

Proof of Evidence of Ben Pycroft re: Housing Land Supply

For Bloor Homes NW | 24-401

Outline application for residential development with access considered (all other matters reserved) at Land to the east of Froghall Road, Cheadle
PINS ref: APP/B3438/W/24/3351035

Project: 24-401
Site Address: Land east of Froghall Road, Cheadle
Client: Bloor Homes NW
Date: 23 December 2024
Author: Ben Pycroft

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1. Introduction and summary

- 1.1 This proof of evidence is submitted on behalf of Bloor Homes NW (i.e. “the Appellant”) in support of its appeal against the decision of Staffordshire Moorlands District Council to refuse outline planning permission for: “residential development with access considered (all other matters reserved)” at land to the east of Froghall Road, Cheadle (LPA ref: SMD/2021/0610, PINS ref: APP/B3438/W/24/3351035).
- 1.2 This proof of evidence addresses matters relating to the Council’s five year housing land supply (5YHLS). It should be read alongside the proofs of evidence of Andrew Moger, which addresses self and custom-build housing; Jamie Roberts, which addresses affordable housing and John Coxon, which addresses all other planning matters in relation to this case.

Qualifications

- 1.3 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am a Director of Emery Planning, based in Macclesfield, Cheshire.
- 1.4 I have extensive experience in dealing with housing supply matters and have prepared and presented evidence relating to five year housing land supply calculations at several Local Plan examinations and over 70 public inquiries across the country.
- 1.5 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.
- 1.6 I provide this proof of evidence, a summary proof of evidence and a set of appendices. I also refer to several core documents and the Statement of Common Ground (SoCG) in relation to housing land supply.



Summary

- 1.7 From the outset, it is agreed that the Council cannot demonstrate a 5YHLS. The Council's published position on 5YHLS¹ states that the deliverable supply at 1st April 2023 is 1,651 dwellings. Through the SoCG process, the Council has agreed that 44 dwellings at Big Mill, Mill Street, Leek should be removed from the 5YHLS. This means that the Council's deliverable supply is 1,607 dwellings (i.e. $1,651 - 44 = 1,607$). Against the adopted housing requirement of 320 dwellings per annum plus a proportion of the shortfall to date and a 5% buffer, this equates to **3.49 years**.
- 1.8 The Council has been unable to demonstrate a 5YHLS in the monitoring reports published since the Local Plan was adopted in September 2020):
- At 1st April 2021², the Council claimed it could demonstrate a 4.21 year supply; and
 - At 1st April 2022³, the Council claimed it could demonstrate a 3.71 year supply.
- 1.9 The following matters in relation to 5YHLS are agreed:
- The relevant base date for assessing the 5YHLS the purposes of this appeal is 1st April 2023 and the relevant 5YHLS period is to 31st March 2028;
 - The 5YHLS should be measured against the housing requirement set out in adopted strategic policies. This is 320 dwellings per annum;
 - The shortfall since the base date of the Local Plan (i.e. 1st April 2014) is 1,189 dwellings;
 - The shortfall should be spread over the remainder of the plan period (i.e. the 'Liverpool' method). This means 595 dwellings should be addressed in the 5YHLS period;
 - A 5% buffer applies; and
 - The Council cannot demonstrate a 5YHLS.
- 1.10 The extent of the deliverable supply is not agreed. As above, the Council considers that it can demonstrate a deliverable supply of 1,607 dwellings.
- 1.11 I conclude that 365 dwellings should be removed from the Council's 5YHLS at 1st April 2023 on the following sites.

¹ Core document **CD7.1**

² Core document **CD7.3**

³ Core document **CD7.2**



Table 1.1 – Disputed sites in the Council’s 5YHLS at 1st April 2023

Address	Status at 1 st April 2023	Council 5YHLS	Appellant 5YHLS	Difference (5 years)	Appellant’s summary reason for challenge
Milltown Way, Leek	Outline pp allowed at appeal RM approved February 2022	25	0	25	Permission has expired
Brookhouse Way, Cheadle	Outline pp RM submitted in 2019 and pending determination	36	0	36	Category b) site with no clear evidence of deliverability.
Land at Blythe Park, Sandon Road, Cresswell	Outline pp RM applications submitted in 2022 and pending determination	60	0	60	Category b) site with no clear evidence of deliverability.
Land at Barnfields Industrial Estate, Sunnyhills Road, Leek	Outline pp RM submitted in 2021 and pending determination	117	64	53	Lead in time extended by 1 year, resulting in a deduction of 53 dwellings
Ayr Road / Cheadle North Strategic Phase 2	Outline pp RM submitted in 2021 and pending determination	132	101	31	Lead in time extended by 1 year, resulting in a deduction of 31 dwellings
Blythe Vale, Blythe Bridge (Phase 2)	RM approved	200	173	27	Lead-in time extended resulting in a deduction of 27 dwellings.
Land at Capri, Gallows Green	Outline planning application pending determination	13	0	13	Category b) site with no clear evidence of deliverability.
Small site windfall allowance	No planning permission	120	0	120	No compelling evidence for the inclusion of a small sites windfall allowance of 120 dwellings in addition to the 382 dwellings on small sites already included in the 5YHLS
				365	

1.12 I therefore conclude that the deliverable supply at 1st April 2023 is 1,242 dwellings (i.e. $1,607 - 365 = 1,242$). Against the adopted housing requirement, a proportion of the shortfall and a 5% buffer, this equates to **2.7 years** as shown in the following table:

Table 1.2 – Staffordshire Moorlands’ 5YHLS at 1st April 2023

		Council	Appellant
	Requirement		
A	Annual housing requirement	320	
B	Five year housing requirement (A X 5 years)	1,600	
C	Shortfall at 1 st April 2023	1,189	
D	Remaining plan period (2023-33) in years	10	
E	Shortfall to be addressed in 5YHLS period (C / 10 years X 5 years)	595	
F	5YHLS requirement without buffer (B + E)	2,195	
G	5% buffer (5% of F)	110	
H	5YHLS requirement with 5% buffer (F + G)	2,305	
J	Annual 5YHLS requirement with 5% buffer (H / 5 years)	461	
	Supply		
K	5YHLS at 1 st April 2023	1,607	1,242
L	Supply in years (G / F)	3.49	2.7
M	Surplus / shortfall in 5YHLS (G – E)	-698	-1,062

1.13 The policy implication of this is addressed by John Coxon.



2. Planning policy context

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration. The Framework sets out what a 5YHLS is, how it should be calculated and the consequences of failing to demonstrate a 5YHLS.

Development plan context

- 2.2 The existing development plan comprises the Staffordshire Moorlands Local Plan (adopted September 2020).
- 2.3 The conformity of the appeal proposals with the policies in the development plan, whether the most important policies for determining the appeal are up to date and the weight to be given to those policies are addressed by John Coxon.
- 2.4 Of relevance to my proof of evidence is policy SS 3 of the Staffordshire Moorlands Local Plan: “Future Provision and Distribution of Development”. This policy states:

“Provision will be made for at least 6080 additional dwellings (net of demolitions) to be completed in Staffordshire Moorlands during the period 2014 to 2033 - an annual average of 320 homes per year. Sufficient deliverable land will be identified to provide at least 5 years of development at all times.

The Council will monitor the annual development rate and manage supply to ensure that future provision will continue to adequately meet identified needs and reflect development potential.”

- 2.5 Paragraph 6.22 (page 42) of the Local Plan states:

“The requirement for 6,080 dwellings is a target and should not be seen as an absolute ceiling as there needs to be flexibility to ensure there is a continuous 5 year supply of deliverable land at all times in accordance with the NPPF. The Council will monitor the amount of development over the plan period to ensure there is a five year housing land supply. The land supply calculation applies a 20% buffer to reflect persistent under delivery and applies the ‘Liverpool method’ to spread the housing shortfall up to the year 2033. The shortfall in completions is high (788 at March 2019) and it is considered to be unrealistic to apply the ‘Sedgefield method’ and meet the shortfall over five years which would give a very high annual requirement”



2.6 Appendix 1 on page 184 of the Staffordshire Moorlands Local Plan provides a housing trajectory. I discuss this in section 4 of my proof of evidence.

Other material considerations

Staffordshire Moorlands Statement of Five Year Housing Land Supply (as at 1st April 2023)

- 2.7 The Statement of Five Year Housing Land Supply (as at 1st April 2023, published November 2023)⁴ sets out the Council's 5YHLS at 1st April 2023. As set out in the introduction to my proof of evidence, the published statement claims that the deliverable 5YHLS is 1,651 dwellings, which against the adopted housing requirement, a proportion of the shortfall and a 5% buffer equates to 3.58 years.
- 2.8 I also refer to the previous 5YHLS statements which have a base date of 1st April 2021 and 1st April 2022⁵.

National Planning Policy Framework

- 2.9 The Framework was published in March 2012. It was revised in July 2018, February 2019, July 2021, September 2023, December 2023, and most recently on 12th December 2024.
- 2.10 The following sections of the revised Framework are relevant to my proof of evidence:
- Footnote 8 which explains that the tilted balance to the presumption in favour of sustainable development applies where a) a local planning authority cannot demonstrate a 5YHLS or b) where the Housing Delivery Test result is less than 75%;
 - Section 5: Delivering a sufficient supply of homes, including:
 - Paragraph 61, which refers to the Government's objective of significantly boosting the supply of homes;
 - Paragraph 62, which explains that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment calculated using the standard method set out in the PPG. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for;
 - Paragraph 75, in relation to an allowance for windfall sites;
 - Paragraph 78, which states:

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider

⁴ Core document 7.1

⁵ Core documents 7.2 and 7.3



whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies³⁸ or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 20% where there has been significant under delivery⁴⁰ of housing over the previous three years, to improve the prospect of achieving the planned supply; or
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework⁴¹, and whose annual average housing requirement⁴² is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

- Footnote 39 states: "Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance"

Footnote 40 states: "This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement"

- Paragraph 79, in relation to Housing Delivery Test Action Plans and the policy consequences for failing the HDT.

- Annex 1: Implementation, including:

- Paragraph 232, which explains that where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption.
- Paragraph 233, which sets out the circumstances in which an authority can confirm its housing land supply through an Annual Position Statement.

- Annex 2: Glossary, including:

- The definition of "deliverable" on page 72; and



- The definition of “windfall sites” on page 80.

Planning Practice Guidance (PPG)

2.11 The relevant chapters of the PPG in relation to my proof of evidence are:

- Chapter 2a - Housing and economic needs assessment;
- Chapter 3 – Housing and economic land availability assessments; and
- Chapter 68 – Housing supply and delivery.

2.12 Chapters 2a and 68 of the PPG were last updated on 12th December 2024 to reflect the revised Framework.



3. What constitutes a deliverable site?

Previous National Planning Policy (2012) and Guidance (2014)

3.1 Footnote 11 of the 2012 Framework stated:

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

3.2 Paragraph 3-031 of the previous PPG (dated 6th March 2014): “What constitutes a ‘deliverable site’ in the context of housing policy?” stated:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (eg infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply.”

3.3 Therefore, under the 2012 Framework, all sites with planning permission, regardless of their size or whether the planning permission was in outline or in full were to be considered deliverable until permission expired unless there was clear evidence that schemes would not be “implemented” within five years. The PPG went further by stating that allocated sites “could” be deliverable and even non-allocated sites without planning permission “can” be considered capable of being delivered.

3.4 The Government consulted on a draft revised Framework between March and May 2018. The draft revised Framework provided the following definition of “deliverable” in the glossary:



“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

3.5 Question 43 of the Government’s consultation on the draft revised Framework asked: “do you have any comments on the glossary?”

3.6 There were 750 responses to question 43 of the consultation. Some of the points raised included:

“Local authorities called for the proposed definition of ‘deliverable’ to be reconsidered, as it may result in them being unable to prove a five year land supply and place additional burdens on local authorities to produce evidence. Private sector organisations were supportive of the proposed definition.” (my emphasis)

3.7 The government’s response was as follows:

“The Government has considered whether the definition of ‘deliverable’ should be amended further, but having assessed the responses it has not made additional changes. This is because **the wording proposed in the consultation is considered to set appropriate and realistic expectations for when sites of different types are likely to come forward.**” (my emphasis)

Current National Planning Policy and Guidance

3.8 The definition of “deliverable” is set out on page 72 of the Framework (December 2024). For the avoidance of doubt, the definition has not substantially changed since 2018⁶. The definition states:

“Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered

⁶ The July 2018 version of the Framework included the same wording but did not list the two categories of site as a) and b)



within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

3.9 The PPG was most recently updated on 5th February 2024. Paragraph 68-007 of the PPG⁷ provides some examples of the types of evidence, which could be provided to support the inclusion of sites with outline planning permission for major development and allocated sites without planning permission. It states:

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- have outline planning permission for major development;
- are allocated in a development plan;
- have a grant of permission in principle; or
- are identified on a brownfield register.

Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.”

⁷ Paragraph 007 Reference ID: 68-007-20190722: “What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?”



3.10 Whilst the previous definition in the 2012 Framework considered that all sites with planning permission should be considered deliverable, the revised definition in the current Framework is clear that only sites with detailed consent for major development should be considered deliverable and those with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin in five years.

3.11 As above, the PPG has been updated to provide some examples of the type of evidence which may be provided to be able to consider that sites with outline planning permission for major development, allocated sites and sites identified on a brownfield register are deliverable.

Staffordshire Moorlands approach to “clear evidence”

3.12 The change to the definition of deliverable since the 2012 version of the Framework is significant in this case because 241 dwellings (15%) of the Council’s claimed deliverable supply of 1,651 dwellings (as set out in the position statement) are on sites that were within category b) of the definition of deliverable at the base date (1st April 2023) as shown in the following table:

Table 3.1 – Sites in Staffordshire Moorlands’ 5YHLS at 1st April 2023 on category b) sites

Address	Status at 1 st April 2023	No. of dwellings in Council’s 5YHLS on category b) sites
Brookhouse Way, Cheadle	Outline pp RM pending determination since October 2019	36
Land at Bylthe Park, Sandon Road, Cresswell	Outline pp RM pending determination since May 2022	60
Ayr Road / Cheadle North Strategic Development Area, Cheadle (Phase 2)	Outline pp RM pending determination since November 2021	132
Land at Capri, Gallows Green, Alton	Outline planning application pending determination since February 2021	13
Total		241



3.13 In the absence of clear evidence of deliverability, these 241 dwellings should be removed from the Council's 5YHLS.

3.14 The onus is on the Council to provide clear evidence of deliverability for category b) sites. This was confirmed in a decision dated 28th September 2018 soon after the definition of "deliverable" was made relating to an appeal made by Landex Ltd against the decision of Mid Suffolk District Council to refuse to grant outline planning permission for up to 49 dwellings at land on east side of Green Road, Woolpit⁸. Paragraph 65 of the appeal decision states:

"The NPPF 2018 provides specific guidance in relation to the calculation of the five years supply but specifically with regard to qualifying sites, the Glossary definition of 'Deliverable' in Annex 2 goes further than its predecessor. Small sites and those with detailed permission should be considered deliverable until permission expires unless there is clear evidence that they will not be delivered. Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the LPA to provide that clear evidence for outline planning permissions and allocated sites." (my emphasis added)

3.15 Paragraph 68 of the same appeal decision states:

"Sites with outline planning permission make up a very large proportion of the Council's claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years. I accept that there was clear evidence of what was necessary on one site provided in Mr Robert's evidence and so the 200 dwellings in respect of that site should be added to the Appellant's supply calculations. As for the other 1,244 dwellings with outline permission, the Council has not even come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon those sites." (my emphasis added)

3.16 I have asked the Council to provide the "clear evidence" it relies on to support the inclusion of category b) sites⁹.

3.17 However, I make the following general points with reference to relevant appeal decisions where the definition of "deliverable" and "clear evidence" have been considered.

⁸ PINS ref: 3194926 – 28th September 2018 – core document **12.6**

⁹ Appendix **BP2**



Relevant appeal decisions

3.18 There have been several appeal decisions which have considered the definition of “deliverable” since it was first introduced in the 2018 version of the Framework and whether “clear evidence” has been provided for the inclusion of sites which only have outline planning permission for major development or are allocated without planning permission. Whilst each appeal has been determined on a case by case basis on the evidence before the decision-maker, several themes have arisen in appeal decisions, which I discuss below.

The absence of any written evidence

3.19 Where no evidence has been provided for the inclusion of category b) sites, the Secretary of State and Inspectors have concluded that these sites should be removed. For example:

- In an appeal decision regarding land off Audlem Road, Stapeley, Nantwich and land off Peter De Stapeleigh Way, Nantwich¹⁰, the Secretary of State removed 301 dwellings from Cheshire East Council’s supply from sites including: *“sites with outline planning permission which had no reserved matters applications and no evidence of a written agreement”* (paragraph 21 of the decision letter dated 15th July 2020);
- In an appeal decision regarding land to the south of Cox Green Road, Surrey¹¹ an Inspector removed 563 dwellings on 24 sites from Waverley Council’s supply because the Council had not provided any evidence for their inclusion (paragraphs 22 to 24 of the appeal decision dated 16th September 2019);
- In an appeal decision regarding land at Station Road, Stalbridge, North Dorset¹² an Inspector removed 2 large sites from North Dorset’s supply (references A02 and A04) because the Council had not provided any up to date information from the developers for these sites and applications for reserved matters had not been made (paragraphs 53 and 57); and
- In an appeal decision regarding land within the Westhampnett / North East Strategic Development Location, North of Madgwick Lane, Chichester¹³, an Inspector removed the second phase of a wider site that is under construction on the basis that an application for reserved matters had not been made for phase 2 and the fact that a major housebuilder was progressing phase 1 was not in itself clear evidence (paragraph 82).

3.20 In a decision relating to an appeal regarding land at Weddington Road, Weddington, Nuneaton¹⁴, the Inspector concluded that Nuneaton and Bedworth could not demonstrate a 4 year housing land supply.

¹⁰ PINS refs: 2197532 and 2197529 – core document **12.1**

¹¹ PINS ref: 3227970 – core document **12.2**

¹² PINS ref: 3284485 – core document **12.3**

¹³ PINS ref: 3270721 – core document **12.4**

¹⁴ PINS ref: 3330615 – 26th July 2024 – core document **12.5**



The Inspector found that the deliverable supply was closer to my figure on behalf of the Appellant of 2.74 years. In doing so, the Inspector removed (amongst other sites):

- A site with outline planning permission at Discovery Academy where there was no clear evidence of firm progress being made towards the submission of a reserved matters. The Inspector stated: “The information from the Council does not explain what the application for reserved matters would look like, when it will be made or when applications to discharge the pre- commencement conditions set out in the outline planning permission are to be made. Further decisions on funding are also required in the Summer. To conclude that even with slippage all 58 units could be delivered by 2028 is not borne out in the evidence before me. It should not be considered deliverable at the base date and 58 dwellings should be removed from the supply” (paragraphs 164 and 165);
- A site with outline planning permission at Hospital Lane where there was no clear evidence of firm progress being made towards site assessment work or the submission of a reserved matters application (paragraphs 172 and 173);
- A site at West of Bulkington which had a resolution to grant full planning permission and the issuing of the planning permission had been “imminent” for some time but the S106 agreement has still not been issued (paragraphs 174 and 174); and
- A site at Phoenix Way / Wilsons Lane which had outline planning permission but “There is no firm progress with the site assessment work to support a reserved matters application, information as to who is going to submit the reserved matters application, what it will be for or when it is going to be determined. None of the timescales have been confirmed in a written agreement with the developer and it is still unknown who the developer will be. There is no clear evidence of deliverability and 73 should be removed from the supply”.

The most up to date evidence

3.21 In an appeal regarding land on the east side of Green Road, Woolpit¹⁵, the Inspector found Mid Suffolk Council’s approach in publishing its AMR and then retrospectively seeking evidence to justify its position “wholly inadequate”. Paragraph 70 of the appeal decision states:

“the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published.”

3.22 However, evidence can post date the base date to support the sites in the deliverable supply and not seek to introduce new sites. In an appeal regarding land to the east of Newport Road and to the east and west

¹⁵ PINS ref: 3194926 – core document **12.6**



of Cranfield Road, Woburn Sands (Milton Keynes)¹⁶, the Secretary of State agreed with Inspector Gilbert-Woolridge that the latest available evidence should be used when considering deliverability. Paragraph 12 of the Secretary of State's decision letter dated 25th June 2020 states:

“For the reasons given at IR12.8-12.12 the Secretary of State agrees with the Inspector that it is acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019 (IR12.11)”.

3.23 Similarly, in a decision regarding land off Darnhall School Lane, Winsford¹⁷, the Secretary of State agreed with Inspector Middleton that it is appropriate to take into account information received after the base date if it affects sites included in the deliverable supply¹⁸.

3.24 This means that where sites have not progressed as the Council's trajectory claimed at the time the position statement was published, the supply should be reduced. In the Audlem Road appeal¹⁹, the Secretary of State removed from Cheshire East Council's supply;

“a site where there is no application and the written agreement indicates an application submission date of August 2019 which has not been forthcoming, with no other evidence of progress”. (paragraph 21 of the Decision Letter dated 15th July 2020)

3.25 Cheshire East Council's Housing Monitoring Update (HMU) had a base date of 31st March 2019 and was published in November 2019. Representations by both parties on the HMU were received with the final comments received on 12th February 2020 (DL paragraph 7). Therefore, whilst the written evidence for this site explained a planning application would be made on this site in August 2019 because the application was not forthcoming by the time the decision was made and no other evidence of progress had been provided, the Secretary of State removed the site from the supply.

The form and value of the evidence

3.26 In the Woburn Sands appeal decision referred to above, the Secretary of State agreed with the Inspector that a proforma can, in principle, provide clear evidence of a site's deliverability (please see paragraph 12 of the decision letter and paragraphs 12.13 to 12.15 of the Inspector's Report). However, the evidential value of the written information is dependent on its content. The Secretary of State and Inspectors have concluded that it is simply not sufficient for Councils to provide agreement from landowners and promoters that their intention is to bring sites forward. The evidence needs to provide a realistic prospect that housing will be delivered on the site within five years.

¹⁶ PINS ref: 3169314 – core document **12.7**

¹⁷ PINS ref: 2212671 – core document **12.8**

¹⁸ Paragraph 344 of the Inspector's Report and paragraph 15 of the Decision Letter.

¹⁹ PINS refs: 2197532 and 2197529 – core document **12.1**



3.27 For example, in allowing an appeal for 120 dwellings at land east of Gleneagles Way, Hatfield Peverel²⁰, the Secretary of State found Braintree Council could not demonstrate a five year housing land supply.

3.28 Braintree Council claimed that it could demonstrate a 5.29 year supply. In determining the appeal, the Secretary of State concluded that the Council could only demonstrate a 4.15 year supply. The reason for this is set out in paragraph 41 of the decision letter (page 7), which states:

“Having reviewed the housing trajectory published on 11 April, the Secretary of State considers that the evidence provided to support some of the claimed supply in respect of sites with outline planning permission of 10 dwellings or more, and sites without planning permission do not meet the requirement in the Framework Glossary definition of “deliverable” that there be clear evidence that housing completions will begin on site within five years. He has therefore removed ten sites from the housing trajectory”

3.29 The ten removed sites are listed in a table provided at Annex D on page 24 of the Secretary of State’s decision letter. Of the ten sites removed from Braintree’s supply, 9 had outline planning permission and the remaining site was an allocated site with a hybrid planning application pending determination. For these sites, Braintree Council had submitted completed forms and emails from landowners, developers and their agents providing the timescales for the submission of reserved matters applications and anticipated build rates²¹. However, the Secretary of State removed these sites because he did not consider they met the definition of “deliverable” as set out in the Framework.

3.30 As part of its case in seeking to defend an appeal against its decision to refuse to grant outline planning permission for up to 140 no. dwellings at land off Popes Lane, Sturry²², Canterbury City Council claimed that it could demonstrate a 6.72 year supply. For there to be a shortfall in the supply, Canterbury Council claimed that some 1,654 dwellings (out of 6,455 dwellings) would have to be removed from the “deliverable” supply.

3.31 The Inspector, however, found that the Council could not demonstrate a five year housing land supply. The Inspector concluded that the deliverable supply was 4,644 dwellings, which equates to 4.8 years. The reason why the Inspector concluded that the deliverable supply was 1,811 dwellings (28%) less than the Council claimed was because he found that 10 sites should be removed from the supply because:

“there is insufficient clear evidence to show that they meet the NPPF’s definition of deliverable. Sites which are not deliverable cannot be counted as part of the supply for the purposes of meeting the 5-year requirement.” (paragraph 23)

²⁰ PINS ref: 3180729 – core document **12.9**

²¹ Appendix **BP3**

²² PINS ref: 3216104 – core document **12.10**



3.32 In this case, Canterbury Council had provided statements of common ground between the Council and the developer or landowner to support the inclusion of several of the disputed sites. However, the Inspector found that the statements of common ground did not demonstrate that the development prospect was realistic. Paragraph 23 of the appeal decision states:

“For a number of the disputed sites, the Council’s evidence is founded on site-specific SCGs which have been agreed with the developer or landowner of the site in question. I appreciate that the PPG refers to SCGs as an admissible type of evidence, and I have had full regard to that advice. But nevertheless, the evidential value of any particular SCG in this context is dependent on its content. In a number of cases, the SCGs produced by the Council primarily record the developer’s or landowner’s stated intentions. Without any further detail, as to the means by which infrastructure requirements or other likely obstacles are to be overcome, and the timescales involved, this type of SCG does not seem to me to demonstrate that the development prospect is realistic. In addition, most of the site-specific SCGs are undated, thus leaving some uncertainty as to whether they represent the most up-to-date position.”

3.33 Similarly, as part of its case in seeking to defend an appeal made by Parkes Ltd against its decision to refuse to grant outline planning permission for up to 53 dwellings at land to the south of Cox Green Road, Rudgwick²³, Waverley Council claimed it could demonstrate a supply of 5,708 dwellings, which equated to just under 5.2 years against its housing requirement and buffer.

3.34 The Inspector concluded that the supply should be reduced by 928 dwellings and therefore that Waverley Council could only demonstrate a “deliverable” supply of 4.3 years. The reasons why the Inspector considered the supply should be reduced are set out in paragraphs 10 to 27 of the appeal decision. I note that whilst Waverley Council’s assumptions of delivery on a site at Dunsfold Park relied on estimated numbers of delivery from a pro-forma returned by the site’s lead developer, the Inspector however considered that the details contained within it were “scant”. There was no explanation as to how the timings of delivery could be achieved including the intended timescales for submitting and approving reserved matters, applications of discharge of conditions, site preparation and installing infrastructure. The Inspector therefore did not include the site.

3.35 I now refer to two appeal decisions in Oxfordshire and one in Central Bedfordshire where the definition of “deliverable” and “clear evidence” were considered. For these cases I also append the clear evidence the Councils in those cases relied on.

²³ PINS ref: 3227970 – core document **12.2**



Little Sparrows, Sonning Common (South Oxfordshire) Appeal Decision

- 3.36 At the time the South Oxfordshire Local Plan was examined, the Council's 5YHLS position at 1st April 2020 was that it could demonstrate a 5.35 year supply. These claims were tested soon after the Local Plan was examined at an inquiry in relation to an appeal regarding Little Sparrows, Sonning Common²⁴. In that case, the Inspector concluded that the Council could only demonstrate a 4.21 year supply.
- 3.37 Paragraph 18 of the appeal decision explains that at the inquiry, the Council's case had fallen to 5.08 years. The Council's case at that time was that it could demonstrate a deliverable 5YHLS of 5,785 dwellings and the Appellant's case was that it could demonstrate a deliverable 5YHLS of 4,789 dwellings. The difference between the two positions was 996 dwellings on 15 sites as set out in table 3 of the SoCG for that case as referred to in paragraph 19 of the appeal decision.
- 3.38 Paragraphs 20 and 21 of the appeal decision then state:

"20. I have also had regard to the PPG advice published on 22 July 2019 on 'Housing supply and delivery' including the section that provides guidance on 'What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking.' The PPG is clear on what is required:

"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."

This advice indicates to me the expectation that 'clear evidence' must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.

21. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward. (emphasis added)

²⁴ PINS ref: 3265861 – 25th June 2021 – core document **12.12**



3.39 This is relevant because in that case the Council had submitted emails from those promoting sites²⁵. However, the Inspector in that case found that such emails were not clear evidence as set out in the paragraphs above.

3.40 Paragraph 22 of the appeal decision then stated:

“It is not necessary for me to go through all of the disputed sites in Table 3 of SoCG 5. **In my view, the Council was not able to provide clear evidence of delivery on most of the disputed sites which significantly undermines its position.** For example, the Council suggests that 100 dwellings would be delivered at Site 1561: Land to the south of Newham Manor, Crowmarsh Gifford whereas the Appellant says 100 dwellings should be deducted. The comments set out by the Appellant for this site in Table 3 are compelling. Similarly, at Site 1009: Land to the north east of Didcot, the Council suggests 152 dwellings would be delivered whereas the Appellant says 152 dwellings should be deducted. The Appellant provides cogent evidence to support its case. Furthermore, at Site 1418: Land at Wheatley Campus, the Council agrees a deduction but only of 62 dwellings whereas the Appellant says the deduction should be 230. **There is no clear evidence before me that would suggest that these sites or indeed most of the disputed sites would deliver the completions suggested by the Council in the next five years**” (emphasis added)

3.41 Paragraph 23 of the appeal decision states:

“Overall, I consider that the Appellant’s assessment of supply set out in Table 2 of SoCG 5 is more realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. I am satisfied that the Appellant’s approach is consistent with national policy, case law, appeal decisions and informed by current housebuilder sales rates, assessment of the technical complexities of delivering development sites and experience of the housebuilding industry including lead-in times”

3.42 Finally, paragraph 25 of the appeal decision states:

“I consider that the Council’s supply figure should be reduced to reflect the Appellant’s position set out in Table 2 of SoCG 5. The Council’s supply figure of 5,785 dwellings in Table 2 should be reduced to give a more robust total supply figure of 4,789 dwellings for the five year period. Although the Council maintains there is a 5.08 year supply, the evidence that is before me indicates a housing land supply equivalent to 4.21 years. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall, but it also means most important policies for determining the application are automatically out-of-date. The Council accepts that means all the

²⁵ Appendix BP4



policies in the SOLP and the SCNP are out-of-date. It also means if the paragraph 172 tests in the NPPF are satisfied then the tilted balance applies.”

Land west of Wroslyn Road, Freeland (West Oxfordshire) appeal decision²⁶

- 3.43 In this case, West Oxfordshire accepted that it could not demonstrate a deliverable 5YHLS. However, the extent of the shortfall was not agreed. My evidence on behalf of the Appellant in that case was that 1,691 dwellings should be removed from West Oxfordshire’s 5YHLS. The Inspector found that the figure the 5YHLS was closer to my position of 2.5 years rather than the Council’s figure of 4.1 years (paragraph 59).
- 3.44 Paragraphs 50 to 57 of the appeal decision set out the Inspector’s findings on the disputed sites in that case. For the disputed sites, West Oxfordshire had provided emails and proformas to support the inclusion of the sites²⁷. However, the Inspector concluded that this was not “clear evidence” and removed the sites from the deliverable supply.

Land to the east of Langford Road, Biggleswade and north of Queens Way, and Denny Crescent, Langford, Central Bedfordshire²⁸

- 3.45 In this decision, the Inspector removed 416 dwellings from Central Bedfordshire’s 5YHLS from a site at land north of Houghton Regis which had outline planning permission and phases under construction but no known housebuilder for phases 3b and 4 or timescales for the submission of outstanding reserved matters. For this site, Central Bedfordshire had provided a delivery programme from the promoter of the site²⁹.
- 3.46 Paragraph 16 of the appeal decision states:

“Land north of Houghton Regis (Site 1) (Ref: HT057) forms part of a large strategic development plan site allocation with outline planning permission. It comprises several phases. A master plan has been approved and a design code has been submitted for Phase 4. Phases 3b and 4 are being marketed as there is no known housebuilder. The timing for the submission of the outstanding reserved matters is unknown. In combination, the evidence provided is not clear that the 416 homes relating to Phase 3b and 4 are deliverable within the relevant 5 year period.”

²⁶ PINS ref: 3301202 – 18th January 2023 – core document **12.13**

²⁷ Appendix **BP5**

²⁸ PINS ref: 3341832 – 11th November 2024 – core document **12.14**

²⁹ Appendix **BP6**



The fact an application has been submitted may not mean there is clear evidence of deliverability

3.47 In a decision dated 25th August 2022 regarding an appeal made by Salter Property Investments Ltd against the decision of Exeter City Council to refuse to grant outline planning permission for up to 93 dwellings at land off Spruce Close, Exeter³⁰, the Inspector found:

- The pro-formas used by Exeter were undated, unsigned and deficient (paragraph 39);
- That 2 sites with outline planning permission and no reserved matters applications pending, and no clear evidence for their inclusion should be removed (paragraphs 40 and 41); and
- That even where reserved matters applications had been made, where those applications are subject to outstanding objections and there is no written agreement with the developer, the sites should not be included because no clear evidence had been provided (paragraphs 42 and 43).

3.48 In the Freeland appeal decision referred to above³¹, the Inspector removed sites from the Council's supply despite the fact that planning applications had been made. Paragraph 56 states:

"Applications were submitted in January 2021 for sites EW4 and EW5. The same email referred to above refers to consent being granted at the October planning committee, which, when HLS discussions were had at the Inquiry at the end of November, had not happened. I understand that officer illness has caused delays in progressing the applications to committee. However, without an officer report, a recommendation, or even a confirmed committee date, there is currently no clear evidence to indicate that the dwellings at sites EW4 and EW5 included in the Council's PS should be considered deliverable in 5 years. The 156 and 120 dwellings should not, as yet, be included in HLS figures"

3.49 In a decision dated 10th April 2024 relating to an appeal against the decision of East Hampshire Council to refuse to grant outline planning permission for up to 60 dwellings at 46 Lymington Bottom, Four Marks³², the Inspector removed a site from the deliverable supply because whilst a reserved matters application had been made, clear evidence had not been demonstrated. Paragraph 54 of the appeal decision states:

"Land east of Horndean has only outline planning permission. The Appellant advised that the Council's Environmental Health Officers are concerned about ventilation, their Policy team have concerns about the design of the scheme and the Highway Authority have objected as well as the Parish Council. A reserved matters scheme has been submitted but is undetermined. Therefore, the submitted evidence does not clearly

³⁰ PINS ref: 3292721 – core document **12.15**

³¹ PINS ref: 3301202 – core document **12.13**

³² PINS ref: 3329928 – core document **12.16**



show this is deliverable in the time period and 200 dwellings should be deleted from the supply.”

3.50 In the Central Bedfordshire case referred to above³³, the Inspector removed:

- An allocated site without planning permission where an outline planning application remained undetermined for a significantly protracted period (paragraph 15); and
- A site with outline planning permission where a reserved matters application had been pending determination for 2 years and was subject to unresolved technical objections (paragraph 17).

3.51 In summary, the above appeal decisions found that sites with outline planning permission for major development and allocated sites without planning permission should not be included in the deliverable supply where the respective Councils had failed to provide the clear evidence required. In some cases those Councils had provided proformas and other evidence from those promoting sites, and Inspectors and the Secretary of State found this not to be clear evidence.

3.52 I respectfully invite the Inspector to compare the evidence Staffordshire Moorlands has provided to support the inclusion of the category b) sites with the evidence provided by Braintree, South Oxfordshire, West Oxfordshire and Central Bedfordshire which was found not to be clear evidence by the Secretary of State and Inspectors in those cases.

³³ PINS ref: 3341832 – core document **12.14**



4. Housing Delivery in the Plan Period

Past delivery against the adopted housing requirement

- 4.1 As I set out in section 2 of my proof of evidence above, policy SS 3 of the Staffordshire Moorlands Local Plan: “Future Provision and Distribution of Development” explains that provision will be made for at least 6,080 dwellings over the period 2014 to 2023.
- 4.2 It is agreed that between 1st April 2014 and 31st March 2023, 1,639 net dwellings have been completed (outside of the Peak District National Park) and 52 dwellings have been completed within the Peak District National Park. The first table on page 15 of the Annual Monitoring Report 2022/23 provides net completions per year. It is of note that the net total in this table is 1,635 dwellings rather than 1,639. However, this is summarised in the table below.

Table 4.1 – Net housing completions per year 2014-2023 as set out on page 15 of the AMR

Monitoring year	Net completions (as set out in the AMR – excluding PDNP)
2014/15	278
2015/16	99
2016/17	128
2017/18	142
2018/19	165
2019/20	203
2020/21	201
2021/22	177
2022/23	242
Total	1,635
Average	182



- 4.3 Housing delivery between 1st April 2014 and 31st March 2023 has been significantly below the adopted annual housing requirement of 320 dwellings per annum. This has resulted in a shortfall at 31st March 2023 of 1,189 dwellings (i.e. $320 \times 9 \text{ years} = 2,880 - 1,639 - 52 = 1,239$). As can be seen in the table above, the annual average requirement of 320 dwellings per annum has not been achieved in any of the 9 years of the plan period to 31st March 2023.
- 4.4 The Council has provided the Appellant with housing completion data for 2023/24. This shows net housing completions in 2023/24 were just 233 dwellings, meaning that the minimum adopted housing requirement has not been met for an additional year and the shortfall (at 1st April 2024) would increase by a further 87 dwellings (i.e. $320 - 233 = 87$).
- 4.5 Housing delivery has been very significantly below the housing trajectory set out on page 184 of the Local Plan. The Local Plan trajectory predicted that there would be 2,500 dwellings delivered between 1st April 2014 and 31st March 2023, compared to actual completions of just 1,691 dwellings. The trajectory also predicted completions of 662 dwellings in 2023/24 compared to actual completions of just 233 dwellings in that year.
- 4.6 One of the reasons why housing delivery has been significantly below both the adopted housing requirement and the trajectory set out in the adopted Local Plan is because the allocations have failed to deliver to date. The following table shows the number of dwellings delivered on allocations compared to the number of dwellings allocated on them. It compares the figures in policy SS 4 of the Local Plan: “Strategic Housing and Employment Land and Supply” with the information provided in the table on pages 15 and 16 of the AMR.

Table 4.2 – Number of dwellings allocated in Local Plan Policy SS 4 compared to the number of dwellings delivered on allocations as set out on pages 15 and 16 of the AMR

	Number of dwellings on new allocated sites set out in policy SS 4	Number of dwellings delivered on allocations 2014-23
Leek	614	19
Biddulph	604	0
Cheadle	1,026	94
Rural	330	141

- 4.7 The following table shows the progress of the 20 sites which are allocated in policy H 2 of the Local Plan: “Housing Allocations” compared to the status as set out in the Council’s 5YHLS position statement. As can



be seen from this table, 15 of these sites are not deliverable in the 5YHLS period from 1st April 2023 to 31st March 2028. At 31st March 2028 there would only be 5 years left of the plan period.

Table 4.3 – Status of sites allocated in Policy H 2 at 1st April 2023

Reference(s)	Address	No. of dwellings allocated	Status at 1 st April 2023
Leek			
ADD01	Horsecroft Farm Leek (Policy DSL 1)	15	Not deliverable at 1st April 2023
LE066, LE128a&b, LE140, LE142a, LE142b	Land at the Mount, Leek (Policy DSL2)	345	Not deliverable at 1st April 2023
LE150	Land adjacent to Newton House, Cheddleton Road, Leek (Policy DSL3)	179	Not deliverable at 1st April 2023
LE235	Land at Cornhill, Leek	50	Not deliverable at 1st April 2023
LE102	Land north of Macclesfield Road, Leek	25	Not deliverable at 1st April 2023
Biddulph			
BD055, BD071, BD071a, BD106, BD156, BD076, BD076a, BD108, BD016, BD104	Wharf Road Strategic Development Area (Policy DSB1)	442	Not deliverable at 1st April 2023
BD101 BD104	The Mills – Yarn and Minster Mills, Stringer Street, Biddulph (Policy DSB2)	57	Not deliverable at 1st April 2023
BD117	Tunstall Road Strategic Development Area (Policy DSB3)	105	Not deliverable at 1st April 2023



Reference(s)	Address	No. of dwellings allocated	Status at 1 st April 2023
Cheadle			
CH001 CH132	Cheadle North Strategic Development Area (Policy DSC 1)	320	Phase 1 Under construction RM for Phase 2 pending determination
CH002a, CH002b, CH024	Cecilly Brook Strategic Development Area (Policy DSC 2)	106	Under construction
CH004	Land to the rear of Froghall Road	45	Not deliverable at 1st April 2023
CH013	Land to the rear of the Birches	51	Under construction
CH015	Stoddards Depot, Leek Road	32	Not deliverable at 1st April 2023
CH020	Land north of the Green, Cheadle	42	Not deliverable at 1st April 2023
CH085A, CH085B, CH085C, CH085D, CH128	Mobberley Strategic Development Area	430	Not deliverable at 1st April 2023
Rural Area			
	Blythe Vale, Blythe Bridge (Policy DSR 1)	182 (118) ³⁴	Under construction
EN128	Land at corner of Brookfield Avenue / Stoney Lane, Endon	22	Not deliverable at 1st April 2023
UT019	Haulage Depot, St Thomas's Road, Upper Tean	15	Not deliverable at 1st April 2023
WA004	Land at Waterhouses Enterprise Centre, Leek Road	36	Not deliverable at 1st April 2023

³⁴ As explained in policy H 2 of the Local Plan, 118 dwellings had already been approved on this site before the Local Plan was adopted, which allocated an additional 182 dwellings (i.e. 300 dwellings in total)



Reference(s)	Address	No. of dwellings allocated	Status at 1 st April 2023
WE003 WE052	Land off Ash Bank Road, Werrington	75	Under construction

Delivery to the end of the plan period

- 4.8 At 1st April 2023, 4,389 dwellings need to be delivered in 10 years to 31st March 2033 for the minimum housing requirement of 6,080 dwellings to be met (i.e. $6,080 - 1,691 = 4,389$). This would be an average of 439 dwellings per annum, which is significantly greater than the average housing completions per year over the plan period from 1st April 2014 to 31st March 2023 of 182 dwellings per annum.
- 4.9 The Council's 5YHLS position statement only provides a housing trajectory to 31st March 2028. However, this claims that 1,651 dwellings are deliverable to 31st March 2028. Even on the Council's figures, this would mean that 2,738 dwellings would need to be delivered in the last 5 years of the plan period between 1st April 2028 and 31st March 2033 for the minimum housing requirement to be met (i.e. $4,389 - 1,651 = 2,738$ dwellings). This would mean an average of 548 dwellings per annum were required in the last 5 years of the plan period.

Local Housing Need

- 4.10 On 12th December 2024, the Government updated the standard method for calculating local housing need as set out in the Planning Practice Guidance. The updated standard method results in a local housing need for Staffordshire Moorlands of 454 dwellings per annum. This is the figure the 5YHLS will be measured against when the adopted strategic policies become five years old (i.e. in September 2025).
- 4.11 Against the local housing need and a 5% buffer, the Council's deliverable supply figure (at 1st April 2023) of 1,607 dwellings would equate to 3.37 years and my deliverable supply figure (at 1st April 2023) of 1,242 dwellings would equate to 2.6 years.
- 4.12 Paragraph 22 of the Framework also explains that strategic policies should look over a minimum 15 year period from adoption. The local housing need over a 15 year period would require a minimum of 6,810 dwellings to be delivered (i.e. $454 \times 15 = 6,810$). The Council's current Local Plan only allocates 2,574 dwellings on the 20 sites listed in policy H 2. In addition to this, the Council's 5YHLS position statement



identifies a further 899 dwellings on non-allocated sites with planning permission³⁵. Therefore, over 3,000 dwellings would need to be identified on sites (and through windfall allowances) to meet the local housing need over a 15 year period (i.e. $6,810 - 2,574 - 899 = 3,337$ dwellings).

³⁵ i.e. 517 dwellings on large sites with planning permission + 382 dwellings on small sites with planning permission



5. Agreed matters re: 5YHLS

5.1 As set out in the SoCG on 5YHLS, the following matters are agreed in relation to 5YHLS.

The base date and the 5YHLS period

5.2 The base date is the start date for the five year period for which both the requirement and supply should relate. It is agreed that the relevant base date for assessing the 5YHLS the purposes of this appeal is 1st April 2023 and the relevant 5YHLS period is to 31st March 2028.

The figure the 5YHLS should be measured against

5.3 Paragraph 78 of the Framework states that the deliverable housing land supply should be measured against the housing requirement set out in adopted strategic policies or against the local housing need where the strategic policies are more than five years old. Footnote 39 of the Framework explains that the 5YHLS will continue to be measured against the adopted housing requirement where it is over five years old but it has been reviewed and found not to require updating.

5.4 The adopted strategic policies are less than five years old and therefore, the 5YHLS should be measured against the adopted housing requirement of 320 dwellings per annum.

The shortfall

5.5 It is agreed that the shortfall against the adopted housing requirement since the base date of the Local Plan is 1,189 dwellings.

5.6 It is also agreed that this should be spread over the remainder of the plan period. This is in accordance with paragraph 68-031 of the PPG and the conclusions of the Local Plan Inspector.

The buffer

5.7 The Housing Delivery Test (HDT) results for 2023 were published on 12th December 2023. The 2023 result for Staffordshire Moorlands is summarised in the table below:



Table 4.1 – Published 2022 Housing Delivery Test Results

	Number of homes required				Number of homes delivered				HDT %
	2020-21	2021-22	2022-23	Total	2020-21	2021-22	2022-23	Total	
Staffordshire Moorlands	123	184	179	486	182	175	244	601	124%

5.8 The HDT result means that the 20% buffer does not apply. The 5% buffer applies.

The Council cannot demonstrate a 5YHLS

5.9 The Council cannot demonstrate a 5YHLS even on its own supply figure. However, the extent of the shortfall is not agreed as I explain in the following section of my proof of evidence.



6. Matters not agreed re: 5YHLS - the extent of the deliverable 5YHLS

The extent of the deliverable 5YHLS

- 6.1 The extent of the deliverable 5YHLS is not agreed. The Council considers that its deliverable 5YHLS at 1st April 2023 equates to 1,651 dwellings³⁶ comprising of the following sources:

Table 6.1 – Breakdown of Staffordshire Moorland’s Claimed 5YHLS at 1st April 2023

Source of supply	5YHLS
Small sites with planning permission (capacity 1 to 9 dwellings)	382
Major sites (capacity 10+) with planning permission	517
Allocated sites with planning permission	574
Small sites windfall allowance	120
Large sites windfall allowance	32
PDNP allowance	26
Total	1,651

- 6.2 As I explain in the introduction to my proof of evidence, through the SoCG process, the Council has agreed that 44 dwellings at Big Mill, Mill Street, Leek should be removed from the 5YHLS. This means that the Council’s deliverable supply is 1,607 dwellings (i.e. $1,651 - 44 = 1,607$).
- 6.3 I have assessed the Council’s 5YHLS and conclude that 365 dwellings should be removed for the reasons summarised in table 1.1 of my proof of evidence and as set out in appendix **BP1**. I therefore conclude that the deliverable supply at 1st April 2023 is 1,242 dwellings (i.e. $1,607 - 365 = 1,242$ dwellings).

³⁶ Core document 7.1



7. Conclusions in relation to 5YHLS

7.1 I conclude that the deliverable supply at 1st April 2023 is 1,242 dwellings. Against the adopted housing requirement, a proportion of the shortfall and a 5% buffer, this equates to **2.7 years** as shown in the following table:

Table 7.1 – Staffordshire Moorlands’ 5YHLS at 1st April 2023

		Council	Appellant
	Requirement		
A	Annual housing requirement	320	
B	Five year housing requirement (A X 5 years)	1,600	
C	Shortfall at 1 st April 2023	1,189	
D	Remaining plan period (2023-33) in years	10	
E	Shortfall to be addressed in 5YHLS period (C / 10 years X 5 years)	595	
F	5YHLS requirement without buffer (B + E)	2,195	
G	5% buffer (5% of F)	110	
H	5YHLS requirement with 5% buffer (F + G)	2,305	
J	Annual 5YHLS requirement with 5% buffer (H / 5 years)	461	
	Supply		
K	5YHLS at 1 st April 2023	1,607	1,242
L	Supply in years (G / F)	3.49	2.7
M	Surplus / shortfall in 5YHLS (G – E)	-698	-1,062

7.2 The policy implication of this is addressed by John Coxon.



Future 5YHLS position

- 7.3 The 5YHLS should continue to be measured against the adopted housing requirement of 320 dwellings per annum until the adopted strategic policies become five years old in September 2025. At that time, the 5YHLS would be measured against the local housing need of 454 dwellings per annum. This would reduce the number of years of deliverable housing land supply as shown for illustrative purposes in the following table.

Table 7.2 – Staffordshire Moorlands’ 5YHLS at 1st April 2023 against the Local Housing Need of 454 dwellings per annum and a 5% buffer

		Council	Appellant
	Requirement		
A	Local Housing Need	454	
B	Five year housing requirement (A X 5 years)	2,270	
C	Five year requirement plus 5% buffer	2,384	
D	Annual 5YHLS requirement (C / 5 years)	477	
	Supply		
E	5YHLS at 1 st April 2023	1,607	1,242
F	Supply in years (G / F)	3.37	2.6
G	Surplus / shortfall in 5YHLS (G – E)	-777	-1,142



8. Appendices

BP1	Assessment of disputed sites
BP2	Letter to LPA requesting 5YHLS information – 17 th September 2024
BP3	Braintree proformas
BP4	South Oxfordshire evidence
BP5	West Oxfordshire evidence
BP6	Central Bedfordshire evidence



