of previously developed land.

5.6 Paragraph 14 of the Framework stipulates that there *"is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.*

"For plan-making this means that:

- *Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
  - *Specific policies in this Framework indicate development should be restricted.*

For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*

- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *Specific policies in this Framework indicate development should be restricted."*

5.7 Paragraph 49 goes on to say 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."*

5.8 The policy context provided within paragraphs 14 and 49 of the Framework is significant in the determination of this appeal as Eastleigh Borough Council has an accepted shortfall in its housing provision. The in principle support for sustainable development; particularly housing therefore applies and is specifically encouraged in this location by saved policy 53.BE of the local plan. This approach is also supported in a High Court decision between Cotswold District Council and Secretary of State for Communities and Local Government, dated 27/11/2013 (see Appendix 4). Of particular note is paragraph 72 of this decision.

5.9 Paragraph 50 of the Framework goes on to require that a wide choice of home is offered and to widen opportunities for home ownership. Housing should be based on current demographic and market trends in order to meet local need as well as providing a wide range of dwelling type.

5.10 When paragraph 50 is considered against the Council's housing needs document it is evident that in Eastleigh 1 and 2 bedroom dwellings are in high demand, particularly in town centre locations (see Appendix 5 – Chapter 7).

5.11 There is clear evidence of the government's commitment to deliver housing of all types and tenures throughout the Framework. The Framework also clearly supports the provision of housing within areas of the country that are under delivering. These significant material considerations have not been afforded due weight with the local planning authority instead opting to resist the need to meet its housing need relying on reasons that are unsubstantiated and do not take account of the sites sustainable

location or existing site characteristic, prevailing pattern of development or the Council's own policy requirements.

5.12 Chapter 7 of the National Planning Policy Framework deals specifically with good design. Paragraph 56 makes it abundantly clear that *"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*

5.13 Paragraph 59 seeks to ensure the sustainable construction of the dwellings, whilst paragraphs 60 and 61 seek to ensure the development is designed well accounting for local context, without being prescriptive to architectural style and stifling innovation.

5.14 It is considered that the proposed residential development would see a creative, sustainable scheme located in a well accessed town centre location where high density development is encouraged. Further the development would be of a good design and would make a positive contribution to the area, whilst respecting the residential amenities of neighbouring properties. The development would also contribute to the shortfall in affordable market housing within the area as well as contributing towards the five year housing provision within the Borough of Eastleigh. The proposal would therefore accord with the objectives of the NPPF, 2012.

5.15 **Eastleigh Borough 2001-2011 Local Plan:**

Although the following policies of the Eastleigh Borough Local Plan have been considered it is recognised that the local plan and the policies contained within it are out of date. Further the draft local plan only carries limited weight due to its current un-adopted status and the fact that the Council has stated that it intends to prepare a new Local Plan. The development should therefore be determined with full regard to the requirements and advice contained within the National Planning Policy Framework.

5.16 The following policies of the adopted Eastleigh Borough Local Plan Review (2001-2011) have been considered against the proposed development:

28.ES (Waste Collection and Recycling), 28.ES (Waste Collection/Recycling), 53.BE and 54.BE (Eastleigh Town Renaissance Quarter), 59.BE (Design), 72.H (Density), 100.T (Transport), 101.T (Highway Infrastructure), 104.T (Parking), 147.OS (Open Space Infrastructure), 190.IN (Community Infrastructure).

5.17 In addition, the following Supplementary Planning Documents (SPDs) have been considered, although some are dated and supported by out-of-date and obsolete development plan policy.

- Quality Places 2011
- Environmentally Sustainable Development 2009
- Residential Parking Standards 2009

5.18 It is considered that policies 53.BE and 59.BE are the most relevant to the proposal. Each policy provides a list of criteria that development of this nature has to account for.

5.19 **Policy 53.BE states:**

"The Council will permit appropriate 'people-intensive' redevelopment within the Eastleigh Town Renaissance Quarter, identified on the Proposals Map. Within this area the Council will refuse permission for proposals which do not make optimum use of the land. Buildings should be predominantly 3 storey and residential densities at least 50 dwellings per hectare. The quarter should accommodate a mix of residential, office and community uses. Further retail development will not be permitted within the area."

5.20 Due regard was given to the detailed criteria of policy 53.BE as the site is located within the Eastleigh Town Renaissance Quarter. It is evident that the saved local plan policy intends to promote new growth and development within this part of Eastleigh, with a focus on meeting housing demand and promoting efficient uses of previously developed sites in sustainable locations. This is clear with the policy's references to; 'people intensive development'; 'buildings should be predominantly 3 storey'; and 'residential densities should be at least 50 dwellings per hectare'.

5.21 The development seeks to provide three additional rooms at second floor level, introducing a third storey to the existing building and creating a development density of 120 dwellings per hectare. The proposal is therefore 'people intensive' in a sustainable location, whilst ensuring that it complies with other aspects of policy 53.BE.

5.22 **Policy 59.BE states:**

"Development proposals which are in accordance with the other policies in this plan will be permitted provided they meet all the following criteria:

(i) they take full and proper account of the context of the site including the character and appearance of the locality or neighbourhood and are appropriate in mass, scale, materials, layout, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention;

5.23 **Appellant comment to part (i):**

The development has had due regard to the varied character and appearance of Leigh Road. This was clearly evidenced in the submitted Planning Statement and Design and Access Statement. In addition visuals were produced to demonstrate that the scale, materials and design of Rivendale House was appropriate and sat sympathetically within the street scene (Appendix 6).

5.24 It is acknowledged that the development would be a modern form of development compared to some of the more traditional examples of building along this section of Leigh Road, but this in itself does not represent harm to character.

5.25 It is maintained that the development offers an enhancement of the site to the benefit of the immediate area, drawing on design details and examples of the existing building and its neighbours to inform the design approach and unifying its form contextually.

5.26 *(ii) they make the most efficient use of the land;*

5.27 **Appellant comment to part (ii):**

The development density would increase to 120dph ensuring that the sustainably located site is efficiently used.

5.28 *(iii) they incorporate an appropriate mix of dwelling type and land-use where appropriate;*

5.29 **Appellant comment to part (iii):**

The development proposes a mix of 1 and 2 bedroom flats which identifies an existing housing need within a sustainable and well accessed part of the Town Centre of Eastleigh.

5.30 *(iv) they provide a high standard of landscape design and appropriate planting where required. Development should use native plants in landscape schemes to benefit*

biodiversity. Development adjacent to or within the urban edge must not have an adverse impact on the setting of the settlement in the surrounding countryside;

5.31 **Appellant comment to part (iv):**

The development seeks the redevelopment of the roof and whilst there is some planting proposed at the front of the site there is little opportunity to provide significant landscaping within the site; this has been acknowledged and accepted by the local planning authority.

5.32 *(v) they have a satisfactory means of access and layout for vehicles, cyclists and pedestrians including appropriate links to surrounding footpaths, cycle ways and public transport services;*

5.33 **Appellant comment to part (v):**

The development provides appropriate levels of on-site parking and secure cycle storage. Further it is within close proximity of the Town Centre so is highly accessible.

5.34 *(vi) include, where appropriate, provision for the secure storage of bicycles;*

5.35 **Appellant comment to part (vi):**

Secure cycle provision is incorporated in the development and can be secured by planning condition.

5.36 *(vii) they are an appropriate use for the locality and avoid unduly interfering, disturbing or conflicting with adjoining or nearby uses, especially in terms of noise, fumes, dust, overlooking, loss of daylight, loss of outlook, vibration, or from floodlighting or security lighting;*

5.37 **Appellant comment to part (vii):**

The redevelopment of the site for high density housing is in accordance with saved policy 53.BE of the local plan and as such is an appropriate use for the locality.

5.38 *(viii) they make adequate provision for the storage and collection of refuse and where appropriate include facilities for the collection of recyclable materials;*

5.39 **Appellant comment to part (viii):**

Secure refuse storage is provided and can be secured by condition.

5.40 *(ix) they include, where appropriate, measures which provide shade and protection from the sun; and*

5.41 *(x) new development should reduce the potential for criminal activity and anti-social behaviour by the use of appropriate design."*

5.42 The development as proposed has had specific regard to the policy requirements, both locally and nationally. The development has also had proper regard to the character and appearance of the area, the residential amenities of adjoining properties and the landscape characteristics of the area. Further the development makes provision for secure cycle and refuse storage.

5.43 The development therefore would make efficient use of a previously developed site within a town centre location, providing small scale accommodation which is in high demand in the area. It is therefore contended that there is no policy objection to the development as proposed.

6.0 Relevant Planning History

6.1 F/16/78422 – Elevational alterations and first floor rear extension to increase habitable floor space following conversion of existing floor space (B1a) on the ground and first floor to residential dwellings (C3). Approved - June 2016.

6.2 F/16/78421 - Alterations and extensions to existing roof to create 1no. flat within roof space following conversion of the existing office space (B1a) on the ground and first floors to residential dwellings (C3) with rear extension, associated parking and bin and cycle storage. Approved - June 2016.

6.3 F/15/77451 – Alterations and extensions to existing roof to create 4no. flats (including 2nd floor balconies) within the roof space following conversion of the existing office space (B1a) on the ground floor to residential dwellings (C3) with rear extensions, and associated parking, bike and bin storage. Refused - February 2016.

6.4 J/15/77087 – Prior Notification: Change of use from B1a (office) to 8no. C3 residential flats. Prior Approval Not Required - October 2015.

7.0 Assessment of Case

7.1 The appeal site is located within the town centre of Eastleigh, within an area specifically identified for redevelopment. The principle of development is therefore acceptable. The development would see an existing site re-developed to create three additional dwellings. The proposal is reflective of the pattern of development found within the immediate area whilst fulfilling the development requirements specified in saved local plan policy 53.BE.

7.2 **Response to Refusal Reason 1:**
It is not considered that the basis of refusal reason 1 is entirely thought out or justified and has failed to pay full regard to the redevelopment requirements of policy 53.BE. The Council has cited various aspects of concern within refusal 1, however it is considered that there is little support for the allegations and a clear misunderstanding of the development proposed.

7.3 The Council claims that the development results in harm to the prevailing character of this section of Leigh Road due to the bulk, scale, height, massing and incongruous design of the alterations and extension to the roof. However, each of these points will be considered and responded to below:

7.4 **Bulk:** The built form and bulk of the ground and first floor are retained as existing. This element therefore relates solely to the change in form of the roof.

7.5 It is argued that this part of the development is no more than a change in form rather than an increase in bulk. The alterations to provide a second storey do not result in excessive bulk. In fact this part of the development has a lower profile that is in no way excessive in bulk or form.

7.6 There are similar examples of this type of alteration with saved policy 53.BE of the local plan specifically encouraging three storey development in this location. It must therefore have been expected by the local planning authority that the introduction of policy 53.BE would bring about changes to existing roof forms. If it had not the policy would be obsolete with no function or purpose. The fact that the policy forms part of the saved local plan it must therefore still be the Council's intention to maximize development in this location, including increasing the heights of two storey buildings.

7.7 The local planning authority's decision to ignore the full policy context and requirements for the area is tantamount to unreasonable behavior. The Council should justify why it has opted to disregard policy 53.BE and its requirements.

7.8 **Scale:** The scale of the building is largely reflective of the existing building with a change in roof form only rather than a significant increase.

7.9 The street scene plan submitted as part of the application (Drawing No. 127-910 Rev.A) clearly illustrating that the scale is proportionate and reflective of this section of Leigh Road. In fact 34 Leigh Road is of a greater scale and yet is considered to sit comfortably within the varied street scene.

7.10 **Height:** This is completely unfounded given that the finished height of the appeal proposal is actually lower than that of the existing building.

7.11 The inclusion of height as a matter of concern demonstrates a clear lack of understanding of the proposal as submitted and further demonstrates the Council's unreasonable behavior in pursuing the refusal of this development.

7.12 **Massing:** This is broadly covered by the above points. As mentioned the massing of the second floor is not significant and rather than being excessive is little more than the reconfiguration of existing built form. It is maintained that Drawing No. 127-910 Rev.A clearly demonstrates that the massing of the development is proportionate and in keeping and would not, as the local planning authority suggests result in harm.

7.13 **Incongruous Design:** As demonstrated in the submitted Planning Statement and Design and Access Statement full regard has been given to the varied character and appearance of Leigh Road. This has included scale, design and use of materials.

7.14 The decision to retain the bay features at the front provides a clear transition from the traditional design of the building to its more modern approach for the current use. It is contended that this is an acceptable design approach and allows for the recognition of the buildings Edwardian heritage whilst enabling new development.

7.15 It is pertinent to note that whilst the Council seeks retention of the existing building on design grounds, with little in the way of architectural change, the building is not listed, it is not locally listed and it is not within a Conservation Area or any other special

designation for design or character. It is therefore maintained that there is no sound policy reason to prevent the enhancement and alteration of the building in the manner proposed.

7.16 The rendering of the building with low profile flat roof creates a modern appearing building that enhances the site and its surroundings to the benefit of the prevailing character and appearance of Leigh Road (Appendix 6).

7.17 It is considered that the design of the proposal has embraced the requirements of paragraph 60 of the NPPF creating an innovative form of sustainable development whilst paying due regard to the history of the building and the more traditional examples of building along Leigh Road.

7.18 Therefore far from being excessive in bulk, scale, height, massing and appearing incongruous in design the development is in fact very much in keeping with the existing proportions of the building. The development provides a clear transition from historic to modern architecture to the benefit of the Leigh Road street scene and complementary to its varied architectural scale and character.

7.19 It is therefore maintained that refusal reason 1 is without foundation or merit and that the development not only complies with policy 59.BE of the local plan but 53.BE also and the overarching requirements of the NPPF.

7.20 **Response to Refusal Reason 2:**

Refusal reason 2 relates to an overdevelopment of the site with resultant cramped living conditions, lack of amenity provision and poor outlook.

7.21 **Overdevelopment:** As referred to in the policy section of this statement local plan policy 53.BE seeks the redevelopment of the Eastleigh Town Renaissance Quarter, within which the appeal site is located. In particular it seeks three storey developments with a minimum development density of 50dph.

7.22 Having regard to the sites Town Centre location and the requirements of policy 53.BE and the objectives of the NPPF it is maintained that the development is in fact an efficient use of a previously developed site and not an overdevelopment as claimed by the local planning authority. The development provides sufficient on-site parking; secure cycle storage, secure refuse storage also.

7.23 **Cramped Living Conditions:** It is pertinent to note that there are no official space standards or development plan provision for the internal space provision of dwellings in planning. However, notwithstanding this fact the floor space of the proposed three flats is consistent with the floor space of the flats that have been obtained through prior approval and are very close to the suggested government space standards in any event.

7.24 The Department of Communities and Local Government produced a space standards document titled 'Illustrative Technical Standards Developed by the Working Groups' (2013). The document provides the principles behind each Level of the Space Standard included and can be summarised as follows:

- *"Level 1 Space Standard provides enough space to accommodate the minimum amount of furniture, fittings, activity and circulation space considered necessary to carry out a typical range of daily activities and meet the basic requirements of Level 1 of the Accessibility Standard.*

- *Level 2 Space Standard provides enough space to accommodate the same furniture and fittings as Level 1 and increase activity and circulation space (both within and between rooms) to cover the additional spatial implications of Level 2 of the Accessibility Standard and a straight stair.*

- *Level 3 Space Standard provides enough space to accommodate the same furniture and fittings as Levels 1 and 2 and additional space to charge and store a wheelchair, install a home-lift, enlarge the kitchen and bathroom and provide the extra activity and circulation space (both within and between rooms) needed to meet Level 3 of the Accessibility Standard."*

7.25 As mentioned previously this is an illustrative guide and not a statutory requirement. Table A1 below, included in the 'Illustrative Technical Standards Developed by the Working Groups' (2013) provides a clearer guide to the indicative internal floor space standards for various dwelling types. In this instance the development proposes one and two bedroom flats.

Table A1: Overall Internal Floor Areas

Minimum Gross Internal Floor Areas in Square meters

Flats Or Other Dwellings On One Floor			
LEVEL	**1**	**2**	**3**
studio	38	39	48
1 bedroom	47	48	58
2 bedrooms	60	61	73
3 bedrooms	73	74	92
4 bedrooms	88	90	108
5 bedrooms	101	103	123

LEVEL		1	2	3
1b1p	1 bed space	38	39	48
1b2p	2 bed spaces	47	48	58
2b3p	3 bed spaces	60	61	73
2b4p	4 bed spaces	69	70	87
3b4p	4 bed spaces	73	74	92
3b5p	5 bed spaces	84	86	103
3b6p	6 bed spaces	93	95	113
4b5p	5 bed spaces	88	90	108
4b6p	6 bed spaces	97	99	118
4b7p	7 bed spaces	106	108	128
4b8p	8 bed spaces	115	117	138
5b6p	6 bed spaces	101	103	123
5b7p	7 bed spaces	110	112	133
5b8p	8 bed spaces	119	121	143

7.26 When the space standards are considered against the proposed floor space for each of the three flats there is limited deficiency of between 4-5 square metres. It is not considered that this is a significant variance and would not render the flats uninhabitable. It is therefore contended that the Council's assertion that the development would result in a cramped layout is factually incorrect. Each of the flats has separate bed and bathroom facilities and separate lounge/kitchen, which would more than satisfy the requirements of any future occupant. The floor space proposed is also consistent with the permissions already granted for the site.

7.27 It is essential to remember that at present there are no statutory space standards for flats. As such there is no basis in planning law to refuse planning permission because of internal spatial measurements. Further policy DM29 of the emerging local plan carries no weight as the Council has already indicated that this emerging plan will be withdrawn and replaced by a new local plan.

7.28 It is widely accepted that the market will determine whether the internal spacing for each flat is sufficient for everyday living and as such there is no planning justification to affect this process and prevent the development as proposed.

7.29 **External Amenity Provision:** As mentioned above the site has been deemed acceptable for residential conversion under prior approval allowances. Of significance is the fact that the prior approval process does not require amenity provision. The development does however provide balcony areas for the proposed three flats which are considered to be appropriate in scale and function for a Town Centre development.

7.30 It is widely accepted that flatted development is not always capable of providing high levels of amenity provision and this site is no exception. However like most Town Centre sites the appeal site is located very close to a variety of recreational grounds and leisure sites. For example Eastleigh Park (approximately 0.1 mile from the site – to the east); Grantham Green (approximately 0.3 miles to the south) and the leisure centre of Fleming Park (approximately 0.8 miles to the west) (Appendix 1). There are therefore sufficient and varied opportunities for the future occupants to meet their passive recreational requirements within walking distance of the site.

7.31 **Poor Level of Outlook:** It is unclear what the issue is in respect of habitable room windows. The development maintains the current outlook over the front and rear of the site consistent with existing approvals on the site for the same form of development. Further the current layout is reflective of a traditional front to rear layout for a residential use.

7.32 The development would therefore comply with the relevant criteria of policy 59.BE of the local plan and the objectives of the NPPF.

8.0 Summary of Refusal Reasons 1 and 2:

8.1 Having considered the aspects of refusal reasons 1 and 2 it is maintained that there is no basis behind the allegations asserted by the Council. The development would not result in an overdevelopment of the site; would be of an appropriate scale and mass, proportionate to the site and its surroundings. The development would therefore preserve the character and appearance of the area, respect the pattern of development and not result in harm to neighbour amenity.

8.2 Instead the development would make an efficient use of a previously developed site within the settlement boundary, in line with local and national plan policy requirements and the regeneration efforts of the Eastleigh Town Renaissance Quarter.

8.3 In support of this approach paragraph 62 of the NPPF states:

"Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design...." (Paragraph 62 of the NPPF, 2012). It is maintained that the development would make a positive contribution to the existing residential area through the redevelopment of a previously developed site in a sustainable location and through its creative design, contributing to the significant shortfall of housing supply within the Borough of Eastleigh.

8.4 Having regard to the above information there is no policy support or basis for refusal as put forward by the Council in the decision notice. The development is wholly acceptable and conforms with the Council's saved local plan policies and more importantly the requirements of the NPPF.

9.0 Conclusion

9.1 The appeal statement has clearly shown that the proposal has been designed and developed around the parameters and requirements of relevant development plan policies, particularly 53.BE and 59.BE. The proposed development would see the provision of three affordable market dwellings with associated parking. Access would be as existing via Toynbee Road. Further the site is sustainably located within close proximity to the services and facilities provided in Eastleigh Town Centre.

9.2 The new dwellings have been designed and modified following the previous refusal and in discussion with officers' at the Council. It was considered that the modifications made to this proposal, including reducing the units from four to three, overcame the previous concerns identified with improved spacing internally.

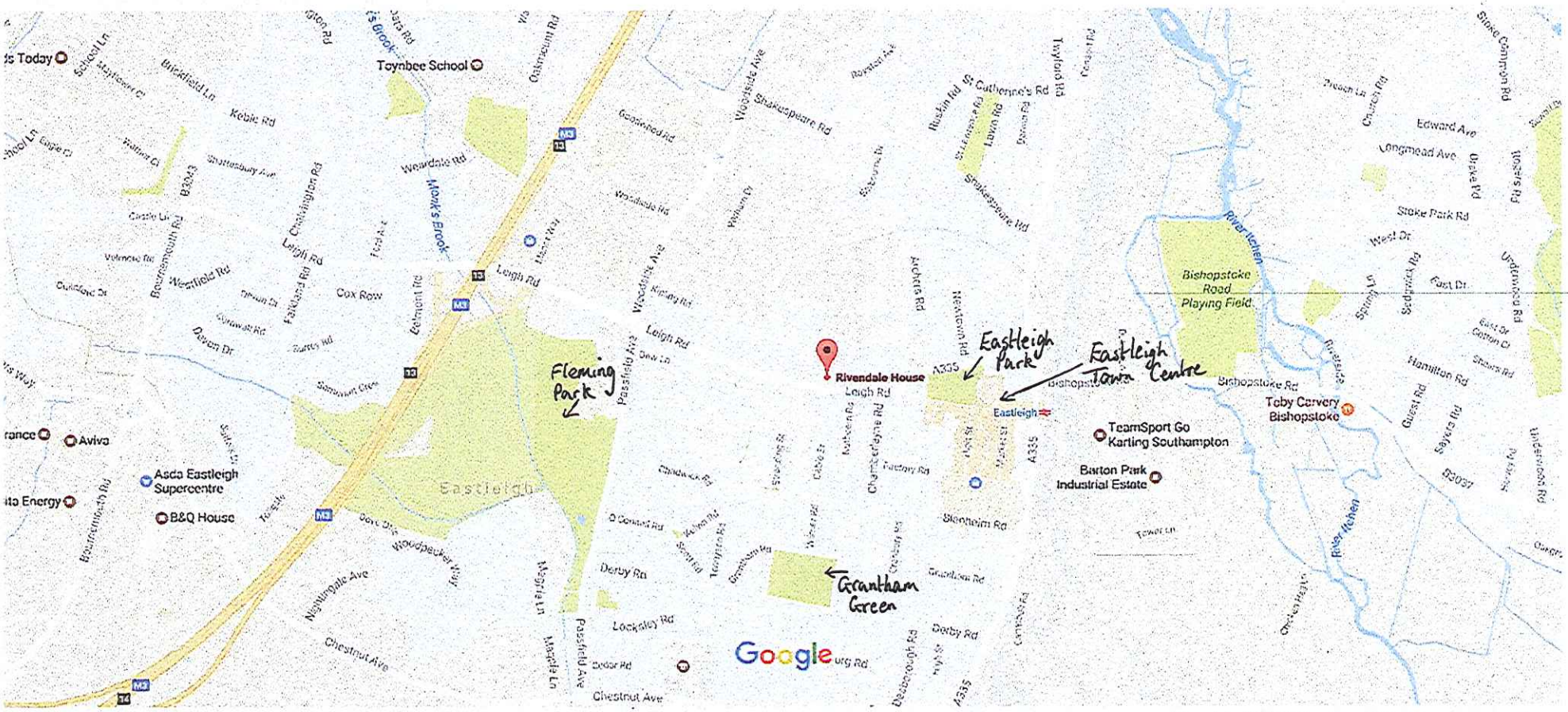
9.3 The development makes an efficient use of land within the settlement boundary, provides much needed affordable market accommodation in an authority with an established shortfall in housing provision. Further the development would add to the variety of dwellings within the immediate area, ensuring the design and layout reflects the established character and pattern of development whilst protecting neighbour amenity.

9.4 It is therefore contended that the Council has failed to recognise the positive contribution the development would make to the immediate area as well as the provision of much needed affordable market accommodation, their decision proving contrary to both their own local plan policies and that of current national plan policy.

9.5 Having regard to the above information it is considered that the appellants' have suitably addressed the reasons for refusal provided in the Council's decision notice. The Inspector is therefore respectfully requested to allow the appeal proposal.

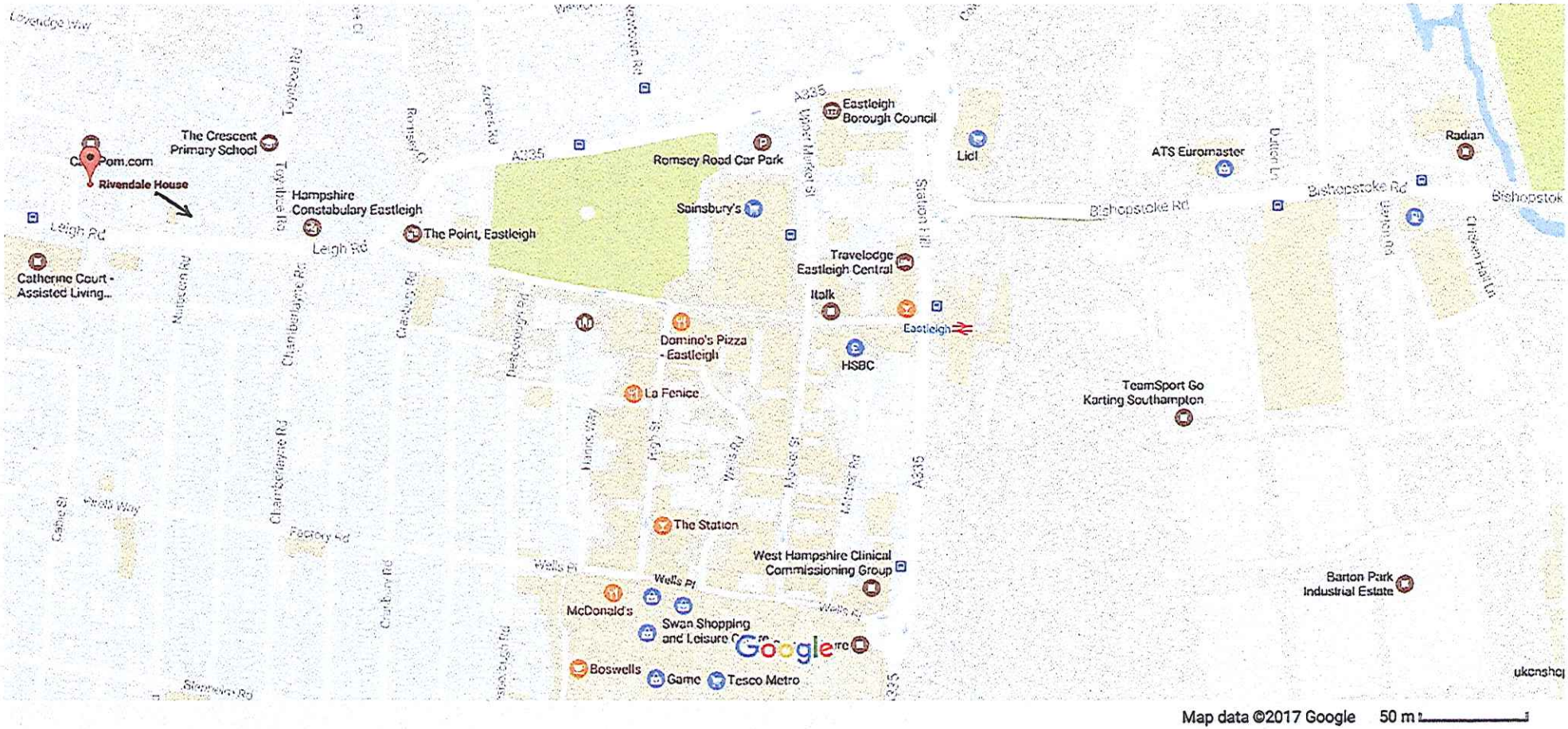
APPENDIX 1

Google Maps Rivendale House



https://www.google.co.uk/maps/place/Rivendale+House,+Leigh+Rd,+Eastleigh+SO50+9DT/@50.9708039,-1.3615561,15z/data=!4m5!3... 23/05/2017

Google Maps Rivendale House



The Planning Inspectorate

Report to Eastleigh Borough Council

by Simon Emerson BSc DipTP MRTPI

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

Date: 11th February 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO EASTLEIGH BOROUGH COUNCIL'S

EASTLEIGH BOROUGH LOCAL PLAN 2011 - 2029

Document submitted for examination on 15 July 2014

Examination hearings held between 10 and 13 November 2014

File Ref: PINS/W1715/429/4

Abbreviations Used in this Report

HMA	Housing Market Area
HRA	Habitat Regulations Assessment
DPA	Dwellings per annum
LDS	Local Development Scheme
LHA	Local housing allowance
PRS	Private rented sector
ONS	Office for National Statistics
PUSH	Partnership for Urban South Hampshire
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
UPC	Unattributable Population Change

Non-Technical Summary

This report concludes that the Eastleigh Borough Local Plan has a number of shortcomings in relation to housing need, the identified housing requirement and housing supply which are sufficient on their own to recommend non-adoption of the Plan.

I have found that the Council has not recognised the full extent of affordable housing need in the Borough and, as a consequence, has not considered all options to seek to better address that need. There are also market signals which indicate that some additional market housing is required in any case. The five year land supply position is inadequate, even for the housing requirement identified in the submitted plan, because a 20% buffer is required and the overall supply position is tight, with no flexibility to respond to changing circumstances.

Introduction

1. This report contains my assessment of the Eastleigh Borough Local Plan 2011-2029 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the *Framework*, paragraph 182) makes clear that to be sound, a local plan should be positively prepared; justified; effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my Examination is the draft plan submitted in July 2014 which is the same as the document published for consultation in February 2014.

3. This report addresses only the most significant issues arising from the hearings held in November 2014. Those hearings primarily considered matters relating to housing and employment needs, the Plan's requirements for the provision of housing and employment land and housing delivery and supply. Following those hearings, I published *Preliminary Conclusions* (Examination Document, ID/4) 26 November 2014 in which I identified a number of shortcomings relating to the identification of housing needs, the housing requirement and land supply. The Council raised various questions of clarification on those conclusions (EBC/10) which I addressed in ID/6, although this did not change my reasoning in my *Preliminary Conclusions*.

4. Given the shortcomings I had identified in my *Preliminary Conclusions* I decided that it was not a cost-effective or efficient use of all parties' time to continue with further hearings which had been planned for January/February 2015, which would have considered site-specific allocations, amongst other matters. I had further exchanges with the Council about whether the Examination could be suspended for further work or should be stopped at this stage (EBC/11 and /12 and ID/7 and /8). Eastleigh Borough Council decided on 18th December 2014 that, among other matters, work should begin on a new local plan for the period 2011-2036 and that I be requested to submit my report on the Examination to date. That request was made by the letter of 22 December 2014 (EBC/13).

5. This report is produced in response to the Council's request. It incorporates the greater part of my *Preliminary Conclusions* so far as relevant in relation to housing needs, the requirement and supply. The report does not change the reasoning previously set out and I have made only minor amendments and corrections to the previous text for clarity and to reflect the passage of time. I do not reproduce in this report the previous discussion of possible ways forward, since that is no longer relevant. Reflecting its chosen way forward and the difficulties of making potentially significant changes to the submitted Plan, the Council has, rightly, not made a request for me to recommend modifications to remedy the Plan's deficiencies and thus my report is confined to recommending non-adoption of the Plan.

6. Following the November hearings I also issued some conclusions and comments on a few other, less significant, matters (*Post Hearing Note 3* -

Other Matters ID/5). The problems I identified in that Note appeared capable of being addressed by modifications without requiring substantial further work. Other than in relation to the Habitat Regulations (see below) I do not refer to these other matters further in this report as they do not relate to main issues I am addressing here.

Assessment of Soundness

Main Issues

7. Taking account of all matters discussed at the hearings in November 2014 and all relevant related representations and written evidence I have identified two main issues on which I have assessed the soundness of the Plan.

Issue 1 – Whether the plan makes adequate provision for housing and economic growth

Derivation of the housing requirement in the Plan

8. The Framework (paragraphs 47 and 159) requires Councils to assess their area's housing needs and to meet those needs in full in their local plans. Those needs should be established by a Strategic Housing Market Assessment (SHMA) based on an objective assessment of housing needs involving neighbouring authorities where housing market areas (HMA) cross administrative boundaries. The only provision in the Framework (paragraph 14) for not fully meeting needs is if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the specific policies in the Framework which indicate that development should be restricted.

9. This Local Plan has a protracted history with the original draft plan being published three years ago. Since then there have been significant changes in the planning context: publication of the Partnership for Urban South Hampshire (PUSH) South Hampshire Strategy 2012; publication of the Framework; and revocation of the South East Plan. The submitted Plan proposes in policy S2 a minimum of 10,140 new dwellings in the plan period of 2011 - 2029 which equates to 564 dwelling per annum (dpa). How this figure has been derived and justified is summarised in the *Housing Background Paper* EBC/H1 (July 2014) and in the *Sustainability Appraisal* EBC/G2 (10.2.3 - 10.2.9). The figure of 10,140 is derived from the apportionment made to Eastleigh Borough in the PUSH SHS 2012, increased by 5%. The South Hampshire Strategy was not based on an objective assessment of housing need in an up to date SHMA and thus, whilst reflecting a positive co-operative approach by all authorities in the sub-region, was not compliant with the Framework.

10. Irrespective of how the 10,140 was originally derived, I consider that the relevant test now is whether, in practice, in the light of all the evidence available it meets the requirements of the Framework. The Council's position is somewhat ambiguous as to whether it considers there is an objective assessment appropriate for Eastleigh Borough to inform this Plan.

The PUSH SHMA and PUSH Strategy

11. The South Hampshire Strategic Housing Market Assessment (SHMA) January 2014 (EBC/H4A) was published just before the publication of the pre-submission Plan. It was produced on behalf of all the PUSH authorities in the South Hampshire sub-region and covers needs in the period 2011-2036. It identifies two HMAs within the PUSH area. Eastleigh Borough is wholly within the Southampton HMA. I have seen no evidence to justify a different definition of an HMA for Eastleigh. The SHMA includes nine different projections to explore objectively assessed needs. Some, such as zero net migration or zero employment growth are so at odds with Framework as to not be worth putting forward, but they have not been used to determine the recommended outcome. I note that many local residents support much lower projections of housing need, but these would not be consistent with national policy.

12. In relation to household/population projections, the methodology used in the SHMA is not fundamentally criticised. Its conclusion is that needs amount to 2,115 dpa in the Portsmouth HMA and 2,045 in the Southampton HMA (11.24). Appendices to the SHMA set out all nine projections individually for the local authorities (or parts thereof) within the PUSH area. For Eastleigh Borough, applying the report's recommended projection at a Borough level amounts to 615 dpa (SHMA, Appendix U, Table 19). This equates to 11,070 dwellings for the Local Plan period to 2029 (EBC/H1 paragraph 4.68), 930 more than the Plan proposes.

13. The SHMA focuses on assessing needs on the basis of the two identified HMAs. This is consistent with the approach to preparing SHMAs in the Framework. However, to progress a local plan a Council needs to determine the needs within its area. The SHMA states that the figures it provides for individual Boroughs should be used with caution. The Council highlights this cautionary approach in resisting the use of the 615 dpa figure referred to above in determining its housing need/requirement. However, there needs to be some basis to do so and, in my view, the PUSH SHMA and the JGC Study (see below) provide a reasonable starting point. If the Council considered that the Borough-based assessments were fundamentally inadequate then it should have withdrawn this Plan and undertaken what further work it considered necessary.

14. The Council see the PUSH Spatial Strategies as the tool to derive the requirements for each Borough in a manner which meets the Duty to Co-operate. But as I have already noted, the 2012 Strategy was not based on an objective assessment of need compliant with the Framework, which weakens its suitability for this purpose. The PUSH authorities have agreed a programme of work to prepare a new PUSH Spatial Strategy. This envisages public consultation on options in summer 2015 and consultation on a final strategy early in 2016.

15. The Borough Council see this new Strategy as the appropriate means to address the spatial response to the PUSH SHMA 2014 and to determine housing needs and requirements at a Borough level. Accordingly, it has already included in its Local Development Scheme (LDS) a review of the Local Plan to be published in 2016 to respond to the new Strategy. This intention

shows a commendable commitment to co-operative working in the future. I recognise that a planned review can be a relevant consideration in assessing the soundness of a plan. However, the planned review is at least two years away and the timetable for the finalisation of the new PUSH Strategy could easily slip, given the number of authorities involved and the complex and potentially controversial issues it needs to address. Similarly, the long gestation period of the current Local Plan inevitably raises uncertainty over the Council's ability to deliver a review so tightly aligned to the finalisation of the new PUSH Strategy.

16. Accordingly, I consider that for the short/medium term at least, this Local Plan should seek to meet the expectations of the Framework and any significant shortcomings should be addressed now and not be postponed to the review. A planned review cannot make an unsound plan sound.

17. The Council estimates (EBC/H1 Table 5.1) that existing local plans covering the Southampton HMA are proposing to deliver nearly enough housing to meet the SHMA's recommended need for the period 2011-2026, with a shortfall averaging 50 dpa (750 dwellings overall). Of the Councils covering at least part of this area, only Test Valley has not got an adopted plan in place for this period. Southampton City is the largest single provider of housing within the HMA and Eastleigh Borough is second. The contributions from the other authorities are much smaller, reflecting that only parts of those authorities are in the PUSH area and the Southampton HMA. The current shortfall estimated by the Council for the Portsmouth HMA is much greater at nearly 500 dpa (EBC/H1 Table 5.2).

18. No Councils within PUSH object to the scale of housing provision proposed in this Local Plan and none have requested Eastleigh Borough to accommodate any of their housing needs. In this context, I do not see the Duty to Co-operate as requiring Eastleigh Borough to anticipate whether or not other authorities in PUSH will be able to meet their housing needs. To do so would involve drawing conclusions about the ability of those authorities to deliver housing which neither the Council nor I are in a position to do. Such assumptions would not reflect a co-operative approach.

19. It is a legitimate role for the PUSH strategy, as an expression of the Duty to Co-operate, to assign all unmet needs within the HMA beyond 2026 and, if required, between the 2 HMAs. Provided that a new PUSH Strategy is finalised in 2016 there would be sufficient time for all plan reviews to roll forward provision on the agreed basis from 2026. The difficulty is with the modest shortfall emerging in the short/medium term, as the timing of the PUSH Strategy and subsequent reviews of plans will unacceptably delay that shortfall being addressed. I consider this further below after considering the JGC Study.

20. The PUSH authorities clearly have the structure in place and a commitment to working together in the future as they have done in the past. The PUSH structure and the work it has produced and intends to produce demonstrate an admirable co-operative approach. But the process is time-consuming and there is a danger of building-in delay to local plans. This is why it is essential that this Plan responds as fully as possible to the identified needs of Eastleigh Borough.

The JGC Study

21. Subsequent to the publication of the Local Plan and the PUSH SHMA, the Council commissioned further work on population projections - the JGC Study *An Analysis of Objectively Assessed Needs in the light of the 2012 based Sub-national Population Projections* (EBC/H1A) June 2014. As its name implies, this took account of the recent publication of the 2012- based SNPP which were not available for the PUSH SMHA. The JGC Study produces a new household projection for Eastleigh Borough and the Southampton HMA. Fig 8.3 shows a need for 549 dpa for Eastleigh Borough when calculated for the plan period to 2029. This equates to a need for 9,882 dwellings for Eastleigh Borough (see EBC/H1, 4.90). For the Southampton HMA, the Study projects need for each 5 year period to 2036 (Figure 8.2, EBC/H1A) and the annual requirement varies slightly for different periods. The need is 2,027 dpa between 2011-2026; 2,019 dpa 2011-2029; and 2,005 dpa 2011 -2036. On the basis of these figures the deficit on delivery in the HMA to 2026 would range from only 10 dpa using the required rate to 2036 to 32 dpa using the rate up to 2026. Given that the Eastleigh Plan covers the period to 2029 it seems appropriate to use the rate for that period which results in the deficit in the HMA being 24 dpa.

22. There are three important points to note about the difference between the projection in the JGC Study and the projection favoured in the PUSH SHMA. Firstly, the Study was published after the consultation period on the Local Plan. There is no indication that other planning authorities within Southampton HMA agree with its analysis. Whilst the figure for Eastleigh Borough is materially lower than that in the PUSH SHMA, the figure for the whole HMA is only slightly lower, indicating that Eastleigh is generating a lower proportion of the housing needs in the HMA. If these figures are used for the housing requirement in Eastleigh, a greater proportion of needs would be met in the rest of the HMA than suggested in the SHMA. My understanding is that it is the PUSH SHMA that will primarily inform the work on the revised PUSH Strategy and it is not clear whether there will be any general updating of projections on a PUSH-wide basis. Accordingly, it would not be wise to rely solely on the JGC Study.

23. Secondly, the SHMA had included within the projection of future migration the Office for National Statistics' (ONS) Unattributable Population Change (UPC) factor which had to be added (or subtracted) to the ONS's Mid-Year Estimates to ensure that there is alignment in all the data across the country between the 2001 and 2011 Censuses. For Eastleigh, the UPC is a significant positive figure suggesting likely under-recording of past in-migration. However, ONS has not included the UPC component in the 2012 SNPP, hence the population projections for Eastleigh are lower than before. ONS consider that the UPC should not be attributed to migration because, as its name implies, the reasons for the adjustment is unknown. Given this advice and ONS' approach to its own projections, it is reasonable for the JGC study to follow the same approach. Over time, the significance of the UPC will decline and ONS has improved its methodology for assigning international migration. Nevertheless, UPC may represent higher than accounted for migration into Eastleigh in the past, which may continue in the future. This is not reflected in the 2012- based SNPP and thus not in the JGC Study's outputs. The higher figure for the recommended projection in the SHMA represents, at least in

part, this possibility.

24. Thirdly, the JGC Study carried out a more detailed analysis than the SHMA on the local reasons behind the slowing of the trend of household formation (headship rates) revealed in the 2011 Census. In the light of this analysis, it recommends a part return to the underlying long term trend to reach 73% of the 2008-based rate by the end of the projection period. I consider that this is a well-informed analysis consistent with the evidence and with other Inspectors' conclusions on this issue. The recommended projection in the SHMA had not assumed such a high degree of convergence and so the application of this analysis to its population projection would result in more new households, particularly towards the end of the projection period.

25. In relation to the starting point of a demographic projection, I consider that whilst the JGC Study is a robust piece of work in this regard, the projection in the PUSH SHMA should not be ignored. Thus demographic evidence indicates that Eastleigh should be providing between about 550 - 615 dpa. For the reasons given above, the most robust approach would be a figure toward the upper end of the range. The proposed rate in the Local Plan of 564 dpa sits within this range, but I consider that it is marginally too low in relation to the most appropriate demographic projection.

26. On the Council's evidence, there is a shortfall in housing supply of between 360-750 dwellings between 2011 -2026 in the Southampton HMA, depending on whether the PUSH SHMA or the JGC Study is used. Considered in isolation, Eastleigh Borough does not have to accommodate all this shortfall, but it should seek to accommodate some of it so as to reduce the extent to which any PUSH Review has to address a backlog of provision. More importantly, in the light of my conclusion in relation to affordable housing below, this shortfall in the HMA suggests that on demographic projections alone there is some scope to increase the provision of market housing to deliver more affordable housing. The shortfall in the HMA clearly provides an opportunity for housing provision in Eastleigh to be increased without any wider impact on the HMA, although I see no reason why any such uplift would need to be capped at this shortfall figure.

27. The demographic projections are only the starting point for determining housing need and ultimately the housing requirement. I thus turn below to these other relevant matters.

Affordable Housing

28. Affordable housing for planning purposes is defined in the Framework's Glossary.

29. The PUSH SHMA was not published until close to the publication date of the Plan. Whilst the Council was aware of its preliminary findings prior to publication, it is clear that much of the early preparatory work for this Plan was not informed by an up-to-date understanding of the need for affordable housing in the district. This is a significant shortcoming.

30. The PUSH SHMA identifies 1,661 households pa in the Southampton HMA in need of affordable housing, of which the need in Eastleigh Borough is 509 pa (SHMA Appendices, Table 34, p79). The SHMA notes (8.78) that

accommodation in the private rented sector (PRS), where households are in receipt of the local housing allowance (LHA, also termed *housing benefit*), is not a recognised form of affordable housing. It suggests that the extent to which Councils wish to see the PRS being used to make up for shortages of affordable housing is ultimately a local policy decision. Nevertheless, the SHMA goes on to assume that the current role of the PRS continues. On that basis, the SHMA reduces the need for affordable housing by discounting from assessed need an estimate for future lettings in the PRS to households in receipt of the LHA (SHMA, Appendices, Table 36, p81). Accordingly, it substantially reduces overall affordable housing needs in the Southampton HMA to 400 dwellings, of which the need in Eastleigh Borough is 310.

31. On the basis of these reduced figures, it concludes that there is no PUSH-wide need to increase housing provision to meet affordable housing needs (paragraph 11.9), but for Eastleigh Borough it comments (8.79): *even assuming the current role of the private rented sector continues we identify a need to deliver around 310 affordable homes pa which would require overall housing provision in the region of 1,000 to 1,100 dpa*. The Council, however, does not consider that any increase in housing provision to meet affordable needs is justified in this Plan. I consider below the three key assumptions leading to these conclusions.

32. Firstly, the PUSH SHMA assumes (EBC/H4A, 8.6) 30% of gross income spent on housing is the threshold for households in need of affordable housing. Many developer interests consider that this is too high and highlight the reference to a 25% threshold in the 2007 DCLG SHMA Guidance. But that document has been cancelled. National Policy Guidance (the *Guidance*) does not specify a threshold. I note that 30% of the estimated income required to access market housing in Eastleigh would be (just) insufficient to rent an entry level two bedroom property. Three bedrooms would be out of reach. Thus a proportion of families would not be able to secure accommodation of adequate size when spending 30% of income on housing (SHMA Appendices, Table 23, p73 and Figure 18, p70). A 30% threshold should thus be seen as the upper end of a possible range.

33. Using the SHMA methodology, a 25% income threshold would increase the identified need for affordable housing to about 624 dpa for Eastleigh (prior to any role assigned to the PRS). This highlights the sensitivity of the threshold used. Accordingly, the figure in the SHMA of 509 dpa should be seen as a baseline, with actual needs recognised as potentially greater. In this context, I see no justification for the Council assuming that more than 30% of income could reasonably be spent on housing. Some households may be forced to do so, but that does not make it a justified approach to assessing need.

34. Secondly, there is no justification in the Framework or Guidance for reducing the identified need for affordable housing by the assumed continued role of the PRS with LHA. This category of housing does not come within the definition of affordable housing in the Framework. There is not the same security of tenure as with affordable housing and at the lower-priced end of the PRS the standard of accommodation may well be poor (see for example: *Can't complain: why poor conditions prevail in the private rented sector*, Shelter March 2014, provided by Tetlow King on behalf of Landhold Capital).

35. The Framework requires planning authorities to meet the housing needs of their area including affordable housing needs. The availability of accommodation within the PRS where households are in receipt of the LHA is outside the control of the Council, being determined by the willingness of private landlords to let to tenants in receipt of the LHA. The operation of the LHA is determined by the government. I have no doubt that households in need of affordable housing readily perceive a substantial difference between these two types of housing for the reasons already given. Accordingly, affordable housing needs in Eastleigh Borough are at least 509 dpa and would be higher if a more cautious approach were to be taken to the proportion of income which it is assumed is reasonable to spend on housing.

36. Most of this need for 509 dpa is not additional to the 550 - 615 dpa arising from the demographic projections. It is a requirement for a distinct type of housing. I recognise that much of the need may be households in accommodation which is inadequate for their needs, but which may be adequate for other households. The SHMA's assessment takes account of the release of affordable units for those needing to move who are already in affordable housing (EBC/H4A, 8.32). Similarly, a move of a household from an unsuitable private rented unit to a suitable affordable unit would free-up that private rented unit, but such moves cannot happen unless affordable homes are available.

37. In relation to affordable housing provision over the plan period, the Council notes that 323 affordable units had been delivered between 2011-2014; existing planning permissions have secured a further 686 units; and on the basis of the percentages in policy DM28, a further 2,000 could be secured from future permissions, resulting in about 3,000 new affordable housing units over the plan period. This is the maximum likely to be delivered. Actual delivery might be less as it depends on the viability of specific sites to deliver at 35%. The Council's estimate equates to an average of 167 pa, substantially below the need for affordable housing and below even the SHMA's figure of 310 pa where the role of the PRS with LHA was assumed to be meeting part of the need.

38. The failure of the Council to recognise the true scale of need for affordable housing and therefore the consequential failure to consider how it might be addressed is a serious shortcoming.

Market signals

39. The Framework and Guidance indicate that household projections should be adjusted to take into account market signals. The Guidance refers to appropriate comparison of indicators both in absolute levels and rates of change. The SHMA (EBC/H4A, 6.90-6.97) highlights Eastleigh and Fareham among the core PUSH authorities as experiencing the highest median prices for most property types and where affordability issues are more acute. Overall, it concludes that market signals are not significant for most of the core authorities, but identifies modest market pressure in Eastleigh and Fareham.

40. Developer interests highlight a range of market signals (see, for example, Table 5.3 in Nathaniel Lichfield and Partners work for Gladman

Developments). Not all signals demonstrate that Eastleigh is worse than the national or regional/sub regional averages. But on some crucial indicators it is. Between 1997 and 2012, the affordability ratio for Eastleigh worsened by 97%. For the Southampton HMA and England the figures are 92% and 85% respectively (Barton Wilmore, Open House October 2014, Table 6.4, for Hallam Land). Time series rental data from the Valuation Office Agency is available only between 2011 and 2013, but indicates rents rising by 7.4% in Eastleigh compared with 4.4% nationally and 6.9% in Hampshire (Open House, paragraph 5.12). Overall, market signals do justify an upward adjustment above the housing need derived from demographic projections only.

41. It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only a part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the "modest" pressure of market signals recognised in the SHMA itself.

Accommodating economic growth

42. Local Economic Partnerships (LEPs) are the lead body for promoting local economic development. In this case, it is the Solent LEP, which covers a similar geographic area to PUSH. I consider that a key test of the economic strategy of the Plan is compatibility with the intentions of the LEP, given its role, which includes control of substantial public funds to support economic development. The LEP's current strategy is the *Solent Economic Plan 2014-2020* (EBC/G1) published in March 2014. This sets out a number of economic aspirations, including job growth, drawn from economic projections provided by Oxford Economics (*Solent LEP Economic Outlook*, March 2014). This included a baseline forecast and preferred growth scenario. The LEP's Economic Plan mostly seeks to achieve the headline indicators of the preferred scenario (comparing p6 of EBC/G15 with 4.1 of the Economic Outlook).

43. An important element of the LEP strategy is the promotion of various key sites for economic development. There are seven key sites identified for 2015-2017. None are in Eastleigh Borough. There are a further five sites identified as *Future Pipeline Sites*. One of these, described as: *Ford site, Eastleigh Riverside and Southampton Airport* extends over a large area which straddles the boundary between Southampton City and Eastleigh Borough. The Ford factory which closed in 2013 is not in Eastleigh and its redevelopment is not dependent on any proposals within Eastleigh. The submitted Local Plan includes proposals for facilitating various types of economic development in this area: at Eastleigh Riverside (policy E9, mainly business areas for redevelopment), adjoining Eastleigh Riverside side (policy E10, 9.60 ha of greenfield land) and Southampton Airport (policy E12, including 21 ha of undeveloped land north east of the runway).

44. The site-specific merits of these three allocations and the requirements of each policy were not explored at the hearings in November. The main area of dispute/uncertainty concerns achieving a new access road to facilitate major greenfield development and the requirements to accommodate such a potential future road in any redevelopment of other areas. Because of the current uncertainty, the Council has not included the allocated greenfield

employment land as part of its employment land supply for the plan period, but sees it as an opportunity for more economic development if economic circumstances are favourable. Given the scope for redevelopment on the Ford site and parts of the allocations in Eastleigh, I see nothing at odds between the intentions of the LEP in identifying Ford/Airport/Riverside and this Plan.

45. In the summer of 2014, the LEP received substantial public funding to help bring forward a number of its identified key sites. But there was no such funding for the Ford/Airport/Riverside area. Delivery of the LEP's preferred growth scenario will therefore depend on delivery on sites outside Eastleigh and on various generic measures. The LEP has not commented on the Plan. (It did comment on the adjoining Test Valley Local Plan which was published at a similar time, so I do not regard this lack of comment as an omission). I conclude that the LEP is content with the economic intentions of the Plan and that in the short-medium term, the most likely opportunities for achieving aspirational growth in the LEP area are largely outside Eastleigh Borough.

46. The Plan proposes a minimum of 133,000 sq m of employment development (which is largely intended to be within the B use class). Table 3 in the Plan indicates that total anticipated new floorspace exceeds this minimum at about 148,000 sq m. (Appendix 5 of EBC/2 gives details of the sites which make up this figure.) The Council has taken into account a wide variety of evidence in initially identifying and subsequently justifying this level of provision in the Plan (see, in particular, *Employment Land Strategy Report* July 2014 EC1c). The minimum floorspace figure in the Plan is made up of two components. The *Employment Land Requirements Study* January 2012 (EC1b) identified a need for about 92,500 sq m net additional employment floorspace. The Council identified a need for an additional 40,700 sq m of B class floorspace to replace anticipated losses of existing major employment sites (over and above the past trends for such losses - see section 3.3, EC1c).

47. An *Employment Land Requirements Study Update* was published in May 2014 (EC1b1), after the publication of the Plan. This took into account an updated job growth forecast from Experian of March 2014. This economic forecast resulted in a much higher figure for additional B class floorspace of nearly 228,000 sq m (Table 2.13). However, whilst being mindful that this new evidence may point to greater economic potential of the Borough, I largely accept the Council's reasons, summarised below, for not seeking to increase employment floorspace to match this new forecast.

48. Economic forecasts have a high degree of uncertainty and, in isolation, do not provide a robust basis for planning land use requirements. The floorspace projections based on this most recent forecast seem particularly out of step with a range of other forecasts and methods of assessing future floorspace needs (as illustrated in Table 3.9, reproduced in EC1c, p20). It is also preferable for economic forecasts to be based on the functional economic area rather than an individual district and the LEP/PUSH best reflect this approach.

49. In addition, the scale and type of new employment provision proposed in the Plan (not including the replacement floorspace) broadly aligns with what Eastleigh Borough is expected to deliver in the PUSH South Hampshire Strategy 2012 (90,000 sq m for manufacturing and distribution and only 2,000 sq m for offices - Policy 6, EBC/G7). That strategy envisaged substantial

office development in Southampton and Portsmouth, with notable large scale office and other B1 development also at: the new community north of Fareham, at Whiteley (Winchester District), Havant and Gosport. This strategy reflects a "city-first" priority and existing or emerging commitments at the time. Even if little weight were to be given to the 2012 Strategy as a policy document, the scale of provision envisaged in Policy 6 is now largely embedded in the adopted Core Strategies of other PUSH authorities and, in some places, is being taken forward in greater detail in local plans such as that for Welborne (the new community north of Fareham), currently at Examination. The key sites for economic development being targeted by the LEP with public financial support also largely reflect the PUSH strategy and these development plans.

50. Given that Eastleigh Borough is part of this wider functional economic area, if employment floorspace in Eastleigh Borough were to be substantially increased it could well undermine the delivery of these other sites for economic development. This would also undermine the wider strategies of which these employment sites form part. Such a potential consequence is highly undesirable.

51. This context is also why I am not persuaded by the desire of Hampshire Chamber of Commerce for more employment land to be allocated in this Plan, particularly land close to the motorway for offices or logistics. Offices are a use which should first be accommodated in town centres and this is reflected in the PUSH Strategy. I accept that demand for major office development in Southampton City appears weak, but such demand is only likely to be undermined further by greenfield allocations on the edge of the City in Eastleigh Borough. Development plans outside Eastleigh Borough appear to be making substantial provision for manufacturing and distribution/logistics close to the motorway to respond to the needs of these sectors within this economic area.

52. Accordingly, I consider that the scale of new employment floorspace is justified bearing in mind that: it is expressed as a minimum; there are further opportunities for intensification and redevelopment of existing employment premises supported by other policies in the Plan; and longer term opportunities may exist for additional employment development on parts of the Eastleigh Riverside allocations.

53. I am also satisfied on the basis of the Council's calculations (EBC/G12) that the proposed level of housing provision would provide more than enough workers to support employment development of the scale proposed in the Plan. Such calculations are however fraught with uncertainty and can only be a broad guide. The close economic relationship between Eastleigh Borough and adjoining parts of the economic area are reflected in high daily flows of residents to work outside the Borough and inflows of workers to Eastleigh from elsewhere. In these circumstances, I do not see a pressing need for job growth and population growth to necessarily be closely matched. Some increase in the overall housing requirement in the Plan arising from my conclusions in relation to affordable housing and market signals would not undermine the economic strategy for the area and may help to support it.

Overall conclusion on issue 1

54. I have found that the Council has failed to recognise the true scale of need for affordable housing. There is also the consequential failure to consider how that need might be addressed. The Framework (paragraph 17, 3rd bullet) requires every effort to be made to meet needs. I see no justification for delaying this consideration for 2-3 years pending a review of the Plan.

55. The Guidance states that: *an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes*. Increasing market housing to meet all the identified affordable housing need would require a threefold increase in overall provision. I do not consider that this a realistic option to explore. In addition to the inevitable difficulties of securing delivery of such a scale of development, particularly in the short term and of providing sufficient infrastructure, such a scale of provision is much greater than even the most optimistic demographic projection. It would also result in the release back into the market of many dwellings in the PRS currently occupied by tenants in receipt of the LHA. Thus the cumulative effect of such provision over and above underlying demographic change would be very substantial and the consequences for the housing market are difficult to anticipate.

56. However, there is evidence which strongly suggests that some increase in delivery of market housing is achievable and could deliver a significant proportion of affordable housing. The developers of the major sites allocated in the Plan and included in the five year supply are keen to start delivering (see below) and where planning permission has not already been granted they are intending to submit planning applications very shortly. There is also clearly strong interest from other developers for additional housing sites to be allocated in the Plan and some of these appear likely also to be progressed as planning applications soon.

57. I have indicated that the PUSH SHMA's preferred projection (which equates to 615 dpa for Eastleigh) should not be ignored and that the demographic requirement is best seen as a range. I have also noted that on the basis of that projection, the Council calculates a shortfall in delivery in the HMA of about 750 dwellings to 2026. This background strongly indicates the opportunity for Eastleigh to deliver more housing with no adverse impact on delivery in the rest of the HMA. Market signals also point to both a need to provide more housing and the market's strength to do so.

58. If the Plan was being progressed, the Council would have to identify a possible range for what is practical in terms of increased delivery. That range would then have needed to be tested through Sustainability Appraisal in relation to the environmental impact of development on various sites in order to identify the appropriate requirement to be included in the Plan. I note that the *Sustainability Appraisal* (EBC/G2) submitted with the Plan includes in Appendix II an assessment of alternative growth options including 11,628-12,060 dwellings, which had been assessed in the SA accompanying the draft Plan published in October 2013. Whilst that assessment concluded that this higher level of growth would be *difficult to accommodate without threatening the environmental integrity of the Borough* it is difficult to understand the evidential basis for that conclusion. Equally importantly, that testing did not

weigh in the balance the substantial unmet need for affordable housing. Paragraph 14 of the Framework requires an explicit balancing exercise in the terms it sets out. This has not been done on the basis of the most appropriate and up to date evidence.

Issue 2 – Would the plan ensure an adequate supply of housing land to meet identified needs.

59. A housing trajectory is included as an Appendix to the Plan. Table 2 in the Plan sets out expected delivery of housing by Parish from different categories of supply: completions, specific urban sites, broad areas (also urban); and greenfield allocations. The figures in the Plan are now out of date. More detail on the sites and sources contributing to these categories is in the Strategic Housing Land Availability Assessment (SHLAA) (EBC/G4 July 2014) which updates the position to 1 April 2014. Detail on how the Council has been calculating the five year supply and a trajectory for the delivery of the allocated sites is in the Council's paper: *Five Year Land Supply Position/Housing Implementation Strategy September* 2014 (H15). For sites allocated in the Plan a year-by-year trajectory for the first five years is included as an Appendix to the Council's pre-hearing statement on this matter. I comment below only on those sources of supply where I consider that the Council's approach is not justified.

60. The category of *broad areas* includes additional dwellings from the redevelopment of sites in Eastleigh town centre and three district centres: Fair Oak, Hedge End and West End. The total supply relied on by the Council from these sources is 300 for the former and 226 for the latter group. None of this supply is included in the five year supply calculation (SHLAA, EBC/G4 paragraph 4.38 and Table 4.8). More detail on these centres is in SHLAA Appendices 7 and 8. In relation to Eastleigh town centre, the SHLAA refers to the challenge to be overcome, including a degree of inertia demonstrated by the fact that private owners have been reluctant or unable to bring schemes forward, particularly within the central block, during the last 25 years. Given this context, the only evidence that there are reasonable prospects (the relevant test in the Framework, paragraph 47, Footnote 12) of some delivery coming forward here is the Council's ownership (or intended acquisition) of sites, given the Council's commitment to change in the town centre. Accordingly, delivery from sites 5, 6, 7, 8 in the table in Appendix 7 is justified (and does not need discounting), but not from any others. The supply is thus 137, not 300.

61. Similarly, the assessment of the supply from the three district centres is too focused on physical capacity rather than providing evidence of reasonable prospects. There is nothing to indicate why redevelopment, which was not triggered by the previous economic boom, will happen in the future. The need for land assembly or the existing nature of the premises on some of the sites suggests that delivery is very uncertain. Rather than assess each parcel individually, I have increased the Council's discount on delivery from 25% to 50% to be more realistic. Supply thus falls from 226 to about 150.

62. The Council acknowledges (hearing statement, 3.9-3.10) the potential for overlap between the site-size threshold in the SHLAA of 0.2 ha (which might be for less than 10 dwellings) and the calculation of the small site windfall

allowance of less than 10 dwellings and identifies three such sites. Once the Council's discount is applied, the assumed contribution to supply appears very small, but for accuracy should be removed.

63. The Council has included small site windfalls in years 3-5 of the five year supply and from year six onwards. The inclusion of the contribution from windfalls from year three is justified given the Council's evidence on the time within which planning permissions are normally implemented and thus avoids double counting. A 10% discount is applied to the average past supply of small site windfalls. Given that there is no change in the policies in the submitted Plan compared with policies in the adopted Plan, this continuation is realistic in the short term. However, to reflect uncertainty and the possibility of fewer such sites in the future, I consider that from year six the discount should be increased to 25%.

64. Contrary to the definition of windfalls in the Framework, the Council had included garden land sites in the windfall assessment for years 6-15. These should be removed (amounting to eight dwellings pa). The Council needs to recalculate the windfall contribution for years 6-15 taking into account the above two points, but it is likely to reduce the assumed 700 to about 520.

65. The Council calculated that at 30 September 2014 there was a total supply of 10,746 dwellings, including the Hamble Lane appeal site (see Council's hearing statement on this matter, EBC/4/3, Appendix 3). In the light of the required reductions, the supply figure is about 10,200, only marginally above the overall requirement identified in the Plan. This is not a robust position. But in any case, I have identified a need for a higher housing requirement and there is not an identified supply to meet any such higher figure.

66. For completeness, I consider below the five year supply position based on the housing requirement identified in the Plan. The five year supply is primarily dependent on whether the anticipated start date and expected annual rate of delivery from the allocated greenfield sites is justified. In general, the Council is showing a clear commitment to working effectively and speedily with landowners/developers to progress planning applications on allocated sites and to encourage speedy commencement (through various conditions). Accordingly, background evidence on the slow delivery of strategic sites elsewhere in the country is not particularly relevant.

67. There is conflicting evidence about delivery rates. Developer interests put the rate at between 40-60 dwellings per site per developer, including the delivery of affordable housing. The Council highlights three large sites in Eastleigh Borough where delivery, including during the recession, was much higher. It thus considers that its assumption of 150 dwellings per annum on the three largest allocations with two developers is reasonable. There is clearly considerable uncertainty about market conditions in the future and what developers will want to achieve from their sites. The landowners and promoters of the three largest allocations in the Plan were at the hearing for this matter and I have given particular weight to their estimates for delivery.

68. Allocation BO1 Boorley Green has planning permission. The landowner confirms there are now three developers committed to this scheme who expect to start on site in October 2015. I consider that the Council's

expectation of 35 units within 2015/16 is rather tight and thus uncertain, but given the three developers involved, the 150 units for each of the following three years is reasonable.

69. Three different owners control the land making up site E1 land south of Chestnut Avenue, Eastleigh. A planning application was expected to be submitted in January 2015. The Council anticipates 50 units in 2016/17 then 100 units each year. The representative of one of the landowners considers that delivery will start a year later than the Council expects, but agrees with the same stepped increase in delivery thereafter. Adopting this later start would be more robust give the complexities of the site, the requirements of the allocation policy and the three landowners. Somewhat confusingly, for sites without planning permission such as E1, the Council discounts its figures in the trajectory by 25% before inclusion in the calculation of the housing supply (H15 paragraph 5.22, table after 5.28 and 7.1). Pushing back delivery by a year would give a robust figure (which does not need any discount) and thus results in only a small reduction in the contribution of this site to Council's five year supply figure (of about 40 dwellings.)

70. The promoter of site WE1, land west and south of Horton Heath, indicated that a planning application would be submitted by December 2014. This would be progressed in accordance with a performance agreement with the Council. The masterplan envisages two distinct residential areas and thus it is logical to assume two different developers. A new secondary school forms part of this allocation and the County Council requires this to be available by September 2018. This is clearly providing an impetus to progress the development quickly. A start on site mid-2016 seems realistic and the developer envisages 30 units per outlet in the first year to March 2017 (the Council assumes none). Subsequently, the developer estimates 60 units per outlet per year, not as much as the 155/160 units per year in the Council's trajectory. But as this site is without planning permission, the Council's housing supply calculation discounts the figures in the trajectory by 25%. Thus the Council's discounted delivery rate is cautious compared with the developer's and is robust.

71. On some other allocated sites, I consider that delivery might be delayed by a year compared with Council's assumptions, but still take place within five years, thus not reducing overall supply in this period.

72. In the three years since the base date of the Plan (2011), less than the Plan's average of 564 dpa has been delivered. The shortfall to 30 September 2014 is 790 homes (H15, 4.14). The Guidance states that Councils should aim to deal with any undersupply within the first five years of the plan where possible. Where this cannot be met they will need to work with neighbouring authorities under the Duty to Co-operate. The Council considers that the undersupply should be made-up over more than five years and to do otherwise is unrealistic. It cites the on-going effects of the recent recession; shortages of materials and skills; and the cycle of local plan production, resulting in previously allocated sites having been built out. However, in publishing the Guidance last year the Government would have been mindful of national circumstances in the house-building industry. The delay in having an up-to-date local plan is the Council's responsibility and does not justify delay in making good the shortfall. I have seen no evidence that it is not possible to achieve the preferred approach of the Guidance. Accordingly, on the basis of

the submitted Plan and current evidence, the shortfall should be made up in the first five years (the "Sedgefield" method).

73. I recognise that if the housing requirement were to be increased to help deliver more affordable housing, the shortfall would be greater and there would be a need to deliver even more in the first five years. Whether in that scenario such increased delivery would be possible would need to be considered in the light of the evidence at the time. The Council should have regard to the totality of the Guidance on this matter.

74. The Framework (paragraph 47) requires a buffer to be added to the five year supply of 5% or 20% where there has been persistent under delivery of the housing requirement. The assessment of past delivery needs to be considered over at least a 10 year period so as to cover a full economic cycle. In addition, as none of the plans required a specific target to be met each year, it is appropriate to consider delivery not just on an annual basis but over a whole plan period or phase if this is possible, so as to better iron-out ups and downs in delivery. In this case the adopted Local Plan Review covers the period 2001-2011 and so total delivery during this period can be compared with the overall requirement.

75. The Council has set out the past requirements and delivery from 2001-2 based on the Hampshire Structure Plan (421pa), the adopted Local Plan (561pa, excluding the reserve sites), and the South East Plan (SEP) (354 dpa). For the period 2001-2006 I consider that the requirement is that set out in the adopted Local Plan as this was adopted after the Structure Plan and reinterpreted that Plan's requirements, whilst remaining in conformity with it (see the complex explanation of the housing figures in the adopted Plan at 5.2-5.4, 5.10-5.18).

76. I requested a post-hearing note from the Council on the interpretation of the requirements of the SEP. Participants were given the opportunity to comment on the Council's interpretation and I have taken into account all relevant comments. The Council considers that the requirement during the period 2006-2013 (when the SEP was finally revoked) should be 354 pa, as a result of excluding any requirement arising from the Strategic Development Area (SDA) for 6,000 dwellings proposed for north/north east of Hedge End. Policy SH5 of the SEP sets out the annual average for the districts of South Hampshire and the SDAs over the period 2006-2026. For the Hedge End SDA the figure is 300 dpa implying an expected even supply from 2006. For this reason, developer interests consider that this figure should be added to the figure for Eastleigh Borough to create an overall requirement of 654 pa from 2006. The Council highlight that SEP Policy SH1 and supporting text 16.5 makes clear that delivery from the SDA was not expected to occur until 2016 (because of the required long lead-in to get development underway). There is clearly a tension in these different policies which makes their proper interpretation difficult for the exercise here.

77. It is important to bear in mind that the Framework's requirement for a 20% buffer is intended to assist delivery where Councils have experienced difficulty in the past delivering what they planned to deliver. Given the context in which the SEP was approved (recognising, as it did, that it was not meeting all housing needs in the South East), it would be perverse if the requirements of

the SEP were to be interpreted for the purpose of this exercise as setting a housing requirement substantially below what was required at the time in the adopted Local Plan. That Plan had been adopted as recently as May 2006 and, until 2009 when the SEP was actually approved, the Council could not have been certain of what the requirement in the SEP would be. The Local Plan reflected what the Council thought it could deliver during this time and there is no suggestion that once the SEP was published the Local Plan was abandoned. I therefore consider that it would be fair and more relevant to the issue at hand to test delivery against the requirement of the Local Plan (561 dpa) rather than either of the interpretations of the SEP (354 dpa or 654 dpa).

78. For the 10 year period 2001-2011 the Local Plan's annual average was met in only two years and overall delivery fell well short of the required total. This is clear evidence of persistent under delivery. I have already noted that there has been under delivery since 2011 of the requirement identified in the submitted Plan. (Even if the lower requirement in the first draft of this Plan is used, delivery fell short, see footnote 8 in the Council's pre-hearing statement EBC/4/3). If the last years of the adopted Local Plan are replaced with the Council's preferred figure from the SEP, then delivery would have been met in 2009-2011, but in my view that is not sufficient to tip the overall balance to adequate delivery, given the shortfall before and since. Accordingly, I consider that a 20% buffer is currently required as part of the five year land supply calculation. Although there was a shortfall in delivery under the adopted Local Plan, I consider that the PUSH SHMA and the adjustments required as a result of my conclusions under issue 1 above represent a comprehensive new starting point for the assessment of needs from 2011 and so I do not add this backlog to the new requirement.

79. With a 20% buffer and making up the shortfall since 2011 within five years (the "Sedgefield" method), the Council calculates that there is only a 4.37 years supply (H15, Table after 5.30) in relation to the requirement set out in the submitted Local Plan. (There are small downward adjustments to be made to delivery from sites BO1 and E1, but these might be offset by better than projected delivery on WE1.) Accordingly, irrespective of the need to look to increase the overall requirement for the other reasons I have given, there is a need to boost the five year supply. From the evidence before me, I cannot see how the Council would be able to bring forward supply from later in the plan period and so the necessary boost is likely to require additional allocations which are capable of rapid delivery.

80. The overall supply position over the whole plan period is equally tight. This is not a robust position to take the Plan forward. There is no realistic flexibility in the Plan to respond to changing circumstances. It is important to ensure that any small delay in assumed delivery from sites contributing to the five year supply does not too easily result in a less than five year supply being available. The Plan needs to provide confidence that there will a five year supply at adoption and in future years.

81. There might be some large windfall sites in the future, but given that the SHLAA appears to have been very comprehensive in its search for sites this is too uncertain to be relied on as providing flexibility. The major greenfield sites included in the five year supply are being delivered as quickly as possible and there is nothing more that the Council can do to bring this delivery forward.

The largest allocated sites expected to commence beyond the five year period (eg BO2 and HE1) are owned, or mainly owned, by the County Council which does not wish to the bring the land forward any earlier. Accordingly, the Council has no means of increasing supply if there is a problem, other than through a Plan review which is time consuming. Accordingly, the Plan needs to demonstrate that it has some flexibility to respond to changing circumstances.

Overall conclusion on issue 2

82. Even on the basis of the housing requirement identified in the submitted Plan, the land supply is inadequate because there is not sufficient flexibility to respond to changing circumstances and because the supply in the first five years needs to be increased. With the identified need for greater housing provision, the land supply will need to be increased even further.

Assessment of Legal Compliance

83. This report is based on a limited number of hearings. In the light of my adverse *Preliminary Conclusions*, I cancelled the hearings that were due to take place in January 2015 on, among other matters, site allocations. Those hearings would have taken into account representations in relation to the site assessment and selection process set out in the *Sustainability Appraisal* (EBC/G2) accompanying the submitted plan. I am therefore unable to come to any formal conclusion on the adequacy of the Sustainability Appraisal in this report.

84. For similar reasons, I am not able to come to a formal, final conclusion on the Duty to Co-operate. Some representations concerning this matter relate to infrastructure provision, which would have been heard at the later hearings. The Council has explained in its *Statement of Compliance with the Duty to Co-operate* (EBC/Subn5) why it considers that the Duty has been met. For the reasons set out under issue 1 above, I consider that the Council met the Duty in relation to strategic housing and employment matters because of its involvement with PUSH and willingness to take forward the South Hampshire Strategy 2012.

85. The following three paragraphs reproduce the relevant parts of my conclusions on the Council's Habitats Regulations Assessment (HRA) which I set out in my *Post Hearing Note 3 - Other Matters* ID/5.

86. The site-specific mitigation measures taken into account in screening-out potential significant effects which might arise from various allocations (see *Habitats Regulations Screening Report* EBC/GI10, 4.6.5/4.6.6 and 5.6.9-5.6.13) should be included in the policy requirements of the allocations concerned, even though an application-stage HRA would still be required as is already noted in the text of the Plan. This is to ensure that the general scope of the likely mitigation measures is made clear and that there is a complementarity between the HRA and the proposals/requirements in the Plan which the HRA is assessing. I note the necessary importance of retaining some flexibility in the scope and design of mitigation measures pending the application-level HRAs. Accordingly, I consider that changes along the lines of Option 2 of the Council's suggested alternatives would have been appropriate

if the Plan was being progressed (EBC/8, Appendix 1).

87. The *Screening Report* (8.4.7) highlights the Forest Park and its linkage to Lakeside Country Park as an important element of the required mitigation in relation to the New Forest Special Area of Conservation and Special Protection Area. Policy E1 requires financial contributions to the Forest Park and an extension to Lakeside Country Park. But the Forest Park is largely outside the Borough boundary and its delivery is not directly within the control of the Council or developer. Test Valley Borough Council's *Forest Park Implementation Framework* October 2014 (GI14) includes Home Wood as part of the proposals for phase 1 in 2014-2019. Home Wood is adjacent to allocation E1, so there is a reasonable degree of alignment between the expectation to deliver part of the Forest Park and delivery of E1.

88. In order to meet the assumptions of the HRA, it is essential that the Plan highlights the purpose of the financial contribution to the Forest Park/Lakeside in relation to mitigation. It must also require alternative mitigation measures if an appropriate element of the Forest Park (eg Home Wood) has not been delivered in a timely manner in relation to the development of E1. Any such alternative mitigation must be of a suitable scale, quality and accessibility to achieve its purpose and its delivery closely linked to progress on the residential development. Accordingly, some additional wording along these lines would have been required in addition to the Council's suggestion in EBC/9, but would not need to be as specific as that suggested by Hampshire Wildlife Trust.

89. My conclusions regarding compliance on other legal requirements are summarised below.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS June 2014 (EBC/Subn 9). The Local Plan's content and timing to date are compliant with the LDS, although it will no longer be adopted.
Statement of Community Involvement (SCI) and relevant regulations	The SCI (EBC/Subn 8) was adopted in September 2013 and consultation has been compliant with the requirements therein.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Local Plan complies with the Duty (see G5 and the Council's hearing statement on Gypsies, Travellers and Travelling Showpeople).
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

90. My Examination of this Plan has been limited to matters mainly relating to the housing need, the housing requirement and housing supply. I have identified a number of deficiencies for the reasons set out. The unsoundness I have identified is sufficient on its own for me

to recommend non-adoption of the Plan in accordance with Section 20(7A) of the 2004 Act.

Simon Emerson

Inspector

Page last updated at 12:12 GMT, Wednesday, January 21 2015

Eastleigh Borough Local Plan 2011-2029 Examination

The Inspector

An Inspector Simon James Emerson, BSc DipTP MRTP was appointed by the Planning Inspectorate to undertake an independent examination into the soundness of Eastleigh Borough Local Plan 2011-2029.

The Inspector's task was to consider whether the plan satisfied various Regulatory requirements and whether it was sound. The soundness of the submitted Local Plan, was to be assessed against the criteria set out in paragraph 182 of the National Planning Policy Framework (the Framework) which requires that plans must:

- **positively** prepared (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development);
- **justified** (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);
- **effective** (the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities);
- and consistent with national policy (the plan should enable the delivery of sustainable development in accordance with the policies in the Framework).

The Inspector took into account the representations submitted at the Pre- Submission stage of the Local Plan as far as they related to Regulatory and soundness considerations. He identified the principal issues and held hearing sessions to discuss those relating to the overall strategy.

Following the hearings, the Inspector provided his preliminary conclusions (see Section 3 below). Essentially he has concluded that the plan is not sound because it does not provide sufficient housing, expressing particular concerns about affordable housing. The scale of the additional housing that he considers necessary is such that the plan cannot simply be amended while the examination is suspended – it requires a new local plan. The Council considered this situation at its Cabinet and Council meetings on 18 December 2014 and concluded that:

- the Inspector should be requested to submit his formal report which will conclude the examination; and
- that work should commence on the preparation of a new local plan rolled forward to 2036, in line with the emerging review of the Partnership for Urban South Hampshire (PUSH) South Hampshire Strategy. A new Local Development Scheme (the programme for preparing the local plan) will be published in due course.

Any queries regarding the examination process should be directed to the Programme Officer who will be happy to assist.

The Programme Officer

The Programme Officer acts as the contact for any person who has an interest in the Local Plan Examination and as a liaison between the Inspector, the Borough Council and representors. All correspondence or queries relating to the examination should be directed to the programme officer.

The programme officer is an independent Officer of the Local Plan Examination and works on behalf of the Inspector to organise and manage the administrative and procedural matters of the examination process. **Mr Onosey who has been the programme officer to date is no longer undertaking this role. Mary Andrews is taking on this position in the meantime - her contact details are below.**

Contact details:

Mary Andrews,
Local Plan Examination Programme Officer
C/o Eastleigh Borough Council,
Eastleigh House,
Upper Market Street,
Eastleigh,
SO50 9YN

Telephone: 02380 683366

Email: programmeofficer@eastleigh.gov.uk

Neutral Citation Number: [2013] EWHC 3719 (Admin)
Case No: CO/3629/2013
CO/3626/2013
CO/7880/2013

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT BIRMINGHAM

Royal Courts of Justice
Strand, London, WC2A 2LL

27/11/2013

Before:

MR JUSTICE LEWIS

Between:

Cotswold District Council	**Applicant**
- and -	
Secretary of State for Communities and Local Government	**First Respondent**
Fay and Son Limited	**Second Respondent**
And Between:	
Cotswold District Council	**Applicant**
- and -	
Secretary of State for Communities and Local Government	**First Respondent**
Hannick Homes and Development Limited	**Second Respondent**
And Between:	
The Queen on the application of Cotswold District Council	Claimant
- and-	**Defendant**
Secretary of State for Communities and Local Government	
Hannick Homes and Development Limited	**Interested Party**

Ms S Sheikh and Mr G Mackenzie (instructed by Sharpe Pritchard) for the Claimant (in all cases)
Mr R Kimblin (instructed by The Treasury Solicitor) for the Secretary of State (First Defendant) (in all cases)
Miss M Cook (instructed by Coffin Mew LLP) for the Second Defendant in the first case
Mr Peter Goatley (instructed by Davies & Partners) for the Second Defendant in the second case

Hearing dates: 6th & 7th November 2013

HTML VERSION OF JUDGMENT

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Mr Justice Lewis :

1. These are two applications to quash decisions of the Secretary of State for Communities and Local Government granting planning permission for development in the Tetbury area of Gloucestershire and one application for judicial review of a decision making a partial award of costs in one of the cases. By the first decision ("the Highfield decision") dated 13 February 2013, the Secretary of State allowed an appeal by Fay & Son Ltd. ("Fay") against the refusal by the Council, Cotswold District Council, of outline permission for a residential development for up to 250 units and related development on land at Highfield Farm, Tetbury, Gloucestershire. By the second decision ("the Berrells Road decision") dated 13 February 2013, the Secretary of State allowed an appeal by Hannick Homes and Development Ltd. ("Hannick") against the refusal by the Council of outline permission for a residential development of up to 39 units and related development on land at Berrells Road, on the edge of Tetbury, Gloucestershire. Both sites are within an Area of Outstanding National Beauty ("AONB").

2. Both decisions involved consideration of whether the Council had demonstrated that it had a supply of land sufficient to meet their housing requirements for the next five years. As part of the assessment of that requirement, the Secretary of State accepted the inspector's recommendation that the housing requirement should be based on the lower of two estimates of need, derived from figures produced as part of the preparation of a draft Regional Spatial Strategy for the South West ("the RSS") which indicated a need for 2,022 houses over the next five years. The Secretary of State considered that, applying the principles contained in the National Planning Policy Framework ("the Framework"), an additional buffer of 20% (rather than the 5% that would otherwise be added) should be added to the RSS figures as the Council had a record of persistent under delivery of housing. That resulted in an additional 402 houses being added to the figure of 2,022 to give a total requirement of 2,426. The Secretary of State accepted the inspector's recommendation that the Council did not have a five year supply of land capable of providing sufficient sites for that housing requirement.

3. One of the Council's principal grounds of challenge relates to another decision, given on 9 January 2013, of an inspector who allowed an appeal against a refusal of permission at another site at Top Farm, Kemble, Cirencester (the Kemble decision). That site is in a different town from the Highfield and the Berrells Road sites. The Kemble site is not in an AONB. In the Kemble decision, the inspector accepted that the number of houses proposed as part of the draft RSS process was the best minimum indication of the housing figure requirement for the next five years. He was not persuaded that it was necessary to apply the 20% buffer (rather than the 5%) in the circumstances of that case. He concluded that the Council could not demonstrate that it had a sufficient five year supply of sites even for that lower figure. He concluded that planning permission should therefore be granted. The inspector reached his conclusion that there had not been a persistent under delivery of

housing solely by reference to the figures for housing requirements set out in the Gloucestershire Structure Plan Second Review ("the Structure Plan") for 1991 to 2011 although he made it clear that that conclusion was based on a Structure Plan that was now defunct and that those past figures were not a reliable guide to future need.

4. The inspector's decision on Kemble was not drawn to the Secretary of State's attention. The Council contends, however, that the inspector's reasoning in the Kemble decision in relation to the calculation of housing requirements, and in particular his decision not to add a 20% buffer because he was not satisfied that there had been a record of persistent under delivery, was a material consideration to which the Secretary of State should have had regard when reaching his decisions in relation to Highfield and Berrells Road. The Council contends that the Secretary of State acted unlawfully in reaching those decisions without having regard to the Kemble decision and without explaining why he was differing from the inspector in the Kemble decision. The Council also contends that the Secretary of State misinterpreted the relevant policy in paragraph 47 of the Framework in a variety of ways.

5. Finally, the Council seeks permission to apply for judicial review to challenge the decision of the Secretary of State to accept the recommendation of the inspector to make a partial award of costs in the Berrells Road appeal as the Council had acted unreasonably to the extent that it maintained that it could demonstrate a five year supply of housing. The Council relies on the fact that the inspector did not award costs in the Kemble decision. The Council submits that the decision of the Secretary of State that the conduct of the Council was unreasonable is itself irrational and that the Secretary of State failed to have regard to a material consideration, namely the decision on costs of the inspector in the Kemble decision.

THE PLANNING FRAMEWORK

The Legislation

6. Planning permission is required for development including, as here, residential development involving the building of residential homes and related building operations: see section 57 of the Town and Country Planning Act 1990 ("the 1990 Act"). Section 70 (2) of that Act provides that where an application for planning permission is made to a local planning authority, then:

"(2) In dealing with such an application the authority shall have regard to
(a) the provisions of the development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations."

7. The development plan is defined in section 38(3) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"). Further, section 38(6) of that Act provides that:

"(6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

8. In the present case, the development plan included the Regional Strategy for the South West, certain policies of the Structure Plan and certain policies of the Cotswold Local Plan. The Structure Plan covered the period 1991 to 2011. The relevant housing policies provided that 6,150 houses would need to be provided in the Cotswold District Council area between 1991 and 2011. That equated to the provision of 307.5 houses per annum.

9. The material considerations relevant to any planning application include the Framework. That document should be read in its entirety. Paragraph 2 provides that the Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decision. Paragraph 6 explains that the purpose of the planning system is to contribute to sustainable development and the policies set out in paragraphs 18 to 219 of the Framework constitute the Government's view of what sustainable development

in England means in practice for the planning system. Paragraph 7 explains that there are three dimensions to sustainable development: economic, social and environmental. The social dimension includes "supporting strong, vibrant healthy communities by providing the supply of housing required to meet the needs of present and future generations".

10. Section 6 of the Framework deals with delivering a wide choice of high quality homes. Paragraph 47 is of particular importance to these appeals and provides as follows:

    "To boost significantly the supply of housing, local planning authorities should:

    - use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
    - 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;
    - for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
    - set out their own approach to housing density to reflect local circumstances."

11. Paragraph 47 is directed towards the obligations of local planning authorities in preparing their development plans. However, the Structure Plan in the present case expired in 2011. The Council has not yet adopted a Local Plan identifying its housing requirements for the next local plan period or the next five years. In dealing with a planning application, however, the Council, and an inspector or the Secretary of State on an appeal, will have to address the question of what the Council's five-year housing requirement is likely to be and whether the Council has significant supply of housing land to meet that requirement as that will be a material consideration in considering whether planning permission should be granted.

12. Paragraph 49 of the framework provides 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."

13. The presumption referred to in the first sentence of that paragraph does not apply to the applications for planning permission in Highfield and Berrells Road as they are in an AONB (see paragraph 14 and footnote 9 of the Framework). The second sentence is applicable.

14. As both Highfield and Berrells Road are within an AONB paragraph 115 of the Framework is applicable. That provides that:

    "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads."

15. Paragraph 116 of the Framework applies to the application for planning permission in Highfield (but not Berrells Road) as the Highfields application involves major development. That paragraph provides that:

    "Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

    - the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
    - the cost of, and scope for developing elsewhere outside the designated area, or meeting the need for it in some other way; and
    - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. "

16. The other material policy for present purposes is Policy 19 of the Local Plan. That restricted development, including housing development, outside existing development boundaries.

    THE FACTS

17. The Highfield application for outline planning permission for residential development of up to 250 units was made on 8 March 2011 and refused by the Council on 23 November 2011. Fay appealed. The Secretary of State decided to determine the appeal himself. He appointed an inspector to conduct an inquiry and report. The Berrells Road application for outline planning permission for 39 units was made on 16 January 2012 and refused on 26 March 2012. Hannick appealed. The Secretary of State again decided to determine the appeal himself and appointed an inspector (the same inspector that was appointed in the Highfield appeal) to hold an inquiry and report.

18. Inquiries were held in both appeals and the inspector, Jessica Graham, submitted reports on the Highfield application and the Berrells Road application to the Secretary of State on 9 November 2102. Both reports are careful, detailed examinations of the issues and should be read in their entirety.

19. In the Highfield report, the inspector dealt with procedural matters, the site and surroundings, the planning history and the proposal. The inspector then correctly identified the relevant planning policies and dealt with other matters. At section 8, the inspector dealt with the case for the Council and at section 9 of her report she dealt with the case for Fay. At sections 10 and 11 of her report, the inspector dealt with oral and written representations made by others. Sections 12 and 13 deal with planning obligations and conditions. The inspector's conclusions come at section 14.

20. At paragraph 14.2, the inspector said this:

    "The proposed development would fundamentally conflict with adopted Development Plan policies aimed at restricting residential development on land which, like the appeal site, lies outside any settlement boundary and inside an AONB. However, Paragraph 49 of the National Planning Policy Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This involves firstly establishing the housing requirement for the next five years, and then going on to assess whether sufficient deliverable sites are available to meet that need."

21. The inspector set out the Council's proposed approach to the issue of establishing its housing requirements for five years. The Council proposed projecting forward the requirements set out in the (now expired) 1991-2011 Structure Plan of 307.5 houses a year for five years. In addition, the Council recognised that, over the period of the Structure Plan, there had been a shortfall of 89 houses provided (the Structure Plan had contemplated a figure of 6,150 houses

being provided but 6,061 had been provided). The Council proposed adding a figure of 89 houses over five years (17.8 houses a year) to the total required. That would, on the Council's case, have established a housing requirement of 1,626.5 over the next five years or 325.3 annually for each of the next five years. The Council then considered whether it could demonstrate a five year supply of land to meet its suggested housing requirement in order to assess whether or not planning permission for the proposed development would be required to meet any housing need.

22. The inspector did not accept that approach. She noted at paragraph 14.7 that the Structure Plan was only intended to cover the period 1991 to 2011 and was based on household projections dating from 1996. The inspector considered that other, more recent projections of housing need should be considered in assessing the Council's housing requirements for the next five years.

23. The inspector considered that the evidence used for the preparation of a new draft regional strategy had been considered and tested at an examination in public. While the draft strategy itself was unlikely to proceed to adoption for other reasons, and so should be given little weight, the evidence upon which it had been based had been thoroughly tested and carried considerable weight. That indicated a five year housing requirement for the period 2012 to 2017 of 2,022 houses. The inspector considered in addition the 2010 Department of Communities and Local Government household projections. These indicated a requirement of 3,199 houses over the next five years. The inspector's conclusion and reasoning on these issues are set out at paragraphs 14.15 to 14.18 of the Highfield Report (and are not challenged in these proceedings). Those paragraphs say:

"14.15 Nevertheless, for the purpose of reporting on this appeal, I am obliged to arrive at a conclusion on the Council's current ability to demonstrate a five year supply of housing land. For the reasons set out above I hold the housing requirement figure contained in the Structure Plan to be so out of date as to be unfit for that purpose, and while I recognise the local GCC projections will have a valuable role to play as part of the overall evidence base for the district's emerging Local Plan, I consider that it would be premature to rely upon them at this early stage in that process.
14.16 I conclude that the District's five year housing requirement figure is likely to lie somewhere between the 2,022 dwellings derived from draft RSSW Proposed Changes, and the 3,199 dwellings derived from the most recently published DCLG national household projections. Since I have insufficient evidence to inform any attempt at assessing whereabouts within that range the actual requirement might lie, I will use the figure at the lowest end of the spectrum.
14.17 I need to make it absolutely clear that this conclusion should not be confused with an endorsement of that figure as representing the objectively assessed housing need for the district. My decision to use the draft RSSW figure is made on the premise that if a five year housing supply cannot even be demonstrated against the lowest credible housing requirement, then it clearly does not exist. That is the same premise that informed my findings in the Moreton in Marsh appeal: the Council was unable to demonstrate a five year supply against the Structure Plan housing requirement, and since the evidence of the more recently published projections suggested that the housing requirement was likely to increase rather than decrease, that could only worsen the shortfall in housing provision.
14.18 I can understand local residents' frustration with the amount of time taken up at the inquiry (and consequently in this report) in dealing with complex considerations of housing supply. The approach I am here obliged to adopt is a product of the wholly unsatisfactory circumstances that arise when a local planning authority fails to keep its Development Plan up to date, such that its housing requirement must instead be deduced from the best of the evidence made available to the decision maker."

24. Before considering whether the Council could demonstrate an adequate supply of land, the inspector noted, correctly, that it was necessary to have regard to the second bullet point of paragraph 47 which is set out at paragraph 10 above.

25. The inspector noted that the phrase "persistent under delivery" is not defined. A number of methods of testing whether there had been persistent under delivery were considered. The inspector noted a decision in a different local planning authority appeal which considered that completions over the past five years were the most relevant to an assessment of the planning authority's delivery record. The inspector agreed that, as the Framework was looking forward five years at future housing needs, it was reasonable to look back five years in assessing whether there had been a record of persistent under delivery. The Council, in its evidence, had in fact invited the inspector to consider the figures over a four year period. The inspector noted that at a different inquiry within the Council's area, an inspector had considered the position over the last 10 years. On that basis, there had been a shortfall in 7 out of 10 years using one measure (the number of permissions granted against the annual targets for those years) and in 8 out of 10 years using a second measure (housing completions in those years against the annualised figure of houses required). The inspector in that other inquiry noted that on those two measures, the Council's record was one of under delivery (although the inspector in that case did not characterise the situation as one of "persistent" under delivery). The inspector in the present case also noted that, in the 1991 to 2011 Structure Plan period, there had been a shortfall of 89 houses as against the identified requirements for that 20 year period.

26. The inspector's conclusions on this issue were, effectively, summarised at paragraphs 14.19 to 14.24 in the following terms:

"14.19 Before moving on to consider housing supply, it is necessary to have regard to the second bullet point at paragraph 47 of the Framework. This explains that local planning authorities should not only be able to identify sufficient sites to provide five years worth of housing against their housing requirements, but also an additional buffer of 5%, to ensure choice and competition in the market for land. It goes on to state that where there has been a record of persistant under delivery of housing, this buffer should be increased to 20%.
14.20 "Persistent under delivery" is not further defined in the Framework, or elsewhere. In an appeal decision concerning Sellars Farm in Stroud, the Inspector held that completions over the past five years were the most relevant to a consideration of the Council's delivery record. On the basis that the Framework requires the assessment of future housing delivery to look forward five years, looking back five years to assess the record of past delivery, seems to me a reasonable approach. The Inspector in that case concluded that a total shortfall of around 360 dwellings, during a period affected by recession, did not amount to a record of persistent under delivery. I note CDC's contention that it has a better performance record than that, in terms of its shortfall over the past five years.
14.21 My attention was also drawn to an appeal decision at Siddington, of particular relevance since it is within the Cotswold District. The Inspector noted that there was under delivery in 7 out of the last 10 years, with an identified shortfall of 89 dwellings over the period 1991-2012; and that in terms of housing completions, the target has not been met for eight out of the past ten years. She went on to state that the difficulties with housing delivery in the District have extended to the period well before the current economic downturn, and that on two measures looking back over the past 10 years, the Council's record is one of under delivery. The Council has not here put forward any evidence that contradicts those findings, and I have no reason to doubt their accuracy.
14.22 Turning to the evidence presented in this current case, the Council and the appellant have both adopted the approach of measuring past completions against the annualised Structure Plan requirement. Last year saw 538 housing completions, which provided some compensation for the fact that in each of the four preceding years delivery had fallen short of the requirement. It was short by a very wide margin in 2009/2010, which saw only 177 completions. Since the Structure Plan requirement is itself an average annual target, I consider it reasonable to allow for some fluctuations above and below that figure, by looking at the average annual completions over the last five years. On that basis the Council's completions rate, at 291 dwellings per year, also falls short of its own housing requirement.
14.23 A further consideration is that it would not be fair, in the context of assessing the Council's record of delivering housing, simply to ignore the fact that delivery here is being measured against a housing requirement that was artificially low; being based (as I have discussed at length above) on projections that were out of date. That being the case, the

resulting shortfall in housing delivery will in real terms have been considerably greater than that calculated by measuring completions against the Structure Plan requirement.
14.24 Taking all of this into account, I conclude that there has been persistent under-delivery of housing in the Cotswold district, and so an additional buffer of 20% should be added. This increases the five year housing requirement figure derived from the draft RSSW to 2,426 dwellings over the next five years."

27. Put shortly, the inspector looked at a variety of time frames in considering if there had been a record of under delivery. She considered delivery against the figures provided for in the Structure Plan. On a 5 year basis, there was under delivery in 4 out of the 5 years. On a 10 year basis, there was a shortfall in 7 out of 10 years using one measure and 8 out of 10 years using a second measure. Looking at the plan period as a whole, there was a short fall on the Structure Plan figure of 89. Furthermore, the inspector considered that the under delivery against the Structure Plan figures underestimated the extent to which there had been a shortfall in meeting the real requirements for housing during the Structure Plan period as that Plan itself understated the need. The inspector had already noted that the Structure Plan figures were based on 1996 projections whereas the figures in the draft regional strategy had been published in 2008 and the other projections were the 2010 projections.

28. In the circumstances, therefore, the inspector took the lowest likely figure of housing requirements of 2,022 houses and added 20% (rather than the 5% otherwise provided for in paragraph 49 of the Framework). That provided a housing requirement for the next five years of 2,426 houses.

29. The inspector then considered the supply of housing sites that the Council could demonstrate existed. On the evidence in the Highfield inquiry, the Council had sufficient sites to deliver 1,711 houses over the next five years. That amounted to a very serious shortfall. The inspector noted that the evidence in the Berrells Road inquiry was that the Council could provide sites for 1,828 houses (rather than 1,711) but the Inspector did not consider that that difference materially altered the conclusion that there would be a very serious shortfall.

30. The inspector then worked through the consequences of her conclusion that there was not a five year supply of housing land. Paragraph 49 of the Framework meant that policies relevant to the supply of housing should not be considered up to date. Thus Policy 19 of the Local Plan, so far as it sought to restrict housing outside existing development boundaries, was to be considered out of date. Further, the serious shortfall in the supply of housing land was a material consideration that weighed heavily in favour of allowing the proposed development (see paragraphs 14.43 and 14.46 of the inspector's report). The inspector then considered a number of other matters, including the effect of the proposed development of the AONB and paragraphs 115 and 116 of the Framework (which are set out in paragraphs 14 and 15 above). The inspector noted that there was a pressing need for the houses proposed and there was very limited scope to provide residential development on sites not within the AONB. The inspector concluded at paragraph 14.69:

    "While I consider that the proposed development would not harm the setting of the historic town of Tetbury, I find that it would detract from the significance of Highfield Farmhouse, a designated heritage asset. It would also harm the AONB through replacing open fields with built development, thereby resulting in the loss of some of the natural beauty of the landscape. But importantly, in terms of the harm that would be caused to the AONB, I have not been provided with any evidence to suggest that there is anything other than very limited scope indeed to provide housing within the District on sites that are not part of the AONB. Moreover, there is a clear and pressing need for more housing; locally, in terms of the severe shortfall that currently exists in the Cotswold District, and nationally, in terms of the need to get the economy growing. In my view, these amount to exceptional circumstances, where permitting the proposed development can reasonably be considered to meet the wider "public interest", in the terms of the framework."

31. The inspector recommended that the appeal be allowed and that outline planning permission be granted subject to certain specified conditions.

32. On 9 November 2012, the same inspector submitted a report on the Berrells Road application. That, too, is a thorough, careful consideration of the evidence in that appeal. The analysis of the five year housing requirement and the available supply of housing land is in materially identical terms to the Highfield report (save for one paragraph dealing with the relevance of the fact that there was an economic recession during part of the period of the Structure Plan, a point which I deal with below). The inspector considered the impact on the AONB and paragraph 115 of the Framework (paragraph 116 was not applicable as the Berrells Road appeal does not involve major development within the meaning of that paragraph). Again, the inspector recommended allowing the appeal and the grant of outline planning permission subject to certain specified conditions.

33. The two reports were then considered by the Secretary of State. By letters dated 13 February 2013, the Secretary of State in each case accepted the reasoning and the recommendations of the inspector. He allowed the appeals and granted outline planning permission subject to conditions.

34. After the inspector had submitted her reports in the Highfield and Berrells Road appeals, but before the Secretary of State had issued his decision, another inspector made a decision allowing an appeal in relation to another refusal of planning permission. That appeal concerned a refusal by the Council to grant permission to Kemble Farms Ltd. for residential development comprising up to 50 dwellings. That related to a site in Cirencester, not Tetbury (as was the case in Highfield and Berrells Road). The Kemble site was not in an AONB. Under paragraph 1 of Schedule 6 of the 1990 Act, regulations may be made prescribing classes of appeals under section 78 of the 1990 Act which may be determined by a person appointed by the Secretary of State. This appeal was one such case. The inspector in the Kemble appeal was therefore appointed to determine the appeal, not merely to report and make recommendations to the Secretary of State.

35. By a decision dated 9 January 2013, the inspector allowed the appeal in the Kemble appeal and granted planning permission. As the appeal involved an application for planning permission for residential permission, the Framework was a material consideration and questions of housing requirement for the next five years and the available supply of housing land were considered. The Council adopted the same approach as it had adopted in the Highfield and Berrells Road inquiries, namely that the Structure Plan figures for 1991 to 2011, together with the shortfall during that period, should be used as the basis for calculating present housing requirements. The inspector in Kemble did not have available to him the reports in Highfield or Berrells Road as they had been submitted to the Secretary of State but not published. Nevertheless, his conclusions and reasoning on all bar one relevant issue relating to housing was broadly similar to the inspector is in those cases. He considered that the evidence showed that housing need in the Council's district was likely to be significantly higher than had been historically catered for by the Structure Plan. He considered that "any realistic needs based requirement is certainly going to be higher than the structure plan figure and likely to be at least at or above the draft revised RSS figure of 345 dwellings per annum". He was not persuaded that it was necessary to add a 20% buffer and therefore added the 5% buffer referred to in the second bullet point of paragraph 47 of the Framework. On that basis, the inspector considered that the Council still could not demonstrate that there was a five-year supply of housing land to meet that housing requirement. The inspector therefore allowed the appeal and granted planning permission. The inspector's reasoning on whether it was necessary to add a 20%, rather than a 5%, buffer is at paragraphs 104 to 106 which are in the following terms:

"104. A residual requirement left over from the structure period demonstrates that the lesser figure of 307.5 which took on board the principle of exporting housing need was not met, albeit the annual average delivery over the last four years was 312. That figure has been distorted by an exceptional delivery of 538 completions in 2011/2012 notwithstanding the economic downturn but in 2008/2009 the number of completions was 303. Following the general approach of the Inspector in the Sellars Farm case, I would be reluctant in the circumstances to conclude persistent under-delivery on those most recent figures, bearing in mind those economic difficulties. Moreover, while I note from the council's housing trajectory

that although there were only 209 completions in 2007/2008, the equivalent figure for 2006/07 was 316 and in that year the monitoring of the trajectory indicated 8.5 dwellings above the cumulative requirement to have been achieved. Excluding the most recent and exceptional delivery figure, the annual average for the period would be 247 completions per annum (1,235 dwellings over 5 years). However, the council's 5 year supply calculation in CD 11 and the evidence of Mr Lewis, at paragraph 2.20, indicates that over the structure plan period as a whole (1991-2011) the accumulated shortfall would be only 89 dwellings.

105. In considering whether there has been a record of persistent under delivery, it seems to me appropriate to consider adopted policy applying at the time (i.e. the structure plan requirement up to 2011), rather than speculations about future policy requirements, and to consider also the broader outcome rather than to focus on particular years where the annualised requirement has either not been met or has been exceeded. It seems to me that, notwithstanding the recent economic difficulties, the overall delivery has been sufficiently close to the structure plan requirement to avoid categorisation as a record of persistent under-delivery, as the appellant would have me conclude. The Council's *Residential Land Monitoring Statistics* (CD12) show graphically the degree of annual fluctuation over the long run. I am not persuaded that it is necessary to apply the 20% buffer that the Framework requires in circumstances of persistent under-delivery.

106. That conclusion, however, is based on a policy requirement that should, for the reasons I have given, now be regarded as defunct. I am not persuaded that the past is a reliable guide to the future. In the absence of a definitive current policy requirement, figure based on projected needs are more pertinent. It is clear that some of the projection bases used in the discussions on this matter would result in very significant shortfalls against the requirement to demonstrate a five year supply of deliverable sites and therefore the overall policy requirement in the context of objectively assessed needs must be resolved at the earliest opportunity if repeated disagreements at appeals over which figures to use are to be avoided."

36. In other words, the inspector focussed on the figures in the Structure Plan figures as that was the policy in force until 2011. He focussed on overall outcome and considered that the overall delivery (with a shortfall of 89 over the structure plan period as a whole) was "sufficiently close" to the Structure Plan requirement to "avoid categorisation as a record of persistent under-delivery". In the event, however, that conclusion did not prove determinative or critical to his reasoning as, taking the realistic likely housing requirement for the next five years (and adding 5% as a buffer), the Council were still well short of demonstrating that it had a five year supply of housing land and permission should be granted. Further, it is clear that he regarded the Structure Plan requirement as no longer a suitable indication of future needs. He also noted that, given that the requirements contained in certain of the projections would result in very significant shortfalls of available housing land, there would be repeated disagreements at appeals over which figures to use unless the policy requirement were resolved on the basis of objectively assessed needs

37. There were applications for costs by Hannick in the Berrells Road appeal and by the developer in the Kemble appeal. There was no application for costs in the Highfield appeal. The relevant ground of the application for present purposes was that the Council acted unreasonably, within the meaning of paragraph A12 of the annex to the Department for Communities and Local Government Circular 03/2009 on Costs Awards in Appeals and Other Planning Proceedings, by relying on the Structure Plan figures for calculating its five year housing requirement. In her report of 9 November 2012 on costs, the inspector in the Berrell Fields report recommended a partial award of costs. The inspector considered in detail the reasons why she considered that the Council had erred in seeking to use those figures rather than considering more up to date evidence. She concluded at paragraphs 56 and 57 that:

"56. In summary, I consider that in the continued absence of any more recent Development Plan document setting out an updated figure, the housing requirement contained in the Structure Plan here remains, as it did in the Moreton in Marsh appeal, a useful starting point for considering the district's housing supply position. But it is not reasonable to rely on that requirement alone, updated solely to incorporate previous shortfall in provision. As explained in the Framework, in its predecessor PPS 3, and in my report on the Moreton in Marsh appeal, it is necessary also to take account of up-to-date evidence provided by recent

forecasts and projections. The evidence of all of the more recent forecasts and projections suggests that the districts housing requirement is higher than that derived by projecting forward the Structure Plan requirement. When assessed against the requirement figures derived from each of these more recent projections, the Council does not have a sufficient supply of sites to provide five years worth of housing.
57. I therefore conclude that it was unreasonable for the Council to maintain that it could demonstrate a five year supply of deliverable housing sites. "

38. The inspector considered that a considerable amount of the evidence prepared by Hannick, and of the time spent at the inquiry, was directly related to the Council's contentions about the supply of housing land. To that extent Hannick had incurred unnecessary expense and a partial award of costs was therefore justified. The Secretary of State accepted that recommendation in a decision letter of 25 March 2013 dealing with costs.

39. On 9 January 2013, the inspector in the Kemble appeal gave his decision on costs. The basis of the application was, again, in part that the Council acted unreasonably in persisting in relying on out of date figures in the Structure Plan in calculating its housing requirement. At paragraph 36, the inspector said:

"The choice of one figure rather than another by the Cotswold District Council is not so much "defiance" of the Secretary of State as recognition that, at present, there is no figure being imposed pending the Council's resolution of an adequately tested policy figure upon which to base the necessary calculation of five year supply. Councils have the facility to decide for themselves, albeit on the expectation of deploying a defensible basis. Using the structure plan as a starting point is not wholly indefensible, notwithstanding the recent appeal decisions, and I have therefore concluded that it is misguided rather than inherently unreasonable. I am not obliged to follow other Inspectors if the evidence is sufficiently persuasive not to, but in this case it was not."

40. At paragraphs 45 and 46, he concluded that:

"45. In view of all the above considerations, the circumstances of the appeal and having regard to the intentions of the Circular taken as a whole, I consider the balance to be marginally in favour, on this occasion, of the council's conduct in relation to this matter in these appeal proceedings being considered not unreasonable in the sense intended by the advice contained within it.
46. For the above reasons, I consider that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and I therefore conclude that an award of costs is not justified."

THE ISSUES

41. Although the issues have been formulated differently in the grounds of claim in the two applications, and in the claim for judicial review in the costs decision and the skeleton argument for the Council, the following issues arise:

(1) Did the inspector, and therefore the Secretary of State, misconstrue paragraph 47 of the Framework and, in particular the meaning of "persistent under delivery of housing " in the Highfields and Berrells Road appeals?
(2) Did the Secretary of State in reaching his decisions in the Highfield and the Berrells Road appeals, fail to have regard to a material consideration, namely the reasoning of the inspector in the Kemble appeal?
(3) Did the Secretary of State err (a) in failing to have regard to the letter from the Chief Planning Officer dated 6 July 2012 which indicated that local planning authorities were entitled to use what was decribed as "option 1" figures or (b) in his approach to footnote 11 to the Framework in the assessment of deliverable sites or (c) in disregarding Local Plan Policy 19 or (d), in relation to Highfield, in his interpretation or application of paragraph 116 of the Framework?

(4) Was the decision of the Secretary of State to accept the recommendation of the inspector to make a partial award of costs in the Berrells Road appeal irrational?
(5) Did the Secretary of State in reaching his decision to make a partial award of costs in Berrells Road appeal, fail to have regard to a material consideration, namely the decision of the inspector on costs in the Kemble appeal?

DISCUSSION

The Proper Interpretation of Paragraph 47 of the Framework

42. The first question is whether the Defendant misdirected himself as to the meaning of "persistent under delivery of housing" in paragraph 47 of the Framework. Miss Sheikh, for the Council, developed this ground by reference to four points in her skeleton argument. First, she contended that the Secretary of State only had regard to the last 5 years rather than the 20 year period of the Structure Plan which was in force for the period 1991 to 2011. Secondly, he did not assess delivery against the Structure Plan targets for the period when it was in force but treated the targets as being out of date and artificially low. Thirdly, he disregarded the economic difficulties of the last 5 years. Fourthly, it is said that the Secretary of State took no account of the overall progress in delivering housing rather than looking at the average for the year. In oral submissions, Miss Sheikh emphasised that paragraph 47 of the Framework talks of "a record" of persistent under delivery of housing. That, Miss Sheikh submits, requires a measurement against some identifiable target, namely the Structure Plan figures, not against speculative figures for need. Further, it was submitted that persistent connoted a continued unbroken record.

43. It is now well established that the Secretary of State would be required to proceed upon a proper interpretation of the relevant planning policies and, for present purposes, the Framework. As the Supreme Court held at paragraph 18 in *Tesco Stores Ltd. v Dundee Council (Asda Stores Ltd. and another intervening)* [2012] UKSC 13 in relation to development plans:

"..... policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context".

44. It is, however, correct to note that the Supreme Court recognised at paragraph 19 that:

"That is not to say that such statements should be construed as if they were statutory or contractual provisions. Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (*Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759 , 780 per Lord Hoffmann). Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean."

45. In the present case, there is a need to interpret paragraph 47 of the Framework correctly. That will involve determining, the correct approach to identifying a record of persistent under delivery of housing. That will involve, for example, consideration of the meaning of "persistent". The paragraph will also involve questions of judgment for the decision-maker in applying the concepts to a given set of facts in order to determine whether or not a particular degree of under delivery of housing falls within paragraph 47 and so triggers the requirement to bring forward an extra amount of housing to meet past shortfalls.

46. Paragraph 47 is to be interpreted, and applied, having regard to its purpose and context. The purpose of the Framework is to set out the Government's view of what constitutes sustainable development in England. That includes providing the supply of housing required to meet the needs of present and future generations: see paragraphs 6 and 7 of the Framework. Section 6 of the Framework is concerned with the government's view of how local planning authorities should deliver appropriate housing. The immediate context of paragraph 47 of the Framework is therefore concerned with what local planning authorities should do to boost significantly the supply of housing, as appears from the opening words of paragraph 47. The first bullet point is concerned with ensuring that Local Plans meet the full, objectively assessed needs for market and affordable housing. That is, it is dealing with the assessment of need for the period after the end of the Structure Plan and during the currency of the next Local Plan (to cover an appropriate time scale, preferably a period of 15 years: see paragraph 157 of the Framework). The second bullet point is concerned to ensure that local planning authorities identify a "supply of specific deliverable sites sufficient to provide five years worth of housing" with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market. 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.

47. In the context of paragraph 47, the reference to "persistent" under delivery of housing is a reference to a state of affairs, under delivery of housing, which has continued over time. A decision-maker would need to have regard to a reasonable period of time measured over years rather than looking at one particular point, to ensure that the situation was one of persistent under delivery rather than a temporary or short lived fluctuation. The precise period of time would be a matter for the judgment of the decision-maker. There has to be a "record" of under delivery of housing. That points towards assessing previous performance (i.e. the performance in the period prior to the expiry of the Structure Plan and before the new Local Plan should have come into force). The need to establish a record of under delivery indicates there will need to be some measure of what the housing requirements were, and then a record of a failure to deliver that amount of housing persistently, i.e. a failure continuing over a relevant period of time. A decision-maker would be entitled to take the figures in the previous Structure Plan as a measurement of what the housing requirement was in order to assess whether there has been a record of persistent under delivery of housing. However, the requirement is that there has been a record of persistent under delivery of housing (not a failure to meet the targets set out in the Structure Plan). It would, in my judgment, be open to a decision maker to identify an appropriate measure of housing needs either separately from the Structure Plan or as a means of reinforcing conclusions drawn on the basis of the Structure Plan.

48. Against that background, I turn to the approach to paragraph 47 of the Framework taken by the inspector, and adopted by the Secretary of State, in the Highfield and the Berrells Road appeals and the criticism of that approach. The inspector considered the figures in the Structure Plan. The inspector considered that an assessment over five years was a reasonable period of time. As she pointed out, the Framework was looking forward for five years and, therefore, looking back at delivery over a period of five years was reasonable. As the inspector pointed out, the Structure Plan itself contemplated annual targets and it was reasonable to allow for some fluctuations above and below that figure. That approach is, in my judgment, consistent with the Framework. On that basis, and annualising the figures for 5 years, 291 dwellings a year had been completed and the annual target was 307.5 dwellings. There had been a shortfall in meeting the housing requirement. In any event, the inspector also considered the period over 10 years and noted that there had been a failure to meet the requirement in 7 out of 10, or 8 out of 10 years (using two different measures). The inspector also considered that that record was a record of under delivery. The inspector considered the position in relation to the entire 20 year period of the Structure Plan and there was a shortfall of 89 dwellings. In other words, by reference to a five year, 10 year and 20 year period, the number of houses provided fell short of the Council's housing requirements in those periods.

49. The inspector also bore in mind that measuring delivery against the Structure Plan requirements meant measuring delivery against a requirement that was already artificially low.

That view was based on the fact that the Structure Plan was based on 1996 projections whereas more recent projections prepared during that period indicated that the housing requirement exceeds the requirement provided for in the Structure Plan. In my judgment, the inspector was entitled to take that factor into account in deciding whether there had been a record of persistent under delivery of housing. The purpose underlying paragraph 47 is to ensure that there is adequate housing for the future. The second bullet point is dealing with the bringing forward of housing to an earlier period in the Local Plan if there has been a record of persistent under delivery in earlier periods. In assessing housing requirements, an inspector was entitled to bear in mind that there has been under delivery measured against a Structure Plan which itself understates the need for housing and to treat that fact as reinforcing her conclusion that there has been a record of persistent under delivery of housing, and that an additional 20% should be added, to be brought forward from later in the plan period. The approach taken by the inspector, and approved by the Secretary of State, was in my judgment based on a proper interpretation of paragraph 47 of the Framework.

50. Against that background, the claim that the Defendant erred in his interpretation of persistent under delivery is not, in my judgment, made out. First, the Defendant was entitled, in principle, to have regard to a five year period for assessing if there had been a record of persistent under delivery. But, in any event, the decision-maker had regard to the 20 year period of the Structure Plan and a 10 year period. On all measures, there had been under delivery and the decision-maker was entitled to characterise that as a record of persistent under delivery. Secondly, the Defendant did assess delivery against the Structure Plan requirements for the period when it was in force and was entitled to take into account that not only had there been under delivery as compared with the Structure Plan figures but that those figures understated the actual housing requirement. Thirdly, there is no basis for the claim that the Defendant took no account of what is described as the overall progress in delivering housing rather than looking at the average for each year. The decision-maker was seeking to identify whether there had been a record of persistent under delivery. In doing so, the decision-maker was entitled to test the figures over a reasonable period of time by annualising the figures for that period. But in any event, the decision-maker here considered the entire period of the Structure Plan.

51. Finally, in my judgment, there is no basis for concluding that the decision-maker disregarded the economic difficulties of the last five years. The basis for this criticism is primarily paragraph 13.25 of the inspector's report in the Berrells Road appeal. The inspector had set out her reasoning in paragraphs 13.20 to 13.24 in terms which are materially identical to paragraphs 14.21 to 14.24 in the Highfield appeal which are set out above at paragraph 26. Paragraphs 13.25 and 13.26 of the reporting Berrells Road then says this:

"13.25 As to whether or not the difficulties of delivering housing during a period of recession should have any bearing on assessing whether a 20% buffer is needed, the appellant rightly points out that "economic circumstances" form no part of national policy, as set out in paragraph 47 of the framework. Similarly, while Councils have a responsibility to ensure that there is a sufficient supply of deliverable sites available, they have little control over actual delivery of the housing for which they have granted planning permission. It may therefore be perceived as somewhat unfair to require a 20% buffer in circumstances where a Council has done all it can to provide sufficient deliverable sites, and the under-delivery of housing in its area is demonstrably due to the state of the market, rather than an inadequate land supply. 13.26 Be that as it may, my interpretation of the evidence provided in the current case is that it provides a strong indication, for the reasons set out above, that there has been persistent under-delivery of housing in the Cotswold district. An additional buffer of 20% should therefore be added. This increases the five year housing requirement figure derived from the draft RSSW to 2,426 dwellings over the next five years."

52. In my judgment, the inspector was well aware of the argument that the economic difficulties in the five year period included a period of economic difficulties when it is to be expected that fewer houses might be built. However, the inspector considered that "Be that as it may" the other evidence amounted to a strong indication of a record of persistent under delivery. That record included, as the inspector noted, the 10 ten year period, which extended to a period

well before the current economic down turn. In those circumstances, the inspector, and the Secretary of State were aware of the claims in relation to the economic downturn and did not, as the Council's skeleton argument contends at paragraph 47(c) disregard them. Rather, for the reasons given in the report, the inspector did not consider that that fact altered the position in any event and did not have to decide, ultimately, whether or not adjustments needed to be made to reflect the economic down turn.

The Duty to Have Regard to Material Considerations

53. After the inspector had submitted her reports in the Highfield, and the Berrells Road, appeal but before the Secretary of State gave his decision in those appeals, the inspector published his decision in the Kemble appeal. Miss Sheikh for the Council contends that the decision of the inspector in the Kemble appeal was a material consideration which the Secretary of State was obliged to take into account before reaching his decision. The inspector in the Kemble appeal was considering the meaning and application of paragraph 47 of the Framework in the context of this Council's requirement for housing and whether there had been a record of persistent under delivery of housing on its part. A previous decision of an inspector on that issue, it is said, is a material consideration. The Council, who were a party to the Kemble appeal did not draw the Secretary of State's attention to the Kemble decision. Their evidence to this court does not explain why, if they considered the reasoning of the inspector was material, they did not draw it to the Secretary of State's attention. Miss Sheikh, however, says that that does not matter as there is a public interest in ensuring consistency between decisions as is recognised, for example, in *London Borough of Hounslow v Secretary of State for Communities and Local Government and Kapoor* [2009] EWHC 1055.

54. In the present case, Miss Sheikh submitted that the decision of the inspector in the Kemble appeal was concerned with the interpretation of policy and, in particular, the assessment of housing need. It is submitted that the Secretary of State was disagreeing with a critical part of the reasoning of the inspector (the need to add a 20%, rather than a 5%, buffer as there was a record of persistent under delivery of housing). Such a decision is, submits Miss Sheikh, a material consideration to which regard must be paid and, if the Secretary of State was to depart from it, he had to give his reasons for doing. Miss Sheikh relied on a number of authorities including, in particular, the decisions of the Court of Appeal in *North Wiltshire District Council v Secretary of State for the Environment and Clover* (1992) 5 P & C.R. 137 at page 145 and *The Bath Society v Secretary of State for the Environment* [1991] 1 W.L.R. 1303. The Secretary of State's decisions in the Highfield and the Berrells Road appeals were, it is submitted, unlawful because of the unexplained inconsistency between those decisions and the earlier inspector's decision in the Kemble appeal.

55. As a matter of public law, a public body must have regard to material considerations. That duty arises, broadly, in two situations. First, there are those considerations which are so obviously material to a decision that the decision-maker must take them into account (whether or not any particular person draws them to the decision-maker's attention) in reaching a decision. These may be matters that statute expressly or impliedly requires a decision maker to consider. They also include, as Cooke J. expressed it in *CREEDNZ Inc v Governor General* [1981 1 N.Z.L.R. 172 at page 183:

"matters so obviously material to a decision on a particular project that any thing short of direct consideration of them by the ministers … would not be in accordance with the Act."

56. The question of whether a consideration is a material consideration is a matter of law for the court to determine. The question of the weight, if any, to attach to a material consideration is a matter for the decision-maker: see *Tesco Stores Ltd. v Secretary of State for the Environment* [1995] 1 W.L.R. 759 at page 780E-H.

57. Secondly, there are considerations which may be potentially relevant to a decision and, if they are drawn to the attention of the decision-maker, the decision-maker will have to consider those matters and decide what weight, if any, to give to those considerations.

58. The general position is reflected, broadly, in the provisions of section 70 of the 1990 Act. In relation to the first group of considerations, some considerations are relevant considerations which must be taken into account because statute expressly provides for that. In the planning context, an example is the development plan as section 70(2)(a) of 1990 Act expressly provides that the planning authority shall have regard to that (and indeed, determinations must be made in accordance with the development plan unless material considerations indicate otherwise: section 38(6) of the 2004 Act). Furthermore, where considerations are so obviously relevant to planning decisions in England then a planning authority must have regard to them, whether specifically referred to or not. An example is a relevant provision of the Framework itself. That sets out the government's planning policies for England and is a material consideration.

59. In relation to the second group of considerations, a number of other matters are potentially material to a planning decision. If they are drawn to the attention of the decision-maker, and if as a matter of law, they are relevant considerations to the planning decision, the decision-maker will have to have regard to them (as a matter of general public law, as reflected in the specific obligation imposed by section 70(2)(c) of the 1990 Act). The weight, if any, to be given to the consideration will be a matter for the decision-maker. If such considerations are not drawn to the decision-maker's attention, however, he will not have acted unlawfully if he does not have regard to them.

60. In general terms, previous decisions of inspectors may, depending on the particular circumstances, be capable of being a material planning consideration. If such a decision is drawn to the attention of the decision-maker, the decision-maker will have to have regard to such a decision (assuming that it is material). The decision-maker is entitled to depart from an earlier decision but before doing so the decision-maker should have regard to the importance of consistency and give the reasons for departure from that earlier decision: see *North Wiltshire District Council v the Secretary of State for the Environment and Clover* [(1992) 675 P & C.R. 138 at page 145 and see *Dunster Properties Limited v First Secretary of State* [2007] EWCA Civ 236.

61. In general terms, however, the Secretary of State (or an inspector) is not obliged to take into account previous planning decisions if they are not draw to his attention. The Secretary of State (or an inspector) is not required to make his own inquiries in order to establish if there is a previous decision which may be potentially relevant. The general position, in my judgment, is set out in *Granchester Retail Parks plc v Secretary of State for Transport, Local Government and the Regions and Luton Borough Council* [2003] EWHC 92 (Admin.) at paragraphs 26 to 28:

"26. It is quite correct that the Matalan decision, if it had been brought to the inspector's attention, would have been a relevant consideration. It did not create any kind of binding precendent, but nevertheless the inspector would have taken it into account if he had known about it. The fatal flaw in this limb of the claimant's case, however, is that the Matalan decision was not drawn to the inspector's attention until after he had given his own decision. As a general principle a decision-maker does not err in law if he fails to take into account relevant matters which are not drawn to his attention and of which he is unaware. There is abundant authority for the proposition that a planning inspector's duty to take into account relevant decisions of his colleagues only extends to decisions drawn to his attention: see Rockhold ltd v Secretary of State for the Environment [1986] JPL 130 at 131; Barnet Meeting Room Trust v SOSE [1990] 3 PLR 21 at 28A to B; North Wiltshire DC v SOSE [1992] JPL 955 at 960; R v SOSE, Chiltern DC, ex parte David Baber [1996] JPL 1034 at 1037 to 1038, and 1040.

27. In my view the earlier decision of Hollis v Secretary of State for the Environment [1982] P&CR 351, upon which Mr Kolinsky relies, does not support the opposite conclusion. Mr Kolinsky submitted that the duty of planning officers to be consistent with one another was an onerous one. Accordingly it was their duty to take into account relevant decisions of colleagues, whether or not such decisions were cited in argument. This duty could be performed by carrying out a computer check of the database of all inspectors' decisions.

28. To my mind this is an unsound argument. It flies in the face of both principle and authority, as previously mentioned. Furthermore, if correct, the proposition of law advanced by Mr Kolinsky would impose a wholly intolerable burden upon the planning inspectorate. It should be borne in mind that there are some 400 planning inspectors, all engaged upon producing decisions. It is the duty of an inspector to decide cases, not to carry out extensive research on behalf of the parties."

That general approach is also reflected in the decision of *London Borough of Hounslow v Secretary of State for Communities and Local Government and Kapoor* [2009] EWHC 1055 at paragraph 18.

62. There may be cases where there is a dispute as to whether, in fact, the existence of a previous planning decision has been sufficiently drawn to the attention of the decision-maker. In the *North Wiltshire* case, for example, the issues concerned whether a particular site was outside the physical limits of the village of Notton in which certain planning policies applied. There was a decision on a planning appeal, taken in the early 1980s, that the site was outside the physical limits of the site. A later application was made for planning permission and was refused. In their response to the appeal, the Council referred to the earlier decision in their written submissions giving a description of the earlier planning history of the site and included a copy of the decision with its submissions. The Court of Appeal held that the inspector did have a duty to have regard to the earlier decision as it was before the inspector and was relevant as the earlier decision dealt with an identical proposal albeit for a slighter large site where the issue was the same. Similarly, in the *Hounslow* case, there was an appeal against an enforcement notice and one of the grounds was that planning permission should be granted. The appeal notice referred an earlier planning appeal decision of 2006. The Council had, erroneously, said there had been no previous appeal against the decision not to grant planning. It was the fact that there had been a reference to the earlier decision that made the "crucial difference" and caused the High Court in that case to take the view that the general position (that there was no obligation on an inspector to search for other decisions) did not apply: see *London Borough of Hounslow v Secretary of State for Communities and Local Government and Kapoor* [2009] EWHC 1055 at paragraph 19.

63. Here, the attention of the Secretary of State was not drawn to the earlier decision of the inspector in the Kemble decision. The general position therefore applied, and, in my judgment, the Secretary of State was not required to undertake inquiries to see if there had been any decision of an inspector indicating how paragraph 47 of the Framework should be interpreted or how housing requirements in the Council's area had been assessed.

64. Miss Sheikh relies heavily upon the decision in the *Bath Society* case as establishing a different approach, namely that where a previous decision is a material consideration, failure to have regard to that decision is unlawful. The only issue, thereafter, is the discretion of the court to refuse an application to quash. Whether a party had drawn a previous decision to the attention of the decision-maker was only a factor relevant to that discretion.

65. The appeal site in the *Bath Society* case comprised a field that the local plan showed as allocated for residential use. There was an objection and the Bath Society said the field should be shown in the local plan as open space. In April 1988, there was an inquiry into that objection. The inspector reported in June 1988 and recommended the local plan should be amended to show the field as open space. In 1987 an application had been made for planning permission to build a block of flats and that was refused. There was an appeal and an inquiry was held in May 1988. The inspector reported in July 1988 and recommended allowing the appeal and granting permission for the erection of a block of flats. He referred to the fact that there had been an objection relating to the field but did not give the details. On 25 November 1988, the Secretary of State issued his decision allowing the appeal and granting planning permission for the erection of a block of flats. On 20 December 1988, the local authority resolved to accept the recommendations of the inspector on the local plan and modified the local plan to show the field as open space.

66. The Court of Appeal held that the recommendation that the field be included as open space in the local plan was a material consideration. It was a recommendation which, if accepted , would lead to the local plan containing an allocation for the site as open space and the proposed residential development would be totally inconsistent with that recommendation. Consequently, the Court of Appeal considered that the recommendation was a matter which was so obviously material that the Secretary of State had to have regard to it. In other words, the recommendation fell within the first category of considerations, those to which the decision-maker must have regard whether or not they are drawn to the decision-maker's attention: see [1991] 1 W.L.R. 1303 at page 1211B-E. However, quashing the decision was still a matter of discretion for the court. In that regard, the matter had not been drawn to the Secretary of State's attention but, on the other hand, it was referred to in the inspector's report on the appeal and the Secretary of State could easily have considered the local plan inspector's report. In those circumstances, and on balance, the Court of Appeal quashed the decision: see [1991] 1 W.L.R. 1303 at p. 1311F-G and 1313A- D.

67. The present case is different. The Secretary of State would only have a duty to have regard to the inspector's report in the Kemble appeal if it were drawn to his attention. It is not a consideration which is so obviously material that the Secretary of State is obliged to obtain it for the reasons given above. The Secretary of State did not act unlawfully in not having regard to the decision. In *The Bath Society* case, the local plan inspector's recommendation was so obviously material that it was a consideration which the Secretary of State had to consider (whether or not it was drawn to his attention). By failing to have regard to it, the Secretary of State acted unlawfully in that case and the question thereafter was whether the court should, as a matter of discretion decline to quash the unlawful decision.

68. For those reasons, in my judgment the Secretary of State did not act unlawfully in the Highfield or the Berrells Road appeal by not having regard to the report of the inspector in the Kemble appeal as it had not been drawn to his attention.

69. If, contrary to that conclusion, the Secretary of State had acted unlawfully by failing to have regard to the inspector report in the Kemble appeal, then, as a matter of discretion, I would decline to quash the Highfield and the Berrells Road decisions for the following reasons. The inspector in the Kemble Road appeal decided that planning permission should be granted. He considered the housing requirement for the Council's district and considered that the Council had not demonstrated that it had a five year supply of housing land to meet those needs. In reaching that conclusion in relation to the Kemble appeal, it was not necessary for him to apply the 20% buffer. In the Highfield and Berrells Road appeals, the inspector did consider it appropriate to apply the 20%. Most significantly, all the facts and reasoning considered by the inspector in the Kemble appeals were known and considered by the inspector in the Highfield and Berrells Road appeals. The reports in those appeals make it clear why the inspector reached a different conclusion on those matters from the inspector in the Kemble appeal. She considered that looking back five years and considering the Structure Plan figures for that period was reasonable and demonstrated that there had been a shortfall. She considered the fact that there had been an economic downturn but noted that the under delivery had been occurring over the last 10 years and even before the down turn began. She considered the shortfall over the entirety of the Structure Plan period. Significantly, she considered that the Structure Plan itself understated the housing requirements. Where, therefore, there had been a consistent failure to meet the Structure Plan figures for housing, and where those figures in fact understated the housing need, she was satisfied for the reasons she gave that there had been a record of persistent under delivery of housing. One purpose of requiring one inspector in a planning appeal to consider earlier planning decisions is to ensure consistency so that like cases are treated alike but subject to the fact that an inspector is free to disagree with the judgment of another provided that the later inspector gives reasons for the difference in approach: see *North Wiltshire District Council v Secretary of State for the Environment* (1992) 65 P & C.R. 137 at page 145. In the present case, the reasons for the inspector taking a different approach in the Highfield and the Berrells Road appeals appear clearly from the inspector's reports. The reasons are lawful reasons. There is, in substance, no unexplained inconsistency between the approach taken in the Kemble appeal and that taken in the Highfield and Berrells Road appeals. In the circumstances, therefore, even if there had been an unlawful failure to have regard to the inspector's decision, it would not be appropriate to

quash the Highfield or the Berrells Road decision. I would, therefore, have declined, in any event, as a matter of discretion to quash those decisions on this ground.

The Other Challenges to the Highfield and Berrells Road Decisions.

70. The other grounds of challenge to these two decisions can be dealt with shortly. Firstly, the Secretary of State did not err in failing to have regard to the letter of the Chief Planning Officer dated 6 July 2012. That letter is addressed to planning authorities and says that they may replace the regional strategy targets with what are referred to as "option 1 numbers" if "that is the right thing to do for your area" (see paragraph 12 of the letter). The inspector considered the Council's preference for the use of Option 1 figures but rejected that as the figures that emerged during the draft regional strategy process had been tested at an examination in public and those figures were likely to be a better reflection of the Council's housing requirements: see paragraph 14.9 of the report in the Highfield appeal.

71. Secondly, the inspector did not err in her interpretation and application of footnote 11 to paragraph 47 of the Framework. That deals with whether there is a supply of specific deliverable sites sufficient to provide five years housing. The footnote says that sites with planning permission should be considered deliverable until permission expires unless there is clear evidence that schemes will not implemented. The inspector specifically referred to footnote 11. She noted that the Council had agreed that planning permissions would lapse before implementation in relation to small sites at a rate of 15 a year based on Council records. The inspector inferred that a lapse rate would apply in relation to large sites too. In the absence of other evidence, she concluded that the application of a 10% lapse rate was reasonable. That was essentially a matter for judgment of the inspector (whose reasoning the Secretary of State adopted). She directed herself to the terms of the footnote. She had evidence about the lapse rate for certain sites and drew reasonable conclusions from that evidence and the problems that arise in relation to construction and funding. See paragraph 14.25 of the Highfield decision.

72. Thirdly, the Secretary of State did not err in disregarding Local Plan Policy 19. The second sentence of paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five year supply. Miss Sheikh submits that Local Plan 19 restricts development, including housing development, and so is not a housing policy for the purposes of paragraph 49 of the Framework. The short answer is that Local Plan Policy 19 is a policy relating to the supply of housing (amongst other developments). It restricts development, including housing, development. As the inspector correctly held, applying the Framework, Local Plan Policy 19 should be disapplied "to the extent" that it "seeks to restrict the supply of housing": see paragraph 14.44 of the report in the Highfields appeal".

73. Finally, the Council contends, in relation to Highfield, that the inspector (and hence the Secretary of State erred) in the interpretation or application of paragraph 116 of the Framework. That provides that planning permission should be refused for major development in the AONB except in exceptional circumstances and where it can be considered to be in the public interest the paragraph refers to certain matters that should be considered. The inspector expressly considered and referred to the terms of paragraph 116 of the Framework (see paragraph 14.47 of the report in the Highfield appeal). She considered the matters referred to in paragraph 116 such as "the need for the development". Her conclusion (accepted by the Secretary of State) at paragraph 14.69 of her report was that:

"there is a clear and pressing need for more housing; locally in terms of the severe shortfall that currently exists in the Cotswold District ... and, nationally, in terms of the need to get the economy growing... In my view, these amount to exceptional circumstances, where permitting the proposed development can reasonably be considered to meet the wider "public interest", in the terms of the Framework.

74. In those circumstances, the inspector considered paragraph 116 of the Framework. She correctly interpreted the paragraph and applied it to the facts. Her judgment on those matters

was accepted by the Secretary of State. There was no misinterpretation or unlawful application of paragraph 116 of the Framework.

The Costs Decision

75. The inspector in the Berrells Road decision decided that the Council acted unreasonably within the meaning of paragraph A.12 of the annex to Circular 03/2009 to the extent that it maintained that it could demonstrate that it had a five year supply of land. She set out her reasons for that conclusion in her report on costs. She considered that the use of the Structure Plan figures for housing was a reasonable starting point but it was not reasonable to rely on that requirement alone as it was necessary to take account of up to date evidence and recent forecasts and projections (as appeared from planning documents and her own earlier decision in an appeal relating to Moreton in Marsh). The inspector in the Kemble appeal took the view that using the Structure Plan as a starting point "is not wholly indefensible" and he considered it as misguided rather than unreasonable (see paragraph 36 of the report on costs in the Kemble appeal). He considered the balance "to be marginally in favour" of not regarding the Council's behaviour on this point as unreasonable (see paragraph 45 of the report).

76. Miss Sheikh submits it is irrational for two different inspectors to reach two different conclusions on the question of whether it was unreasonable to maintain that there was a five year plan. In my judgment, it is not irrational. The assessment of whether behaviour is unreasonable is a question of judgment on which different inspectors can, rationally, reach different conclusions. The inspector in Berrells Road clearly took the view that, in the circumstances, relying on the Structure Plan and not using updated evidence was unreasonable. The inspector in the Kemble appeal thought "on balance" it was misguided rather than irrational. The fact that two inspectors took different views of the Council's behaviour (albeit only marginally) does not render either decision an irrational one. As Lord Hailsham L.C. recognised in *Re W* [1970 1 A.C. 682 at page 700C-F, two reasonable persons "can perfectly reasonably come to opposite conclusions on the same set of facts without forfeiting their title to be regarded as reasonable".

77. The Council also contends that the Secretary of State failed to have regard to a material consideration, namely the inspector's reports on costs in the Kemble Appeal. For the reasons given above, the Secretary of State was not, in my judgment, required to investigate whether there were other potentially relevant decisions about costs before reaching his judgment. The Council did not draw the report in the Kemble appeal to his attention. The Secretary of State did not therefore fail to have regard to a relevant consideration.

Conclusion

78. The decisions of the Secretary of State in the Highfield and the Berrells Road appeals are lawful. The inspector, and hence the Secretary of State who adopted her reasoning, correctly interpreted the relevant policy and reached conclusions that were open on the material available. The Secretary of State did not fail to have regard to a material consideration. The two applications to quash made pursuant to section 288 of the 1990 Act will therefore be dismissed. In relation to the decision on costs in Berrells road, I recognise that the points raised were arguable and grant permission to apply for judicial review. The decision of the Secretary of State to make a partial award of costs in that case is, however, lawful and the Secretary of State did not fail to have regard to a relevant consideration. The claim for judicial review is therefore dismissed.

Eastleigh Borough Local Plan 2011-2029

Background Paper H1

Housing

VERSION 3
OCTOBER 2013

EASTLEIGH BOROUGH COUNCIL

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1. Scope of this paper

1.1. The original Background Paper H1, Housing was published in November 2011 and helped to inform the consultation draft Local Plan. An update was produced in July 2012 to accompany the pre-submission draft of the Local Plan. It took into account the implications of the then new National Planning Policy Framework, the representations received on the consultation draft Local Plan and the revised housing position as at 31 March 2012. This update follows the Council's decision to produce a revised draft Local Plan. It takes into account the housing position as at 31 March 2013 and the emerging findings of the Partnership for Urban South Hampshire (PUSH) South Hampshire Strategic Housing Market Assessment.

1.2. The types of housing being considered will be mainly those referred to as dwelling houses (Use Class C3). However, reference will be made to other forms of housing which can fall outside of this particular use class, including special needs housing, extra-care housing and accommodation for Gypsies, travellers and travelling show people.

2. National, sub-regional and local policy context

National policies

2.1. National planning policies for housing were previously set out in a variety of Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs). In March 2012 the Government replaced these planning policies with the National Planning Policy Framework (NPPF)

2.2. The Government's key housing objective is to significantly increase the delivery of new homes. It also seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF requires that:

- the full housing needs of housing market areas are assessed and met (where possible);
- a supply of specific and deliverable sites are identified to meet the housing requirements for years 0-5. A supply of sites for years 6-10 should also be identified consisting of specific and deliverable sites or broad locations for growth. This should be carried forward to years 11-15 if possible.
- a mix of housing types and sizes are provided to meet the different needs within communities
- affordable housing, where needed, is provided on-site unless off-site provision or financial contributions can be robustly justified and contribute towards mixed and balanced communities.
- empty houses and other appropriate buildings are re-used for housing

2.3. The NPPF also contains a number of related policies including promoting good design, sustainable development and healthy communities and provides guidance on plan making.

Sub-regional policies

Partnership for Urban South Hampshire (PUSH)

2.4. PUSH is a partnership of local authorities in south Hampshire who seek to work together and with local partners and agencies to deliver sustainable economic-led growth and regeneration, whilst providing homes in sustainable communities and ensuring a better quality of life for residents. It has produced a number of relevant strategies and documents which are identified below.

PUSH Economic Development Strategy 2010

2.5. The adopted revised PUSH Economic Development Strategy represents a key document for the partnership, setting out the economic objectives for the partnership and its priority actions. The original PUSH Economic Development Strategy was published in 2006 and informed the policies of the South East Plan. This strategy was revised in October 2010. Objectives of the revised strategy include:
- The need to continue to invest to close the economic performance gap with the rest of the south east and ensure prosperity for the residents of PUSH.
- The need to support the cities to fulfil their potential as engines for economic growth in the sub-region.
- The need to address the impact of the recession and create jobs to tackle unemployment, as well as seeking to increase productivity.

2.6. The associated preferred growth scenario to deliver this strategy calculated that 74,000 additional dwellings would need to be provided for in the period 2006 to 2026. This housing figure would be apportioned to individual local authorities through the subsequent PUSH spatial strategy.

PUSH Spatial Strategy 2012

2.7. This document articulates the vision for South Hampshire's future in the period 2011-26 and sets out the strategy to align policies, actions and decisions with that overall vision. It echoes the PUSH Economic Development Strategy in seeking a step change in South Hampshire's economic growth in a managed, sustainable way, with growth shared by all communities. However it recognises that the strategy has been prepared at a time of economic and financial uncertainty, and with a changing policy landscape. Market conditions currently remain weak and this is likely to mean that development of employment sites and house-building in the short term will remain subdued.

2.8. The purposes of the strategy are to:-

- help realise the PUSH ambition to create a prosperous economy in a sustainable way, recognising the encouragement within the PUSH Economic Development Strategy to align planning functions, infrastructure and site investment to the overarching strategy;
- provide a spatial framework for PUSH activities and actions including the allocation of resources, and provide a context/support to bids for external funds for projects;
- guide and support the preparation of Core Strategies/Local Plans and the review/roll forward of adopted ones;
- be the means for PUSH authorities to largely discharge the 'duty to cooperate with neighbouring authorities on planning issues with cross-boundary impacts which the Localism Act places on all local authorities;
- enable PUSH authorities to show they are meeting development requirements across South Hampshire as a whole, including dealing with development needs which cannot wholly be met within one authority's area.

2.9. The Spatial Strategy apportions the PUSH wide housing (and employment) requirement of 55,600 to individual local authorities. Eastleigh Borough is required to provide for 8,050 dwellings in the period 2011-26 (equivalent to 9,660 for the Eastleigh Borough Local Plan period 2011-29).

PUSH Affordable Housing Common Policy Framework

2.10. In 2008, the Partnership for Urban South Hampshire (PUSH) agreed a common policy framework for the provision of affordable housing within the PUSH area in order to ensure a consistent approach to the delivery of affordable housing. It has the following objectives:

i. To support economic growth by increasing the supply of affordable housing to deliver a balanced housing market including family and affordable homes
ii. To improve and make better use of the affordable housing stock, including its condition and management
iii. To drive long term economic prosperity through the principles of sustainable development
iv. To meet the needs of everyone, including the homeless and vulnerable groups

2.11. The framework contains a number of detailed recommendations for consideration within policy formulation relating to affordable housing including:

i. Exploration of the viability of securing a 40% affordable housing target on new development sites
ii. Encouragement to seek a housing mix consistent with the Strategic Housing Market Assessment
iii. Preference for on-site provision of affordable housing in the first instance

iv. High quality design including increasingly strict requirements for buildings to be built to Code for Sustainable Homes standards.

Local policies

Community Plan

2.12. The Eastleigh Borough Community Plan[1] (its Sustainable Community Strategy) was published in October 2009 and provides an overarching strategy for the borough for the next 20 years. It was produced by the Eastleigh Strategic Partnership (ESP), which brought together the main public, private and voluntary sector organisations that provided services to the borough's residents. Whilst the ESP no longer exists, the Council remains committed to working with such organisations in the future, and the Community Plan represents an important part of this work. First published in June 2004, the Community Plan was completely revised and updated in 2008-9 following local consultation including a joint consultation on issues to be addressed in both the Community Plan and the then local development framework Core Strategy[2].

2.13. The Community Plan's vision statement is to achieve "A happy and healthy community with a thriving and inclusive economy in an attractive and eco-friendly environment". It identifies the following objectives relevant to housing:

- Housing needs are met, with provision for people with specific needs;
- Quality health, shopping, education and recreation facilities are locally available and readily accessible to all;
- People are able to live, work and travel safely throughout the borough;
- Demand for energy is low, with high standards of sustainable construction in new developments and improved insulation in existing buildings;
- Most people are using sustainable forms of transport, including cycling and walking, with new development being located and laid out to reduce the need to travel by car;
- New development achieves high standards of landscaping and design, creating an attractive and healthy environment.

Eastleigh Borough Housing Strategy

2.14. Eastleigh Borough Council's Housing Strategy which covers the period 2012 – 2017 was adopted in April 2012. The vision behind the strategy is "working in partnership to secure and maintain a choice of good quality and affordable homes".

2.15. The key priorities for this strategy are:

[1] 'Eastleigh Borough Community Plan', Eastleigh Strategic Partnership October 2009 http://www.eastleighstrategicpartnership.org/esp-1

[2] 'Our Community, Our Future', Eastleigh Borough Council October 2008 http://www.eastleigh.gov.uk/pdf/ppdourboroughourfuturejb.pdf

- Ensure delivery of housing of all tenures in line with the Council's "Local Plan", providing well designed, quality homes that are affordable and suitable for people's needs.
- Prevent homelessness and enable improved housing options.
- Work jointly with other agencies to ensure that those people in need of care and support have suitable housing available to meet their needs.
- Making better use of all existing housing.

3. Overview of current housing market

3.1 The economic crisis which began in 2008 continues to have a significant impact in a number of areas of the economy, not least of which is housing both in terms of the reduced rate of construction of new housing across the country and in the difficulties that households have in securing sufficient funds to purchase new homes. There has also been a particularly significant reduction in the willingness of the development industry to build flats since 2008.

3.2 Within the borough net annual housing completions have fallen from 516 in 2008/9 to 275 new completions in 2012/13. In the meantime affordable housing completions peaked in 2009/10 but have fallen since this time, reflecting the overall reduction in housing completions in the borough and reduced public funding.

3.3 With most of the housing sites allocated in the adopted Eastleigh Borough Local Plan Review (2001-2011) now completed, the Council anticipates difficulties in demonstrating a five year land supply position in the short term. The emerging Local Plan proposes a number of new housing sites which will enable a significant increase in the level of housing provision in the borough in the years ahead, subject to overall market conditions. Planning applications on two of the larger proposed strategic sites have already been submitted to the Council who have subsequently resolved to permit both applications. Applications on many of the other sites proposed to be allocated are also anticipated to be submitted shortly. These have the potential to resolve any short term deficit in our five year land supply, as well as provide for the longer term needs of the borough.

3.4 The influence that the Council and its planning policies can have on the rate of housing construction and the wider market forces at work within the economy is extremely limited. However, there are no indications that the borough is unique in this position. The Council is pragmatic in its discussions with applicants on new developments and seeks to ensure that where possible new development is facilitated through detailed negotiations with a workable solution being achieved.

4. Assessment of future housing needs

4.1 Recent changes to the planning system have removed regional planning, and their 'top-down' housing requirements. Councils are now required to identify their own housing requirements, in accordance with the guidance in the NPPF. Previous versions of this background paper examined a range of scenarios based on a number of assumptions including migration, demographic change, affordable housing need, providing flexibility in supply and delivering economic growth.

4.2 In the context of the evidence available at the time (including the July 2012 version of this housing background paper), the pre-submission Local Plan identified a housing requirement of 9,400 dwellings for the period 2011-29. The pre-submission Plan actually identified a potential supply of 9,613 dwellings for this period (see table 4.1 on page 34).

4.3 In October 2012, the South Hampshire Strategy was published which covers the period 2011-2026. This identified a housing requirement for the borough of 8,050 dwellings for 2011-2026, equivalent to 9,660 dwellings for the period 2011-29 if rolled forward. Since this time, GL Hearn have carried out a Strategic Housing Market Assessment of the South Hampshire sub-region. At the time of drafting this document, a final version had yet to be published. Previous drafts contained a number of housing scenarios upon which to base estimates of the future housing requirements of the borough. These scenarios are set out below, followed by a general discussion about the amount of housing that the revised draft of the Local Plan should provide for.

Note:
i) The SHMA considers the housing needs between 2011 and 2036, although it also provides annualised figures. These annualised figures have been used to calculate scenarios based on the 2011-29 period
ii) Household size for each of the projections vary as they are linked to the age and household structures of each scenario which will differ from each other

SCENARIO ONE: SUB-NATIONAL POPULATION PROJECTIONS

Housing requirement: 8,532 dwellings
Calculation: The population is anticipated to increase by 18,684 people by 2029. Based on a projected household size of about 2.19 people, this equates to 8,532 dwellings for the period 2011-29. Detailed information about the assumptions made in this scenario is set out in the PUSH Strategic Housing Market Assessment..

4.4 ***Summary of approach:*** This scenario projects forward recent demographic trends to provide an indication of the future size and age structure of the population. It uses the levels of births, deaths, household formation rates and migration observed in the borough over the period 2005 - 2010, updated in part (but not in respect of migration rates) by results from the 2011 Census. The scenario presumes that there will be a lower propensity to migrate to Eastleigh borough in the future, due amongst other things to changes in the age structure of the population. This reflects the method that is used in projecting the effect of migration on future population and household numbers in sub-national projections.

4.5 ***Technical evaluation***: Whilst there is a degree of logic to this approach, it does represent a self-fulfilling prophecy in that it projects forward past trends which were, at least in part, enabled by the amount of housing built during that time. Using future projections based on relatively short-term recent trends, rather than longer-term past trends, needs to be undertaken with caution. Moreover, it should be recognised that the past is not necessarily a good indication of the future. The period 2005 -2010 was a period which was largely unaffected by the recession and partly reflects the results of unsustainable lending practices (prior to 2008). It is therefore debatable whether the factors influencing this growth in population are likely to be repeated in the future.

SCENARIO TWO: SUB-NATIONAL POPULATION PROJECTIONS ADJUSTED TO REFLECT APRIL 2013 MID-YEAR POPULATION ESTIMATES

Housing requirement: 10,008 dwellings,
Calculation: This scenario is a variation of Scenario One seeking to adjust the SNPP figures to take account of mid-year population estimates from April 2013. The population is anticipated to increase by 22,572 people by 2029. Based on a projected household size of about 2.26 people, this equates to 10,008 dwellings for the period 2011-29. Detailed information about the assumptions made in this scenario is set out in the PUSH Strategic Housing Market Assessment..

4.6 ***Summary of approach:*** This scenario is based on the SNPP as set out in Scenario One with adjustments to reflect the 2012 mid-year population estimates published in June 2013. These estimates re-considered past in- and out-migration trends on the basis of observed levels of migration between the 2001 and 2011 Census. All other assumptions, including births, deaths and propensity to form households, remain as in scenario one. In Eastleigh, the estimates found that actual net in-migration was 181 people more per annum than that recorded at the time (824 people rather than 643). Therefore, projecting this forward would result in additional dwellings being required to be built, over and above those required in Scenario One.

4.7 ***Technical evaluation:*** The key difference with Scenario One is that this scenario takes into account actual levels of net in-migration observed between the 2001 and 2011 Census which were significantly higher than that previously recorded. The time series of data that has been used for projecting future migration was also rolled forward to include 2011. This results in a higher projected housing requirement, albeit with the same degree of caution that should be exercised as in Scenario One.

SCENARIO THREE: 10-YEAR MIGRATION TRENDS

Housing requirement: 8,496 dwellings
Calculation: This scenario projects forwards the rate of net in-migration observed in Eastleigh borough from the period 2001 - 2011. The population is anticipated to increase by 18,594 people by 2029. Based on a projected household size of about 2.19 people, this equates to 8,496 dwellings for the period 2011-29. More details about the assumptions made in this scenario are set out in the PUSH Strategic Housing Market Assessment.

4.8 ***Summary of approach*:** This approach uses migration figures taken from Office of National Statistics mid-year population estimates. Unlike scenarios one and two, no allowance is made for migration rates to change to take into account changes in the age structure of the population. The total net in-migration observed during the period 2001 - 2011 was 6,175 people, an average of 618 people per annum. Projecting this trend forward, with no adjustment for any changes to the propensity to migrate as the age structure changes, but allowing for future changes in other components of housing projects (e.g. births, death, marriagesand divorce) equates to a need for 8,496 dwellings in the period up to 2029.

4.9 ***Technical evaluation:*** As with the previous scenarios, caution needs to be used in using these figures to inform future housing requirements. Whilst this scenario projects forward migration trends over a ten year period, it makes no allowance for potential changes in migration rates, which may be expected as the age structure of Eastleigh and surrounding areas (which are sources of in-migration) changes. However it does demonstrate that there has been significant net in-migration into the borough over a prolonged period of time, reflecting the geography of the wider area. Clearly, the number of new homes built in the area between 2001-11 could have a significant impact on the level of net migration.

SCENARIO FOUR: 5-YEAR MIGRATION TRENDS

Housing requirement: 10,188 dwellings
Calculation: This scenario projects forwards the rate of net in-migration observed in Eastleigh borough in the period 2006 to 2011. Projecting this trend forward, the population is anticipated to increase by 23,040 people by 2029. Based on a projected household size of about 2.26 people, this equates to a need for 10,188 dwellings in the period up to 2029. More details about the assumptions made in this scenario are set out in the PUSH Strategic Housing Market Assessment.

4.10 ***Summary of approach*:** Like Scenario Three above, this approach uses migration figures taken from Office of National Statistics mid-year population estimates to estimate what the future population could be if no allowances were made for future changes in the propensity of an ageing population to migrate. In this scenario however, it is only the migration figures between 2006 and 2011 that are of interest. During this time the total net in-migration was 4,122 people at an average of 824 people per annum, Projecting this trend forward equates to a need for 10,188 dwellings in the period up to 2029.

4.11 ***Technical evaluation:*** As with Scenario Three, this indicates the role of net in-migration into the borough in generating a need for additional housing. The key difference with Scenario Three is that this projects forward the rate of net in-migration observed in the borough over the last five years in which data is available, rather than ten years. It is therefore interesting to note that the requirement for new dwellings is greater when a five-year trend is considered. This shows that recent in-migration has been greater than the longer term trend.

SCENARIO FIVE: JOBS BASELINE

Housing requirement: 11,628 dwellings
Calculation: This uses Experian forecasts of future job growth for Eastleigh borough in period 2011 - 2036) and presumes that these will be filled by local people (1:1 relationship). The number of jobs forecast to be created in Eastleigh Borough is 15,149. The population is anticipated to increase by 26,082 people by 2029. Based on a projected household size of about 2.3 people, this equates to a need for 11,628 dwellings by 2029. More details about the assumptions made in this scenario are set out in the PUSH Strategic Housing Market Assessment.

4.12 ***Summary of approach*:** This scenario considers the increase in jobs forecast in January 2013 by Experian in Eastleigh borough and assumes a 1:1 relationship between the number of jobs created and the number of local residents in employment. This projection does not include any assumptions about commuting patterns

4.13 ***Technical evaluation:*** This scenario presents an unconstrained estimate of how Eastleigh could perform in the future in economic terms based on the nature of its economy and current expectations of future national and regional economic performance. It presumes that all new jobs created requires an additional working age resident (1:1 relationship)The limitations of this scenario need to be recognised in terms of the accuracy of economic forecasts at a borough wide level. The relationship between population growth and growth in jobs locally is also complex and sensitive to changes in employment rates, commuting patterns and double jobbing etc. I

SCENARIO SIX: RESIDENTS IN EMPLOYMENT

Housing requirement: 12,060 dwellings
Calculation: This uses Experian forecasts of future job growth for Eastleigh borough and uses commuting patterns (from 2001 Census data) to calculate an additional commuting ratio, to estimate how many of the jobs created in adjoining areas will be filled by Eastleigh borough residents. This gives a total number of 16,031 new jobs in the period 2011-36. Using this scenario the population needed to support this job growth is anticipated to increase by 27,936 people by 2029. Based on a projected household size of about 2.31 people, this equates to a need for 12,060 dwellings by 2029 More details about the assumptions made in this scenario are set out in the PUSH Strategic Housing Market Assessment.

4.14 ***Summary of approach:*** This uses Experian forecasts of future job growth for Eastleigh Borough (16,031 jobs in period 2011 - 2036) and uses existing commuting patterns (from 2001 Census data) to estimate the number of houses needed to support this job growth whilst maintaining current commuting patterns.

4.15 ***Technical evaluation:*** This is a similar projection to that contained in Scenario Five, albeit that an allowance for commuting ratios into and out of the borough is now made. However, it does not take into account the geography of Eastleigh borough and the potential for existing commuting patterns to change i.e. it makes no allowance for a change in the proportion of existing residents who 'out-commute' to work, nor for a change in the proportion residents of adjoining areas who commute into the borough for work. These proportions may change over time for a variety of reasons including (for example) rising fuel costs. The other limitations of economic based modelling is discussed in scenario six above.

SCENARIO SEVEN: PROVIDING FOR POPULATION GROWTH WITHIN EXISTING BOROUGH POPULATION (ZERO NET MIGRATION)

Housing requirement: 3,438 dwellings

Calculation: The population is anticipated to increase by 5,328 people by 2029. Based on a projected household size of about 1.55 people, this equates to a need for 3,438 dwellings by 2029. Detailed information about the assumptions made in this scenario is set out in the PUSH Strategic Housing Market Assessment.

4.16 ***Summary of approach:*** This scenario, technically referred to as a 'zero net migration' model, presumes that the number of people moving in and out of the borough offset each other and that any population change is solely generated by the existing population. Sub-national population projections (2010-based) and household projections (2011-based) are used, but migration into and out of the borough is held at zero so that the population and household growth arising from the existing population can be estimated. Although this is also an unrealistic model, it does serve to demonstrate that the borough's population would generate a need for additional dwellings from within.

4.17 ***Technical evaluation:*** This scenario is based on a simplistic and unrealistic model taking into account the borough's location in south Hampshire and particularly its relationship to the city of Southampton. However, it does demonstrate that housing need would arise from the existing population, without allowing for any net in-migration from other areas or meeting any existing shortfall in dwelling numbers.

SCENARIO EIGHT: ZERO EMPLOYMENT GROWTH

Housing requirement: 4,266 dwellings
Calculation: The population is anticipated to increase by 7,506 people by 2029. Based on a projected household size of about 1.75 people, this equates to a need for 4,266 dwellings by 2029. Detailed information about the assumptions made in this scenario is set out in the PUSH Strategic Housing Market Assessment.

4.18 ***Summary of approach:*** This scenario assumes that the 2011 level of jobs within the borough is maintained at that level throughout the plan period (i.e. no overall increase in jobs). A total of 4,266 dwellings are anticipated to be required in order to maintain the labour force with sufficient people to underpin these jobs. This assumes that the ratio of jobs to workers remains constant and allows some scope for local residents to return to work if jobs were available. The likely impact of changes in pensionable age through the projection period has also been taken into account.

4.19 ***Technical evaluation:*** Contemplating no growth in employment over the plan period is not a realistic model to use in projecting future housing needs. However, it demonstrates that even using such a model there is a notable need for additional housing.

SCENARIO NINE: PAST COMPLETIONS

Housing requirement: 8,640 dwellings
Calculation: 4,800 net dwellings were completed in the borough between 2001 and 2011, equating to an average of 480 dwellings per annum.

4.20 ***Summary of approach:*** This scenario enables a comparison to be made if past rates of completions, as monitored during the period 2001 - 2011, are carried forward at the same rate in the future.

4.21 ***Technical evaluation:*** This provides a proxy for past realisable demand for housing development in Eastleigh Borough, albeit constrained by land availability and planning policy as well as any wider economic or market trends during that period. The period in question may be considered to represent an entire economic cycle, as it includes periods of growth and the wide availability of mortgage and development finance (prior to 2008), together with periods of recession and the "credit crunch".

SCENARIO TEN: SOUTH EAST PLAN

Housing requirement: 10,847 dwellings
Calculation: 11,580 dwellings[1] / 20 yrs[2] x 23 yrs[3] – 2,470[4] completions = 10,847 1 7,080 (Eastleigh borough baseline) + 4,500 (of the then proposed 6,000 dwelling Strategic Development Area (SDA)) [2] South East Plan period = 2006 - 2026 [3] South East Plan period rolled forward to 2029. [4] Dwellings completed 2006 - 2011

4.22 ***Summary of approach:*** This scenario illustrates what the future housing requirement for the borough would have been if the requirements of the now defunct South East Plan had been carried forward. It presumes that Eastleigh Borough would accommodate 4,500 of the 6,000 SDA previously proposed.

4.23 ***Technical evaluation:*** The South East Plan has been revoked following the enactment of the Localism Act. Whilst the evidence base underpinning the housing figure has been suggested by some to retain a degree of relevance, within south Hampshire there have been substantive further studies (including the revised PUSH Economic Development Strategy 2010, the PUSH South Hampshire Strategy 2012 and the 2013 South Hampshire Strategic Housing

Market Assessment) which supersede this work. This update to the evidence base has resulted in reductions in the overall housing requirement for the south Hampshire area, which this scenario has failed to take into account.

4.24 Taking the above into account this scenario is considered to have very little weight in considering the borough's potential future housing land requirement.

Comment

4.25 The emerging advice of GL Hearn, the authors of the SHMA, is that Scenario Two (SNPP adjusted) represents the most appropriate starting point for considering future housing need at a housing market level as it incorporates the latest available demographic information. This scenario uses the latest Office for National Statistics sub-national population projections, adjusted to taken into account more recent data on migration arising from the 2011 Census. This scenario projects a requirement for Eastleigh borough of 10,008 dwellings for the period 2011 -2029, some 350 dwellings more than the 9,660 dwellings required to meet the South Hampshire Strategy objective.

4.26 This figure is very similar to that proposed in Scenario Four (10,188 dwellings) which focused on projecting forward migration trends from 2006 - 2011. Both of these scenarios consider migration data from this period. Scenarios One and Three are not as focussed on recent migration trends and provide a longer term historic perspective. These suggest a lower housing requirement of approximately 8,500 dwellings, 1,160 dwellings fewer than the South Hampshire Strategy figure.

4.27 These first four scenarios are demographic-led projections giving an indication of future housing requirements if recent demographic trends are continued. As described above, however, all of these scenarios are, to some extent, derived from past levels of housing built within the borough and therefore a degree of caution must be exercised in using them to understand future housing needs. In this context should be noted that Eastleigh had one of the largest increases in housing stock of the core PUSH authorities from 2001 to 2012 (Figure 13, SHMA), which suggests that the future projections of past trends could misrepresent future demand by over-estimating levels of in-migration. Notwithstanding their potential limitations, demographic-led projections do at least provide a proxy for housing need and demand.

4.28 Scenarios Five and Six are economic projections which merit scrutiny in the context of the economic growth aspirations in south Hampshire and the provisions of the NPPF. These projections suggest a housing requirement of between 11,600 dwellings and 12,100 dwellings, over 2,000 dwellings more than the South Hampshire Strategy currently seeks within Eastleigh borough.

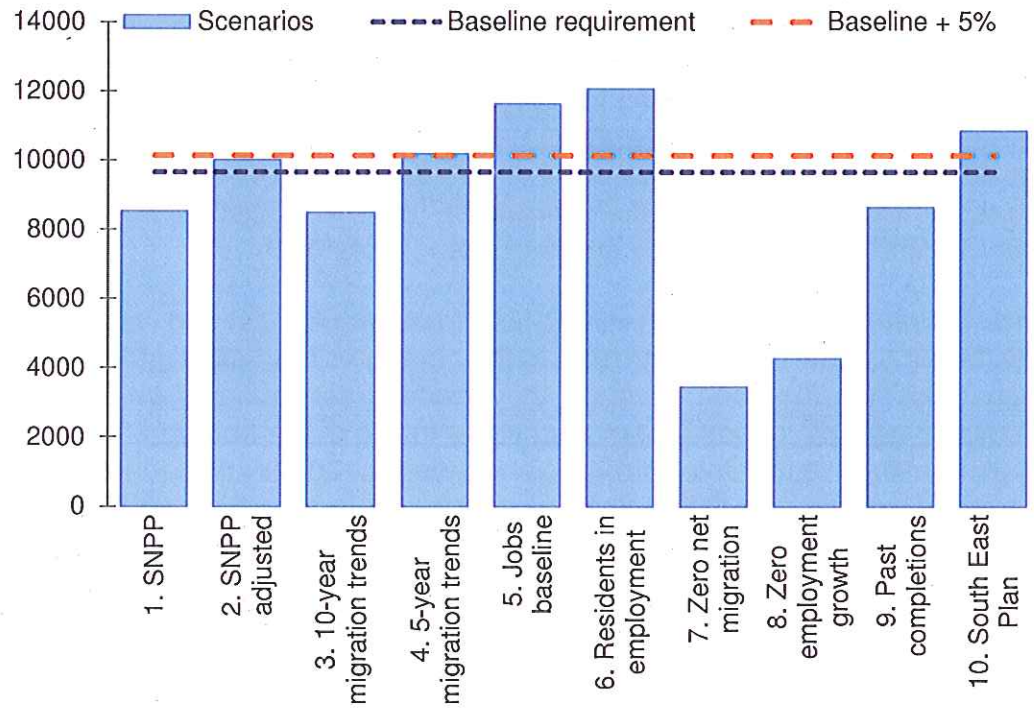
4.29 These projections are, by their nature, more uncertain than the demographic led approaches with changes to working practices, activity rates, pensionable age and the health of the wider economy all having the potential to significantly change these projections. They also fail to fully take into account the geography of the area and the potential for changes to commuting patterns e.g. greater in-commuting from the Southampton area and/or reductions in out-commuting of borough residents. However they do highlight the fact that additional housing would be required to sustain higher levels of economic growth.

4.30 Scenarios Seven and Eight have been derived from keeping job and net migration levels constant (i.e. no growth) in the computer modelling used for projecting future housing need. As such, they are abstract concepts which are not realistically capable of being borne out in the future of the borough. What they do demonstrate is that the borough generates a need for additional housing from within the existing population and businesses, even before considering the needs of the wider area or future job growth.

4.31 Scenario Nine merely extrapolates forward past dwelling completions. This equates to 8,640 dwellings over the 2011 – 2029 period, some 1000 dwellings less than the South Hampshire Strategy's requirement for the borough. Whilst an indicator of past demand and construction rates, it does not allow for unmet demand from that time or for any future changes in demographic or economic trends.

4.32 Scenario Ten is the final scenario and illustrates a roll-forward of the housing requirements of the now revoked South East Plan. This suggests a housing requirement for this borough of approximately 10,850 dwellings, some 1200 dwellings more than the South Hampshire Strategy. The evidence base underpinning this housing figure was prepared some seven years ago and has been largely superseded by events including the global recession. However the objective of delivering economic growth within south Hampshire has been carried forward into more recent strategy documents and studies, including the PUSH Economic Development Strategy and South Hampshire Strategy.

Figure 1: Housing scenarios considered for Eastleigh Borough 2011 to 2029



Source: South Hampshire Strategic Housing Market Assessment and Eastleigh Borough Council Planning Policy Team

Conclusions

4.33 In reviewing the housing scenarios arising from the SHMA there does not appear to be a clear and overriding case, in identified housing need terms, for increasing the housing number in Eastleigh Borough beyond the 9,660 dwellings required in the South Hampshire Strategy. Such a figure would continue to meet the housing needs of the existing population, accommodate significant net in-migration into the borough (which reflects longer term migration trends) and provide for a 10% increase in the levels of house construction compared to past trends. On the other hand, it is acknowledged that this figure is below the SNPP adjusted figure (which takes into account more recent migration patterns), the economic based projections and the housing figure of the previous South East Plan.

4.34 On balance, there is considered to be merit in continuing to plan to meet the 9,660 dwellings as required in the South Hampshire Strategy plus a 5% contingency to allow for any unforeseen issues with housing delivery within the borough. This equates to a total housing requirement for 10,140 dwellings which, if met in full, would marginally exceed the SNPP adjusted housing figure, as well as provide for a significant proportion of the housing projected in the economic based scenarios.

5. Meeting the Housing Requirement

5.1 The Council has produced a **Strategic Land Availability Assessment (SLAA)**. It provides an overview of the development potential of sites within the borough which are known to be, or have the potential to be, available for development in the period up to 2029.

5.2 The key emerging findings of the SLAA in relation to the housing potential within existing urban areas are that as at 31 March 2013:

- Between 1 April 2011 and 31 March 2013, 677 dwellings were built.
- There are currently (as at 31 March 2013) proposals for 1,435 dwellings in the urban areas of the borough which have planning permission or resolutions to permit from the Council but which are not yet built.
- A further 880 dwellings have been identified as having the potential to come forward on sites in urban areas which do not yet have planning permission including allocations in the Local Plan, sites with previous planning history and sites newly identified from SLAA Part One site surveys.
- An allowance of 1,463 dwellings can be made for dwellings that are likely to come forward from sites that cannot be specifically identified at this stage including Eastleigh town centre, Eastleigh River Side and small sites of less than ten dwellings.

5.3 In total, 4,455 dwellings are currently anticipated to come forward from sites within the urban area in the period between 2011 and 2029. This leaves a shortfall of some 5,685 dwellings out of the identified housing requirement of 10,140 dwellings.

5.4 These figures are summarised in Table 1 below.

Table 1 – Housing land supply within existing urban areas as at 31 March 2013

Requirement	
Identified housing requirement 2011 - 2029	10,140
Supply	
Commitments	
Completions 2011 - 2013	677
Small[3] sites with planning permission	138
Large sites with planning permission: allocated sites in adopted Local Plan Review	415
Large[4] sites with planning permission: unallocated sites	734
RSL renewal programme	51

[3] Less than 10 dwellings
[4] 10 or more dwellings

Large sites with a resolution to permit at 31 March 2013: allocated sites in adopted Local Plan Review	89
Large sites with a resolution to permit at 31 March 2013: unallocated sites	0
Commitments total	**2,104**
Local Plan Review Sites without planning permission or resolutions to permit	
Adopted Local Plan Review allocations without planning permission	0
Adopted Local Plan Review 'brown field opportunity sites' without planning permission	278
Adopted Local Plan Review Sites without planning permission total	**278**
New sites	
Newly identified sites within the SLAA (Part One)	
Sites with a planning history with future potential	43
Existing employment sites with residential potential	210
Sites submitted for consideration	116
Sites identified by EBC officers	233
New sites total	**602**
Broad areas	
Eastleigh Riverside	200
Eastleigh town centre	300
Fair Oak village centre	34
Hedge End district centre	123
West End village centre	69
Small sites within the urban edge	737
Broad areas total	**1463**
Total provision	**4447**
Deficit =	**5693**

5.5 To address this deficit of approximately 5,690 dwellings, the Council proposes to allocate the following green field sites for development within the revised draft Eastleigh Borough Local Plan 2011 - 2029:

Table 2 – Potential housing land supply from green field sites proposed to be allocated for development in revised draft Eastleigh Borough Local Plan 2011 - 2029

Policy ref	Site address	Dwellings
AL1	Land at Portchester Rise/Boyatt Lane, Allbrook	**25**
AL2	Land north of Allbrook farmhouse	**30**
AL3	Land north of Allbrook Hill	**20**
Bi1	Land west of Church Road, excluding The Mount, Bishopstoke	**105**
Bi2	Land south-west and north-east of Bishopstoke Cemetery, Stoke Common	**55**

	Road, Bishopstoke	
BO1	Land north and east of Boorley Green, Botley	**1400**
BO2	Land north-east of Winchester Street, Botley	**300**
BU1	Land at Providence Hill and Oakhill, Bursledon	**75**
BU2	Land north of Bridge Road and west of Blundell Lane, Bursledon	**100**
BU3	Land east of Dodwell Lane and north of Pylands Lane, Bursledon	**250**
E1	Land south of Chestnut Avenue, Eastleigh	**1100**
FO1	Land north of Harding Lane, Fair Oak	**330**
FO2	Land north of Mortimers Lane, Fair Oak	**30**
FO3	Land at Whitetree Farm, Fair Oak	**15-20**
HE1	Land west of Woodhouse Lane, Hedge End	**800**
HE2	Land south of Foord Road & west of Dodwell Lane, Hedge End	**125**
HO1	Land at Abbey Fruit Farm, Grange Road, Hound	**90**
WE1	Land west and south of Horton Heath	**750**
WE2	Land at Hatch Farm, north of Barbe Baker Avenue, West End	**80**
WE12	Land at Dumbleton Copse, West End	**6**
Total		**5,686-5,691 dwellings**

Conclusion

5.6 An assessment of the borough's potential land supply position suggests that approximately 4,450 dwellings can be accommodated within the existing built up areas of the borough in the period 2011 - 2029. The emerging Plan proposes to allocate 20 greenfield sites which in total are considered to have the potential to provide for approximately 5,690 additional dwellings between 2011 and 2029. Together, this supply of housing is capable of meeting the borough's housing requirement of 10,140 dwellings for this period which includes a 5% contingency over the baseline requirement of 9,660 dwellings which provides some flexibility to allow for variations in development densities and failure of sites to come forward.

6. Affordable Housing

Housing need

Housing need surveys

6.1 A major survey into housing need in the borough was undertaken by David Couttie Associates on behalf of the Council in October 2002. The results from this survey were used to inform the Borough Council's Housing Strategy and the adopted Eastleigh Borough Local Plan Review (2001-2011), particularly on dwelling mix and the type and location of affordable housing required. The survey was updated by David Couttie Associates in 2004.

6.2 The key findings of the 2004 Housing Needs Survey were:

- Increasing difficulty for new households to access market housing
- Rate of growth of household formation forecast to rise at over three times the rate of population increase
- Single person households were anticipated to be the largest reason for this growth due to people living longer, separation, divorce and young people forming single person households.
- Ageing population in the over 65 age group (increasing by 51%) and over 80 age group (increasing by 67%) by 2026.
- The annual outstanding need of 672 units per annum was over six times the amount delivered in recent years.
- Recommendation to seek 40% affordable housing on suitable new housing sites.

Strategic Housing Market Assessment

6.3 The first Strategic Housing Market Assessment for the south Hampshire sub-region was completed by DTZ Pieda in 2006. It found that there was a significant issue regarding the affordability of housing in the sub-region, including a significant backlog of unmet housing need. The main recommendation from the 2006 SHMA with regard to the delivery of affordable housing was that local authorities should maximise the provision of affordable housing with a minimum quota in new developments of 30% and up to 40% on suitable sites.

6.4 In 2013, GL Hearn were commissioned to prepare a new SHMA for the south Hampshire sub-region. It calculated that across the PUSH area there was a need for almost 22,800 additional affordable homes in the period 2013 - 2018 in order to meet existing unmet need and needs arising over the next five years., The SHMA recognised that In practice many households who are unable to secure affordable housing are likely, at least in the short term, to live within the private rented sector supported by housing benefit.

Eastleigh Homechoice Housing Register

6.4 Eastleigh's Homechoice Housing Register is the name of the housing register for the allocation of social housing within Eastleigh Borough. Anybody wanting to move to or within social housing in Eastleigh must be registered on Homechoice. However, this register has recently closed to new applicants and is being replaced by the 'Hampshire Homechoice Housing Register' which is a county wide register.

6.5 Eastleigh Homechoice has shown steady growth since a major review in May 2008. Following the review, the number of households on Eastleigh Homechoice reduced to 3,202 as many non-responders were removed but this increased to over 7,000 by May 2013. 5,910 of these households were identified as being in urgent, high priority or priority need and 86.4% of these had a local connection to the borough.

6.6 In advance of Eastleigh HomeChoice being closed, the register was reviewed again in September 2013, which resulted in a significant number of non-priority households being removed. As at 1 October 2013 there were 5,650 households waiting for accommodation on Eastleigh Homechoice of which only 32 were in a no-priority band.

6.7 It is not suggested that the register identifies the detailed housing need of residents within the borough and it is recognised that there are limitations to the accuracy of the data. It is a snapshot and an expression of demand rather than a detailed assessment of housing need. Indeed the majority of the households on the register are unlikely to still be there in five years' time as people's needs change e.g. they get re-housed, their needs are re-assessed, people don't renew their application to be on the register etc. However it does demonstrate a significant number of households who have difficulties accessing suitable housing within the borough.

6.8 Shared ownership properties have continued to be provided on development sites with mixed outcomes in terms of sales completion timescales during the last year. The delays have been site specific with some enjoying more popularity than others. There continues to be a high number of applicants registering an interest for home ownership with the local Homebuy Agent and the Council continues to seek to secure affordable homes for shared ownership alongside those for rent.

Affordable Housing Delivery

6.9 Since 2001, the borough has delivered the following levels of affordable housing:

Table 2: Affordable housing completions in Eastleigh Borough 2001 to 2013

Year	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	Total
Gross	51	42	202	156	107	187	126	250	254	136	233	121	1865
Net	44	5	126	71	78	182	122	142	201	85	197	10	1263

Source: Hampshire County Council and Eastleigh Borough Council Land Monitoring

6.10 The large development sites identified in the Local Plan Review 2001 - 2011 are now completed in relation to the affordable housing element. In particular Dowd's Farm at Hedge End delivered 230 new affordable homes, and Lakeside at Eastleigh delivered 149 affordable homes. It is currently forecast that there will be 174 gross completions of affordable housing for 2013/2014.

6.11 It is possible that some additional affordable housing could be provided by increasing the proportion required from new development sites. However, given the current market conditions and the increasing calls for contributions that are made on new developments, this could raise viability issues (see below), and it is necessary to consider whether the planning system has reached the limit of what it can feasibly provide.

6.12 Through partnership working, registered providers (RPs) in the borough were previously very successful in securing Homes and Communities Agency (HCA) grant funding.

6.13 The HCA funding regime has now changed with funding now secured through providing new homes at affordable rent levels (80% of market rent), rather than social rent levels. A number of the RP's currently developing in Eastleigh have framework agreements with the HCA to support the future delivery of affordable housing. These agreements ensure the delivery of sufficient funding to deliver agreed numbers of new affordable homes over a given timeframe. The Council works jointly across PUSH and with the RPs to prioritise the schemes within the borough for inclusion in the framework agreements.

Viability assessment

6.14 A key concern about the provision of affordable housing through market housing sites is the implications for the viability of the scheme. In the summer of 2008, Adams Integra was appointed by Southampton City Council and Eastleigh Borough Council to study the effect of various policy positions relating to the delivery of affordable housing on development viability. The findings of this study were published in October 2008[5].

6.15 The key outcomes of the Affordable Housing Viability Assessment were:

- Support for a 35% to 40% affordable housing target on sites of 15 or more dwellings;
- Support for affordable housing contributions from sites of less than 15 dwellings, although a smaller proportion (potentially 20%) – on the basis of a simple form of sliding scale. This is now included in the Borough Council's

[5] Eastleigh Borough Council & Southampton City Council Affordable Housing Viability Assessment October 2008 http://www.eastleigh.gov.uk/pdf/ppdAffordableHousingViabilityAssessmentFinalReport.pdf

Affordable Housing Supplementary Planning Document, adopted in July 2009;

- In drafting future planning policies, the authorities need to consider the most appropriate balance between optimising affordable housing delivery and its type, together with the continued overall delivery of an appropriate range of housing by the market;
- Policy positions must be set out as clearly worded targets, to provide for clarity to stakeholders and a basis for a continued practical, negotiated approach which acknowledges a need to consider development viability;
- Monitoring and contingency planning will need to form part of the councils' approach.

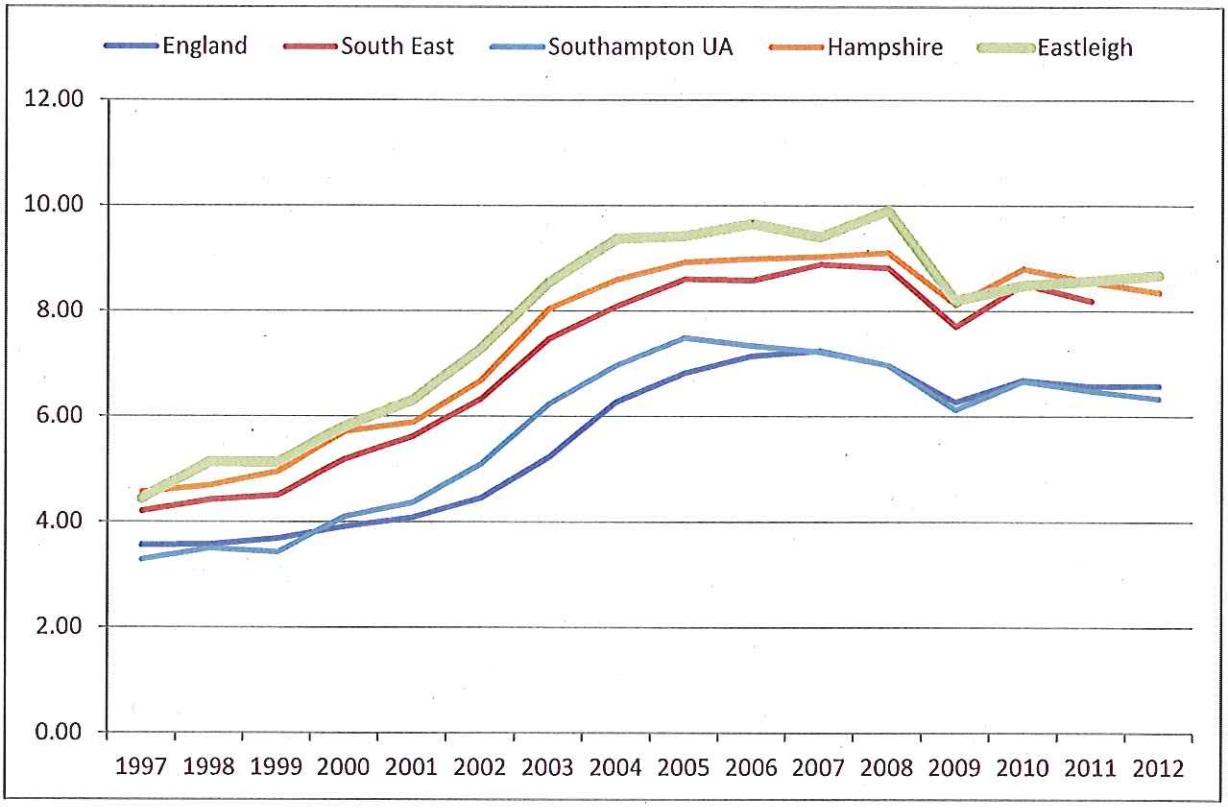
An update to this viability assessment was commissioned in May 2012 by Eastleigh Borough Council in conjunction with Test Valley Borough Council. It found that:

- There remains support for a 35% affordable housing target on sites of 15 or more dwellings but there is recognition that this may not be achievable on all sites across the borough. It is suggested that the target could be expressed more flexibly. Another option is to consider a lower target which could work more consistently across the borough.
- There may be justification to consider amending the proposed policy approach on smaller sites as follows:
  - Seek financial contributions equivalent to 10% affordable housing on sites of 5 - 9 dwellings.
  - Maintain the target of 20% on site provision on sites of 10 - 14 dwellings.
- The emerging affordable housing policy should include reference to the need to take into account viability considerations that may affect the potential for some sites to deliver affordable housing.

Market signals

6.16 Figure 2 below provides an indication of housing affordability in Eastleigh borough. It demonstrates that when incomes are compared with house prices, there has been a general decline in the affordability of houses, albeit that the recession has marginally improved matters. This trend is not unique to Eastleigh as it mirrors national, regional and county data.

Figure 2: Ratio of lower quartile house price to lower quartile earnings by district, from 1997 (Source ONS)



Conclusions

6.17 The affordability of housing within Eastleigh borough remains a significant issue to address, despite the addition of over 1,250 affordable homes to the housing stock since 2001. As of 1 May 2013 there were over 7,000 households expressing a requirement for affordable housing and with house prices beginning to rise there is no reason to suggest that the affordability of market housing will improve significantly in the short term.

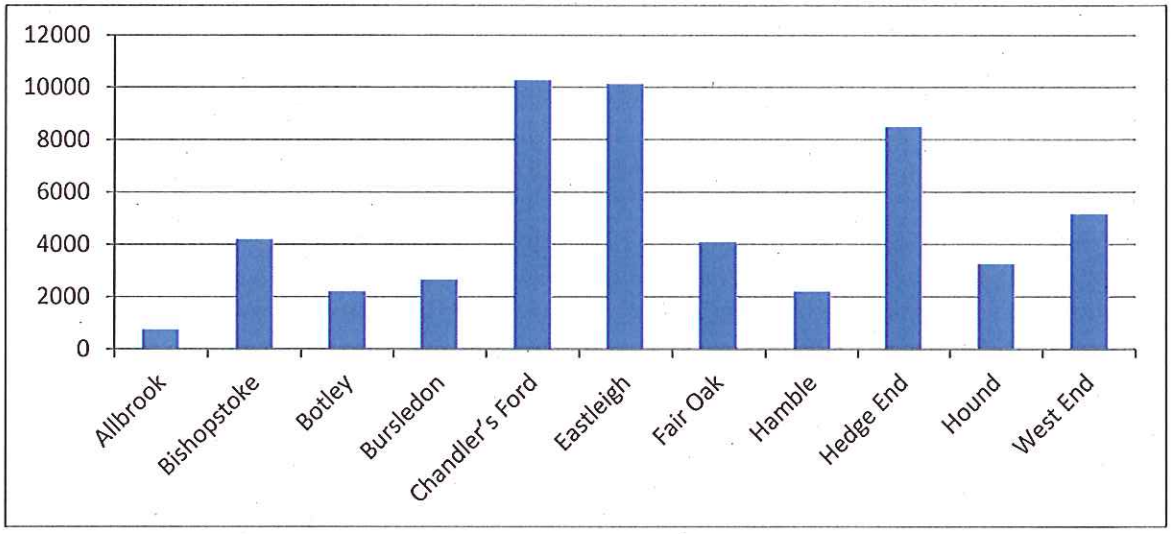
6.18 With additional affordable housing generally provided as a proportion of new housing developments, it is important to maximise the opportunities to secure affordable housing on these sites. The updated viability study indicates that it is reasonable to seek a target of 35% affordable housing on sites of 15 or more dwellings with a more flexible approach on smaller sites (5 - 14 dwellings). This approach is reflected in the revised draft Local Plan.

7. Housing locations, mix & type

Location of existing housing stock, recent trends & anticipated future locations

7.1 Figure 3 provides an overview of where the existing housing stock is located within the borough. Chandler's Ford accommodates the largest number of dwellings, followed by Eastleigh and Hedge End.

Figure 3: Existing housing stock in the borough by parish as at 31 March 2013

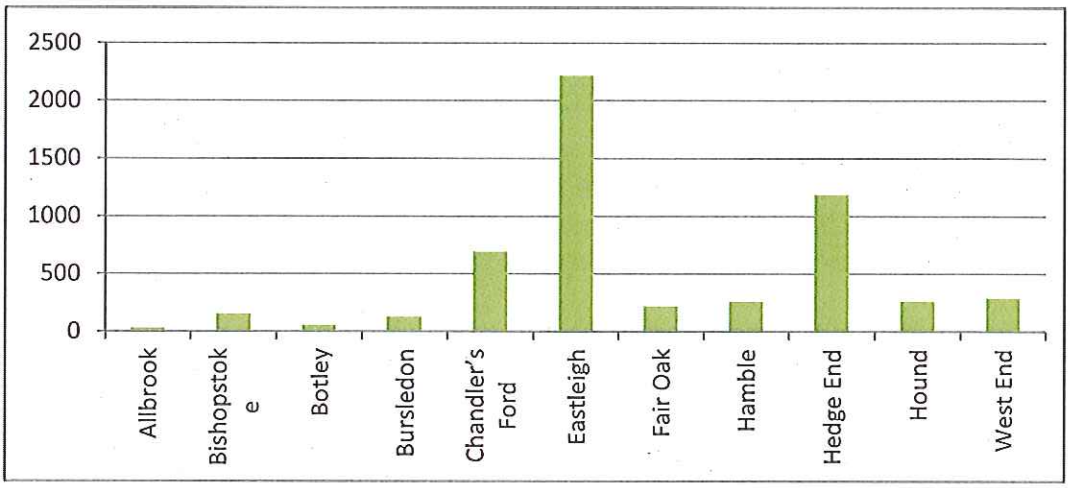


Source: Census 2011 Office of National Statistics, Hampshire County Council and Eastleigh Borough Council Land Monitoring

7.2 Figure 4 below shows the location of new housing since 2001. Eastleigh[6], has seen the largest growth in residential stock, followed by Hedge End[7] and Chandler's Ford[8]. Other parishes have seen very limited development during that time.

[6] Mainly through the redevelopment of employment sites, infilling and the development of greenfield sites.
[7] Mainly through greenfield infilling and the development of greenfield sites.
[8] Mainly through redevelopment of employment sites and low density housing

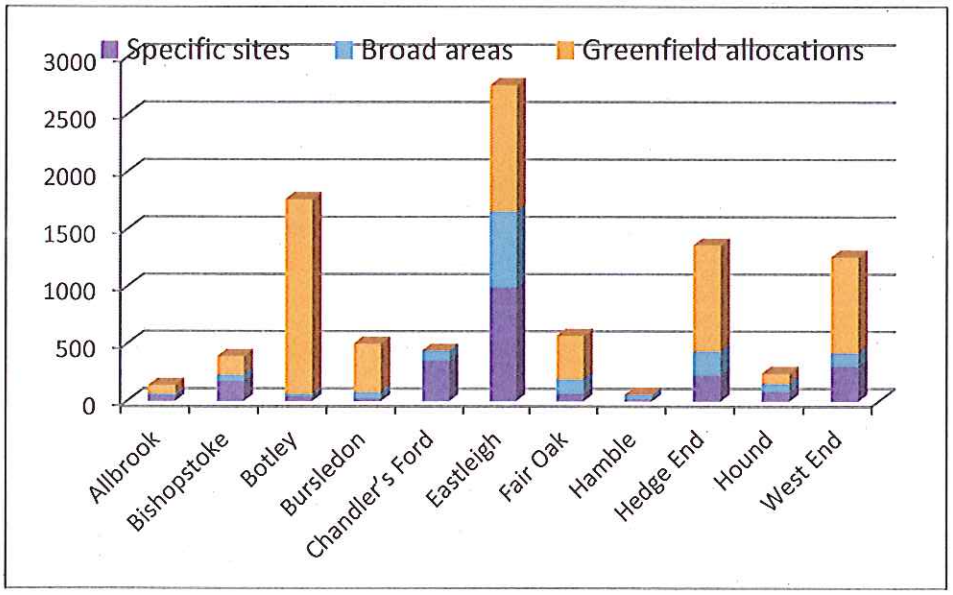
Figure 4: Net completions in the borough 2001 - 2013 by parish



Source: Hampshire County Council and Eastleigh Borough Council Land Monitoring

7.3 Figure 5 below identifies where the borough's existing housing commitments, anticipated urban potential and new greenfield developments are anticipated to come forward over the next few years in accordance with the revised draft Eastleigh Borough Local Plan 2011 - 2029. It shows that the focus of new development will be Eastleigh, Hedge End and Botley, with comparatively little development anticipated to come forward in other parishes.

Figure 5: Anticipated future housing supply by source and parish 2013 - 2029



Source: Hampshire County Council and Eastleigh Borough Council Land Monitoring

Conclusions

7.4 Chandler's Ford, Eastleigh and Hedge End currently accommodate the largest number of dwellings within the borough. The revised draft Plan proposals continue to focus the bulk of new development at Eastleigh, with a significant amount of housing also proposed at Botley, Bursledon, Fair Oak, Hedge End and Horton Heath (West End). Other areas are anticipated to have more moderate growth.

Housing Mix & Type

7.4 A balanced mix of dwellings (taken to mean dwelling type, size and tenure) that meets the needs of present and future residents of the borough is necessary to maintain mixed and sustainable communities. The NPPF confirms that a mix of housing types and sizes should be provided for, in order to meet the different needs within communities. However, as the 2013 SHMA concludes, mix should not be dictated by need alone, but is influenced by wider social, economic, and environmental factors. In the borough, a variety of influences determine housing mix including:

- **The Strategic Housing Market Assessment (SHMA) 2013**

7.5 The SHMA advises that a broad range of dwellings should be developed in the south Hampshire sub-region for the period 2011 to 2036. There is an expectation that the focus of new market housing provision will be on two and three-bed properties, whilst affordable housing delivery will tend to be more focussed on one and two-bed properties. With specific regard to Eastleigh borough, the estimated requirements by number of bedrooms and tenure are as follows:

	1 bedrooms	2 bedrooms	3 bedrooms	4+ bedrooms
Market	7.7%	30.5%	45.5%	16.3%
Affordable	33%	43%	22.1%	1.9%

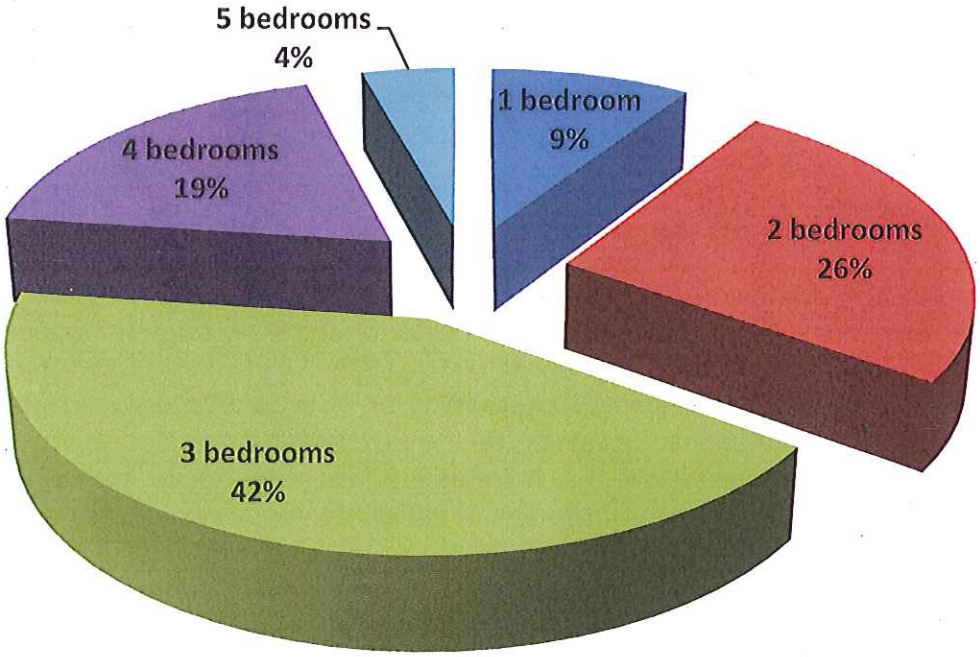
The SHMA does go on to suggest that such prescriptive figures should not be included in the plan making process and that the market is, to some degree, a better judge of what is the most appropriate profile of homes to deliver at any point in time. However the figures above could be used as a monitoring tool to ensure that future delivery is not unbalanced.

- **Size of existing dwelling stock and recent completions.**

7.6 In terms of the size of the existing dwelling stock, Figure 6 below indicates that as at the 2011 Census three bedroom houses were the most represented in the borough with 42% of the total stock. Only 35% of the housing stock was made up of one and two bedroomed units. Previous research (2006 SHMA) however

suggested that 70% of the social rented stock was made up of one and two bedroom units.

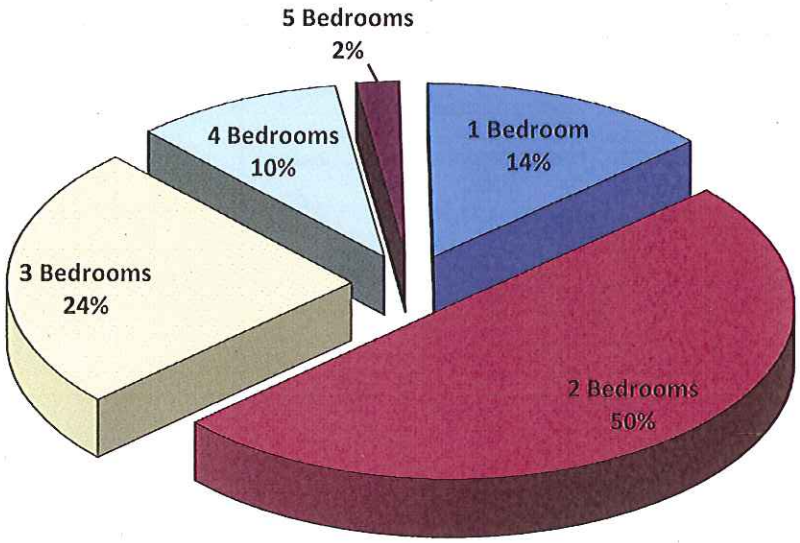
Figure 6: Average Number of Bedrooms per Household in Eastleigh Borough



(Source: 2011 Census)

7.7 Study of past trends in the borough indicates that between 2001 and 2013, 64% of all dwellings completed were one and two bedrooms, a marked contrast to the existing housing stock. Figure 7 provides a breakdown of completions by bedroom size. Two bedroom dwellings were the largest single type of dwelling completed. Analysis of completions in the last couple of years however suggests a move of the market back towards providing more three bedroom dwellings.

Figure 7: Average Size of New Dwellings (2001 – 2013)

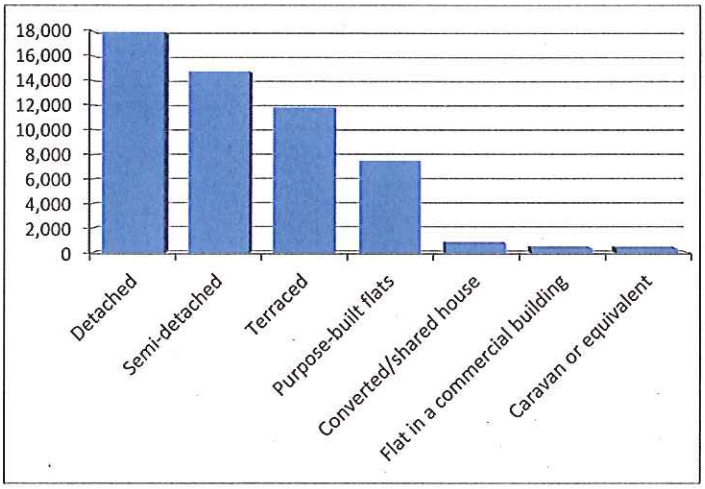


Source: Hampshire County Council and Eastleigh Borough Council Land Monitoring

- **Type of existing dwelling stock and recent completions**

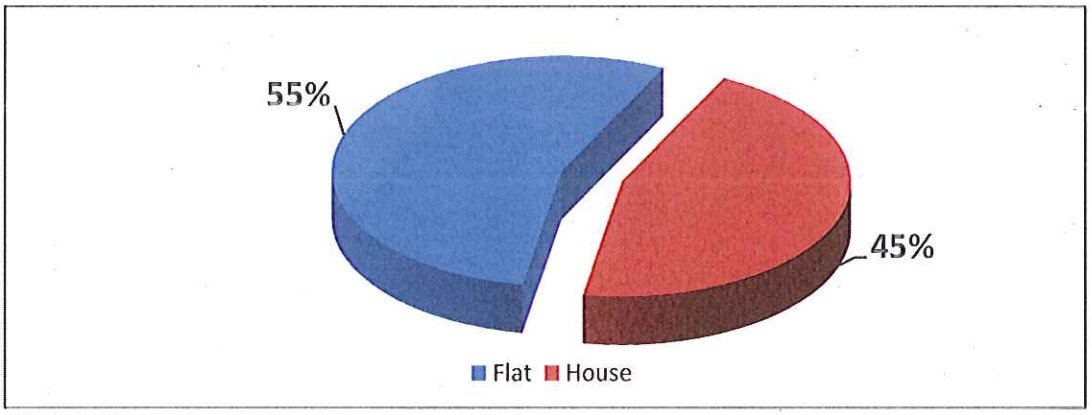
7.8 For the first time the 2011 Census provides a breakdown of the type of existing dwelling stock within the borough. Figure 8 below shows that as at 2011 detached houses are the most common housing type. Purpose-built flats represented about 14% of total stock.

Figure 8: Profile of housing stock by type as at Census 2011



7.9 Since 2001 the housing market has delivered a large proportion of flats as Figure 9 below demonstrates.

Figure 9: New Dwelling Types (2001 – 2013)



Source: Hampshire County Council and Eastleigh Borough Council Land Monitoring

- **Types of dwellings required by those on the Homechoice Register**

7.10 At 1 May 2013, 45% of all applicants under the age of 60 on the Eastleigh Homechoice Register (Eastleigh Borough's Housing Register) were assessed as requiring 1 bed dwellings. 32% required 2 bed dwellings, 17% required 3 bed dwellings, 5% required 4 beds and 1% required 5+ beds. In the over-60 age group, 98% of applicants required 1 bed dwellings and 2% 2 bed dwellings.

- **Physical constraints in certain areas**

7.11 The type of dwelling it is possible to build may be determined to some extent by physical constraints. For example, Eastleigh town centre is already densely developed with few development sites, and land prices are high. This limits the potential for the development of houses and means that flatted developments are typically more viable. However market conditions also have an influence and this has been reflected in some town centre schemes being renegotiated to provide a greater proportion of houses than previously intended.

- **Regeneration aspirations**

7.12 Flatted developments are seen as a key component to the regeneration of Eastleigh town centre largely due to the compact nature of the area (see above).

- **Amenities and facilities**

7.13 The availability of open space, schools, and employment are factors in people's choices of locations and can determine the likely occupants of an area. This in turn can have implications for house sizes e.g. family housing near schools and open spaces.

- **Present and future demographic profile**

7.14 The most significant population growth in the period up to 2029 is forecast in the 65+ age group (see Background Paper C1, Demography). The implications of an increase in the older population include their greater care and support needs. These will need to be taken into account in the type, size and design of new developments including extra care housing and residential care homes.

7.15 In terms of household formation, growth in single person households is forecast in the period up to 2029 as a result of elderly people living longer, separation and divorce, and young people forming single person households.

Conclusions

7.16 In planning for the future growth of the borough, it is important to ensure that good quality developments are provided for which meet local communities' needs (and indeed aspirations), whilst reflecting the particular circumstances relating to the location of the development.

7.17 There is evidence to suggest that housing completions since 2001 have been too focussed on smaller flatted developments and that in the market sector there should be greater focus placed on providing larger dwelling types. Analysis of completions in more recent years suggests that the market is moving towards providing more three bedroom dwellings than the overall average since 2001.

7.18 A prescriptive policy in the Local Plan, setting out a specific mix of house types and sizes to be built is not considered to be appropriate at this time. Instead, a more general and flexible policy approach is suggested requiring that a mix of dwelling types and sizes is provided which meets local needs. This could be amplified through supplementary planning documents in the future if required.

8 Accommodation of other housing needs

Special needs

8.1 Specialised accommodation may be required by older people and those with disabilities. This section is focused on the needs of older people, as they are the most likely to have disabilities.

8.2 As Background Paper C1, Demography, identifies, the number of households headed by a person over 65 is expected to increase by about 52% between 2011 and 2029. It is considered likely that increasing numbers of older people will be owner occupiers and that most people will choose to stay in their own home as long as they are able. However, not all older people will be able to remain in their own home until the end of their lives. Therefore a variety of housing types and tenures and specialist accommodation will be required to meet the differing needs and aspirations of older people.

8.3 In 2007, Eastleigh Southern Parishes Older People's Forum produced a report titled 'Bleak Housing' which considered the needs and aspirations of people in retirement. The research undertaken for the report suggested that if old people were forced to move due to increasing frailty then they would want housing in accessible locations, on a single level, with spacious rooms, storage space and two bedrooms[9]. Many older people would prefer to live in a bungalow. Over the last five years 1,200 specialised dwellings for older people have been built in Hampshire. 87% of these have been built by the private sector.

8.4 Care home capacity in Hampshire has been reduced since the late 1990s in line with national trends. Over three quarters of the beds are now provided by the private sector.

8.5 The aspirations of older people are changing: they expect choice and the opportunity to adopt a positive lifestyle in old age. The number of older people living in general needs housing and in extra-care housing[10] is expected to continue to increase as the population ages and advances in healthcare enable people to live in their own homes for longer. The demand for rented conventional sheltered housing is likely to decline and the potential for leasehold retirement housing is likely to continue to grow.

8.6 Over the longer term, additional places will be needed in care homes but demand is likely to increase more slowly than would be expected from the very significant increases in the over-75 population due to the improved health of older people and advances in healthcare. Care homes and sheltered housing will need to be

[9] Recognising that whilst most older people are categorised as having a need for only 1 bedroom due to their household size i.e. 1 or 2 people, they often require a second bedroom due to lifestyle etc.
[10] Extra-care housing tends to be characterised by housing which is self-contained and promotes independent living whilst having care available 24 hours a day within the overall site.

updated to be attractive to older people who have higher standards and expectations than previous generations. Some care homes will need to be adapted to provide for changing needs and/or care for those with dementia.

8.7 Extra-care housing should be part of the housing built and available to meet the needs and aspirations of older people. It may be appropriate to focus developing extra-care housing rather than more sheltered housing or new care home places.

8.8 A report titled 'Housing Provision for Older People in Hampshire', published in November 2009 by Hampshire County Council considered the current and predicted housing needs of our communities and whether current provision sought to match older peoples' needs and aspirations. Table 1 below sets out an indicative position for Eastleigh borough although this is currently under review.

Table 1 - Indicative levels of provision of various forms of accommodation for older people in Eastleigh Borough between 2006 and 2026

House type/ tenure	2006 provision	Need by 2026	Change
Sheltered housing for rent	610	406	-204
Leasehold sheltered housing	346	608	262
Enhanced sheltered housing for rent	0	81	81
Enhanced sheltered housing for sale	0	81	81
Extra care sheltered housing for rent	171	101	-70
Extra care sheltered housing for sale	0	101	101
Housing for people with dementia	0	81	81
Registered care home. Personal care	250	527	277
Registered care home. Nursing care	450	324	-126

Source: Hampshire County Council and 'Contact Consulting', based on a formula set out in, "More choice, Greater voice". DCLG 2008

Conclusions

8.9 With an ageing population, it is important that the Plan makes provision for the differing needs and aspirations of older people and those with disabilities. Providing for high quality, accessible and adaptable developments which can meet the changing aspirations of generations is vital to ensure that our communities are well balanced and sustainable.

References:

- Housing Strategy for Eastleigh 2012 – 2017, Eastleigh Borough Council, April 2012
- Accommodation for Older People and Those in Need of Care Supplementary Planning Document, Eastleigh Borough Council, May 2011
- Bursledon, Hamble Le Rice & Hound Age Friendly Action Plan 2009 – 2012, Eastleigh Southern Parishes Older People's Forum, June 2009.
- Bleak Housing, Eastleigh Southern Parishes Older People's Forum, July 2007
- Housing Provision for Older People in Hampshire, Hampshire County Council, June 2009.
- Lifetime Homes, Lifetime Neighbourhoods. A National Strategy for Housing in an Ageing Society, Department of Health & Dept of Work and Pensions, February 2008

Houses in Multiple Occupation and Flat Conversions

8.10 Houses in multiple occupation (HMOs) offer accommodation which is affordable to those on low incomes and can help to reduce homelessness. They can also suit certain lifestyles, e.g. students in full time education and itinerant workers.

8.11 However, HMOs are often associated with poor levels of amenity for occupiers including very low internal space standards and shared facilities. Whilst internal space standards are becoming an increasingly important issue within planning, some might regard this as less of an issue at this lower end of the market.

8.12 There are potential impacts on the residential amenities of other residents in the vicinity of an HMO, which may include higher levels of noise/disturbance and anti-social behaviour. There is also a tendency to impact on the character and appearance of an area through the poor maintenance of buildings, inadequate parking, inadequate provision for waste and recycling and poorly maintained gardens. Other potential impacts include changing perceptions of personal safety and changes in the demographics of an area through subdivision of former family houses which may, for example, result in a smaller proportion of children. This can reduce the viability of local schools and undermine the objective of creating mixed and balanced communities. Cumulatively these trends can create a downward spiral of urban degeneration.

8.13 A number of agencies can be involved with HMOs including housing, environmental health, building control/fire regulations and planning. Each is likely to have a different perspective and coordination can be difficult or at times non-existent. The extent to which planning can resolve these issues has recently been clarified through Circular 08/2010 'Changes to Planning Regulations for Dwelling Houses and Houses in Multiple Occupation'. This circular and accompanying changes to the Use Classes Order and General Permitted Development Order state that changes of use from use class C3 (a dwelling house lived in by a single household) to use class C4 (a house in multiple occupation for between 3 and 6 occupants) is permitted development and does not require planning permission.

8.14 Larger houses in multiple occupation (i.e. those with more than six people sharing), are unclassified by the Use Classes Order and thus considered to be 'sui generis'. However this doesn't automatically mean that the use of a property for more than six people would require planning permission. The Circular states, *"A material change of use will occur only where the total number of residents has increased to the point where it can be said that the use has intensified so as to become of a different character or the residents in relation to C3 no longer constitute a single household."* [Circular 08/2010 para. 17]

8.15 There are perceptions that in parts of Eastleigh town there is a level of HMOs which is adversely affecting the character of the area. However there is incomplete evidence at present about the actual incidence of HMOs. Some further research may be helpful but resources are not available to carry this out.

8.16 Also within the wider area of Eastleigh town centre, the conversion of dwellings to flats is giving rise to concern, again mainly about the impact on the character of the area. Such proposals usually involve increased demand for car parking and can involve the loss of larger family accommodation with consequent changes to the demography and character of an area.

Conclusions

8.17 It is recognised that HMOs and flat conversions can provide a useful source of supply of housing which is relatively affordable and contributes towards mixed and sustainable communities. However such accommodation has historically provided less than ideal living conditions for occupants, as well as having an impact on the amenities and character of the surrounding area. It is therefore important to ensure that the Plan contains sufficient safeguards, through general development management policies, to ensure that future developments in the future provide an acceptable level of amenity to occupiers and adjoining residents and do not harm the character and appearance of the surrounding area.

References:

- Houses in multiple occupation in the private rented sector. Department for Communities and Local Government, 2006.
- Dealing with HMOs, Eastleigh Local Area Committee Report, Eastleigh Borough Council, 30 October 2007
- Circular 08/2010 'Changes to Planning Regulations for Dwelling Houses and Houses in Multiple Occupation', Department for Communities and Local Government, November 2010

Travellers

8.18 The accommodation needs of Gypsies and travellers include sites for permanent residential accommodation, transit sites and emergency stopping places. Sites for permanent accommodation need to include space for caravans used for seasonal travelling, and possibly also for equipment used in itinerant work. Needs are expressed in terms of 'pitches'. Travelling showpeople need permanent residential accommodation and space/buildings for storage and maintenance of fairground machinery referred to as wintering quarters. They therefore need rather more space per family. Needs are expressed in terms of 'plots'.

8.19 Government guidance 'Planning Policy for Traveller Sites' was published alongside the National Planning Policy Framework NPPF in March 2012. This brings the guidance for traveller sites in line with current housing policy. The document requires councils to have an identified five year land supply against locally set targets. Where there is no identified need, criteria based policies are required. If no up-to-date five year housing land supply of deliverable sites is identified, this will be a significant material consideration in determining any subsequent planning applications for the temporary provision of such sites. The guidance also promotes more private site provision.

8.20 The South East Plan contained a commitment to a review of Gypsy, traveller and travelling showpeople accommodation needs in the region. The partial review underwent an examination in early 2010. However, shortly after this the government announced the intention to revoke the South East Plan and work ceased on the partial review prior to its adoption. The emerging findings and evidence base from this partial review informed the policies relating to travellers in the draft Local Plan published in 2012 as an updated study had not yet been completed.

8.21 The partial review was informed by the Gypsy and Traveller Accommodation Assessment (GTAA) by David Couttie in 2007 and the Travelling Showpeople Accommodation Assessment (TSAA) carried out in 2008. The GTAA and TSAA identified a need within Eastleigh borough for an additional 4 permanent pitches for Gypsies and travellers' needs and 6 plots for travelling showpeople to be provided between 2006 and 2016. The requirements post-2016 were proposed

to be calculated on the basis of 3% annual compound growth for Gypsies and travellers and 1.5% for travelling showpeople. By 2029, this would increase the requirement for this borough to provide around 6 Gypsy and traveller permanent residential pitches and 8 travelling showpeople's plots.

8.22 A study of Gypsy and traveller transit movement patterns commissioned by the South East England Partnership Board to inform the partial review suggests a possible need in Hampshire/Isle of Wight for about 48 transit pitches, probably on 8 sites (4 sites of 8 pitches and 4 sites of 4 pitches). In addition 4 stopping places are estimated to be required in the county. The report identifies a number of potential 'hotspot' authorities which might be considered for transit provision when supported by evidence from other sources. In Hampshire, Eastleigh is listed as a potential 'hotspot' and is also one of five local authorities in Hampshire considered to be particularly affected by seasonal travelling. Work is continuing with neighbouring authorities to identify transit sites and stopping places within the Hampshire/Isle of Wight region to meet this need.

8.23 Since the GTAA and TSAA were completed, permission has been granted for 13 gypsy and traveller residential pitches in the borough, 2 of which are temporary. A further pitch is understood to have an established use. No planning permissions have been granted for travelling showpeople in recent years. Both the GTAA and TSAA were being updated in 2012 through a joint Hampshire travellers accommodation assessment with results expected in autumn 2012. On this basis, and due to the anticipated low level of need, the accommodation requirements for Gypsy and traveller residential pitches were dealt with in the pre-submission Local Plan of August 2012 by a criteria-based policy and the need for 8 travelling showpeople plots by 2029 through the proposed allocation of land at Netley Firs, Hedge End.

8.24 The updated Hampshire Travellers Accommodation Assessment (TAA) was finally published in April 2013. For the study period 2011 - 2027 this identifies a need for 21 Gypsy and traveller pitches in Eastleigh borough and no specific requirements for travelling showpeople plots or transit sites. Concerns have been raised by the Borough Council that the findings of this study were not based on sufficiently robust evidence and failed to address a number of matters including the need for transit sites and provision of accommodation for travelling showpeople. The Council has therefore concluded that further work is necessary on this matter and either independently or jointly with neighbouring authorities proposes to commission further work on the local needs of the travelling communities with a view to producing a Travelling Communities Development Plan Document (DPD) separate from this Local Plan (see the Eastleigh Borough Local Development Scheme September 2013). Whilst this DPD is in preparation, a criteria based policy for Gypsy, traveller and travelling showpeople sites, plus the travelling showpeople allocation at Netley Firs, are proposed in the revised draft Local Plan.

Conclusions

8.25 Based on existing evidence, it would appear that the borough has provided for sufficient pitches to meet the needs of the Gypsy and traveller communities in the period through to 2016. The revised TAA is acknowledged, but due to significant concerns raised of the findings and methodology used to reach them, the Council concludes there is further work to be done which will inform a Travelling Communities DPD. A criteria-based policy approach is proposed in the Local Plan to meet existing understood requirements while the DPD is in preparation.

8.26 With regard to the accommodation needs of travelling showpeople, the emerging Plan proposes to allocate a site at Netley Firs, Hedge End to meet existing understood need. Further work on the needs of travelling showpeople will be incorporated into the Travelling Communities DPD. There is an ongoing need to work with adjoining authorities to provide for transit sites and stopping places within the wider area.

References:
- Gypsy and Traveller Accommodation Assessment for Hampshire. (GTAA) 2007.
- Travelling Showpeople Accommodation Needs (Hampshire authorities and Isle of Wight) March 2008
- South East England Regional Gypsy and Traveller Transit Study (SEEPB) October 2009
- Planning policy for travellers (CLG) March 2012
- Hampshire Travellers Accommodation Assessment (TAA). April 2013.

9. Other studies/statistics relevant to housing delivery

Residential density and design

9.1 Residential density can be expressed in a number of ways. In theory it ought to be expressed in terms of numbers of people per hectare. However, the most commonly used measure for planning purposes is dwellings per hectare.

9.2 Previously national planning policies contained considerable advice on the approach that local planning authorities should take to establishing density requirements for their areas. The NPPF however now simply states that local planning authorities should set out their own approach to housing density to reflect local circumstances.

9.3 With regard to design, the NPPF makes it clear that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policies should aim to ensure that developments add to the long term quality of the area, creating a strong sense of place, optimising the potential of the site whilst contributing towards sustainable development. Developments should be visually attractive and respond to local character and history, promoting and/or reinforcing local distinctiveness. It should reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Safe and accessible environments should be created where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

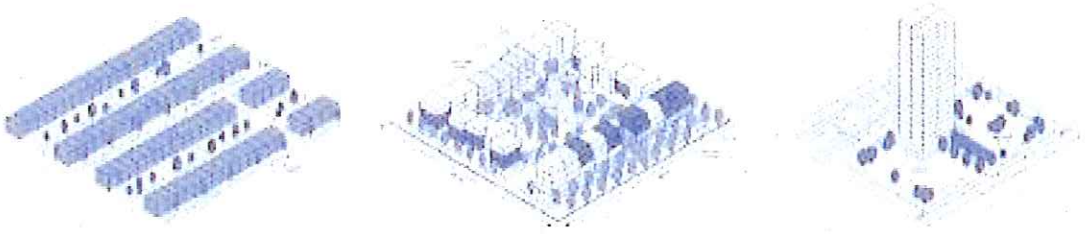
9.4 There are some general requirements that can shape residential densities:

- **the numbers of dwellings needed** compared to the land available
- **local needs** – average household size is declining, as the proportion of elderly and single person households increases. However, the PUSH Strategic Housing Market Assessment 2013 suggests that there is a significant need for family housing, as well as for smaller sized dwellings. Household size is also not a particularly good indicator of dwelling size preferences, as many small households such as single people, given the choice and the financial resources, would prefer to live in larger dwellings.
- **internal space standards** - there are concerns about the size of some modern dwellings. Statistics show that average unit size in the UK is amongst the smallest in Europe. There is a balance to be struck between achieving high residential densities by decreasing unit size, and the quality of life that can be enjoyed in these dwellings – also whether they can be used flexibly, for example for home working, or meeting 'lifetime homes' standards. There is a history in the UK of attempts to introduce such standards, and they are commonly employed by other countries in Europe. Some UK authorities, in particular in London, are endeavouring to re-introduce some basic minima, and there is support in national and regional policies for such attempts in terms of encouragement to create high quality living environments. The

Internal Space Standards background paper (QP3) addresses Eastleigh Borough Council's approach to this issue.

- **accessibility** to services, facilities and employment – if these are nearby, or readily accessible by means of public transport, there can be less need to use (and therefore own) a car, and therefore less need for on-site parking provision. In this borough many areas have ready access to shops, community facilities and open space and large areas are also close to employment sites.

9.5 However, identical densities can be achieved with very different forms of development ranging from simple grid pattern layouts to tower blocks. The former South East England Regional Assembly (SEERA) Councillors' Toolbox 'Making the best use of urban land' illustrates this with the following sketches, all of which achieve the same residential density:



9.6 The choice between these is determined by many factors including:

- **local character and built form**, and the extent to which this is important for local identity and distinctiveness;
- **occupiers' preferences and values**, i.e. the sort of dwelling that people like – house with garden, detached, semi-detached, terraced, apartment etc; also whether they want private external space, or can be satisfied by access to communal space or public open space;
- **site specific environmental considerations**, e.g. the presence of trees or other landscape features, topography and orientation;
- **sustainability** – there is some evidence to suggest that high-rise development may be less sustainable because of the need to include lifts, the forms of construction used, and heating and other servicing issues

9.7 Within this borough there is a variety of residential densities and forms of development, but the character is predominantly quite suburban. To give some examples (plans of these sites are at Appendix 1):

Name of area	No of Dwellings	Area (ha)	Density (dph)
Priory Road area, Netley – low density post war housing with large rear gardens	87	5.04	17
Grange Park Estate, Hedge End – 1980s suburban residential area; area includes parking areas, verges and service corridors	2154	90.45	24
Kipling Road Eastleigh – 1930s semi-detached dwellings	255	10.38	25
Central Eastleigh – Archers Road, Newtown Road, The Crescent – 19th century terraced housing	458	9.83	47
Central Eastleigh – Nutbeam Road – Chamberlayne Road -19th century terraced housing plus one modern block of flats	75	1.53	49
Pirelli 1, Leigh Road, Eastleigh – modern residential scheme, mixed flats/ terraced dwellings	750	13.03	58
Caustons site, Leigh Road, Eastleigh - modern residential scheme, mainly flats	190	2.51	76

Conclusions

9.8 The density of development is often a critical factor in the success of a scheme in terms of its contribution towards sustainable development. It is important to ensure that development makes the best use of land and achieves a sufficient critical mass to support facilities and services. However there is also increasing pressure to build larger homes than previously delivered and to ensure that developments are responding fully to site constraints and the character of the area.

9.9 A flexible policy approach is proposed in response, which specifies a minimum density of 35 dwellings per hectare but also allows site constraints and local character to be taken into account in justifying a lower density. Where sites are located in areas of good access to public transport and other facilities and services, higher densities should be sought.

References:

- National Planning Policy Framework, Department for Communities and Local Government, March 2012
- 'Better Places to Live By Design', Department for Communities and Local Government, June 2011
- Councillors' Toolbox – Making the Best Use of Urban Land (addresses issues in achieving higher densities), Former South East England Regional Assembly
- Eastleigh Borough Council's Character Area Appraisals (provide a basis for assessing design and density of development)

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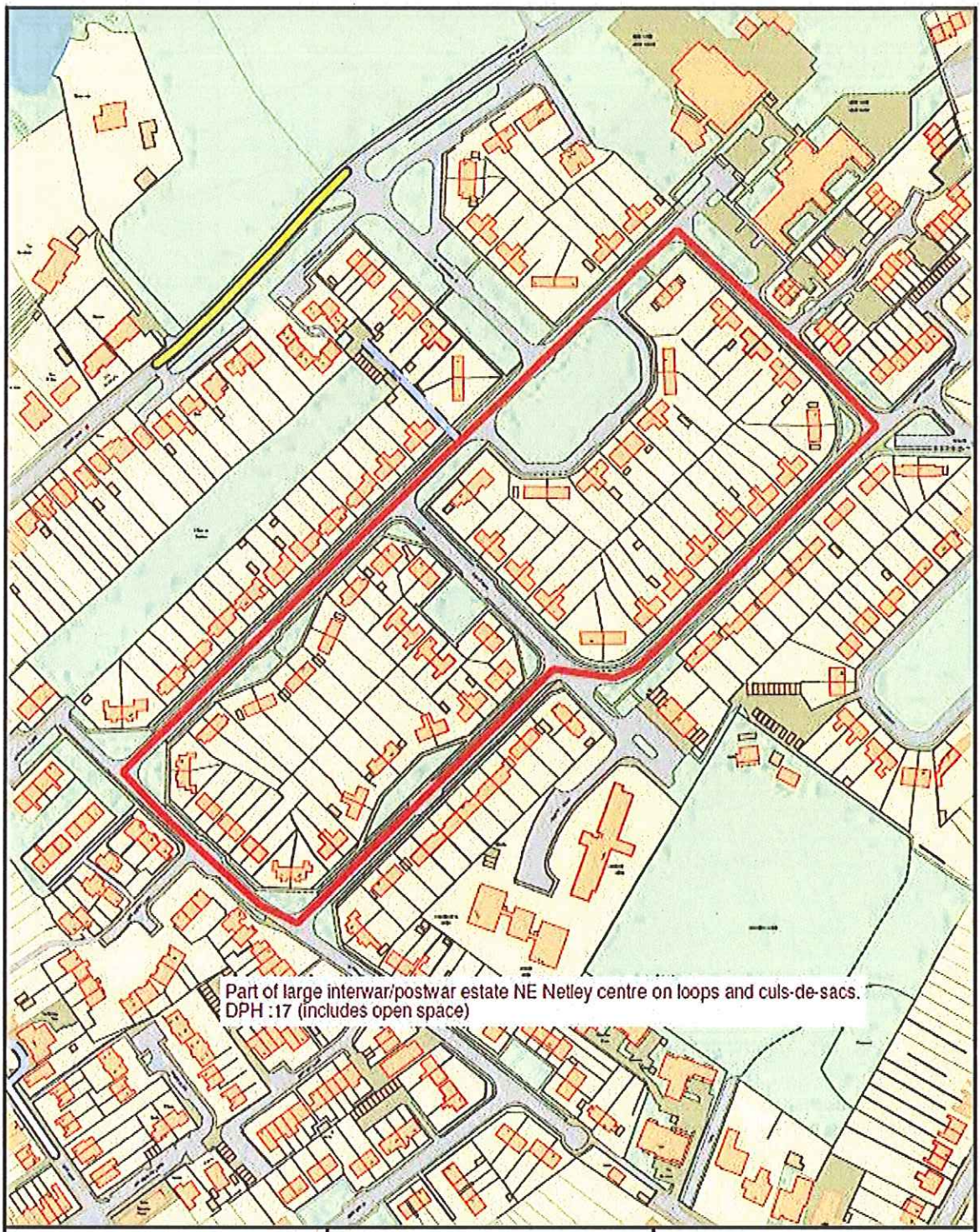
APPENDIX 1

RESIDENTIAL DENSITIES IN EASTLEIGH BOROUGH



EASTLEIGH BOROUGH COUNCIL

Regeneration & Planning Policy

Scale @A4
1:2500

Map Ref
SU4508NE

Date
16/10/2009

Scheme
Housing Density

Title
Netley Abbey - Character Area: BHH3

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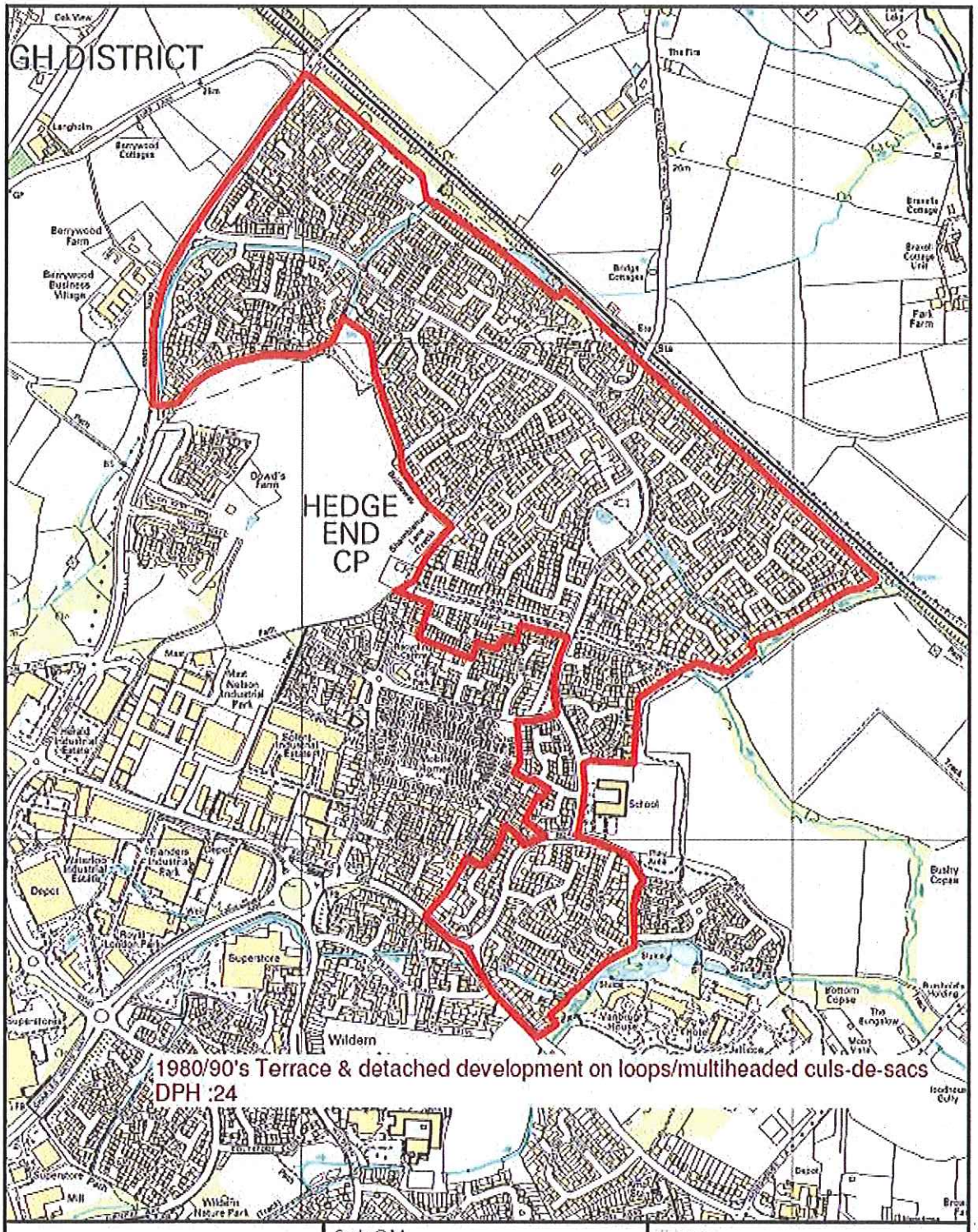

EASTLEIGH BOROUGH COUNCIL

Regeneration & Planning Policy

Scale @A4
1:10000

Map Ref
SU4914

Date
16/10/2009

Scheme
Housing Density

Title
Hedge End, Grange Park - Character Area: HEWEB64

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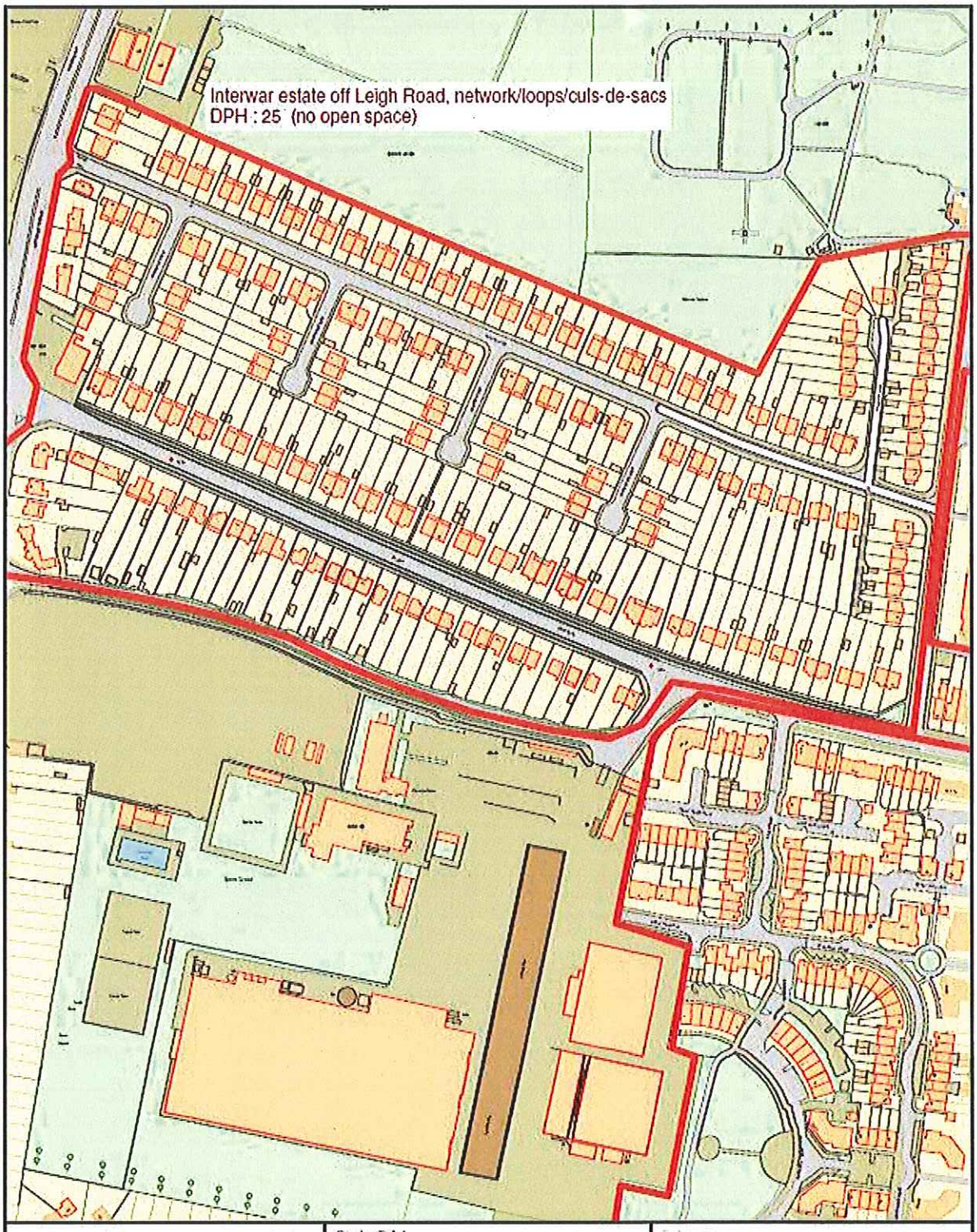

EASTLEIGH BOROUGH COUNCIL

Regeneration & Planning Policy

Scale @A4
1:2500

Map Ref
SU4419SE

Date
16/10/2009

Housing Density

Kipling Road - Character Area: ELAC 14

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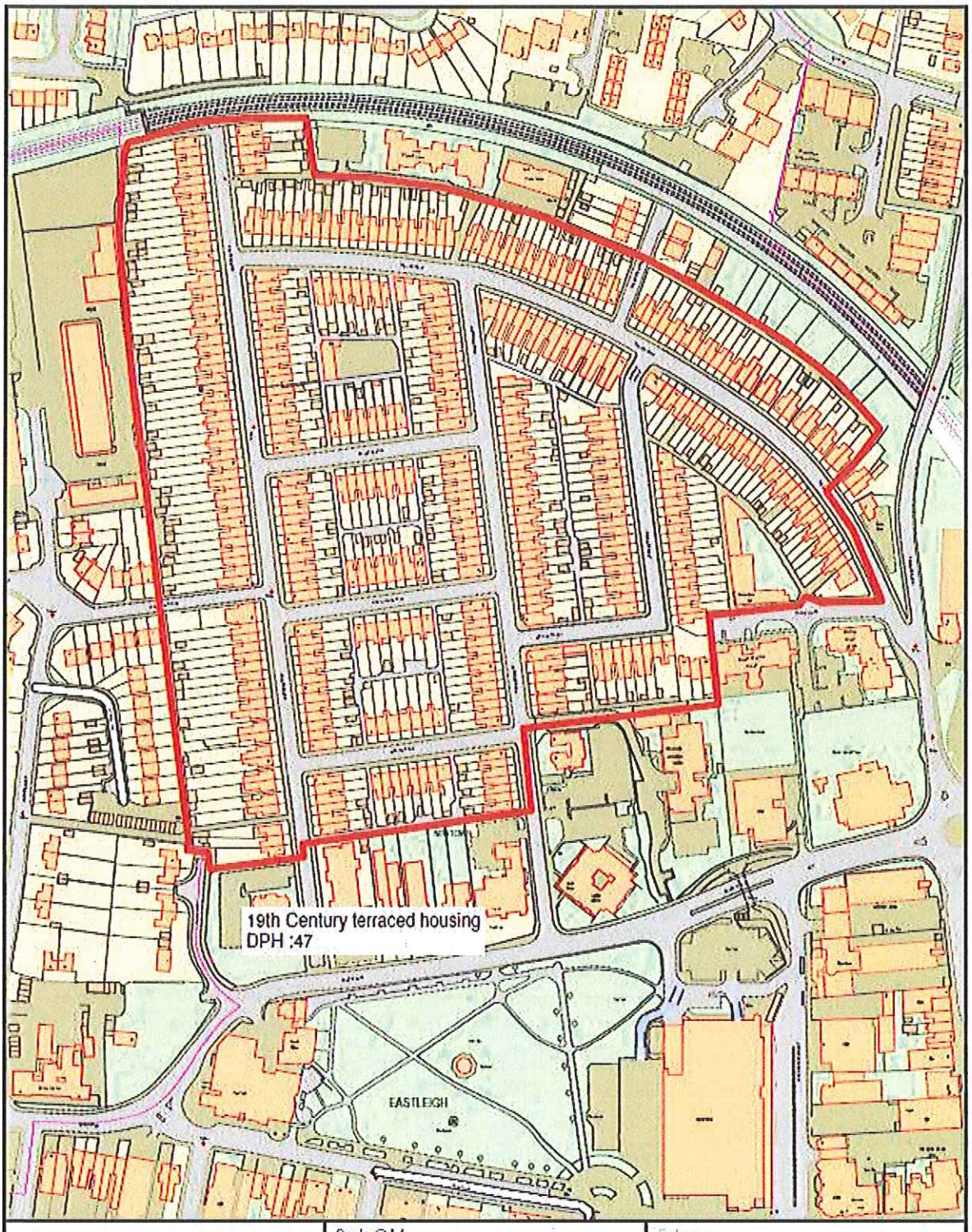

EASTLEIGH BOROUGH COUNCIL

Regeneration & Planning Policy

Scale @A4
1:2500

Map Ref
SU4519SW

Date
16/10/2009

Scheme
Housing Density

Title
Archers Road - Character Area: ELAC12

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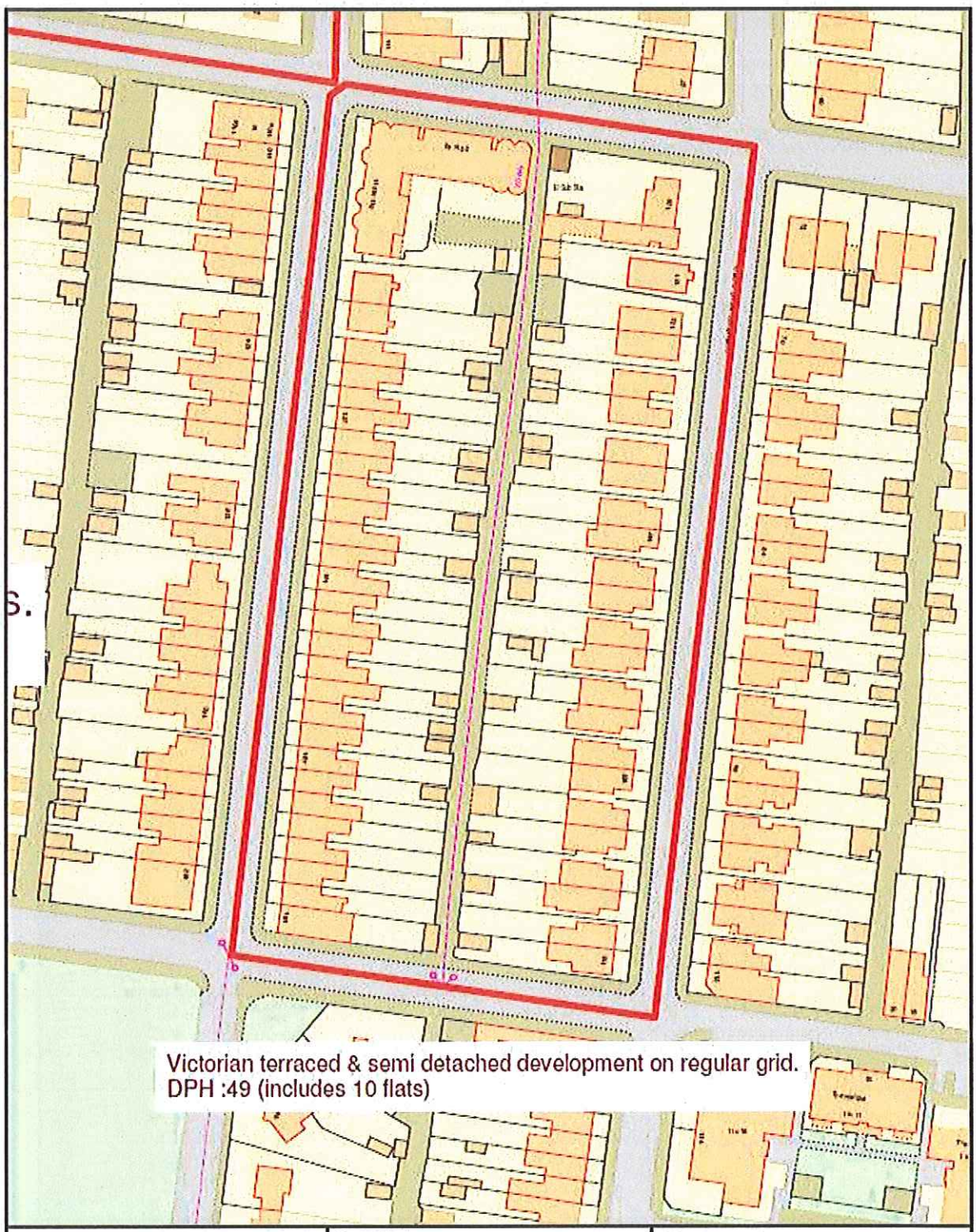

EASTLEIGH BOROUGH COUNCIL

Regeneration & Planning Policy

Scale @A4
1:1000

Map Ref
SU4518NW

Date
16/10/2009

Scheme
Housing Density

Title
Nutbeem Road - Character Area: ELAC 15 (part)

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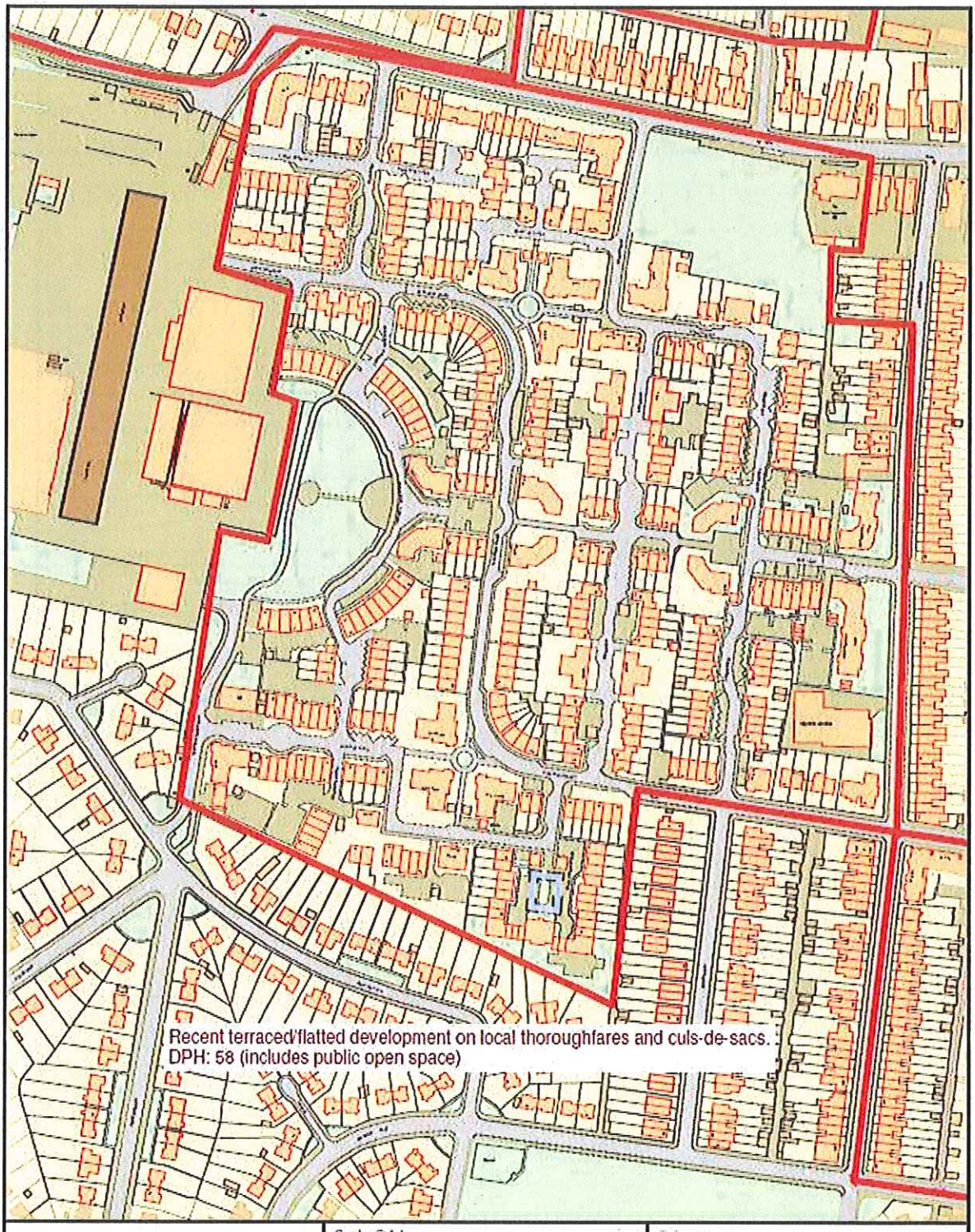

EASTLEIGH BOROUGH COUNCIL

Regeneration & Planning Policy

Scale @A4
1:2500

Map Ref
SU4418NE

Date
16/10/2009

Scheme
Housing Density

Title
Pirelli One - Character Area: ELAC 36

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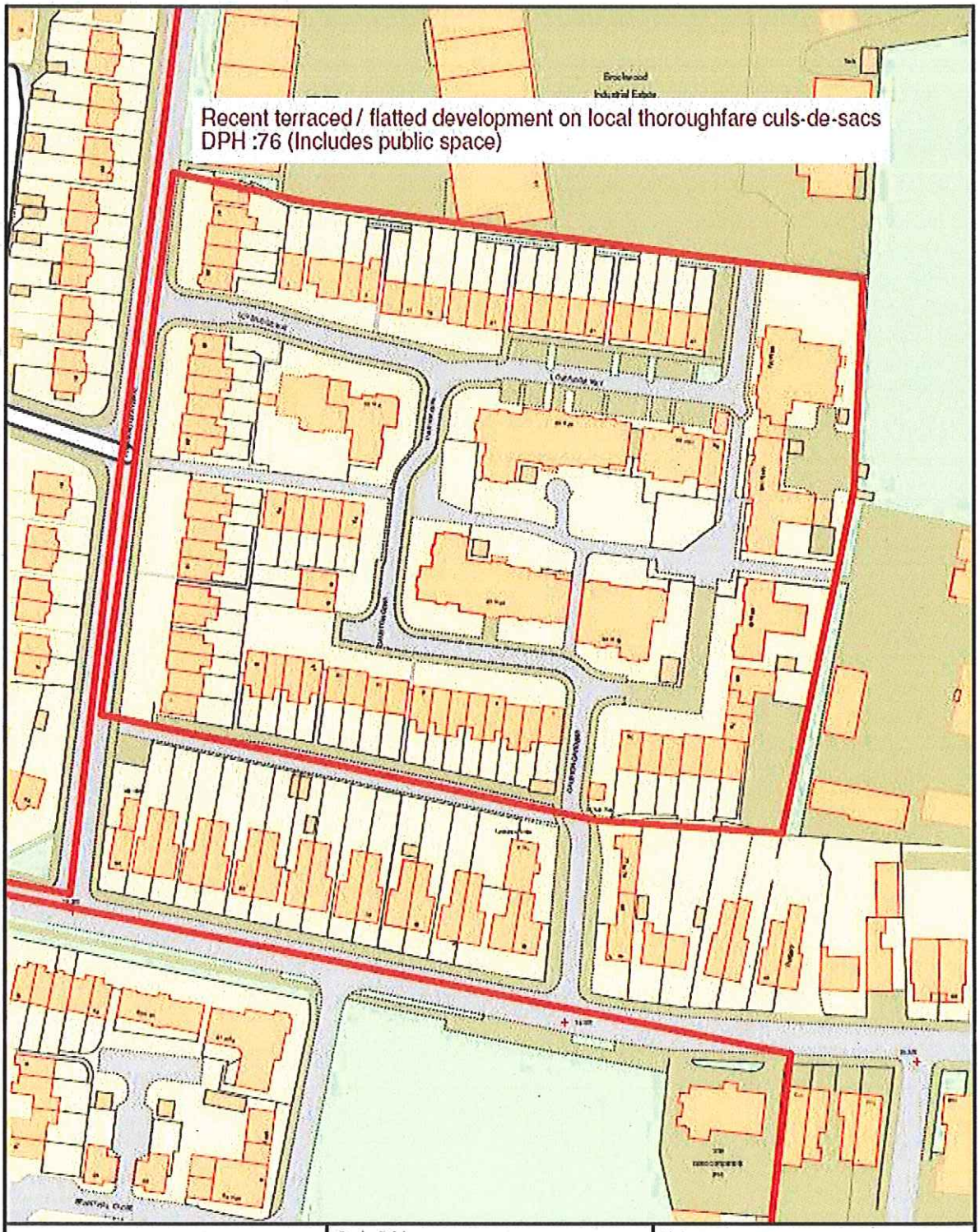

EASTLEIGH BOROUGH COUNCIL
Regeneration & Planning Policy

Scale @A4
1:1250
Map Ref
SU4519SW
Date
16/10/2009

Scheme
Housing Density

Title
Caustons - Character Area: ELAC 35

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