

# STATEMENT OF COMMON GROUND ON HOUSING NEED AND SUPPLY

SECTION 78 APPEAL BY ROBERT HITCHINS LTD AND BOVIS HOMES LIMITED

LAND OFF A38, COOMBE HILL,  
GLOUCESTERSHIRE

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004

LPA REF: 20/00140/OUT  
APPELLANT REF: P20-1585  
PINS REF: APP/G1630/W/20/325625  
Date: 22<sup>nd</sup> March 2021

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| <b>Signed:</b><br> | <b>Signed:</b><br> |
| <b>Name: Paul Skelton</b>   | <b>Name: DAVID HUTCHISON</b>   |
| <b>On behalf of:</b> Tewkesbury Borough Council<br>(the Local Planning Authority)                     | <b>On behalf of:</b> Pegasus Group (acting on<br>behalf of the Appellant)                              |
| <b>Date: 22.03.2021</b>   | <b>Date: 22-03-2021</b>  |

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**1. INTRODUCTION**

- 1.1 This Statement of Common Ground (SoCG) on Housing Need and Supply has been prepared by Pegasus Group, on behalf of Robert Hitchins Limited and Bovis Homes Limited (“the Appellant”).
- 1.2 It has been prepared in conjunction with Tewkesbury Borough Council (“the LPA”). It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of Land off the A38, Coombe Hill, Gloucestershire (The Appeal Site).
- 1.3 The purpose of the SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to focus on the most pertinent issues.

**2. MATTERS NOT IN DISPUTE**

2.1 This section sets out the matters that are not in dispute between the Appellant and the LPA.

**The plan period supply**

2.2 It is agreed that, on adoption, the JCS identified that there was a plan period shortfall of 2,455 homes. It is agreed that the Tewkesbury Borough Housing Land Supply Position Statement (December 2020) shows that the overall JCS plan period shortfall for Tewkesbury Borough is currently 1,525 dwellings.

**The five-year land supply**

2.3 It is agreed that the LPA is unable to demonstrate a five-year land supply such that paragraph 11d of the NPPF is engaged. However for the purposes of this appeal, the LPA does not consider the tilted balance applies because of the objections in respect of footnote 6.

2.4 It is agreed that the December 2020 statement of the LPA identified a 4.35 year land supply on the basis that the entire over-supply over the plan period to date is deducted from the five-year requirement.

2.5 It is agreed that in an appeal at Highnam in December 2018, the Secretary of State found that any over-supply should not be deducted from the five-year requirement. It is agreed that the Inspector in the recent Gotherington appeal decision has similarly found that any over-supply should not be deducted from the five-year requirement.

2.6 It is agreed that these decisions are not binding precedents and that the Council sought to challenge that part of the Highnam appeal decision relating to oversupply, however the Judge declined to determine on the Secretary of State's interpretation as the Council had been successful in the relevant appeal. It is agreed that the Council has submitted a challenge to the Gotherington appeal decision.

2.7 It is agreed that whatever the Inspector's conclusion is on the extent of the shortfall in this case, the shortfall is substantial and the weight to be afforded to a proposal which seeks to help to address this shortfall is substantial.

**3. MATTERS IN DISPUTE**

**The plan period supply**

- 3.1 The Appellants consider that there is no prospect of meeting the minimum housing requirement over the plan period.
- 3.2 The Appellants consider that in such circumstances it will be necessary to supplement the identified sources of the supply of housing.
- 3.3 The LPA considers that, through the emerging Borough Plan and JCS Review, it is planning positively to ensure that the shortfall is addressed in the plan period and is confident that sufficient planning permissions will be granted to enable the requirement to be met.

**The five-year land supply**

- 3.4 The Appellant considers that the Inspector in the recent Gotherington appeal decision concluded that 300 homes which the Council include in the deliverable supply are not deliverable, including 250 homes at Fiddington and 50 homes at Stoke Road.
- 3.5 Even without taking account of these, the Appellant considers that there is a 2.37 year land supply.
- 3.6 The LPA considers that there is a 4.35 year land supply and notes that in very recent evidence given to the EiP on the emerging Borough Plan, Pegasus on behalf of Robert Hitchins Ltd agreed with the LPA that the trajectory for the Fiddington site was appropriate, contrary to the findings of the Gotherington Inspector.

**The future five-year land supply**

- 3.7 The Appellant considers that a five-year land supply will not be restored across the remainder of the plan period.
- 3.8 The Appellant considers that the five-year land supply position will worsen prior to adoption of the Borough Plan and that even following adoption the Council will be unable to demonstrate a five-year land supply.
- 3.9 The Appellant considers that from December 2022 the five-year land supply will be assessed against the standard method and that if this remains broadly

consistent with the current standard method the LPA will be unable to demonstrate a five-year land supply.

3.10 The LPA considers that through the emerging borough plan and JCS review, it will meet the housing requirement across the plan period, provided that it has the support of the development industry.

3.11 The LPA considers that should the Tewkesbury Borough Plan be found sound Tewkesbury Borough Council will be able to demonstrate a five-year housing land supply, based upon the allocations and trajectory for those allocations as submitted.