



## **STATEMENT OF COMMON GROUND - Housing Land Supply**

APPEAL REFERENCE: APP/C3105/W/23/3327213

DATE OF INQUIRY: 12<sup>th</sup> March 2024

### **SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT**

ADDRESS: Land East of Ploughley Road, Ambrosden, OX25 2AD (the 'Appeal Site')

Outline planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, ~~new pedestrian access to West Hawthorn Road~~, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration (the 'Appeal Proposal')

APPELLANT: Archstone Ambrosden Lts, Bellway Homes Ltd and Rosemary May Construction (the 'Appellant')

LOCAL PLANNING AUTHORITY: Cherwell District Council (the 'Council' / 'LPA' / 'CDC')

PLANNING APPLICATION REFERENCE: 22/02866/OUT (the 'Application')

This statement addresses the following areas of common ground:

1. Matters In Agreement
2. Matters Not Agreed
  - i. Local Housing Need
  - ii. The 5YHLS Requirement
  - iii. Treatment of Past Shortfall
  - iv. 4YHLS / 5YHLS – The Extent of Deliverable Supply to Be Demonstrated
  - v. Disputed Sites
3. The Extent of Deliverable Supply For the Parties' Respective Positions

This final version of the SoCG is jointly agreed by:

Signed *Ben Pycroft*

Date 8 March 2024

**NAME Ben Pycroft**

Director, Emery Planning on behalf of the Appellant



Signed

Date 8 March 2024

**NAME Jonathan Goodall**

Director (SPRU), DLP Planning Limited On behalf of Cherwell District Council

## **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 has been prepared. This includes 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 set out in the Housing Land Supply Statement (HLSS) contained within the December 2023 Authority Monitoring Report and the Housing Land Supply Position Statement (Update) January 2024. The base date of the 5YHLS assessment within the HLSS is 1st April 2023. It is, therefore, agreed that the relevant base date for calculating the 5YHLS is 1st April 2023, and the five-year period runs to 31st March 2028.

### **The Housing Requirement in Adopted Strategic Policies**

- 1.3 Whilst the figure which the five-year housing land supply should be measured against is not agreed, it is agreed that the Cherwell Local Plan (Part 1) (adopted July 2015) is more than five years old. Following the latest review in accordance with Regulation 10A (February 2023), its adopted strategic policies (including the housing requirement specified in Policy BSC1) require updating for the purposes of NPPF(Dec)2023 paragraph 77 and footnote 42.
- 1.4 While the parties disagree regarding its relevance to the identification of the requirement against which supply should be assessed in accordance with NPPF2023 paragraph 77, the parties agree that the 'Cherwell Local Plan 2011-2031 (Part 1) Partial Review- Oxford's Unmet Housing Need' or "Partial Review" was adopted on 7 September 2020 and is less than five years old.

### **The Requirement to Assess the Extent of Deliverable Supply in Accordance with National Policy**

- 1.5 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').
- 1.6 The parties further agree that the NPPF(Dec)2023 introduces changes to the requirement to assess the extent of deliverable supply in national policy that differ from the language of paragraph 74 of the previous version of the Framework. The parties agree that the effect of these changes is determined by the specific circumstances of a case concerning *inter alia* individual applications and individual local planning authorities together with the imposition of transitional arrangements.
- 1.7 The parties agree that the provisions of paragraph 76 of the NPPF(Dec)2023 are not engaged. The parties further agree that transitional arrangements determining this are provided via references in footnotes 40 and 79 of the NPPF(Dec)2023, specifying that these provisions of paragraph 76 should only be taken into account as a material consideration from the date of publication when dealing with applications made on or after the date of publication of this version of the Framework.
- 1.8 The parties agree that the transitional arrangements do not require any assessment of the criteria under parts (a) or (b) of paragraph 76 of the NPPF(Dec)2023 prior to being engaged.

- 1.9 The parties further agree that the requirement to assess the extent of deliverable supply against a figure of either four years or five years against the requirement against which supply should be assessed is determined by the provisions at NPPF2023 paragraph 77 for the purposes of this Appeal.
- 1.10 The parties agree that the provisions of NPPF(Dec)2023 paragraph 77 apply from the date of publication of the revised Framework subject to the transitional arrangements at NPPF2023 paragraph 226.
- 1.11 In respect of the provisions within the language of the NPPF(Dec)2023 paragraph 77 (and associated footnotes) applicable for determination of the appeal the parties agree that:
- There has not been a significant under delivery of housing over the previous three years, as measured by the Housing Delivery Test. The parties agree that the latest Housing Delivery Test result exceeded 85%, and that no buffer applies to assessing the extent of deliverable supply against the requirement against which supply should be assessed.
  - Under the language of NPPF(Dec)2023 footnote 42 the parties agree that the standard method is to be used to calculate the requirement against which supply is assessed when local housing need applies (and policies are more than five years old and have not been reviewed and found not to require updating)
  - Where relevant policies are more than five years old (and thus paragraph 76 does not apply) the provision set in footnote 42 to paragraph 77 in terms of the requirement against which supply should be assessed must be considered irrespective of the application of policy in paragraph 226.
- 1.12 In respect of the provisions within paragraph 226 of the NPPF(Dec) 2023 the parties agree that the relevant policy approach under NPPF(Dec)2023 to demonstrate a minimum four years' worth of housing supply as specified in paragraph 77 applies from the date of publication of the revised Framework. The parties further agree that these provisions are applicable to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.
- 1.13 While the parties disagree on its inclusion of a policies map for the purposes of paragraph 226 the parties agree that the Cherwell Local Plan Review 2040 – Regulation 18 Consultation Draft was published for consultation between 22 September 2023 and 3 November 2023.
- 1.14 The parties further agree that the Regulation 18 Consultation Draft identifies proposed allocations towards meeting housing need (specified as a draft requirement in emerging Core Policy 34) as summarised in Table 7 and addressed in relevant emerging potential policies in area strategies that follow<sup>1</sup>.

### **Past Shortfall**

- 1.15 It is agreed that there should be no adjustment for past shortfall where this is provided by local housing need for Cherwell District calculated in accordance with the standard method (PPG ID: 68-031-20190722).
- 1.16 The parties further agree that provision for this (through the affordability

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<sup>1</sup> Banbury Area Strategy emerging Core Policy 62; Biester Area Strategy emerging Core Policy 70; Kidlington Area Strategy emerging Core Policy 76; Heyford Park Strategy emerging Core Policy 82

uplift) is imbedded in the standard methodology assumptions. The parties further agree that this accords with the approach as set out in the Council’s most recent published assessment of housing land supply.

- 1.17 While the parties do not agree regarding its inclusion as part of the requirement against which supply is to be assessed for this Appeal the parties agree that the adopted strategic policies in relation to meeting part of Oxford’s unmet needs requires performance (including any surplus/shortfall) to be monitored separately. It is further agreed that there is a shortfall of 680 dwellings against the adopted strategic policies of the Partial Review (see Table SoCG 2.3 row g).

**Housing Delivery Test**

- 1.18 It is agreed that the latest (2022) Housing Delivery Test (HDT) result for Cherwell (published 19 December 2023) is 143%.
- 1.19 It is agreed that the published HDT calculates the number of homes required and number of homes delivered for Cherwell District as the relevant plan-making authority in accordance with the HDT Rule Book.
- 1.20 The relevance of the Housing Delivery Test to determining the requirement against which supply should be assessed is not agreed.

|          | Number of Homes Required |         |         |       | Number of Homes Delivered |         |         |       | HDT % |
|----------|--------------------------|---------|---------|-------|---------------------------|---------|---------|-------|-------|
|          | 2019-20                  | 2020-21 | 2021-22 | Total | 2019-20                   | 2020-21 | 2021-22 | Total |       |
| Cherwell | 881                      | 650     | 934     | 2464  | 1159                      | 1192    | 1175    | 3526  | 143%  |

**The Buffer**

- 1.21 Following publication of the December 2023 version of the NPPF it is agreed that no buffer is to be applied in accordance with paragraphs 77 and 79b and footnote 43 of the Framework.

**The Period Over Which Deliverable Supply is Assessed in Accordance with National Policy**

- 1.22 While the parties do not agree whether the extent of supply to be demonstrated is to be measured against four of five years’ worth of provision the parties are agreed that their respective cases are to be assessed against the position of deliverable housing sites demonstrated against the five-year requirement

## **2. Matters of Disagreement**

### **Local Housing Need and the 5YHLS Housing Requirement**

- 2.1 Set out below (**Table SOCG 2.1**) is the calculation of the LHN as undertaken by CDC, and as undertaken by the Appellant, clarifying where CDC and the Appellant either agree, or disagree.
- 2.2 The Table also clarifies where figures are derived from, or result from, underlying figures.
- 2.3 Set out below (**Table SOCG 2.2**) is a summary explanation of the areas of disagreement.
- 2.4 Whilst the parties disagree on the LHN figure to be used, there is agreement that both calculations are mathematically correct and correctly follow guidance.

**Table SOCG 2.1: Calculation of the Local Housing Need**

| Stage                     |   | CDC Position  | Appellant   |                         |
|---------------------------|---|---|---|-------------------------|
| <b>0</b>                  | <b>Average Annual Housing Requirement in Most Recently Adopted Strategic Policy (dpa)</b> | 1,142   |   | Parties Agree           |
| <b>Step 1</b>             |   |   |   |                         |
| <b>1a</b>                 | <b>10-year (HHPs) Period</b>  | 2024-2034   | 2023-2033   | <b>Parties Disagree</b> |
| <b>1b</b>                 | <b>10-year (HHPs) Average annual increase</b>   | 521.6   | 527.3   |                         |
| <b>Step 2</b>             |   |   |   |                         |
| <b>2a</b>                 | <b>Affordability Ratio Year</b>   | 2022<br>(published 22/03/23)                                  |   | <b>Parties Agree</b>    |
| <b>2b</b>                 | <b>Affordability Ratio</b>  | 9.55  |   | Resulting Figure        |
| <b>2c</b>                 | <b>Adjustment Factor (%)</b>  | 1.346875  |   | Derived Figure          |
| <b>2d</b>                 | <b>Uncapped annual LHN (1b x 2c)</b>  | <b>703</b><br>702.53<br>(rounded up)                          | <b>710</b><br>710.2072<br>(rounded down)                        | Resulting Answer        |
| <b>Step 3</b>             |   |   |   |                         |
| <b>3a</b>                 | <b>40% Cap (Local Plan) (0 x 1.40)</b>  | 1598.8  |   | Parties Agree           |
| <b>3b</b>                 | <b>40% Cap (HHPs) (1b x 1.40)</b>   | 730.24  | 738.22  | Derived Figure          |
| <b>3c</b>                 | <b>Applicable Cap (Higher of 3a and 3b)</b>   | 1598.8 (3a)   | 1598.8 (3a)   | Resulting Figure        |
| <b>Step 4</b>             |   |   |   |                         |
| <b>4a</b>                 | <b>Urban and Cities Uplift Applicable (Yes / No)</b>                                      | <b>No</b>   |   | <b>Parties Agree</b>    |
| <b>Calculation of LHN</b> |   |   |   |                         |
| <b>5a</b>                 | <b>Uncapped annual LHN (2d)</b>   | 703   | 710   | Resulting Figure        |
| <b>5b</b>                 | <b>Applicable Cap (3c)</b>  | 1599 (3a)   |   | Derived figure.         |
| <b>5c</b>                 | <b>Cap applicable? (Is 4a higher than 4b?)</b>  | <b>No</b>   |   | Resulting Answer        |
| <b>5d</b>                 | <b>Figure to use for Annual LHN</b>   | <b>703</b><br>702.53<br>(rounded down)<br>(cap not necessary) | <b>710</b><br>710.2072<br>(rounded down)<br>(cap not necessary) | Resulting Answer        |

**Table SOCG 2.2: Calculation of the Local Housing Need - Matters of Disagreement**

| Stage |                       | CDC Position<br>(As per Proof)  | Appellant Position<br>(As per Rebuttal Proof)  | Inspector's Notes |
|-------|-----------------------|---|--|-------------------|
| 1a    | 10-year (HHPs) Period | <p>2024-2034</p> <p>The calculation of LHN is undertaken independently from calculation of supply.</p> <p>The current year, which is 2024, is to be used as the start of the 10-year period corresponding to the most up to date evidence when the appeal is heard.</p> | <p>2023-2033</p> <p>The NPPF requires (where applicable) an <i>annual</i> update of the supply position against the housing requirement.</p> <p>There is a necessity for consistency on the requirement and supply sides of the 5YHLS calculation.</p> <p>Please refer to Ben Pycroft's rebuttal proof of evidence</p> |                   |



## The 5YHLS Housing Requirement

### *The Council's Case*

- 2.5 The Council's case is that local housing need calculated for Cherwell District in accordance with the standard method provides for the requirement against which supply should be assessed for the purposes of NPPF2023 paragraph 77.
- 2.6 Paragraph 77 of the NPPF 2023 does not make any express provision for how unmet needs forming part of the housing requirement in adopted strategic policies are to be treated for the purposes of assessing housing land supply.
- 2.7 The Council's case is that the housing requirement in adopted strategic policies providing for part of Oxford's unmet needs is set out separately within the 'Cherwell Local Plan 2011-2031 (Part 1) Partial Review- Oxford's Unmet Housing Need' or "Partial Review". Policies PR1 and PR12a respectively specify the contribution towards unmet needs (4,400 dwellings) and arrangements for maintaining housing land supply to meet these needs for the period 2021-2031.
- 2.8 Relevant strategic Policy PR12a of the Partial Review states "*The Council will manage the supply of housing land for the purpose of constructing 4,400 homes to meet Oxford's needs. A separate five-year housing land supply will be maintained for meeting Oxford's needs*"
- 2.9 The Council's case is that the policy of the NPPF at paragraph 77 and footnote 42 is therefore not applicable to the housing requirement in the adopted strategic policies of the Partial Review.
- 2.10 While the parties therefore do not agree in relation to the addition of the contribution towards Oxford's unmet needs as part of the requirement against which supply should be assessed the following calculation (**Table SOCG 2.3**) sets out the annualised base five-year total provided by the relevant separate strategic policies.

**Table SOCG 2.3: Calculation of the Annualised Base Five Year Requirement for Oxford’s Unmet Needs (based upon Adopted Strategic Policies of the Cherwell Local Plan Partial Review)**

| Step | Description  | Five Year Period 2023/24-27/28 |
|------|--|--------------------------------|
| a    | Partial Review requirement 2021/22-2025/26             | 1,700                          |
| b    | 2021/22-2025/26 Annual Requirement (a / 5)             | 340                            |
| c    | Partial Review requirement 2026/27-2030/31             | 2,700                          |
| d    | 2021/22-2025/26 Annual Requirement (c / 5)             | 540                            |
| e    | Requirement to date (b x years)                        | 680                            |
| f    | Completions 2021/22-2022/23                            | 0                              |
| g    | Shortfall at 31/3/23 (f - e)                           | 680                            |
| h    | Base requirement over next 5 years ((b x 3) + (d x 2)) | 2,100                          |
| i    | Annual Base Requirement over next 5 years (h / 5)      | 420                            |

### *The Appellants’ Case*

2.11 As set out in detail in the Appellant’s Updated Proof of Evidence in relation to 5YHLS (dated 13<sup>th</sup> February 2024), the Appellant does not agree that separate 5YHLS calculations should be made for Cherwell and Oxford’s unmet needs. The Appellants consider that the revised Framework and PPG continue to support that proposition.

## Past Shortfall

### *The Council's Case*

- 2.12 The Council's calculation does not include the past shortfall where the requirement against which supply should be assessed is provided by local housing need for Cherwell District calculated in accordance with the standard method (PPG ID: 68-031-20190722).
- 2.13 The Council's case is that the housing requirement in adopted strategic policies in relation to meeting part of Oxford's unmet needs requires performance (including any surplus/shortfall) is to be monitored separately.

### *The Appellants' Case*

- 2.14 While it is over five years old and requires updating Policy BSC 1 of the Cherwell Local Plan (Part 1) (LPP1) sets out how, over the plan period, the Council aims to secure the delivery of a minimum of 21,734 new homes.
- 2.15 In addition, whilst the Appellants agree that, for five year housing land supply purposes, LHN should be used in place of the housing requirement in the Development Plan for Cherwell's needs, the Development Plan remains the starting point for the determination of the Appeal and so the Local Plan Housing Requirement (in LPP1) and the Council's delivery performance against it to date, and expected performance against in in the overall plan period remains an important material consideration at this Appeal regardless of the position on five year housing land supply.
- 2.16 Notwithstanding that the Council disagrees on the relevance under NPPF2023 paragraph 77 of delivery against the Council's Local Plan Part 1 requirement, based on the average annualised housing requirement (1,142 homes per annum from Policy BSC1 of the LPP1), Table SOCG 2.4 below sets out the agreed housing delivery per annum to date and the surplus or shortfall in each year, and cumulatively to date.

**Table SOCG 2.4: Delivery to Date in Cherwell against the Core Strategy Housing Requirement**

| Year    | Requirement (dwellings p.a.) | Completions (net) | Over / under provision | Cumulative |
|---------|------------------------------|-------------------|------------------------|------------|
| 2011/12 | 1,142                        | 356               | -786                   | -786       |
| 2012/13 | 1,142                        | 340               | -802                   | -1,588     |
| 2013/14 | 1,142                        | 410               | -732                   | -2,320     |
| 2014/15 | 1,142                        | 946               | -196                   | -2,516     |
| 2015/16 | 1,142                        | 1,425             | 283                    | -2,233     |
| 2016/17 | 1,142                        | 1,102             | -40                    | -2,273     |

| <b>Year</b>    | <b>Requirement<br/>(dwellings<br/>p.a.)</b> | <b>Completions<br/>(net)</b> | <b>Over /<br/>under<br/>provision</b> | <b>Cumulative</b> |
|----------------|---|------------------------------|---------------------------------------|-------------------|
| 2017/18        | 1,142                                       | 1,387                        | 245                                   | -2,028            |
| 2018/19        | 1,142                                       | 1,489                        | 347                                   | -1,681            |
| 2019/20        | 1,142                                       | 1,159                        | 17                                    | -1,664            |
| 2020/21        | 1,142                                       | 1,192                        | 50                                    | -1,614            |
| 2021/22        | 1,142                                       | 1,188                        | 46                                    | -1,568            |
| 2022/23        | 1,142                                       | 1,318                        | 176                                   | -1,392            |
| <b>Total</b>   | <b>13,704</b>                               | <b>12,312</b>                | <b>-1,392</b>                         |                   |
| <b>Average</b> | <b>1,142</b>                                | <b>1,026</b>                 |                                       |                   |

2.17 Further to the agreement at paragraph 1.15 above and the relevance of past shortfall to the calculation of LHN under the Appellant's case the calculation includes the past shortfall against Oxford's unmet needs since 2021 of 680 dwellings.

## **4YHLS / 5YHLS – The Extent of Deliverable Supply to Be Demonstrated**

### ***The Council's Case***

- 2.18 The Council considers that that the contents of the Cherwell Local Plan Review 2040 – Regulation 18 Consultation Draft published for consultation between 22 September 2023 and 3 November 2023 include:
- Indicative Site Development Templates (at Appendix 2) for the sites identified in emerging Core Policies 25 and 34
  - Appendix 1 (retained policies list) further indicates where the proposals in Appendix 2 will replace those illustrated within the current development plan and thus policies map.
  - Appendices 4 to 11 of the Consultation Draft indicating visually proposed policies relevant to managing land use but provided separate to the illustration of sites proposed towards meeting identified needs in Core Policy 34 under Appendix 2.
- 2.19 The Council's case is that these contents satisfy the requirement for the inclusion of a policies map for the purposes of a Local Plan under preparation (prior to its submission) under regulation 5(a) of The Town and Country Planning (Local Planning) (England) Regulations 2012 and any accompanying maps as specified in regulation 5(b).
- 2.20 The Council's case is that the policy in paragraph 226 to the NPPF(Dec)2023 applies and under the provisions of paragraph 77 the extent of deliverable supply identified must provide for a minimum 4 years' supply.
- 2.21 Under the language of NPPF(Dec)2023 footnote 80 where the extent of deliverable supply is assessed against a minimum 4 years' worth of housing the standard method must be used where relevant strategic policies are more than five years old (consistent with the wording of NPPF(Dec)2023 footnote 42).

### ***The Appellants' Case***

- 2.22 The Appellants' case is that whether Cherwell only needs to demonstrate a 4YHLS is a matter of law. The Appellants rely on the advice provided by the Appellants' Counsel on this issue.

## Disputed Sites

2.23 The following sites outside of the Partial Review area as shown in **Table SOCG 2.5** are disputed.

**Table SOCG 2.5 Disputed Sites outside the Partial Review Area**

|   | <b>LPA ref:</b>           | <b>Address</b>   | <b>Capacity<br/>(Net)</b> | <b>LPA<br/>5YHLS</b> | <b>Appellants'<br/>5YHLS</b> | <b>Difference</b> |
|---|---------------------------|--|---------------------------|----------------------|------------------------------|-------------------|
| A | 20/00293/OUT              | Bicester Gateway Business Park   | 273                       | 0                    | 0                            | -0                |
| B | 18/00293/OUT              | Canalside, Banbury   | 63                        | 63                   | 0                            | -63               |
| C | 19/01047/OUT<br>Banbury 4 | Bankside Phase 2   | 350                       | 50                   | 0                            | -50               |
| D | 21/03426/OUT              | Land opposite Hanwell Fields Recreation, Adjacent to Dukes Meadow Drive, Banbury | 78                        | 78                   | 0                            | -78               |
| E | 22/02101/OUT              | Land adjoining Withycombe Farmhouse, Stratford Road (Banbury Rise Phase 2)       | 250                       | 50                   | 0                            | -50               |
| F | 21/04112/OUT              | OS Parcel 2778 Grange Farm North West Of Station Cottage Station Road Launton    | 65                        | 65                   | 0                            | -65               |
| G | 19/02350/OUT              | Land at Deerfields Farm, Canal Lane, Bodicote                                    | 26                        | 26                   | 0                            | -26               |

|   | <b>LPA ref:</b>            | <b>Address</b>   | <b>Capacity<br/>(Net)</b> | <b>LPA<br/>5YHLS</b> | <b>Appellants'<br/>5YHLS</b> | <b>Difference</b> |
|---|----------------------------|--|---------------------------|----------------------|------------------------------|-------------------|
| H | 22/01976/OUT               | OS Parcel<br>3489<br>Adjoining And<br>South West Of<br>B4011,<br>Ambrosden | 75                        | 60                   | 0                            | -60               |
| I | 21/0500/OUT                | Land North Of<br>Railway<br>House,<br>Station Road,<br>Hook Norton         | 43                        | 43                   | 0                            | -43               |
| J | 22/00017/F                 | Kidlington<br>Garage, 1<br>Bicester Road,<br>Kidlington                    | 15                        | 15                   | 0                            | -15               |
| K | 18/00825/HYBRID            | Former RAF<br>Upper Heyford  | 1,175                     | 488                  | 138                          | -350              |
| L | 18/01882/OUT<br>Banbury 18 | Drayton<br>Lodge Farm,<br>Banbury  | 320                       | 250                  | 180                          | -70               |
| M | 14/01932/OUT<br>Banbury 17 | South of Salt<br>Way East  | 1,000                     | 400                  | 237                          | -163              |
| N | 20/02345/LDO<br>Bicester 2 | Graven Hill  | 243                       | 243                  | 243                          | -0                |
| O | 14/02121/OUT<br>Bicester 1 | North West<br>Phase 2  | 1,700                     | 100                  | 0                            | -100              |
| P | 21/03523/OUT               | Former RAF<br>Upper Heyford  | 31                        | 31                   | 0                            | -31               |
|   | Windfall<br>Allowance      |  |                           | 250                  | 200                          | -50               |
|   | <b>Total</b>               |  |                           |                      |                              | <b>-1,214</b>     |

2.24 The following sites in the Partial Review area are disputed.

**Table SOCG 2.6 Disputed Sites within the Partial Review Area**

|   | <b>LPA ref:</b> | <b>Address</b>                      | <b>Capacity<br/>(Net)</b> | <b>LPA<br/>5YHLS</b> | <b>Appellants'<br/>5YHLS</b> | <b>Difference</b> |
|---|-----------------|-------------------------------------|---------------------------|----------------------|------------------------------|-------------------|
| P | PR9             | Land west of Yarnton                | 540                       | 30                   | 0                            | -30               |
| Q | PR7a            | Land southeast of Kidlington        | 430                       | 30                   | 0                            | -30               |
| R | PR7b            | Land at Stratfield Farm, Kidlington | 120                       | 20                   | 0                            | -20               |
|   |                 |                                     |                           |                      |                              | <b>-80</b>        |



### 3. Extent of the Deliverable Supply

#### *The Council's Case*

- 3.1 The Council's case is that it can demonstrate a deliverable 5YHLS of 4,038 dwellings at 1st April 2023 (excluding the Partial Review area). Against the local housing need as calculated by the Council this equates to 5.74 years.
- 3.2 The Council's case is that the policy in paragraph 226 to the NPPF(Dec)2023 applies and under the provisions of paragraph 77 the extent of deliverable supply identified must provide for a minimum 4 years' supply (with no buffer applicable). The Council's case is therefore that it can demonstrate a surplus of 1,226 dwellings.
- 3.3 The Appellant disagrees that the Council only needs to demonstrate a 4 year housing land supply, that separate calculations should be made and the Council's claim that the Local Housing Need is 703 dwellings. However, its supply figure against the Council's local housing need figure for four years' extent of provision without any unmet need for Oxford is 4.02 years. This is shown in **Table SOCG 3.1**.

**Table SOCG 3.1 Assessment of Deliverable Supply versus Local Housing Need Against 4-Year Extent (Council's Case)**

|   |  | LHN2024 – Council's Case |                  | LHN2023 – Appellant's Case |                  |
|---|--|--------------------------|------------------|----------------------------|------------------|
|   |  | Council Supply           | Appellant Supply | Council Supply             | Appellant Supply |
| A | Annual housing requirement                 | 703                      | 703              | 710                        | 710              |
| B | Four year requirement (A X 4)              | 2,812                    | 2,812            | 2,840                      | 2,840            |
| C | Shortfall to be added                      | 0                        | 0                | 0                          | 0                |
| D | Four year requirement (B + C)              | 2,812                    | 2,812            | 2,840                      | 2,840            |
| E | Annual requirement (rounded)               | 703                      | 703              | 710                        | 710              |
| F | 5YHLS supply at 1 <sup>st</sup> April 2023 | 4,038                    | 2,824            | 4,038                      | 2,824            |
| G | Supply in years (F / E)                    | 5.74                     | <b>4.02</b>      | 5.69                       | <b>3.98</b>      |
| H | Over / under supply (F – D)                | +1226                    | +12              | +1198                      | -16              |

- 3.4 While it does not represent the Council's case **Table SOCG 3.2** provides the resulting answer if the extent of deliverable supply is to be measured against five years' worth of provision.

**Table SOCG 3.2 Assessment of Deliverable Supply versus Local Housing Need Against 5-Year Extent**

|   |  | LHN2024 – Council's Case |                  | LHN2023 – Appellant's Case |                  |
|---|--|--------------------------|------------------|----------------------------|------------------|
|   |  | Council Supply           | Appellant Supply | Council Supply             | Appellant Supply |
| A | Annual housing requirement                 | 703                      | 703              | 710                        | 710              |
| B | Five year requirement (A X 4)              | 3515                     | 3515             | 3550                       | 3550             |
| C | Shortfall to be added                      | 0                        | 0                | 0                          | 0                |
| D | Five year requirement (B + C)              | 3515                     | 3515             | 3550                       | 3550             |
| E | Annual requirement (rounded)               | 703                      | 703              | 710                        | 710              |
| F | 5YHLS supply at 1 <sup>st</sup> April 2023 | 4038                     | 2824             | 4038                       | 2824             |
| G | Supply in years (F / E)                    | <b>5.74</b>              | <b>4.02</b>      | <b>5.69</b>                | <b>3.98</b>      |
| H | Over / under supply (F – D)                | +523                     | -691             | +488                       | -726             |

- 3.5 Areas of agreement and disagreement in respect of the respective positions for total forecast supply (row F above) by component of supply are summarised in **Table SOCG 3.5** below.
- 3.6 The Council's position in respect of individual forecast supply trajectories for disputed sites outside the Partial Review area are set out in **Table SOCG 3.6**. Where applicable, the Appellant provides forecast supply trajectories for disputed sites within evidence.
- 3.7 The parties' positions in respect of individual disputed sites are set out in **evidence**.

**The Appellant's Case**

- 3.8 The Appellant's case is that the Council can demonstrate a deliverable 5YHLS of 2,824 dwellings which against the 5YHLS requirement (including some of Oxford's unmet need) equates to 2.23 years.
- 3.9 The Council disagrees with the Appellant's approach to the requirement together with the calculation of local housing need and the extent of supply to be demonstrated as explained above, but its supply figure against this mathematically equates to 3.25 years. This is shown in the **Table SOCG 3.4**.

**Table 3.4: Assessment of Deliverable Supply Over Five Years versus Local Housing Need + Oxford's Unmet Needs Against 5-Year Extent (Appellant's Case)**

| <b>LHN2023 – Appellant's Case</b> |                                      |                         |                       |
|-----------------------------------|--------------------------------------|-------------------------|-----------------------|
|                                   | <b>Requirement</b>                   | <b>Appellant Supply</b> | <b>Council Supply</b> |
| A                                 | Annual Requirement                   | 1,130<br>(710 + 420)    | 1,130<br>(710 + 420)  |
| B                                 | Five-year requirement (A x 5)        | 5,650                   | 5,650                 |
| C                                 | Shortfall to be added                | 680                     | 680                   |
| D                                 | Total Requirement + Shortfall (B+C)  | 6,330                   | 6,330                 |
| E                                 | Annual Requirement + Shortfall (D/5) | 1,266                   | 1,266                 |
|                                   | <b>Supply</b>                        |                         |                       |
| F                                 | Five Year Supply                     | 2,824                   | 4,118                 |
| G                                 | Supply in Years (F/E)                | <b>2.23</b>             | <b>3.25</b>           |
| H                                 | Over / undersupply (F-D)             | -3,506                  | -2212                 |

- 3.10 While it does not represent the Appellants' case the Appellants consider that if the provisions of NPPF(Dec)2023 paragraph 226 then a four year supply cannot be demonstrated as shown in the table above.

**Table SOCG 3.5: Elements of the Supply - Summary**

| Location           | Category                       | LPA 5YHLS    |              | Appellants' 5YHLS |  | Agreement or Disagreement |
|--------------------|--------------------------------|--------------|--------------|-------------------|--|---------------------------|
|                    |                                |              |              |                   |  |                           |
| <b>Banbury</b>     | Allocated - Part B             | 113          | 0            |                   |  | <b>Parties Disagree</b>   |
|                    | Large Allocated - Outline PP   | 650          | 417          |                   |  | <b>Parties Disagree</b>   |
|                    | Large Unallocated - Outline PP | 99           | 49           |                   |  | <b>Parties Disagree</b>   |
|                    | Large Unallocated - Pending PP | 78           | 0            |                   |  | <b>Parties Disagree</b>   |
|                    | Large - Detailed               | 481          | 481          |                   |  | Parties Agree             |
|                    | Under 10 Dwellings             | 62           | 62           |                   |  | Parties Agree             |
| <b>Bicester</b>    | Allocated - Part B             | 0            | 0            |                   |  | Parties Agree             |
|                    | Large Allocated - Outline PP   | 160          | 60           |                   |  | <b>Parties Disagree</b>   |
|                    | Large Unallocated - Outline PP | 0            | 0            |                   |  | Parties Agree             |
|                    | Large Unallocated - Pending PP | 0            | 0            |                   |  | Parties Agree             |
|                    | Large - Detailed               | 513          | 513          |                   |  | Parties Agree             |
|                    | Under 10 Dwellings             | 45           | 45           |                   |  | Parties Agree             |
| <b>Other Areas</b> | Allocated - Part B             | 120          | 120          |                   |  | Parties Agree             |
|                    | Large Allocated - Outline PP   | 488          | 107          |                   |  | <b>Parties Disagree</b>   |
|                    | Large Unallocated - Outline PP | 134          | 0            |                   |  | <b>Parties Disagree</b>   |
|                    | Large Unallocated - Pending PP | 75           | 0            |                   |  | <b>Parties Disagree</b>   |
|                    | Large - Detailed               | 568          | 568          |                   |  | Parties Agree             |
|                    | Under 10 Dwellings             | 202          | 202          |                   |  | Parties Agree             |
| <b>Windfall</b>    | Windfall                       | 250          | 200          |                   |  | <b>Parties Disagree</b>   |
|                    | <b>Supply</b>                  | <b>4,038</b> | <b>2,814</b> |                   |  | Derived figure.           |

**Table SOCG 3.6: Housing Trajectories for Disputed Sites (Council’s Position)**

| Site  |     | Apr 2023 –<br>Mar 2024 | Apr 2024 –<br>Mar 2025 | Apr 2025 –<br>Mar 2026 | Apr 2026 –<br>Mar 2027 | Apr 2027 –<br>Mar 2028 | Total      |
|---|-----|------------------------|------------------------|------------------------|------------------------|------------------------|------------|
| Canalside   | CDC | 0                      | 0                      | 0                      | 33                     | 30                     | <b>63</b>  |
| Bankside Phase 2  | CDC | 0                      | 0                      | 0                      | 0                      | 50                     | <b>50</b>  |
| South of Salt Way - East  | CDC | 50                     | 75                     | 75                     | 100                    | 100                    | <b>400</b> |
| Drayton Lodge Farm  | CDC | 0                      | 50                     | 50                     | 75                     | 75                     | <b>250</b> |
| Land Opposite Hanwell Fields Recreation, Adj To Dukes Meadow Drive, Banbury   | CDC | 0                      | 0                      | 0                      | 28                     | 50                     | <b>78</b>  |
| Land Adjoining Withycombe Farmhouse Stratford Road A422 Drayton               | CDC | 0                      | 0                      | 0                      | 0                      | 50                     | <b>50</b>  |
| North West Bicester Phase 2   | CDC | 0                      | 0                      | 0                      | 50                     | 50                     | <b>100</b> |
| Graven Hill   | CDC | 50                     | 50                     | 75                     | 75                     | 42                     | <b>292</b> |
| Bicester Gateway Business Park, Wendlebury Road, Bicester                     | CDC | 0                      | 0                      | 0                      | 0                      | 0                      | <b>0</b>   |
| Former RAF Upper Heyford  | CDC | 143                    | 194                    | 198                    | 175                    | 171                    | <b>881</b> |
| OS Parcel 2778 Grange Farm North West Of Station Cottage Station Road Launton | CDC | 0                      | 0                      | 0                      | 30                     | 35                     | <b>65</b>  |
| Land at Deerfields Farm Canal Lane Bodicote                                   | CDC | 0                      | 0                      | 0                      | 26                     | 0                      | <b>26</b>  |

| Site   |     | Apr 2023 –<br>Mar 2024 | Apr 2024 –<br>Mar 2025 | Apr 2025 –<br>Mar 2026 | Apr 2026 –<br>Mar 2027 | Apr 2027 –<br>Mar 2028 | Total      |
|--|-----|------------------------|------------------------|------------------------|------------------------|------------------------|------------|
| OS Parcel 3489<br>Adjoining And South<br>West Of B4011,<br>Ambrosden | CDC | 0                      | 0                      | 0                      | 25                     | 35                     | <b>60</b>  |
| Land North Of Railway<br>House, Station Road,<br>Hook Norton         | CDC | 0                      | 0                      | 0                      | 25                     | 18                     | <b>43</b>  |
| Kidlington Garage, 1<br>Bicester Road, Kidlington                    | CDC | 0                      | 0                      | 15                     | 0                      | 0                      | <b>15</b>  |
| District-wide small sites<br>windfall allowance                      | CDC | 0                      | 0                      | 0                      | 125                    | 125                    | <b>250</b> |
| <b>Total</b>   | CDC | 243                    | 369                    | 413                    | 767                    | 831                    | 2623       |

