



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

APPEAL REFERENCE: APP/C3105/W/24/3338211

DATE OF INQUIRY: 4 June 2024

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

ADDRESS: Land east of Warwick Road, Banbury, Oxfordshire

Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access (the 'Appeal Proposal')

APPELLANT: Vistry Homes Limited (the 'Appellant')

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

PLANNING APPLICATION REFERENCE: 23/00853/OUT (the 'Application')

This statement addresses the following areas of common ground:

1. Matters In Agreement
  - i. Base Date and Five Year Period
  - ii. The Housing Requirement in Adopted Strategic Policies
  - iii. The Requirement to Assess the Extent of Deliverable Supply in Accordance with National Policy
  - iv. Past Shortfall
  - v. The Housing Delivery Test
2. Matters Not Agreed
  - i. The Requirement for Cherwell District to Demonstrate a Four of Five Year Housing Land Supply
  - ii. The Approach to Separate or Single Housing Land Supply Calculations in Cherwell District
  - iii. The Calculation of Cherwell District's Local Housing Need for the Five Year Period
  - iv. Housing Delivery in the Plan Period to Date and Relevance of Past Shortfall
  - v. Disputed Sites
3. Extent of Deliverable Supply Versus The Parties' Cases for the Requirement

This final version of the SoCG is jointly agreed by:

Signed

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Date 25 May 2024

**NAME Jeff Richards, Senior Director, Turley**  
on behalf of the Appellant

Signed

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Date 24 May 2024

**Jon 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 the 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 Council's Annual Monitoring Report (AMR – CD6.9) provides two calculations for HLS:
- One calculation for Cherwell. This includes forecast supply from sites in Cherwell (excluding those allocated in the Partial Review to meet Oxford's unmet housing need) measured against the local housing need for Cherwell; and
  - A separate calculation for contributions towards part of Oxford's unmet housing need to be delivered within Cherwell District as identified in separate adopted strategic policies. This measures only the forecast deliverable supply of sites allocated in the Partial Review Local Plan against the housing requirement set out in the Partial Review and the shortfall against that requirement since 1<sup>st</sup> April 2021 (see Policies PR1 and PR12a)
- 1.4 it is further 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), the Council concluded that its adopted strategic policies (including the housing requirement specified in Policy BSC1 (requiring a minimum of 21,734 homes in the period 2011 to 2031)) require updating for the purposes of NPPF(Dec)2023 paragraph 77 and footnote 42.
- 1.5 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 so is less than five years old. 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.
- 1.6 Policy PR1 of the Partial Review states that 4,400 homes will be delivered to 2031 on sites allocated in that plan in order to help meet Oxford's unmet housing needs. Paragraph 5.163 of the Partial Review Plan confirms that the first five year period for monitoring delivery towards Oxford's unmet needs should be from 2021.

- 1.7 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"*
- 1.8 In addition, Policy PR12a 'Delivering Sites and Maintaining Housing Supply' further confirms that:
- "At least 1700 homes will be delivered for Oxford for the period 2021 to 2026 for which a five year land supply shall be maintained on a continuous basis from 1 April 2021. The remaining homes will be delivered by 2031."*
- 1.9 While the parties 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 1.1**) sets out the annualised base five-year total provided by the relevant separate strategic policies together with the treatment of past shortfall measured in accordance with that planned requirement.

**Table SOCG 1.1: Calculation of the Annualised Base Five Year Requirement and Past Shortfall 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	2026/27- 2030/31 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
j	Annualised Five Year Requirement inclusive of past shortfall versus Partial Review ( (g + h) / 5)	556

***The Relevance of National Policy to the Requirement Against Which Supply is to be Assessed and the Extent of Deliverable Supply to be Demonstrated***

- 1.10 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').
- 1.11 The parties agree that the provisions of paragraph 76 of the NPPF(Dec)2023 are not engaged in Cherwell District for the purposes of this application.
- 1.12 The parties further agree that under the provisions of NPPF2023 paragraph 77 and 226, from the date of its publication, there is a requirement in Cherwell District to demonstrate a deliverable supply of either four years or five years against the requirement against which supply should be assessed having regard to the

provisions of footnote 42 and 80 and dependent upon the status of relevant adopted strategic policies.

1.13 In respect of the provisions 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 when calculating the five year supply requirement.
- The housing requirement set out in adopted strategic policies should be used for calculating five year supply where these are less than 5 years old – it is agreed that this part of paragraph 77 applies to the Partial Review Plan. This remains the case whether the requirement is to demonstrate a five or four year supply (as is confirmed by footnote 80 to NPPF(Dec)2023 paragraph 226)
- Where relevant policies are more than five years old, footnote 42 confirms that the standard method is to be used to calculate the requirement against which supply is assessed, provided strategic policies have not been reviewed and found not to require updating– it is agreed that this part of paragraph 77 applies to the Part 1 Local Plan (2015). This remains the case whether the requirement is to demonstrate a five or four year supply (as is confirmed by footnote 80 to NPPF(Dec)2023 paragraph 226)

1.14 While the parties do not agree in relation to the requirement against which supply is to be assessed the parties do agree that 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.

1.15 In respect of the provisions within paragraph 226 of the NPPF(Dec) 2023 the parties agree that only a four year supply is required by 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.

1.16 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.

1.17 The parties further agree that the Regulation 18 Consultation Draft identifies proposed allocations towards meeting housing need.

### ***Past Shortfall***

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

1.19 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 Policy Pr12a confirms that “a separate five year housing land supply will be maintained for meeting Oxford’s needs”. It is further agreed that (in the two year period 2021/22 and 2022/23) there is a shortfall of 680 dwellings against the adopted strategic policies and planned requirement of the Partial Review (see Table SoCG 1.1).

## Housing Delivery Test

- 1.20 It is agreed that the latest (2022) Housing Delivery Test (HDT) result for Cherwell (published 19 December 2023) is 143%.
- 1.21 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.
- 1.22 While the relevance of the Housing Delivery Test to determining the requirement against which supply should be assessed is not agreed the parties agree that calculation of the number of homes required under the HDT generates a different figure to the requirement against which supply is to be assessed for the purposes of calculating five year supply.

<b>Table SOCG 1.2 – Housing Delivery Test Figures and Result</b>									
	<b>Number of Homes Required</b>				<b>Number of Homes Delivered</b>				<b>HDT %</b>
	<b>2019-</b>	<b>2020-</b>	<b>2021-</b>	<b>Total</b>	<b>2019-</b>	<b>2020-</b>	<b>2021-</b>	<b>Total</b>	
	<b>20</b>	<b>21</b>	<b>22</b>		<b>20</b>	<b>21</b>	<b>22</b>		
Cherwell	881	650	934	2464	1159	1192	1175	3526	143%

- 1.23 For Cherwell District, it is agreed that the number of homes required in respect of the HDT is the performance against LHN (as strategic policy BSC1 requires updating) plus an annualised net unmet needs adjustment of 220 dwellings per annum calculated in accordance with the HDT 2022 Measurement Technical Note) and that this confirms the need to apply a 20% buffer or not.

## **2. Matters of Disagreement**

### ***The Requirement for Cherwell District to Demonstrate a Four of Five Year Housing Land Supply***

- 2.1 Whether Cherwell is required to demonstrate a four or five year housing land supply against NPPF paragraphs 77 and 226 is a matter of disagreement.

### ***The Approach to Separate or Single Housing Land Supply Calculations in Cherwell District***

- 2.2 Whether housing land supply should be measured against the local housing need just for Cherwell or whether it should be measured against Cherwell's needs plus Cherwell's portion of Oxford's unmet needs (as specified by the separate adopted strategic policies and planned requirement of the Partial Review) is a matter of disagreement.

### ***The Calculation of Cherwell District's Local Housing Need for the Relevant Five Year Period***

- 2.3 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.
- 2.4 The Table also clarifies where figures are derived from, or result from, underlying figures.
- 2.5 Set out below (**Table SOCG 2.2**) is a summary explanation of the areas of disagreement.
- 2.6 Whilst the parties disagree on the LHN figure to be used, there is agreement that both calculations are mathematically correct and correctly follow guidance.
- 2.7 When calculating the correct LHN, it is agreed that there is no need to apply a cap for Cherwell District and there is no urban and cities uplift is required.



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

<b>Stage</b>		<b>CDC Position</b>	<b>Appellant</b>	
	<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>	2023 (published 25/03/24)	2022 (published 22/03/23)	<b>Parties Disagree</b>
<b>2b</b>	<b>Affordability Ratio</b>	9.67	9.55	Resulting Figure
<b>2c</b>	<b>Adjustment Factor (%)</b>	1.354375	1.346875	Derived Figure
<b>2d</b>	<b>Annual LHN (1b x 2c)</b>	<b>706</b> 706.442 (rounded down)	<b>710</b> 710.2072 (rounded down)	Resulting Answer

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

	<b>Stage</b>	<b>CDC Position (As per Proof)</b>	<b>Appellant Position (As per Proof)</b>	<b>Inspector's Notes</b>
1a	<b>10-year (HHPs) Period</b>	<p>2024-2034</p> <p>The calculation of LHN is undertaken independently from calculation of supply.</p> <p>The current year, as specified in PPG ID: 2a-033-20201216, 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 annual update of the supply position against the housing requirement. The Council's annual position statement was published in December 2023 and includes a LHN of 710 which flows from the 10 year HHP period 2023-2033 consistent with the base date for the supply.</p> <p>There is a necessity for consistency on the requirement and supply sides of the 5YHLS calculation.</p> <p>The calculation of LHN consistent with the base date of the 5 year housing land supply statement is consistent with the conclusion of Inspector's at the South of Post Office Lane, Worcestershire (DL40, CD 10.37) appeal.</p>	
2a	<b>Affordability Ratio Year</b>	<p>2023 (published 25/03/23)</p> <p>The most recently published figure, which is the 2023 dataset, published in March 2024 is to be used.</p> <p>The calculation of LHN using inputs for the current year is consistent with the conclusions of the Inspectors at the Milcombe (DL30) and Deddington (DL37) Appeals.</p>	<p>2022 (published 22/03/23)</p> <p>As above</p>	

## ***Housing Delivery in the Plan Period to Date and Relevance of Past Shortfall***

- 2.8 Whilst there is agreement that, for five year housing land supply purposes (against NPPF paragraph 77), LHN should be used in place of the Part 1 Local Plan housing requirement, it is also agreed that the Development Plan remains the starting point for the determination of the Appeal and so the Council's performance in delivery against relevant adopted strategic policies (provided across LPP1 and the Partial Review) , and expected performance against in in the overall plan period remains a material consideration at this Appeal regardless of the position on five year housing land supply.
- 2.9 Against the housing requirement (across the Part 1 and Partial Review Plan), Table SOCG 2.3 confirms that the following completions have been achieved. From Table 2.3 the following figures are agreed between the two parties:
- At the current base date (1st April 2023) the level of under-delivery against the Local Plan Part 1 housing requirement (Policy BSC1) stands at 1,392 homes.
  - For the period 2021/22 to 2022/23 where supply is measured only against the performance of sites allocated in the Partial Review, in accordance with the planned requirement within its adopted strategic policies to contribute towards part of Oxford's unmet needs, it is agreed thar under-delivery to date since 2021 is 680 homes.
- 2.10 It is further agreed that, based on the Council's forecasts of deliverable and developable supply reflecting information a 1 April 2023 the Council's AMR (CD6.9) shows:
- There will be a shortfall of 3,416 dwellings by 2031 against the adopted housing requirement for Cherwell of 22,840 dwellings (2011-31) (Policy BSC1); and
  - There will be a shortfall of 2,995 dwellings by 2031 against the adopted housing requirement for Oxford's unmet needs of 4,400 dwellings (2021-31) where past performance and forecast delivery is measured against the separate planned requirement and supply only upon sites allocated to contribute towards part of Oxford's unmet needs within the Partial Review Local Plan.

**Table SOCG 2.3: Cherwell's Housing Requirement Across its LPP1 and Partial Review Plan Compared to Actual Completions**

Year	Local Plan Part 1				Local Plan Part 1 Partial Review				Combined
	LP Part 1 Annual Req.	LP Part 1 Actual Delivery	LP Part 1 - Under or Over Delivery	LP Part 1 - Cumulative Under or Over Delivery	LP Partial Review Req.	LP Partial Review - Actual Delivery	LP Partial Review - Under or Over Delivery	LP Partial Review - Cumulative Under or Over Delivery	Combined Cumulative Under or Over Delivery
2011 - 12	1,142	356	-786	-786	0	0	0	0	-786
2012 - 13	1,142	340	-802	-1,588	0	0	0	0	-1,588
2013 - 14	1,142	410	-732	-2,320	0	0	0	0	-2,320
2014 - 15	1,142	946	-196	-2,516	0	0	0	0	-2,516
2015 - 16	1,142	1,425	283	-2,233	0	0	0	0	-2,233
2016 - 17	1,142	1,102	-40	-2,273	0	0	0	0	-2,273
2017 - 18	1,142	1,387	245	-2,028	0	0	0	0	-2,028
2018 - 19	1,142	1,489	347	-1,681	0	0	0	0	-1,681
2019 - 20	1,142	1,159	17	-1,664	0	0	0	0	-1,664
2020 - 21	1,142	1,192	50	-1,614	0	0	0	0	-1,614
2021 - 22	1,142	1,188	46	-1,568	340	0	-340	-340	-1,908
2022 - 23	1,142	1,318	176	-1,392	340	0	-340	-680	-2,072
<b>Totals</b>	<b>13,704</b>	<b>12,312</b>	<b>-1,392</b>	<b>-1,392</b>	<b>680</b>	<b>0</b>	<b>-680</b>	<b>-680</b>	<b>-2,072</b>

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

- 2.11 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).
- 2.12 The Council's case is that the planned 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 Council's case is that the planned requirement in Policy BSC1 is over five years old and requires updating but where its performance continues to be measured (including any surplus/shortfall) this excludes any relationship to supply identified within the Partial Review.
- 2.13 The Council's case is the performance against planned requirements in Cherwell district is to be presented under separate measurements. Presentation as a combined figure would preclude the separate distinction of sources of supply contributing towards part of Oxford's unmet needs as set out within the strategic policies of the Partial Review.
- 2.14 The Council's case is that where local housing need applies as the requirement against which supply is assessed this does not support the

measurement of overall performance in Cherwell district against a combined figure. The adopted strategic policies of the Partial Review distinguish need and supply towards part of Oxford's unmet needs separately and are less than five years old. Measurement of a combined figure on this basis would generate different performance to that shown in SoCG Table 2.3 but does not affect the Council's case for the requirement against which supply is assessed in Cherwell district using Local Housing Need.

- 2.15 The Council's case is that while past and future forecast performance in housing delivery may be a material consideration the identification of deliverable supply and calculation of the requirement against which this is to be assessed, including (where relevant) the treatment of past shortfall represent a distinct exercise in terms of the requirements of national policy.

### ***The Appellant's Case***

- 2.16 The Appellant's position on delivery to date and to the end of the plan period is set out in detail in the proof of evidence of Mr. Richards (see Section 4, pages 32 to 37) and so is not repeated here.
- 2.17 The Part 1 Local Plan (2015) and the Partial Review Local Plan (2020) remains the adopted Development Plan for Cherwell and so the Council's actual performance in housing delivery against relevant adopted strategic policies in the plan period to date (reflecting the totality of homes that Cherwell Council is expected to deliver (and has planned to deliver through the statutory Development Plan) and expected performance in delivery to the end of the plan period in 2031 remain an important material consideration at this Appeal regardless of the position on five year housing land supply.

## ***Disputed Sites***

- 2.18 **Appendix 1** to this Statement of Common Ground provides a table detailing the sites (broken down between those identified to contribute to Cherwell’s needs and those in the Partial Review Plan to contribute to Oxfords unmet needs) that are disputed by the Appellant. It sets out the relative position of each party on each site, and confirms where there is now agreement that sites should not be considered deliverable (or where reductions in delivery are now agreed) and where there remains disagreement.
- 2.19 While forecast supply upon sites identified within the Partial Review are not relevant to the Council’s case for the requirement against which supply is assessed under local housing need the Council’s AMR position on Partial Review sites is shown for completeness.
- 2.20 Based on the details of the Table at **Appendix 1** the following positions on overall supply are summarized in Table SOCG 2.3:

<b>Table SOCG 2.2: Each Party’s Position on Deliverable Supply</b>			
	<b>Deliverable Supply from Sites in Cherwell District exc Allocations towards Oxford’s Unmet Needs in the Partial Review Plan</b>	<b>Allocations towards Oxford’s Unmet Needs in the Partial Review Plan - Deliverable Supply</b>	<b>Combined Deliverable Supply</b>
<b>The Council</b>	4,038 homes	80 homes	4,118 homes (for information only)
<b>The Appellant</b>	2,754 homes	4 homes	2,758 homes

### **3. Extent of the Deliverable Supply Versus the Parties' Cases for the Requirement**

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

- 3.1 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.
- 3.2 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.
- 3.3 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, which are less than five years old.
- 3.4 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), as set out in Appendix 1 and the accompanying forecast trajectories for disputed sites. Against the local housing need as calculated by the Council this equates to 5.72 years.
- 3.5 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 1,214 dwellings.

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

		<b>LHN2024 – Council's Case</b>		<b>LHN2023 – Appellant's Case</b>	
		<b>Council Supply</b>	<b>Appellant Supply</b>	<b>Council Supply</b>	<b>Appellant Supply</b>
A	Annual housing requirement	706	706	710	710
B	Four year requirement (A X 4)	2,824	2,824	2,840	2,840
C	Shortfall to be added	0	0	0	0
D	Four year requirement (B + C)	2,824	2,824	2,840	2,840
E	Annual requirement (rounded)	706	706	710	710
F	5YHLS supply at 1 <sup>st</sup> April 2023	4,038	2,754	4,038	2,754
G	Supply in years (F / E)	<b>5.72</b>	<b>3.90</b>	<b>5.69</b>	<b>3.88</b>
H	Over / under supply (F – D)	+1214	-70	+1198	-86

3.6 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 generating a surplus of +508 dwellings (4,038 – 3530 [706 \* 5] = +508).



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

		<b>LHN2024 – Council’s Case</b>		<b>LHN2023 – Appellant’s Case</b>	
		<b>Council Supply</b>	<b>Appellant Supply</b>	<b>Council Supply</b>	<b>Appellant Supply</b>
A	Annual housing requirement	706	706	710	710
B	Five year requirement (A X 4)	3,530	3,530	3550	3550
C	Shortfall to be added	0	0	0	0
D	Five year requirement (B + C)	3,530	3,530	3550	3550
E	Annual requirement (rounded)	706	706	710	710
F	5YHLS supply at 1 <sup>st</sup> April 2023	4,038	2,754	4038	2,754
G	Supply in years (F / E)	<b>5.72</b>	<b>3.90</b>	<b>5.69</b>	<b>3.88</b>
H	Over / under supply (F – D)	+508	-776	+488	-796

## **The Appellant's Case**

- 3.7 For the reasons as set out in the proof of evidence of Mr. Richards, the Appellant's case is that Cherwell is required to demonstrate a 5 year housing land supply, and that this should be calculated against a single housing requirement (being a combination of Cherwell's Local Housing Need (710 homes per annum using a 2023 base date calculation) plus Cherwell's portion of Oxford's unmet needs are provided for in the partial Review Local Plan). Based on the Appellant's position on deliverable supply, as set out in this SoCG, the resultant supply would be is results in a supply of 2.18 years, a shortfall of 3,576 homes against a five year requirement.
- 3.8 Notwithstanding the Appellant's position on the approach it says should be taken to supply in this appeal, should the Council's approach to the calculation of supply and LHN be preferred, the Appellant's resultant calculations of supply are summarized below.

**Table SOCG 3.3: Summary of the Appellant's Position on Deliverable Supply Against all Scenarios**

	<b>Supply Calculation Against Cherwell's Needs</b>	<b>Supply Calculation Against Oxford's Unmet Needs</b>	<b>Supply Calculation Against a Combined Housing Requirement</b>
<b>The Appellant</b>			
<b>LHN 706</b>	3.90 years	0.01 years	2.19 years
<b>LHN 710</b>	3.88 years	0.01 years	2.18 years*

\* The Appellant's position based on its evidence

- 3.9 While the Council disagrees with the Appellant's case and relevance of the adopted strategic policies of the Partial Review its position on supply (4,118 dwellings) against the Appellant's combined requirement figure is equivalent to 3.26 years' supply (LHN706 - requirement figure 631 dwellings) and 3.25 years' supply (LHN710 - requirement figure 6330 dwellings).

## Appendix 1 - Disputed Sites Schedule

Site Address	Council Supply Figure	Appellant Supply Figure	Difference in Supply Figure	Council Summary Commentary	Appellant Summary Commentary
<b>Sites Identified by the Council to Meet Cherwell's Housing Needs</b>					
Caravan site, Station Road, Banbury	63	0	-63	<p>See JG PoE Table 19 row 1 pp. 71</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.68 Table row 1)</p> <p>The site comprises allocated land without planning permission at the 1 April 2023 base-date falling under Part B of the NPPF glossary definition of deliverable.</p> <p>There are no major viability or infrastructure issues affecting the deliverability of this site. It is not reliant on other sites coming forward.</p> <p>Examples of firm progress (ID: 68-007-20190722) since the base date consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include the July 2023 resolution to grant permission of application 22/01564/OUT and progression of the relevant legal agreement thereafter (to be based upon previously agreed (but never implemented) permission and associated S.106 agreement).</p> <p>Local evidence for lead-in timeframes (see JG PoE Table 18) anticipates first completions September 2026.</p> <p>First completions (33 dwellings) forecast in year 5 (2026/27)</p>	<p>Please see Mr. Richards' proof of evidence (para 6.60 to 6.64 (page 52)).</p> <p>An outline application (22/01564/OUT) is pending determination for development on this site. A resolution to grant permission was made in June 2023, however there is still no permission in place a year later, and we are now into the 2024/25 monitoring year.</p> <p>Even when permission is issued, this will be considerably beyond the 1<sup>st</sup> April 2023 base date and it will remain a site with outline planning permission only (a Limb B site) requiring clear evidence. The site may need to be sold, conditions will need to be discharged and reserved matters will need to be prepared, submitted and determined before development can start on this site.</p> <p>The Council has not provided the necessary clear evidence that completions will be delivered in the five year period on this site.</p>
Bankside Phase 2, Banbury (Banbury	50	0	-50	See JG PoE Table 19 row 1 pp. 72	Please see Mr. Richards' proof of evidence (paras 6.65 to

4/12, Land North East of Oxford Road, West of Oxford Canal)				<p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.69 Table row 2)</p> <p>The site comprises allocated land with resolution to grant planning permission to application ref 19/01047/OUT at the 1 April 2023 base-date, falling under Part B of the NPPF glossary definition of deliverable.</p> <p>The site is promoted by Hallam Land Management / Henry Boot, represented by Framptons, and the land is within the ownership of New College Oxford.</p> <p>Examples of firm progress (ID: 68-007-20190722) since the base date consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include:</p> <ul style="list-style-type: none"> <li>- Progression of the legal agreement</li> <li>- Assumption regarding infrastructure delivery (Provision of new link road between Oxford Road and Bankside/Longford Park by end of 2025)</li> <li>- Agreement of conditions</li> <li>- Scheme amendments submitted 28 February 2024 incorporating 3m cycle way (in addition to the 2m footpath already included in the scheme) to be incorporated within the proposed Banbury Road Site access and internal spine road (requested as part of progression of the S106)</li> </ul> <p>First completions (50 dwellings) forecast in year 5 (2027/28)</p>	<p>6.71 (pages 52 and 53))</p> <p>An outline application (19/01047/OUT) is pending determination for development on this site. A resolution to grant permission was made in July 2021, however there is still no permission in place some 3 years later and we are now into the 2024/25 monitoring year.</p> <p>The Council's evidence refers to meetings and correspondence in October and November 2023 and yet still no permission has been granted.</p> <p>Even when permission is issued, this will be considerably beyond the 1<sup>st</sup> April 2023 base date and it will remain a site with outline planning permission only (a Limb B site) requiring clear evidence.</p> <p>It is also a site progressed by land promoter and the site will need to be sold.</p> <p>Once permission is in place, conditions will need to be discharged and reserved matters will need to be prepared, submitted and determined before development can start on this site.</p> <p>There is no clear evidence on the progression of any of the above.</p> <p>The Council has not provided the necessary clear evidence that completions will be delivered in the five year period on this site.</p>
South of Salt Way – East (Banbury 17)	400	237	<b>-163</b>	<p>See JG PoE Table 19 row 1 pp. 74</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.70 Table row 3)</p> <p>The site comprises allocated land with part-detailed</p>	<p>Please see Mr. Richards' proof of evidence (paras 6.72 to 6.77 (page 54))</p> <p>This row in the Council's trajectory relates to the residual from outline application ref. 14/01932/OUT that isn't</p>

				<p>permission at the base date, thus falling under Part A of the NPPF definition of deliverable but the forecast in dispute relates to land with outline only permission (Part B).</p> <p>Examples of firm progress (ID: 68-007-20190722) at and subsequent to the 1 April 2023 base date consistent with the Council's expectations for the delivery of 400 homes within the five year period includes:</p> <ul style="list-style-type: none"> <li>- Pre-App guidance for a development of 91 homes (23/01301/PREAPP) issued 20 June 2023. Application ref: 24/00772/REM for 95 dwellings in Parcel 2 was validated 20 March 2024 with Charles Church as the named housebuilder</li> <li>- Persimmon Homes are the named developer of Parcels 1 &amp; 3 being delivered together</li> <li>- Details of the phasing of other site infrastructure requirements addressed under 20/01099/DISC (Condition 2) and delivery of site-wide infrastructure including spine road corresponding to the Reserved Matters granted for site infrastructure elements including the spine road (20/03702/REM) and Phasing Statement.</li> <li>- The LPA has moderated the forecast build-out of the trajectory in years 4 and 5 compared to the 2022 HLSS but notes the delivery rates of previous strategic allocations in Banbury (see AMR Table 16).</li> </ul>	<p>already covered by other reserved matters within the trajectory table.</p> <p>The parts of this site that have detailed consent are not disputed including the reserved matters consent (22/02068/REM for 237 homes) which was approved after the base date (20 April 2023).</p> <p>However, there is no permission in place for the remaining residual units from the outline and the Council has not provided the necessary clear evidence that completions will be delivered in the five year period.</p>
Land Opposite Hanwell Fields Recreation, Adj To Dukes Meadow Drive, Banbury	78	0	-78	<p>See JG PoE Table 19 row 1 pp. 76</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.73 Table row 2)</p> <p>The site comprises unallocated land with resolution to grant planning permission to application ref</p>	<p>Please see Mr. Richards' proof of evidence (paras 6.78 to 6.84 (page 55-56))</p> <p>An outline application (21/03426/OUT) is pending determination for development on this site.</p> <p>A resolution to grant permission was made in April 2022,</p>

				<p>19/01047/OUT at the 1 April 2023 base-date, falling under Part B of the NPPF glossary definition of deliverable.</p> <p>The site is promoted by Manor Oak Homes and there are no known infrastructure or viability constraints.</p> <p>Examples of firm progress (ID: 68-007-20190722) since the base date consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include:</p> <ul style="list-style-type: none"> <li>- Progression of the legal agreement with the Decision Notice issued on 3 May 2024</li> <li>- Intentions for sale/disposal of the site including Publication of site sales particulars, proposed timetable for submission of Reserved Matters</li> <li>- Ongoing engagement with site promoter.</li> </ul> <p>Local evidence for lead-in timeframes (see JG PoE Table 18) anticipates first completions January 2026. The Council forecasts first completions (28 dwellings) in year 4 (2026/27)</p>	<p>however there is still no permission in place some 2 years later. The AMR suggested the "<i>signing of the section 106 agreement is imminent</i>" but there is still no permission in place and we are now into the 2024/25 monitoring year.</p> <p>Even when permission is issued, this will be considerably beyond the 1<sup>st</sup> April 2023 base date and it will remain a site with outline planning permission only (a Limb B site) requiring clear evidence. Conditions will need to be discharged and reserved matters will need to be prepared, submitted and determined before development can start on this site.</p> <p>The Council has not provided the necessary clear evidence that completions will be delivered in the five year period on this site.</p>
Land Adjoining Withycombe Farmhouse Stratford Road A422 Drayton	50	50	-0	Now agreed as deliverable	Now agreed as deliverable
North West Bicester Phase 2	100	0	-100	<p>See JG PoE Table 19 row 2 pp. 86</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.74 Table row 3)</p> <p>The site comprises allocated land with outline planning permission ref 14/02121/OUT falling under Part B of the NPPF definition.</p> <p>Examples of firm progress (ID: 68-007-20190722) since the base date consistent with the Council's expectations</p>	<p>Please see Mr. Richards' proof of evidence (paras 6.78 to 6.84 (page 57-58))</p> <p>Outline permission is in place (for mixed use development including 1,700 homes under ref. 14/02121/OUT), however there is no detailed consent in place for any of the residential units on this site.</p> <p>There is an application for reserved matters (for 123 residential units) currently pending determination</p>

				<p>for a realistic prospect of homes being delivered within the five year period include:</p> <ul style="list-style-type: none"> <li>- Submission of Reserved Matters application ref: 23/01586/REM in July 2023 (123 dwellings) with Cala Homes as the named housebuilder.</li> <li>- Submission of a Phasing Plan preceding active ongoing engagement with LPA. 500 of 1700 dwellings are permitted on the site prior to strategic infrastructure needing to be in place</li> <li>- Progression of applications for Discharge of Conditions including Design Code</li> <li>- Progression of application for approval of Reserved Matters for site-wide infrastructure and access (23/00170/REM, 23/01493/REM)</li> </ul> <p>In relation to progress with determination a draft PPA is under preparation aiming to agree the Design Code and issue the first Reserved Matters for housing (123 dwelling) by the end of August 2024. The applicant (CALA Homes) is actively engaging with the Council to facilitate regular scheduled meetings to progress matters as part of proactively working with the LPA.</p> <p>The Reserved Matters for Phase 1b – infrastructure is likely to be determined earlier – target is by the end of May 2024 and commencement of infrastructure delivery is anticipated in the 2024 calendar year with the housing to follow next year).</p> <p>First completions of 50 dwellings are forecast in year 5 (2027/28)</p>	<p>(23/01586/REM), this was submitted in June 2023. There are unresolved objections to this application.</p> <p>The Council’s evidence refers to a potential PPA with a target for agreement of the design code and determination of the RM application in August 2024. We do not know if the application will actually be determined by August and, even if it is, it will be some 16 months after the 1<sup>st</sup> April 2023 base date and 4 months into the 2024/25 monitoring year and next 5 year period 2024-2029 that will require a holistic update to the Council’s annual position statement.</p> <p>This site should not be included in the Council’s five year supply for the 2023-2028 period as clear evidence wasn’t available at the base date, and it remains absent now.</p>
Graven Hill – 20/02345/LDO	108	108	-0	<p>See JG PoE Paragraph 9.49 pp.90</p> <p>The Council’s AMR claimed 141 homes in the 5 year period but the Council now agrees that 108 homes are deliverable.</p>	Position now agreed

South West Bicester Phase 2	60	0	-60	<p>See JG PoE Table 19 row 2 pp. 87</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.74 Table row 3)</p> <p>The site comprises allocated land with outline planning permission ref 13/00847/OUT falling under Part B of the NPPF definition.</p> <p>Examples of firm progress (ID: 68-007-20190722) since the base date consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include:</p> <ul style="list-style-type: none"> <li>- Submission of Application ref: 23/03073/HYBRID was validated on 14 November 2023 with Preferred Homes the named housebuilder/provider.</li> <li>- There are no known infrastructure constraints with the land comprising the last remaining parcel of a wider strategic site previously delivered</li> </ul>	<p>Please see Mr. Richards' proof of evidence (paras 6.102 to 6.106 (page 59-60))</p> <p>Part of this site (covered by other rows in the trajectory) has detailed consent and is under construction, this element is not disputed.</p> <p>There is no detailed permission in place for the remainder of the units relied on; the residual from outline application ref. 13/00847/OUT.</p> <p>A revised hybrid application for (in full) a 82 apartment extra care home (C2 use) and outline permission for 14 dwellings, submitted in November 2023, is now pending determination (23/03073/HYBRID). There are unresolved objections to this application and debates as to whether the care element is C2 or C3. This latter debate has the potential to affect the number of homes that can be counted towards the Council's housing land supply.</p> <p>Currently, this site does not have the necessary clear evidence to be included in the council's supply and the future quantum of homes which may form part of the Council's future supply remains uncertain.</p>
Bicester Gateway Business Park, Wendlebury Road, Bicester	0	0	-0	<p>See JG PoE Paragraph 9.49 pp.90</p> <p>Now agreed as not meeting the definition of deliverable</p>	<p>Now agreed as not meeting the definition of deliverable</p>
Former RAF Upper Heyford – Villages 5, hybrid consent	488	138	-350	<p>See JG PoE Table 19 row 1 pp. 84</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.74 Table row 3)</p> <p>The site comprises allocated land with part-detailed permission (ref: 22/02255/REM (138 dwellings)) at the base date, thus falling under Part A of the NPPF definition of deliverable but the forecast in dispute relates to land with outline only permission (Part B) (ref:</p>	<p>Please see Mr. Richards' proof of evidence (paras 6.123 to 6.128 (page 65-66))</p> <p>A new Hybrid application (18/00825/HYBRID) for 1175 dwellings was approved in September 2022.</p> <p>Reserved matters (22/02255/REM) is approved for phase 10 for 138 dwellings, and this element is not disputed.</p> <p>There are no further reserved matters pending for homes on</p>



				<p>18/00825/HYBRID).</p> <p>Examples of firm progress (ID: 68-007-20190722) at and subsequent to the 1 April 2023 base date consistent with the Council’s expectations for the delivery of 400 homes within the five year period includes:</p> <ul style="list-style-type: none"> <li>- The recent track record of delivery from the scheme (see AMR Table 16) including 250 dwellings completed in 2022/23</li> <li>- Ongoing discussions with the developer including information supplied in November 2023 to inform the AMR</li> <li>- Application ref: 22/03016/DISC (subsequently Withdrawn) anticipating completions within the next five years from phases comprising 6 dwellings (at Phase 13) + 114 (Phase 11) + 62 (Phase 17) which were due to be the subject in new reserved matters application submissions in Feb. 2024 and with construction expected Q1/Q2 2025 = 182.</li> <li>- Balance of 168 dwellings (488 – (138 + 182) informed by further phasing assumptions provided by the developer suggesting that 100 dwellings (at Phase 23A) + 100 (56% of Phase 16) + 16 (Phase 39) + 62 (62% of Phase 23B) + 42 (42% of Phase 12) = 320 dwellings could all come forward over the next 5 years.</li> <li>- Discharge of submission application ref: 24/01209/DISC (Condition 6 Design Code) validated 1 May 2024 relating to Phase 11, 13, 16, 17, 38, 39, 40</li> </ul>	<p>this site. The Council’s evidence refers to further reserved matters for phases 11, 13 and 17 in February 2024 (based on a withdrawn phasing plan submission in 2022)– no such applications were submitted and reliance on a withdrawn 2022 phasing submission does not represent up to date nor clear evidence.</p> <p>The Council only suggests that “<i>These additional occupations all appear quite likely to the LPA</i>” - additional occupations being ‘<i>quite likely</i>’ does not represent the clear evidence needed for residual units from the outline to be considered deliverable.</p> <p>There is no clear evidence that residential completions, beyond those with detailed consent, will be delivered on site in the five year period.</p>
Former RAF Upper Heyford, Villages 5 – 31 units (21/03523).	31	0	-31	<p>See JG PoE Table 19 row 2 pp. 88</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.81 Table row 2)</p>	<p>Please see Mr. Richards’ proof of evidence (paras 6.112 to 6.122 (page 61-65))</p> <p>Outline consent (for an application submitted by Pye Homes)</p>

				<p>The site comprises allocated land without planning permission at 1 April 2023 with outline application ref: 21/03523 (31 dwellings) pending determination, falling under Part B of the NPPF definition.</p> <p>Examples of firm progress (ID: 68-007-20190722) since the base date consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include, as stated in the AMR:</p> <ul style="list-style-type: none"> <li>- Application for 31 homes on land within the allocation by Pye Homes was approved in September 2023.</li> <li>- Application (22/03063/F) now submitted by David Wilson homes resulting in additional dwellings. Anticipated legal agreement in line with existing agreement.</li> <li>- Following the submission of scheme amendments to reduce the number of units to 123 dwellings the application was reported to the 21 March 2024 Planning Committee and approved, in line with the officer recommendation, subject to conditions and S106 legal agreement (copy at CD/14.20)</li> </ul>	<p>was granted for 31 homes on this site in September 2023. There is no record of any reserved matters pending determination pursuant to this consent. There is now evidence (presented by the Council itself) that there is now no intention to proceed with reserved matters pursuant to this outline application.</p> <p>A more recent application (22/03063/F) has been submitted by David Wilson Homes (who are understood to have secured the site from Pye Homes) across the two parcels of land encompassing this 31 unit scheme and 89unit scheme considered below.</p> <p>This pending full application was submitted in October 2022 and received a resolution to grant subject to s106 agreement in March 2024 – some 11 months after the base date.</p> <p>The progression of this latest application, covering the whole site on which previous (outline and full) applications have been granted provide evidence that neither of the two prior applications is likely to be delivered. Instead, the intention is for the revised proposal for 123 homes to come forward.</p> <p>This later David Wilson Homes application does not yet have permission in place. Whilst a resolution to grant consent has recently been obtained, this was 11 months after the five year supply base date and as can be seen from the timelines on various other applications discussed in this evidence, it can take many months and often years for S106 Agreements in Cherwell to be completed.</p> <p>At present this site lacks the clear evidence necessary to demonstrate homes are likely to be delivered in the five year period as it is likely the 123 unit scheme will be progressed, and that currently lacks consent.</p>
Former RAF Upper Heyford, Villages 5 –	89	0	-89	<p>See JG PoE Table 19 row 2 pp. 88</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF</p>	<p>Please see Mr. Richards' proof of evidence (paras 6.112 to 6.122 (page 61-65))</p>

89 units (15/01357/F).			<p>pagination pp.80 Table row 9)</p> <p>The site comprises allocated land without planning permission at 1 April 2023 with full application ref: 15/01357/F for 89 dwellings pending determination, falling under Part B of the NPPF definition.</p> <p>Examples of firm progress (ID: 68-007-20190722) since the base date consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include, as stated in the AMR:</p> <ul style="list-style-type: none"> <li>- Application for 89 homes on land within the allocation by Pye Homes was approved in September 2023.</li> <li>- Application (22/03063/F) now submitted by David Wilson homes resulting in additional dwellings. Anticipated legal agreement in line with existing agreement.</li> <li>- Following the submission of scheme amendments to reduce the number of units to 123 dwellings the application was reported to the 21 March 2024 Planning Committee and approved, in line with the officer recommendation, subject to conditions and S106 legal agreement (copy at CD/14.20)</li> </ul>	<p>Application ref. 15/01357/F for 89 dwellings, also submitted by Pye Homes Ltd in August 2015, was approved in September 2023 (5 months after the base date).</p> <p>Whilst this site does now have detailed consent there is clear evidence that the homes that have been permitted by this application will not be delivered in the five year period – where there is such evidence, such sites would not meet the definition of deliverable in the NPPF. A</p> <p>A more recent application (22/03063/F) has been submitted by David Wilson Homes (who are understood to have secured the site from Pye Homes) across the two parcels of land encompassing this 89 unit scheme and 31 unit scheme considered above.</p> <p>This pending full application was submitted in October 2022 and received a resolution to grant subject to s106 agreement in March 2024 – some 11 months after the base date.</p> <p>The progression of this latest application, covering the whole site on which previous (outline and full) applications have been granted provide evidence that neither of the two prior applications is likely to be delivered. Instead, the intention is for the revised proposal for 123 homes to come forward.</p> <p>This later David Wilson Homes application does not yet have permission in place. Whilst a resolution to grant consent has recently been obtained, this was 11 months after the five year supply base date and as can be seen from the timelines on various other applications discussed in this evidence, it can take many months and often years for S106 Agreements in Cherwell to be completed.</p> <p>At present this site lacks the clear evidence necessary to demonstrate homes are likely to be delivered in the five year period as it is likely the 123 unit scheme will be progressed, and that currently lacks consent.</p>
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OS Parcel 2778 Grange Farm North West of Station Cottage, Station Road, Launton	65	0	-65	<p>See JG PoE Table 19 row 2 pp. 79</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.81 Table row 3)</p> <p>The site comprises unallocated land with outline planning permission at 1 April 2023 (ref: 21/04112/OUT), falling under Part B of the NPPF definition.</p> <p>Greencore Homes are the named developer</p> <p>Examples of firm progress (ID: 68-007-20190722) at and subsequent to the base date consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include:</p> <ul style="list-style-type: none"> <li>- Details of public consultation and ongoing developer engagement</li> <li>- Submission of applications for Discharge of Conditions</li> <li>- Receipt of Reserved Matters pre-application advice (July 2023)</li> <li>• Reserved Matters application now received. 23/03433/REM validated 5 December 2023.</li> </ul> <p>Local evidence for lead-in timeframes (see Table 18) anticipates first completions March 2026.</p> <p>First completions forecast in year 4 of the period (2026/27 – 30 dwellings)</p>	<p>Outline consent (21/04112/OUT) for 65 dwellings was submitted by Richborough Estates and approved in April 2022.</p> <p>Reserved matters pursuant to this consent were submitted by Greencore Homes in December 2023 (some 8 months after the base date), it remains pending determination and we are now into the 2024 monitoring year. The application is listed (on the Council's online database) as needing to be presented to committee with no details on expected timescales.</p> <p>As a limb b) site under the definition of deliverable in the NPPF, to be included in the Council's Housing Land Supply, there needs to be clear evidence in place that homes will deliver in the five year period.</p> <p>There is no such clear evidence here and this site should be removed from the Council's supply.</p>
Land at Deerfields Farm Canal Lane Bodicote	26	0	-26	<p>See JG PoE Table 19 row 2 pp. 80</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.81 Table row 4)</p> <p>The site comprises unallocated land with outline planning permission at 1 April 2023 (ref: 19/02350/OUT), falling under Part B of the NPPF definition.</p>	<p>Outline consent (ref. 19/02350/OUT) was submitted by a Mr M Morris and granted for 26 homes on this site in November 2022.</p> <p>There is no evidence on whether this site is now controlled by a housebuilder – the letter referred to by the Council has not been provided to Appellant to date and the Council's Ambrosden appeal site includes correspondence for a different site under the 'Deerfields' CD tab) but, importantly,</p>

				<p>There are no known infrastructure or viability constraints.</p> <p>Examples of firm progress (ID: 68-007-20190722) consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include application Ref: 24/00332/NMA seeking a Non-Material Amendment to Condition 3 was validated on 7 February 2024 and approved 25 March 2024 confirming:</p> <ul style="list-style-type: none"> <li>- Named developer – Minster Property Group</li> <li>- Preparation of application for approval of Reserved Matters seeking provision of 100% affordable housing</li> </ul> <p>Local evidence for lead-in timeframes (see Table 18) anticipates first completions February 2024. First completion (26 dwellings) forecast in year 4 (2026/27)</p>	<p>there is no record of any reserved matters pending determination pursuant to this consent.</p> <p>Currently, we do not know when (or if) a reserved matters may be submitted, what issues may get raised, when it may be determined, what conditions may be attached and when commencement may begin.</p> <p>There is no clear evidence that residential completions will be delivered on site in the five year period.</p>
OS Parcel 3489 Adjoining And South West Of B4011, Ambrosden	60	0	-60	<p>See JG PoE Table 19 row 2 pp. 81</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.83 Table row 3)</p> <p>The site comprises unallocated land without planning permission with outline application ref: 22/01976/OUT pending determination, falling under Part B of the NPPF definition.</p> <p>Examples of firm progress (ID: 68-007-20190722) consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include:</p> <ul style="list-style-type: none"> <li>- Grant of outline planning permission and completion of legal agreement (December 2023)</li> <li>- Confirmation of named housebuilder – Mulberry Homes who have worked on other schemes in Cherwell</li> </ul>	<p>Outline consent (ref. 22/01976/OUT) was granted for 75 homes on this site in December 2023 – 8 months after the base date.</p> <p>There is no record of any reserved matters pending determination pursuant to this consent. Whilst the Council references pre-application discussions with Mulberry Homes, this does not represent clear evidence - no details have been provided to the inquiry and we do not know what issues may have been raised.</p> <p>Currently, no reserved matters for the delivery of homes have been submitted and this site lacks the necessary clear evidence that residential completions will be delivered on site in the five year period.</p>

				<ul style="list-style-type: none"> <li>- 24/00066/PREAPP by Mulberry Homes request for pre-application advice on submission of Reserved Matters with expected submission in Summer 2024</li> </ul> <p>Local evidence for lead-in timeframes (see Table 18) anticipates first completions October 2026. First completion of 25 dwellings forecast in year 4 (2026/27).</p>	
Land North Of Railway House, Station Road, Hook Norton	43	0	-43	<p>See JG PoE Table 19 row 2 pp. 82</p> <p>See December 2023 AMR (CD/6.9) Appendix 1 (PDF pagination pp.83 Table row 4)</p> <p>The site comprises unallocated land with outline planning permission at 1 April 2023 (ref: 21/00500/OUT), falling under Part B of the NPPF definition.</p> <p>Examples of firm progress (ID: 68-007-20190722) consistent with the Council's expectations for a realistic prospect of homes being delivered within the five year period include:</p> <ul style="list-style-type: none"> <li>- Confirmation of named housebuilder – Deanfield Homes</li> <li>- Expectation for application of approval of Reserved Matters following request for pre-application advice Autumn 2023</li> <li>- Reserved Matters application ref: 24/01045/REM validated April 2024</li> </ul> <p>Local evidence for lead-in timeframes (see JG PoE Table 18) anticipates first completions June 2025. First completions (25 dwellings) forecast in 2026/27 (year 4).</p>	<p>Outline consent (ref 21/00500/OUT) was allowed at appeal for 43 homes on this site in August 2022.</p> <p>A reserved matters application has very recently been submitted (24/01045/REM) by Deanfield Homes Ltd and deemed valid as of 17 April 2024 – a year after 1st of April 2023 base date, and now into the 2024 monitoring year.</p> <p>Whilst the RM is still in the early stages and a full suite of consultation responses has yet been provided, substantial points of objections have been raised by Oxford County Council as lead local highway authority and the Housing Services team need more details on affordable housing provisional and design.</p> <p>Other key consultee responses are awaited, but it is already clear that amended proposals will need to be prepared and submitted and reconsulted on. I also note that this is listed as an application that needs to be presented to planning committee for determination. The overall timescales for the determination of this application are uncertain at this time.</p> <p>As and when the Council progress further annual updates to its housing land supply, this could be a site that, subject to progress, will likely be included, but based on the sites current status and, importantly, its status at 1st April 2023 base date, it should not be included as a deliverable site in</p>

					the Council's 2023-2028 five year supply.
Kidlington Garage, 1 Bicester Road, Kidlington	15	15	-0	<u>Now agreed as a deliverable site</u>	<u>Now agreed as a deliverable site</u>
Small Sites – Banbury Area	62	50	-12	<p>See JG PoE Paragraph 4.8 pp.16</p> <p>Details of sites within this category fall under part (a) of the NPPF2023 definition of deliverable and should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered 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).</p> <p>The corresponding totals for detailed permissions in the most recent assessment are 62 units' supply in Banbury, 45 units in Bicester and 202 units elsewhere in Other Areas (309 units total) and are broadly consistent with past rates of delivery when forecast across three years. The 1 April 2022 total of small sites with permission was 318 dwellings</p> <p>The definition of deliverable for this category of sites does not support application of a lapse rate without specific clear evidence to rebut the presumption of deliverability, which is not provided as part of the Appellant's case.</p> <p>There is no policy requirement to apply a non-implementation or lapse rate to such sites. Application of general non-implementation allowances acknowledging that some sites will lapse does not account for other unexpected sites that may gain planning permission, renewal of permission or superseded applications etc.</p> <p>The application of a general lapse rate as suggested by the Appellant provides no substantive evidence of the</p>	<p><u>The application of a lapse rate to small sites is an approach that many local authorities apply to ensure that the anticipated supply small scale development sites is realistic and not an over estimation of homes that will realistically come forward in the 5 year period.</u></p> <p><u>Several local authorities (examples are listed in the evidence of Mr. Richards) who consider it appropriate to apply a non-implementation or lapse rate to certain components of supply, so as not to over estimate the number of units that are likely to come forward.</u></p> <p><u>Whilst there is no specific guidance in the NPPF nor in PPG on the application of a lapse rate, and whilst the NPPF definition of deliverable confirms that 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", there is clear evidence here that homes from this source of supply will not be delivered in the 5 year period.</u></p> <p><u>Data at Mr. Richards' Appendix JR3 shows that 433 homes from permitted small site have lapsed since 2011. The Council's 2023 AMR (Core Document 6.9) sets out at table 17 that 1,634 homes have been completed on sites in the District since 2011. The lapsed consents therefore represent circa 26% of the supply from this source in the plan period. This provides clear evidence that not all small sites will be delivered, and that many of them will lapse.</u></p> <p><u>It is appropriate, based on the historic local evidence, to apply a lapse rate of 20% to small sites. This is considered a</u></p>

				numerical difference between lapses and new permissions.	<u>realistic lapse rate based on the evidence that lapses to date have actually been higher.</u>
Small Sites – Bicester Area	45	37	-8	As per the summary text on Banbury small sites	As per the summary text on Banbury small sites
Small Sites – Other Areas	202	162	-40	As per the summary text on Banbury small sites	As per the summary text on Banbury small sites
Small Sites Windfall Allowance	250	200	-50	<p>In the December 2023 AMR the Council has increased the windfall allowance from 100 units to 125 units per annum, applied to years 4 and 5 only, taking account of past rates of delivery and expected future trends in the grant of small site permissions.</p> <p>The reasons are provide at paragraph 39 of the Land Supply Statement and indicate that past trends for delivery of small sites amounts to 140 units per annum.</p> <p>The main body of the December 2023 AMR (Table 17 and paragraph 4.34) informs the finding of the Updated HLSS. The AMR identifies 1,634 completions on windfall sites under 10 dwellings for the period 2011-2023 (a 12-year average of 136 dwellings). This is consistent with the Council’s increased windfall allowance.</p> <p>The Council’s date for planning permissions on small sites allows calculation of the number of new permissions granted from a given date. This is relevant to assessing the reliability of supply and expected future trends in accordance with NPPF2023 paragraph 71. These data indicate 112 units of outstanding commitments on sites granted after 1 April 2022 (forming part of the current 309no. total for this category), which correspond to permissions the Council could not have calculated at the previous 1 April 2022 base-date (i.e., not forming part of the previous 318no.</p>	<p>As guided by the NPPF paragraph 72, if an LPA intends to rely on an allowance for windfall sites, the evidence needs to be compelling, and it should look at not just historic delivery rates but also expected future trends.</p> <p>The Council has, in its latest supply statement, sought to increase the annual delivery from windfalls in years 4 and 5 of the supply period to 125 homes per annum, despite including 100 per annum for windfalls historically, including in its February 2023 Five Year Supply Report (Core Document 6.5).</p> <p>There is no apparent justification for this change, and both the latest and historic supply statements simply reference ‘past trends’ for the figures included. This is despite the fact that actual permissions on small sites have been declining in recent years (see Mr. Richards’ proof Table JR26, page 72).</p> <p>There is no evidence (let alone compelling) to justify the Council’s higher projected windfall rate of 125 homes per annum. It is reasonable to reduce the Council’s windfall allowance to 100 homes per annum in years 4 and 5 (which accords with the Council’s previous windfall allowance).</p>



				<p>dwelling total). While most of these permissions would be expected to be built-out within three years this represents that the Council is consistently granting new permissions for small sites consistent with the proposed windfall allowance.</p> <p>Any small sites granted planning permission after 1 April 2023 thus do not affect the total (309 dwellings) of small site commitments but could in reality be delivered substantially earlier than years 4 and 5 as forecast by the windfall allowance.</p>	
SUB TOTAL	2,285	997	-1,288		
<b>Sites Identified by the Council in the Partial Review Local Plan to Meet Oxford's Unmet Needs</b>					
Land West of Oxford Road, North Oxford <b>(PR6b)</b>	30	0	-30	<p>The Council addresses these sites for completeness but they are not relevant to its case on the requirement against which supply is to be assessed using local housing need.</p> <p>See AMR CD/6.9) Appendix 1 PDF Pagination pp.86 Row 2</p> <p>See JG PoE paragraphs 7.39 – 7.53 and 9.52 – 9.58 relating to an overview of factors relevant to the assessment of deliverability for sites allocated in the Partial Review including the delivery of infrastructure and ongoing developer and stakeholder engagement</p>	<p>There is no application pending for development on this site. A Development Brief has been drafted (required ahead of a planning application coming forward), but it does not appear that this has yet been formally adopted. The Council has not provided the necessary clear evidence that completions will be delivered in the five year period on this site.</p>
Land South East of Kidlington, Kidlington <b>(PR7a)</b>	30	0	-30	<p>The Council addresses these sites for completeness but they are not relevant to its case on the requirement against which supply is to be assessed using local housing need.</p> <p>See AMR CD/6.9) Appendix 1 PDF Pagination pp.86 Row 3</p>	<p>The Council list two applications in relation to this site, neither of which are determined. An outline (22/00747/OUT) for 370 homes has been pending since March 2022, and received a resolution to grant subject to s106 agreement in October 2023, however there is no permission yet in place. A full application (22/03883/F) for 96 homes is also pending determination, this received a</p>

				See JG PoE paragraphs 7.39 – 7.53 and 9.52 – 9.58 relating to an overview of factors relevant to the assessment of deliverability for sites allocated in the Partial Review including the delivery of infrastructure and ongoing developer and stakeholder engagement	resolution to grant consent in December 2023, however no permission has yet been issued. There are numerous examples (including in the list of sites above) where S106 agreements have taken many years (and counting) to come forward. The Council has not provided the necessary clear evidence that completions will be delivered in the five year period on this site.
Land at Stratfield Farm, Kidlington <b>(PR7b)</b>	20	4	<b>-16</b>	The Council addresses these sites for completeness but they are not relevant to its case on the requirement against which supply is to be assessed using local housing need.  See AMR CD/6.9) Appendix 1 PDF Pagination pp.86 Row 3  See JG PoE paragraphs 7.39 – 7.53 and 9.52 – 9.58 relating to an overview of factors relevant to the assessment of deliverability for sites allocated in the Partial Review including the delivery of infrastructure and ongoing developer and stakeholder engagement.	An outline application (22/01611/OUT) is pending determination for development on this site. A resolution to grant permission was made in October 2023, however there is still no permission in place. There are numerous examples (including in the list of sites above) where S106 agreements have taken many years (and counting) to come forward. Even when outline permission is issued, this will remain a Limb B site requiring clear evidence and reserved matters will need to be prepared, submitted and determined before development can start on this site. A full application (22/01756/F) for a net increase of 4 homes was permitted on part of the site in October 2023, this element is not disputed. The Council has not provided the necessary clear evidence that completions that the remaining homes will be delivered in the five year period on this site.
SUB TOTAL	80	4	<b>-76</b>		
<b>TOTAL</b>	<b>2,365</b>	<b>1001</b>	<b>-1,364</b>		

## The Council's Trajectory for Disputed Sites

Site		Apr 2023 – Mar 2024	Apr 2024 – Mar 2025	Apr 2025 – Mar 2026	Apr 2026 – Mar 2027	Apr 2027 – 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>
South West Bicester Phase 2	CDC	0	0	0	60	0	<b>60</b>
Land Opposite Hanwell Fields Recreation, Adj To Dukes Meadow Drive, Banbury	CDC	0	0	0	28	50	<b>78</b>
Former RAF Upper Heyford 15/01357/F	CDC	0	19	30	40	0	<b>89</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>

Former RAF Upper Heyford 21/03523/OUT	CDC	0	0	0	10	21	<b>31</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>
OS Parcel 3489 Adjoining And South West Of B4011, Ambrosden	CDC	0	0	0	25	35	<b>60</b>
Land North Of Railway House, Station Road, Hook Norton	CDC	0	0	0	25	18	<b>43</b>
Small Sites	CDC	116	116	77	0	0	<b>309</b>
District-wide small sites windfall allowance	CDC	0	0	0	125	125	<b>250</b>
<b>Total</b>	CDC	359	454	455	802	727	<b>2797</b>

