

**Statement of Common Ground (SOCG) on  
Housing Land Supply (HLS)  
Between the Appellant and the Local Planning Authority**

PINS references:	APP/B1930/W/23/3333685
LPA references:	5/2022/0599
Site Address:	Land to the rear of 96 to 106 High Street, Colney Heath, Hertfordshire.
Description of Development:	Outline application (means of access sought) for up to 45 dwellings including new affordable homes with area of landscape and public open space, including points of access and associated infrastructure works.
Appellant:	Tarmac Trading Limited
Date of application submission:	8 <sup>th</sup> March 2022
Date of application determination:	15 <sup>th</sup> May 2023
LPA:	St Albans City and District Council
This SoCG deals with housing land supply matters and sets out areas of agreement and disagreement between the Appellant and the Local Planning Authority.	
<b>Signed on behalf of Appellant:</b>	<b>Signed on behalf of LPA:</b>
Date: 25/03/2024	Date: 26/03/2024
Name: <i>Ben Pycroft</i>	Name: Nabeel Kasmani
Position: Director (Emery Planning)	Position: Principal Planning Officer (St Albans)

# 1. Matters of agreement

1.1 The following matters are agreed between the Appellant and the Council in relation to HLS:

## The housing land supply required for the purposes of decision making

1.2 Paragraph 77 of the National Planning Policy Framework (the Framework) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.

1.3 Paragraph 226 of the Framework explains that an authority only has to demonstrate a four year housing land supply (4YHLS) where it has an emerging local plan that has either been submitted for examination or has reached regulation 18 or 19 stage and includes both a policies map and proposed allocations towards meeting housing need. These arrangements will apply for a period of two years from the publication date of this revision of the Framework (i.e. until 20<sup>th</sup> December 2025).

1.4 St Albans City and District Council (SADC) held a Regulation 18 consultation on its emerging new draft Local Plan 2041 between 12 July and 25 September 2023. Both parties agree that on this basis the Council only has to demonstrate a 4YHLS.

## The base date for the housing land supply calculation

1.5 Both parties agree that the relevant base date for the housing land supply calculation is 1<sup>st</sup> April 2023.

## Housing requirement for the relevant housing land supply calculation

1.6 The adopted development plan comprises the saved policies of the St Albans District Local Plan Review, adopted in November 1994 (policies saved September 2007). The saved policies of the Plan do not contain an adopted housing requirement figure.

1.7 Both parties agree that in accordance with paragraph 77 and footnote 42 of the Framework, the housing land supply position should be measured against the local housing need using the standard method set out in the PPG.

1.8 Both parties agree that applying the standard method set out in the PPG to calculate local housing need gives a base annual outcome of 888 new households/dwellings per annum.

1.9 As the latest Housing Delivery Test (HDT) for St Albans was less than 75%, both parties agree that the 20% buffer applies.

## Housing Delivery Test (HDT) Results

1.10 The parties agree that the Council's HDT results are as set out below:

2018	58%
2019	63%
2020	63%
2021	69%
2022	55%

1.11 As a result, the parties agree that the Council must prepare an Action Plan.

1.12 It is also agreed that the latest action plan was published in February 2023. The Table at paragraph 4.3.1 of the action plan sets out an analysis review of key issues and states that:

*"The step-change in the Government's housing requirements can only be delivered through the adoption of a new Local Plan that will almost certainly require the council to release Green Belt. Until that time sufficient permissions to deliver an average of 890 homes per annum are not being granted".*

1.13 It is agreed that the Council's latest Local Development Scheme (published in February 2024) does not anticipate that the emerging Local Plan will be adopted until March 2026.

### Housing delivery

1.14 The following net completions in St Albans over the period 2013/14 to 2022/23 are agreed:

Year	Net Completions
2013/14	375
2014/15	313
2015/16	396
2016/17	340
2017/18	385
2018/19	624
2019/20	437
2020/21	516
2021/22	314
2022/23	401
<b>Total</b>	<b>4,101</b>
<b>Average</b>	<b>410</b>

#### Definition of deliverable

- 1.15 It is agreed that sites included in the supply must meet the definition of ‘deliverable’ set out on page 69 of the Framework, as follows:

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

*a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

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

## The absence of a 4YHLS

- 1.16 Both parties agree that the Council cannot demonstrate a four year housing land supply of deliverable housing sites against the authority's five year housing land supply requirement including the appropriate buffer. The housing land supply is in the region of 1.5 years (Appellant) and 1.7 years (Council) supply.
- 1.17 The tilted balance to the presumption in favour of sustainable development as set out in paragraph 11d) of the Framework therefore applies.
- 1.18 Both parties agree that significant weight should be attached to the need for new housing within the context of a housing land supply shortfall.
- 1.19 Both parties agree that as the deliverable supply is within the range of 1.5 – 1.7 years. The parties agree that the precise position within the bracket does not alter their assessment of very substantial weight to the benefit of providing 45 new homes. In those circumstances the parties agree that it is not necessary for the Inspector to make a finding as to where within that bracket the housing land supply falls or to resolve any of the outstanding issues in dispute between the parties relating to the housing land supply calculation set-out below.

## 2. Matters of disagreement

2.1 The following matters are in dispute between the Appellant and the Council:

### How the housing land supply should be measured

2.2 The Council considers that the deliverable housing land supply over the four year period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2027 should be measured against a four year housing requirement (and a 20% buffer) over the same period.

2.3 The Appellant considers that the deliverable housing land supply over the five year period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028 should be measured against a five year housing requirement (and a 20% buffer) over the same period.

2.4 The Appellant relies on the Guidance set out in paragraph 68-055 of the PPG to support its position. This paragraph states:

“Both the 5 year housing land supply and the 4 year housing land supply that authorities should demonstrate for decision making should consist of deliverable housing sites demonstrated against the authority’s five year housing land supply requirement, including the appropriate buffer.”

### The extent of the deliverable Housing Land Supply

2.5 The Council’s trajectory shows that the four year housing land supply at 1st April 2023 is 1,802 dwellings as set out in the AMR 2023.

2.6 The Appellant considers that the five year housing land supply at 1st April 2023 is 1,613 dwellings.

2.7 The reason for the difference between the two positions is because the Appellant disputes the level of windfalls included within the trajectory and the inclusion of three large sites in the supply.

2.8 With regard to the windfall allowance of 540 dwellings in the five year housing land supply, the Appellant asserts that the Council has not provided any compelling evidence to justify this windfall allowance in the supply. As a result, the Appellant has removed 180 dwellings from year three and reduced the windfall allowance to 100 for the remaining two years. This removes **340 dwellings** from the five year supply.

2.9 The Appellant also disputes the inclusion of the following sites in the deliverable five year housing land supply.

*Disputed sites*

LPA reference	Address	Status at 01/04/23	Capacity (Net)	LPA 5YHLS	Appellant 5YHLS	Difference
5/2021/2417	Verulam Industrial Estate, London Road, St Albans	Full planning permission granted 7 <sup>th</sup> June 2022. No application to discharge conditions submitted.	62	62	42	-20
5/2014/2136	270-274 London Road, St Albans	Full planning permission granted 24 <sup>th</sup> May 2016, conditions discharged 18 <sup>th</sup> January 2019. No evidence of work on site.	43	43	0	-43
5/2020/1910	Ridgeview Lodge, Barnet Road, London Colney	Full planning permission granted on 7 <sup>th</sup> February 2022 for conversion. Subsequent application seeking prior approval for demolition of two of the blocks proposed for conversion. No evidence that this is proceeding.	44	44	0	-44

2.10 The Council considers that the above sites meet the definition for a deliverable housing site in Annex 2 (Glossary) of the National Planning Policy Framework 2023 as at 1 April 2023. The Council's explanation is set out below:

5/2021/2417: Detailed (full) planning permission for application 5/2021/2417 was granted by the Council on 07/06/2022 and this permission has not yet expired as at 1 April 2023.

5/2014/2136: Previous monitoring surveys indicate a material start for permission 5/2014/2136 in the 2019/2020 monitoring year.

5/2020/1910: Detailed (full) planning permission for application 5/2020/1910 was granted by the Council on 07/02/2022 and this permission has not yet expired as at 1 April 2023. Furthermore, this site is owned by the Council and permission 5/2020/1910 is expected to be implemented

2.11 The Inspector does not need to determine the dispute between the parties as it is common ground that very substantial weight should be given to the provision of market housing.

#### Housing Land Supply Positions

2.12 The Council consider that its 4YHLS figure of 1,802 dwellings equates to 1.7 years against its requirement and a 20% buffer. This is set out in the following table.

Council's case re: housing land supply

		Council
A	Local housing need	888
B	Four year requirement (A X 4)	3,552
C	Supply to be demonstrated (B + 20%)	4,262
D	Annual supply to be demonstrated (C / 4 years)	1,066
E	Four year supply at 1 <sup>st</sup> April 2023	1,802
F	Supply in years (E / D)	<b>1.7</b>
G	Shortfall against four year requirement plus 20% buffer (E - C)	<b>-2,460</b>

2.13 The Appellant considers that the Council's 5YHLS figure of 1,613 dwellings equates to 1.5 years against its requirement and a 20% buffer. This is set out in the following table.



*Appellant's case re: housing land supply*

		Appellant
A	Local housing need	888
B	Five year requirement	4,440
C	Supply to be demonstrated (B + 20%)	5,330
D	Annual supply to be demonstrated (C / 5 years)	1,066
E	Five year deliverable supply at 1 <sup>st</sup> April 2023	1,613
F	Supply in years (E / D)	<b>1.5</b>
G	Shortfall in five year requirement plus 20% buffer (E - C)	<b>-3,717</b>
H	Shortfall against a 4 year requirement plus 20% buffer	<b>-2,651</b>

2.14 The Appellant describes the size of the shortfall as “very significant” and the Council describes the shortfall as “significant”.

2.15 The Appellant considers that until the new Local Plan is adopted it is extremely unlikely that the annual requirement can be met and that the shortfall should be remedied now.

**(ENDS)**