

Submission in Response to Inspector's Request on the Relevance of the Revised NPPF (2024)

Planning Inspectorate Reference: APP/W1715/W24/3350858

Local Planning Authority Reference: O/23/96432

Introduction

1. This submission responds to the Inspector's invitation to comment on the relevance of the revised National Planning Policy Framework (NPPF), which came into force on 12th December 2024, to the above appeal. We have carefully reviewed the updated Framework and identified several aspects that are pertinent to this case. This response addresses those policies directly and demonstrates how the appeal proposals align with them.

Housing Land Supply

2. The amendments to paragraph 78 of the NPPF mean that the calculation of five year housing land supply must include a 5% buffer (see paragraph 78(a)). The effect of this is to increase the supply requirement by 5% and thus to worsen the Council's housing land supply shortfall. Calculated in accordance with the NPPF, the Appellant's position is that the Council is only able to demonstrate a supply of 2.67 years.
3. The Appellant's case is therefore as per Table SoCG 5.1 which anticipated the introduction of a 5% buffer consulted upon previously. The Appellant considers the Council can demonstrate 2.67 years' deliverable supply (reduced from 2.81 years as per the Hearing date).

		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

4. The Appellant notes that the Council has failed to draw the Inspector's attention to the 5% buffer in its response on the amendments to the NPPF.

The Titled Balance

5. It was agreed at the hearing that this appeal should be determined pursuant to paragraph 11(d) of the NPPF because of the Council's accepted failure to demonstrate a five year housing land supply and the operation of footnote 8 of the NPPF. This remains the case. However, the wording of paragraph 11(d) has been amended. As to that amended wording:

- 5.1. The amendment to paragraph 11(d)(i) is not relevant to this appeal as it is agreed (and continues to be the case) that the proposed development would not conflict with any of the policies in footnote 7 of the NPPF.

- 5.2. The amendment to paragraph 11(d)(ii) is relevant to this appeal. The effect of the amendment is to:

- 5.2.1. Introduce the words '*having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*'; and

- 5.2.2. To introduce footnote 9, which is inserted at the end of paragraph 11(d)(ii) and which provides: '*The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.*'

- 5.3. **This amendment supports the Appellant's case and supports the grant of planning permission for the following reasons.**

- 5.4. First, the proposed development does not conflict with any of the policies in footnote 9. No conflict with these policies has ever been alleged by the Council and, notably, no conflict is alleged in the Council's response on the amendments to the NPPF.

- 5.5. Secondly, the proposed development positively supports the objectives in a number of these paragraphs in footnote 9, in particular:

- 5.5.1. The location of the proposed development in Botley is in accordance with the objective of paragraph 110 of the NPPF, namely the need to focus development on locations which are sustainable (as Botley is accepted to be, being a focus for growth in the Local Plan) and offer a genuine choice of transport modes (e.g. the bus stop, immediately adjacent to the pedestrian entrance to the Site).
- 5.5.2. The proposed development furthers the objectives of paragraph 115 of the NPPF, in particular by (1) prioritising sustainable transport with the excellent access to the neighbouring bus stop and bus network; (2) providing safe and suitable access; (3) at the reserved matters stage, delivering an acceptable design of streets; and (4) avoiding any significant impacts on the transport network.
- 5.5.3. The proposed development is an efficient use of land in accordance with paragraph 129 of the NPPF.
- 5.5.4. It is agreed in the SOCG at paragraph 42 that an acceptable design can be delivered at the reserved matters stage. This furthers the objectives of paragraphs 135 and 139 of the NPPF.
- 5.6. The Appellant repeats that there is a substantial package of benefits – in addition to the compliance with the footnote 9 policies for the purposes of paragraph 11(d)(ii) - namely:
 - 5.6.1. The delivery of Market Housing which (1) assists in making up the supply deficit within the next five years; (2) responds positively to the deficient strategy in the Local Plan which is not working; and (3) represents a positive step to making good the deficit in the supply deficient in circumstances where the Council has no plan to address it within the next five years, instead waiting until the new local plan after the end of the relevant five year period.
 - 5.6.2. The provision of Affordable Housing in circumstances where the unchallenged evidence illustrates worsening affordability in the Council's area.

5.6.3. An improved settlement edge, as described by Mrs Brockhurst.

5.6.4. Economic benefits as described by Mr Burgess.

5.6.5. And the delivery of BNG above the target.

5.7. It follows that when striking the balance under NPPF paragraph 11(d)(ii) the adverse benefits do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, with particular regard to those in footnote 9.

Paragraph 73 of the NPPF

6. Paragraph 73 of the revised NPPF provides enhanced support for small and medium-sized enterprises (SMEs) in the housing sector. It recognizes their critical role in addressing shortfalls in housing delivery and emphasizes the importance of taking immediate action to meet housing needs, particularly where there is an identified shortfall in the five-year requirement.
7. The proposed development, promoted by a smaller local development enterprise, aligns with this national priority. The proposed development seeks to deliver a high-quality housing scheme that will assist to ameliorate the Council's housing supply deficit, providing much-needed homes promptly and efficiently. This direct alignment with Paragraph 73 strengthens the case for approving the development.
8. The Council ignores this paragraph in its response to the Inspector on the revisions to the NPPF.

Conclusion

9. The revised NPPF underscores the importance of addressing housing shortages, supporting sustainable development, and protecting the environment. The appeal proposals align strongly with the Framework's objectives and policies particularly in addressing the acute housing need in Eastleigh Borough Council area.

Andrew Burgess on behalf of the Appellant

Andrew Burgess Planning Ltd

20th December 2024.