



STATEMENT OF COMMON GROUND - Housing Land Supply

APPEAL REFERENCE: APP/W1715/W/24/3350858

DATE OF HEARING: 11th December 2024

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

ADDRESS: Land off Cobbett Way, Botley, SO30 2ET (the 'Appeal Site')

Outline application for residential development of up to 34 dwellings and associated infrastructure (access only to be considered).

APPELLANT: Mulberry Investment Pension Scheme (the 'Appellant')

LOCAL PLANNING AUTHORITY: Eastleigh Borough Council (the 'Council' / 'LPA' / 'EBC')

PLANNING APPLICATION REFERENCE: O/23/96432 (the 'Application')

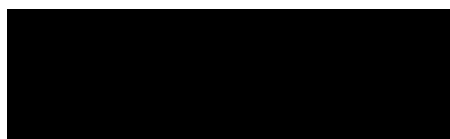
This statement addresses the following areas of common ground:

1. Matters In Agreement
2. Matters of Disagreement - Disputed Sites
3. Parties' Cases for the Extent of Deliverable Supply
4. Affordable Housing
5. Proposed Changes to National Policy and Inclusion of 5% Buffer

This final version of the SoCG is jointly agreed by:

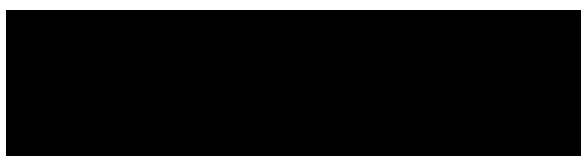
Signed

Date 5 December 2024



Nick Parker

Planning Manager for Eastleigh Borough Council Planning Department



Signed

Date 5 December 2024

Jonathan Goodall

Director (SPRU), DLP Planning Limited On behalf of the Appellant

1. Matters In Agreement

- 1.1 This SoCG refers only to matters concerned with the housing requirement and Five Year housing land supply position ('the 5YHLS'). A separate SoCG covering all other planning matters was submitted on 21 October 2024. This included a summary of the background, site location and proposal.

Base Date and Five-Year Period

- 1.2 The Council's most recent assessment of the 5YHLS is provided in evidence exchanged with the Appellant and Inspector on 21 November 2024. This has been updated and submitted as additional evidence applicable to this Appeal and the base date of the 5YHLS assessment is confirmed as 1st April 2024, and the five-year period runs to 31st March 2029.
- 1.3 This is agreed between parties.

The Housing Requirement and Provision in Adopted Strategic Policies

- 1.4 It is agreed that the Eastleigh Local Plan (adopted April 2022) sets the housing requirement for 729 dwellings per annum for the period 2016-2036 (14,580 dwellings), which is the basis for calculating the 5YHLS. The parties agree that, for this appeal, this figure applies for the purposes of the NPPF(Dec)2023 paragraph 77 and footnote 42 with the adopted plan being less than 5 years old.
- 1.5 The parties further agree that the adopted Local Plan identifies provision for only 11,966 dwellings (ave. 598dpa), comprising a forecast shortfall of -2,614 dwellings against the adopted housing requirement in 2036. The parties agree that paragraph 4.12 of the adopted Local Plan commits the Council to commence an update of the Local Plan within 1 year of its adoption and this reflects that shortfall against Local Plan expectations should not occur until later in the plan period.
- 1.6 The parties agree that the Council's Cabinet confirmed commencement of the Review in its Committee Meeting of 15 June 2023 and that the Local Development Scheme adopted June 2023 anticipates consultation on Issues and Options in Autumn 2024 (which subsequently commenced on 4 December 2024) and adoption of the new Local Plan in Spring 2029. The parties further agree that no weight can currently be given to the contents of the emerging Local Plan Review.

Housing Delivery Test

- 1.7 It is agreed that the latest (2022) Housing Delivery Test (HDT) result for Eastleigh (published on 19 December 2023) is 156%.
- 1.8 It is agreed that the published HDT calculates the number of homes required and number of homes delivered for Eastleigh as the relevant plan-making authority in accordance with the HDT Rule Book.

	Number of Homes Required				Number of Homes Delivered				HDT %
	2019- 20	2020- 21	2021- 22	Total	2019- 20	2020- 21	2021- 22	Total	
Eastleigh	658	462	675	1,795	1,223	865	707	2,795	156%

The Requirement to Assess Deliverable Supply

- 1.9 The parties agree that the most recent version of the National Planning Policy Framework was published in December 2023 (19 December amended 20 December) ('NPPF(Dec)2023').
- 1.10 The parties agree that the provisions of paragraph 76 of the NPPF (December 2023) are not engaged for the purposes of this appeal, and that in accordance with the requirements of paragraph 77, the local authority is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing.

Buffer Requirement

- 1.11 It is agreed that no buffer applies under paragraph 77 of the December 2023 version of the NPPF, as the HDT results indicate that housing delivery has exceeded 85% over the previous three years.

Measurement of Performance Against the Adopted Requirement

- 1.12 The parties agree that the housing requirement in adopted strategic policies is an annual average. The parties further agree that performance against the expectations of the local plan is measured annually against the adopted housing requirement.
- 1.13 The parties agree that additional supply can be used to offset any shortfalls against requirements from previous years (ID: 68-032-20190722). The parties further agree that the minimum five-year requirement is not adjusted for any 'oversupply' calculated against the cumulative requirement in the plan period to date.

Relevance to the Parties' Cases for Decision-Taking

- 1.14 The parties agree that in accordance with the draft calculations provided for the Appeal and submitted by the LPA on 21 November 2024, the local planning authority cannot demonstrate a sufficient supply of deliverable sites to satisfy the minimum five-year requirement at 1 April 2024. While the extent of the shortfall is not agreed, the provisions set out in footnote 8 and paragraph 11(d) of the NPPF are engaged for the determination of the appeal.
- 1.15 While the list of policies most important for determining the Appeal is not agreed, it is agreed that strategic policies relating to the supply of housing (specifically Policy S2 (Approach to new development) and Policy S3 (Location of New Housing)) are rendered out-of-date as a result of the failure to satisfy the minimum five-year requirement. While the resultant weight to be applied to out of date policies is not agreed, it is agreed that the weight to be applied to them is reduced.

2. Matters of Disagreement

Disputed Sites

- 2.1 Further to the information exchanged and relied upon by the Council the assessment of deliverable supply from the following sites as shown in **Table SOCG 2.1** is disputed.
- 2.2 The Council's evidence for these sites is contained in the documents provided and relied upon for the Appeal by the LPA on 21 November 2024, comprising the Draft 5 Year Housing Land Supply calculation, the letter in response to the Appellant's Case, and the letter responding to queries about One Horton Heath.
- 2.3 The Appellant's position on these sites will be provided in its Addendum Land Supply Hearing Statement dated 6 December 2024.

Table SOCG 2.1 Disputed Sites

	Component	LPA ref:	Address	Capacity (Net)	LPA 5YHLS	Appellants' 5YHLS	Diff.
A	FULL	F/17/80651	Land west and north of Waylands Place and Peewit Hill Close	106	106	53	-53
B	FULL	F/20/89500	Land West of Horton Heath	381	381	147	-234
C	OUTLINE	O/18/83698	Land to the North and East of Winchester Street, Botley	375	26	0	-26
D	OUTLINE	O/18/83634	Land west of Woodhouse Lane	605	122	0	-122
E	RESOLUTION	O/19/86980	Land West of Allbrook Way, Knowle Hill	52	52	35	-17
F	RESOLUTION	O/20/89498	Land West of Horton Heath	2119	486	0	-486
G	PRIOR APPROVAL	PN/21/91216	Bursledon Hall, Blundell Lane, Bursledon	16	16	0	-16
H	ALLOCATIONS	0	Land south of Maddoxford Lane and east of Crows Nest Lane	30	30	0	-30
I	ALLOCATIONS	0	Kings Copse Avenue, Botley	120	95	0	-95

	Component	LPA ref:	Address	Capacity (Net)	LPA 5YHLS	Appellants' 5YHLS	Diff.
J	ALLOCATIONS	0	Land north of Myrtle Cottage, Winchester Road	22	22	0	-22
K	ALLOCATIONS	0	Land north of Providence Hill	19	19	0	-19
L	EBC HOUSING	Q/22/92640 - F/23/96224	Land at 30-32 Queens View, Netley	18	18	0	-18
M	EBC HOUSING	Q/21/90499	Land at 237 Chamberlayne Road, Eastleigh	11	11	0	-11
N	EBC HOUSING	Q/21/90496	Land at Station Road (Arch Theatre), Chandlers Ford	17	17	0	-17
O			Small Sites		134	120	14
		Total = Disputed Sites			1,535	415	-1,120
		Total			3,225	2,045	-1,180

3. The Extent of Deliverable Supply

The Council's Case

- 3.1 The Council's case is that it can demonstrate a deliverable 5YHLS of 3,225 dwellings at 1st April 2024. Against the agreed calculation of the five-year requirement in adopted strategic policies this equates to 4.42 years. This is summarised in **SOCG Table 3.1** below.
- 3.2 A summary of the Council's forecast of supply by component and summary trajectory for the five-year period is shown in **SOCG Table 3.3**

The Appellant's Case

- 3.3 The Appellant's case is that while the calculation of the five-year requirement is agreed, a deliverable 5YHLS of only 2,045 dwellings can be demonstrated at 1st April 2024. This equates to 2.81 years' supply (-1,600 dwellings shortfall). This is summarised in **SOCG Table 3.1** below.
- 3.4 The Appellant's case using the cumulative Local Plan trajectory (forecast shortfall of -1,471 dwellings at 31 March 2029) and cumulative average annual requirement (forecast shortfall of -687 dwellings at 31 March 2029) is summarised in **SoCG Table 3.3**
- 3.5 A summary of the Appellant's forecast of supply by component and summary trajectory for the five-year period is shown in **SOCG Table 3.4**

Table SOCG 3.1 Deliverable Supply versus Five-Year Requirement

		Council Supply	Appellant Supply
A	Annual housing requirement	729	729
B	Five year requirement (A X 5)	3,645	3,645
C	Plus 5% buffer	N/A	N/A
D	Five year requirement (B + C)	3,645	3,645
E	Annual requirement (rounded)	729	729
F	5YHLS supply at 1 st April 2024	3,225	2,045
G	Supply in years (F / E)	4.42	2.81
H	Over / under supply (F – D)	-420	-1,600

Table SOCG 3.2 Actual and Forecast Performance vs Local Plan – Appellant’s Case

Year	Local Plan Trajectory (ED101)	Cumulative Local Plan Trajectory	Cumulative Local Plan Annual Requirement (729dpa)	Actual and Forecast Supply - Appellant	Cumulative Supply - Appellant	Difference Appellant Supply versus Local Plan Trajectory	Difference Appellant Supply versus Cumulative Annual Requirement
2016/17	517	517	729	517	517	0	-212
2017/18	893	1410	1458	893	1410	0	-48
2018/19	1162	2572	2187	1250	2660	88	473
2019/20	1330	3902	2916	1223	3883	-19	967
2020/21	1194	5096	3645	864	4747	-349	1102
2021/22	784	5880	4374	707	5454	-426	1080
2022/23	665	6545	5103	725	6179	-366	1076
2023/24	663	7208	5832	566	6745	-463	913
2024/25	719	7927	6561	566	7311	-616	750
2025/26	653	8580	7290	528	7839	-741	549
2026/27	784	9364	8019	387	8226	-1138	207
2027/28	522	9886	8748	334	8560	-1326	-188
2028/29	375	10261	9477	230	8790	-1471	-687
2029/30	345	10606	10206				
2030/31	325	10931	10935				

Table SOCG 3.3 Components of Supply and Forecast Five Year Trajectory – Council’s Case

	24/25	25/26	26/27	27/28	28/29	5-year Total
Large Sites						
Full permission not started / under construction	153	187	225	245	0	810
Outline permission not started / under construction	0	0	0	44	104	148
Resolution to support in principle outline permission	0	0	109	253	176	538
Reserved Matters	373	338	175	136	87	1109
Prior approval not started / under construction	0	16	0	0	0	16
Elderly Persons Housing	0	36	0	60	0	96
Local Plan Allocations	0	0	0	86	80	166
Pre planning / EBC Housing	0	0	18	11	17	46
Small Sites						
Small Sites						134
Windfall						162
Total Supply	526	577	527	835	464	3225

Table SOCG 3.3 Components of Supply and Forecast Five Year Trajectory – Appellant’s Case

	24/25	25/26	26/27	27/28	28/29	5-year Total
Large Sites						
Full permission not started / under construction	153	114	118	69	69	523
Outline permission not started / under construction	0	0	0	0	0	0
Resolution to support in principle outline permission	0	0	0	15	20	35
Reserved Matters	373	338	175	136	87	1109
Prior approval not started / under construction	0	0	0	0	0	0
Elderly Persons Housing	0	36	0	60	0	96
Local Plan Allocations	0	0	0	0	0	0
Pre planning	0	0	0	0	0	0
Small Sites						
Small Sites						120
Windfall						162
Total Supply	566	528	387	334	230	2045

4. Affordable Housing

Matters Agreed

The Appeal Scheme

- 4.1 The parties agree that the Appeal proposal makes provision for policy-compliant contributions towards affordable housing in accordance with Policy DM28 which requires 35% provision of Affordable Housing. This is equivalent to 12 of 34 dwellings. The parties further agree that this provision will be secured via the S106.

Adopted Local Plan Requirements and Policy for Minimum Affordable Housing Needs

- 4.2 It is agreed that, under Policy S2, the Local Plan is required to support the provision of 200 net new affordable homes per annum within the plan period from 2016 to 2036 (a total of 4,000 dwellings). It is further agreed that the evidence base for minimum affordable housing needs identified in the Plan comprises the ORS Affordable Housing Assessment 2017 and the ORS Assessment of Affordable Housing Update 2020 (ED102).
- 4.3 The parties agree that the Council's evidence base is clear that the need for affordable dwellings is 4,000 units comprising a net addition to existing stock. Paragraph 2.43 of the Council's evidence base states *"Any losses from the current stock (such as demolition or clearance, or sales through Right to Buy) would increase the number of affordable dwellings needed by an equivalent amount."*
- 4.4 It is agreed that Policy DM28 seeks that 35% affordable housing will be required as part of new housing developments, unless justified by evidence.
- 4.5 It is agreed that based on the overall housing requirement set at 729 net additional dwellings per annum the proportion of net additional affordable housing achieved should be approximately 27% of the total housing requirement.
- 4.6 It is further agreed that the Local Plan only makes provision for a forecast 11,966 units in the period 2016-2036, generating a total shortfall of -2,614 dwellings (LP paragraph 4.12) against the minimum housing requirement. Accordingly, net annual affordable housing needs are equivalent to over 33% of the provision identified in the Plan. It is agreed that the minimum provision identified includes allowances for small sites and windfall that will not be subject to Policy DM28.

Housing Register Entrants and Waiting Times

- 4.7 The parties agree that paragraph 2.11 of the Local Plan refers to a 2016 total of 1,890 households registered who could not afford to buy or rent a property in the private sector, of which 1,690 households (90%) were in the 'reasonable preference' category as they fall into a specific category of housing need.
- 4.8 The Local Plan refers to details of the register remaining consistent with previous years. The parties further agree that the total number of households on the register has increased year on year since 2016. Based on the Local Plan figure of 1,890 (as per para. 4.8), the number of households on the register has increased by 655, totaling 2,545 in 2023/24 (as detailed in Table SoCG 4.1).
- 4.9 The parties agree that the most recent 2024 Hampshire Home Choice Report provides insight into the distribution of households across these band categories.

The findings are as follows:

Table SoCG 4.1 Proportion of Housing Register Households in each band

	Count	Percentage
Band 1	5	0.2%
Band 2	166	6.5%
Band 3	2,264	89.0%
Band 4	110	4.3%

Hampshire Home Choice Report (2024)

- 4.10 While the magnitude is not agreed the parties further agree that Hampshire Home Choice Reporting confirms an increase in the average waiting time on the register for households bidding for properties in either Band 2 or Band 3, particularly for 3+ bedroom affordable family homes. The 2020 and 2024 Reports are compared below by bedroom number.

Table SoCG 4.2 Average Waiting Time by Band and Bedroom Requirements, 2020 and 2024

	2020		2024	
	Band 2	Band 3	Band 2	Band 3
1-bed	1 year	3yr 5 months	1yr 10 months	5yr 2 months
2-bed flat	8 months	1yr 2 months	7 months	1yr 11 months
2-bed house	6 months	3 years	1 year	3yr 2 months
3-bed	1yr 5 months	3 years	1yr 10 months	4yr 8 months
4+ bed house	1yr 8 months	3yr 9 months	2yr 2 months	No data

Hampshire Home Choice Report (2024)

Matters Not Agreed

Gross and Net Affordable Housing Completions

The Council's Case

- 4.11 The Council's case is that 2,305 net affordable housing completions have been recorded for the period 2016/17 to 2023/24 (ave. 288dpa), inclusive of demolitions but excluding any other changes in affordable housing stock. This equates to around 35% of total net completions recorded over the same period as shown in Table SoCG 4.3 below.

Table SoCG 4.3 Net Affordable Housing Completions – Council Reporting

Year	Completions Less Demolitions
2016/17	181
2017/18	204
2018/19	468
2019/20	475
2020/21	247
2021/22	304
2022/23	210
2023/24	216
2016-2024	2,305

The Appellant's Case

- 4.12 While the Council's net monitoring of completions and demolitions is agreed the Appellant considers that other net changes in stock through sales are required to be reported against the Local Plan requirements. In the absence of reporting by the Council the Appellant applies Social Housing Sales open data (available to 2022/23) to the Council's AMR series as shown in Table SoCG 4.4 below. This generates a reduced total of 1,856 net completions net of sales for the period 2016-2023 (ave. 265dpa).

Table SoCG 4.4 Net Affordable Housing Completions Less Sales

AMR Year	SHSD Open Data - LCHO Sales	SHSD Open Data - Other Sales	SHSD Open Data - Sale to Sitting Tenants	AMR Net of Sales
2016/17	-31		-13	137
2017/18	-34	-1	-3	166
2018/19	-25		-7	436
2019/20	-15		-9	451
2020/21	-15	-6	-1	225
2021/22	-34	-2	-11	257
2022/23	-20	-3	-3	184
2016-2023	-174	-12	-47	1,856

Committed Affordable Housing

The Council's Case

- 4.13 The Council's case is that it can demonstrate 1,025 units' committed supply of affordable housing at 1 April 2024.

The Appellant's Case

- 4.14 The Appellant disputes the inclusion of commitments for affordable housing from the following sites were deliverability within the five year period is also in dispute. As such, the Appellant considers that the Council can only currently demonstrate 548 units' committed supply towards affordable housing. This is summarised in Table SoCG 4.5.

Table SoCG 4.5 Deliverability of Committed Affordable Housing (AH) by Disputed Sites

	Component	LPA ref:	Address	Capacity (Net)	LPA 5YHLS	LPA AH	Appellants' AH
B	FULL	F/20/89500	Land West of Horton Heath	381	381	134	0
C	OUTLINE	O/18/83698	Land to the North and East of Winchester Street, Botley	375	26	131	0
D	OUTLINE	O/18/83634	Land west of Woodhouse Lane	605	122	212	0
	Affordable Housing Commitments – Not Disputed					548	548
		Total = Disputed Sites				477	0
		Total				1,025	548

5. Proposed changes to the Framework and Calculation of the Five Year Requirement

- 5.1 Both parties agree that this appeal will be determined against the policies of the extant Framework at the decision date; at present this remains the December 2023 NPPF.
- 5.2 The parties agree that if published in a revised version of the NPPF prior to determination of the Appeal the proposed changes consulted upon in draft in July 2024 would mean:
- While it is not engaged for the determination of this Appeal Paragraph 76 of the December 2023 would be deleted and a minimum five year supply of deliverable sites against the relevant would need to be demonstrated in all cases
 - The 5% buffer would be reinstated and would apply to the five year requirement
- 5.3 The position of the parties' respective cases on supply versus the five-year requirement inclusive of the proposed reintroduction of the 5% buffer for flexibility and choice would be as follows in **Table SoCG 5.1**:

Table SOCG 5.1 Inclusion of the 5% Buffer

		Council Supply	Appellant Supply
A	Annual housing requirement	729	729
B	Five year requirement (A X 5)	3,645	3,645
C	Plus 5% buffer	182	182
D	Five year requirement (B + C)	3,827	3,827
E	Annual requirement (rounded)	765	765
F	5YHLS supply at 1 st April 2024	3,225	2,045
G	Supply in years (F / E)	4.22	2.67
H	Over / under supply (F – D)	-602	-1,782