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By email only to: andy.bateson@cherwell-dc.gov.uk

Dear Andy Bateson

Re: Appeal by Richborough Estates, Lone Star Land Ltd and others at Heyford Park (ref: 3326761)

We write in relation to the above appeal which is to be heard at a public inquiry opening on 5th December 2023. As you are aware, Emery Planning will be providing the evidence in relation to the Council's five year housing land supply (5YHLS) for this appeal on behalf of the Appellant.

There is a fundamental difference between us and the Council in terms of whether Oxford's unmet needs should be included within the 5YHLS calculation. Notwithstanding that outstanding issue, this letter concerns how the Local Housing Need (LHN) should be calculated using the standard method.

The Council's Housing Land Supply Statement (HLSS, February 2023) explains that at 1st April 2022, the LHN calculated using the standard method set out in the PPG is 742 dwellings per annum. This is based on the use of the annual average household projections over the period 2022-32 and the affordability ratio which was published in March 2022.

There has been a recent appeal decision regarding land south of Post Office Lane, Kempsey, Worcestershire (Malvern Hills)¹ where the calculation of local housing need was considered at a public inquiry in detail. In that case, like Cherwell, Malvern Hills Council's 5YHLS has a base date of 1st April 2022 but it sought to update its local housing need based on updated affordability ratios published in March 2023 and household growth using

¹ PINS ref: 3313440 – 14th August 2023

a current year of 2023 (paragraph 38). In doing so, the Council referred to paragraph 2a-004 of the PPG². However, the Inspector concluded that:

- Consistency is required in terms of the base date for the need and supply; and
- The Framework does not support an approach where the local housing need calculation is updated but the deliverable supply is not. To do so would skew the assessment as the supply in 2022/23 is included in both the supply and will have influenced the need (paragraph 41).

Paragraphs 38-41 of the appeal decision state:

“38. For the purposes of the HLSRa the Council sought to update its calculation of local housing need based on updated affordability ratios published by the Office of National Statistics in March 2023 and household growth using a current year of 2023. This resulted in a reduced figure of 386 dwellings per annum (405 dwellings per annum including a 5% buffer). It argues that this aligns with the PPG on the application of the standard method and in particular, as regards ‘the current year being used as the starting point from which to calculate growth’ and ‘the most recent median workplace-based affordability ratios..., should be used’.

39. In support of that view the Council has drawn attention to a Report to the Secretary of State concerning appeal Ref. APP/D3505/W/18/3214377. In it the Inspector determined that it was not necessary to ensure consistency between the base date for the supply and either the ‘current year’ as the starting point from which to calculate growth or the then available affordability ratios. Whilst acknowledging that his conclusion did not align with the approach taken in an earlier appeal decision Ref. APP/P0119/W/17/3189592, the Inspector reasoned that if it was necessary to ensure consistency, then the PPG would have said so. In the event, the Secretary of State did not need to determine the point, as the Council submitted a new annual update to the Secretary of State following the close of the associated Inquiry.

40. To my mind, the PPG is not intended to be read in isolation. So far as relevant to this case, the use of the standard method is required by the Framework as part of the process to ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing...against their local housing need...’. In this context, consistency, in terms of need and supply data, is likely to flow from the application of the standard method as part of the process of annual update.

41. Whilst the HLSRa corrected the assumptions regarding the delivery of a small number of sites included in the supply position at 31 March 2022, as referred to above, it did not comprehensively review the supply of specific deliverable sites as part of the annual update required by the Framework. The Council indicated at the Inquiry that that would be done at a later date, as part of its annual monitoring cycle. In my judgement, the approach set out in HLSRa of assessing the housing land supply position on the basis of an updated local housing needs calculation, but not a similarly updated supply position for specific deliverable sites is not the approach supported by the Framework. Against this background, I consider that little weight is attributable to the HLSRa calculated housing land supply figure of 5.24 years (a surplus of 96

² Paragraph: 004 Reference ID: 2a-004-20201216: *“How is a minimum annual local housing need figure calculated using the standard method?”*

dwellings). In the Housing Need and Supply Statement of Common Ground Addendum, April 2023, it is acknowledged that this approach provides for a skewed assessment, as the supply in 2022/23 will be included both in the supply and will have influenced the need. This adds further weight to my finding.”

On this basis, the LHN for Cherwell at 1st April 2022 is 742 dwellings as set out in the Council’s published document. We will seek to agree this through the statement of common ground on housing land supply. However, if this is an issue then we will set this out as a matter of disagreement to be considered at the public inquiry.

Yours sincerely
Emery Planning

Ben Pycroft

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Enc Appeal decision 3313440 – 14th August 2023

Cc David Bainbridge - Savills