

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

BY

WATES DEVELOPMENTS LTD

LAND SOUTH OF GREEN LANE, CHESTERTON

OUTLINE PLANNING APPLICATION FOR UP TO 147 HOMES, PUBLIC OPEN SPACE, FLEXIBLE RECREATIONAL PLAYING FIELD AREA AND SPORTS PITCHES WITH ASSOCIATED CAR PARKING, ALONGSIDE LANDSCAPING, ECOLOGICAL ENHANCEMENTS, SUDS, GREEN / BLUE AND HARD INFRASTRUCTURE, WITH VEHICULAR AND PEDESTRIAN/CYCLE ACCESSES, AND ALL ASSOCIATED WORKS (ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS)”

**PINS REF.: APP/C3105/W/23/3331122
LPA REF.: 23/00173/OUT AND 23/00103/REF**

**PROOF OF EVIDENCE SUMMARY
OF
CHRISTOPHER ROBERTS**

JANUARY 2024

1. INTRODUCTION

Qualifications

- 1.1 My name is Christopher Roberts. I hold an MSc Degree in Spatial Planning and Development from Cardiff University and am a chartered member of the Royal Town Planning Institute (RTPI). I am an Associate Director of the Wokingham Office of Boyer.
- 1.2 Boyer is a national town planning consultancy with six offices. It forms part of a larger multidisciplinary property business, the Leaders Romans Group. Boyer employs around 70 professional staff members in the disciplines of town planning, masterplanning, and architecture. Boyer's professional services include preparing housing land supply assessments.
- 1.3 I have ten years of professional experience working in private-sector planning consultancies. I have acted as an expert witness, participated in Local Plan Examinations, and have experience dealing specifically with housing land supply matters, including preparing detailed housing land supply assessments for planning appeals, and advising clients.
- 1.4 Additionally, I have advised in relation to the Appeal Site since the preparation of the planning application in 2022 and, prior to this, concerning the site's promotion. I am familiar with the Appeal Site and the planning policy context for Cherwell.

Statement of Truth

- 1.5 I am instructed by Wates Developments (the appellant) to provide a Proof of Evidence, which provides an assessment of housing requirement and housing supply matters in Cherwell District.
- 1.6 The evidence I have prepared for this appeal and in this Proof of Evidence is true. It is prepared and given according to my professional institution's guidance. I confirm that the opinions expressed are my true and professional opinions. I am also professionally advised on all legal matters and legal interpretation.
- 1.7 In conjunction with this Proof of Evidence, I provide a set of appendices and a Summary Proof of Evidence. I also refer to several Core Documents and the Housing Land Supply Statement of Common Ground (SoCG)¹.

Scope of this Evidence

- 1.8 This Proof of Evidence concerns housing land supply matters in Cherwell District as relevant to this appeal. Consequently, my evidence addresses the following:
 - National and local planning policy and guidance, pertinent appeal decisions, and other relevant assessments;
 - Housing delivery and supply considered against the adopted Development Plan housing requirement;
 - The Council's recently claimed five-year housing land supply (5YHLS) positions;

¹ Which at the time of writing exists in draft, but has yet to be formally concluded.

- The housing requirement proposed in the emerging Local Plan Review 2040;
- Whether a four or five-year housing land supply must be demonstrated in the context of NPPF paragraph 226;
- Whether a 5YHLS must be assessed against a unified housing requirement; and
- The correctness of the Council's claimed deliverable housing land supply, for the period 01 April 2023 to 31 March 2028

1.9 The consideration of the development proposal in terms of the overall planning balance is contained in the evidence of Mr Ross.

2. SUMMARY

- 2.1 In Section 2 of my proof, my evidence outlines the national and local planning policy context as relevant to this appeal. I also note several decided and undecided appeals within Cherwell, that consider (or which are expected to consider) pertinent matters.
- 2.2 Section 3 of my evidence provides a review of housing delivery and supply in Cherwell against the policies of the adopted Local Plan. It is clear from this review that both parts of the Local Plan will fail to address the adopted housing requirement by the end of the Plan period. Indeed, the Council expects an overall shortfall of 6,411 homes, which means that the Plan will only deliver approximately 75% of the homes that it should.
- 2.3 In Section 4, my evidence finds that it is the happenstance of a reducing housing requirement (and particularly the application of the Standard Method's Local Housing Need) that has provided the Council with a favourable accounting when recently calculating its 5YHLS position. Yet, at the same time, the pipeline of deliverable sites has continued to diminish as successive five-year trajectories have been published, and fewer homes are now expected to be built.
- 2.4 Subsequently, in Section 5, my evidence considers the applicable housing requirement for 5YHLS purposes. This represents a key area of dispute.
- 2.5 Firstly, it is the appellant's position that the Cherwell Local Plan Review 2040 Regulation 18 consultation document does not contain a Policies Map. This is relevant for the purposes of NPPF paragraph 226.
- 2.6 In the Housing Land Supply SoCG, the Council has identified a number of entries and drawings within the consultation document that it argues should be taken to represent a Policies Map. However, none of these are purported as a Policies Map within the document itself.
- 2.7 The consultation document also contrasts with previous Regulation 19-stage documents, as prepared prior to the adoption of the current Local Plan Part 1 and the Partial Review. These contained specific Policies Maps within their appendices, that were clearly identified as such.
- 2.8 It is my evidence that a Policies Map is a deliberate and specific production rather than something that can be arrived at accidentally. The consequence of this is that the Council is required to demonstrate five years' worth of housing supply.
- 2.9 Secondly, another matter of dispute concerns whether, when calculating 5YHLS (for the purposes of NPPF paragraph 77), it is correct for the Council to maintain two separate housing requirements and calculations for, respectively, the Partial Review sites and the rest of the District.
- 2.10 My evidence sets out why the Council's approach is incorrect. The current NPPF, Planning Practice Guidance and Housing Delivery Test, all point towards the correct approach being unified rather than separate. LHN is to be added to the unmet need being taken on from Oxford to form a single figure for the purposes of an overall 5YHLS calculation.
- 2.11 Furthermore, my evidence sets out that Policy PR12 (parts a and b) of the Local Plan Partial Review has a specific function which justifies the separate monitoring of supply in relation to the Partial Review sites. However, this does not mean that key provisions of the NPPF can

simply be overridden and disregarded, particularly in the face of existing and forecast shortfalls.

- 2.12 I have also reviewed the emerging Local Plan 2040 and key associated documents. It is notable that, to address national planning policies and the available evidence, the Council intends to discard the approach of having two housing requirements and two separate 5YHLS calculations. All the allocations proposed in the emerging Local Plan will contribute to a singular housing requirement, which incorporates a share of Oxford's unmet needs.
- 2.13 My evidence also reviews the approach taken by a range of other Local Authorities. Nowhere else in Oxfordshire is it contended that agreed apportionments of Oxford's unmet need justify a separate 5YHLS calculation to address NPPF paragraph 77. Indeed, the matter was recently considered during an Inquiry at Grove, in the Vale of White Horse (CD4.22).
- 2.14 New unitary Authorities in Wiltshire and West Suffolk have had to consider similar matters regarding the unified or separate treatment of housing requirements and supply. Both maintain that it is correct to undertake a whole Local Authority-wide calculation. The matter was considered in a recent Inquiry at Newmarket, in West Suffolk (CD4.36). The Inspector concluded that the Council's approach of combining the two requirements to arrive at a single 5YHLS calculation accorded with national planning policy.
- 2.15 Cherwell's approach is, therefore, inconsistent with that being taken elsewhere. However, my evidence also indicates that the Council's position is such that the Government's intended mechanics, notably the presumption in favour of sustainable development (as linked to NPPF paragraph 77), cannot function as intended.
- 2.16 Under the Council's approach, alternative sites cannot come forward, even whilst the Council's own case indicates that the five-year supply of homes associated with the Partial Review is extremely poor. Yet, at the same time, the Council has also acknowledged that areas outside of those allocated in the Local Plan Partial Review could sustainably meet Oxford's unmet needs.
- 2.17 Overall, my evidence sets out that the failure to address identified housing needs should have consequences. These consequences must fall somewhere within the District, which is, in any case, a component and integral part of a shared housing market area.
- 2.18 Turning to the supply side, at Section 6, my evidence considers what constitutes a deliverable site, as per the NPPF definition, taking account of the Planning Practice Guidance, widely cited appeal decisions and other sources.
- 2.19 Subsequently, in Section 7 (and Appendix 1), my evidence provides a critical assessment of the Council's claimed five-year trajectory. In several cases, I conclude that there is no clear evidence that housing will be delivered within five years. In other instances, I conclude that the claimed supply is overly optimistic. On this basis, I reduce the Council's trajectory by 545 dwellings.
- 2.20 Overall, my evidence identifies a supply of 3,573 homes against a unified requirement of 6,330 dwellings. On this basis, **it is my case that a supply of only 2.82 years can be demonstrated.**
- 2.21 The Appellant's and Council's respective positions are presented below.

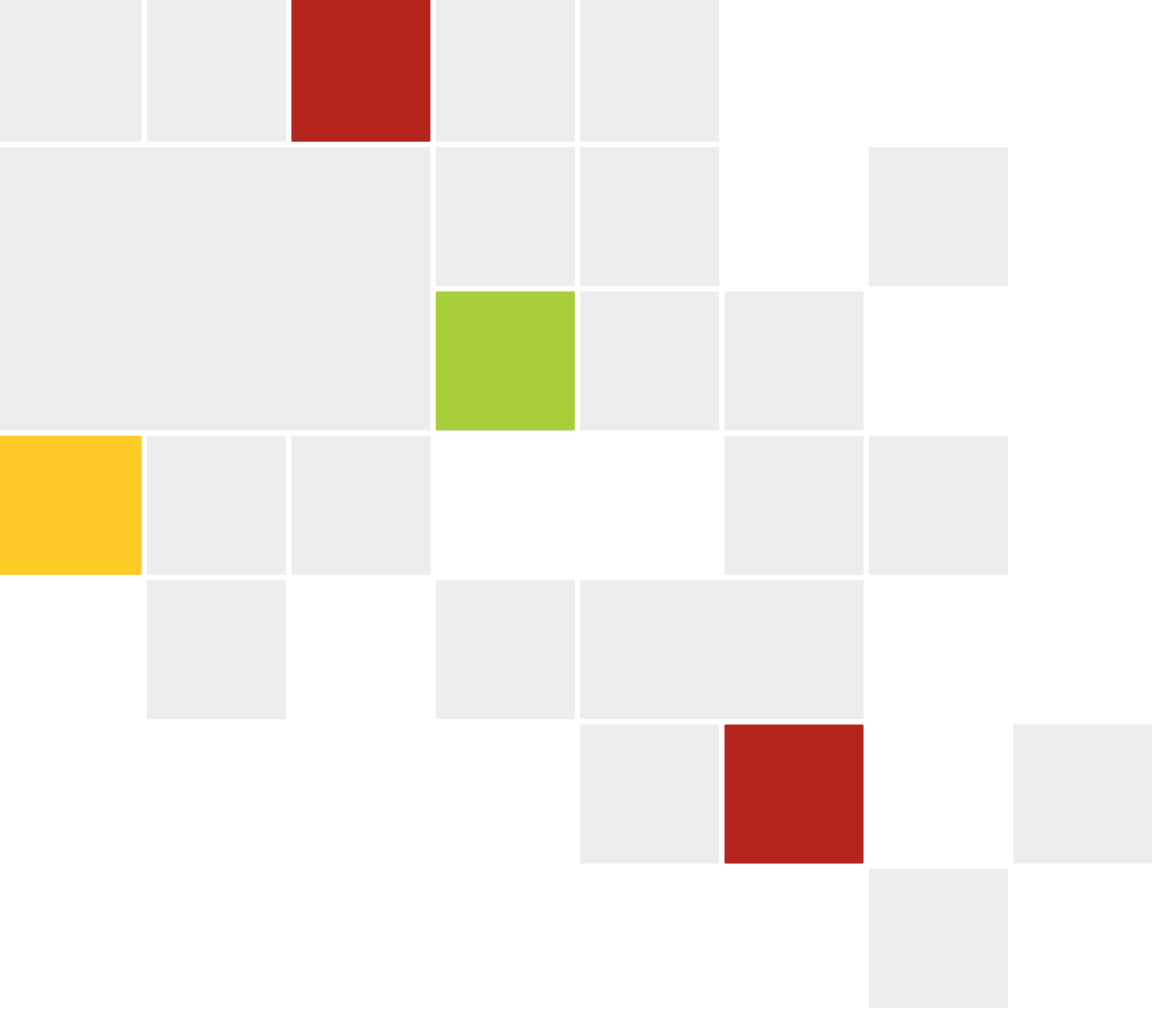
Appellant Position Overall 5YHLS Calculations

Appellant Revised Assessment (5YHLS)		
	Requirement	
A	Annual Requirement	1,130
B	Five-year requirement (A x 5)	5,650
C	Shortfall to be added	680
D	Total Requirement + Shortfall (B+C)	6,330
E	Annual Requirement + Shortfall (D/5)	1,266
	Supply	
F	Five Year Supply	3,573
G	Supply in Years (F/E)	2.82
H	Over / undersupply (F-D)	-2,757

Council's Position 4YHLS Calculations

SoCG Council Assessment (4YHLS)		
	Requirement	
A	Annual Requirement	710
B	Four-year requirement (A x 4)	2,840
C	Shortfall to be added	0
D	Total Four Year Requirement + Shortfall (B+C)	2,840
E	Annual Requirement + Shortfall (D/4)	710
	Supply	
F	Claimed Supply	4,038
G	Supply in Years (F/E)	5.69
H	Over / undersupply (F - D)	1,198

- 2.22 It is my evidence that a 5YHLS cannot be demonstrated. On this basis, the presumption in favour of sustainable development applies in accordance with the provisions of NPPF paragraph 11(d), footnote 8.
- 2.23 The consequences of not being able to demonstrate a sufficient supply in five years or the Plan period; the weight to be given to out-of-date policies as a result; and the weight to be given to the contribution of homes from the Appeal Site in the context of not being able to demonstrate a five-year supply, are considered in the evidence of Mr Ross.



Boyer

Crowthorne House, Nine Mile Ride, Wokingham, RG40 3GZ | 01344 753 220
wokingham@boyerplanning.co.uk | boyerplanning.co.uk