

## **LAND AT OAKLEY FARM, CHELTENHAM**

# **PROOF OF EVIDENCE ON HOUSING NEED**

**ON BEHALF OF ROBERT HITCHINS LIMITED**

**Prepared by:** NEIL TILEY Assoc RTPI

## **Pegasus Group**

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | Gloucestershire | GL7 1RT

**T** 01285 641717 | **F** 01285 642348 | **W** [www.pegasuspg.co.uk](http://www.pegasuspg.co.uk)

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

**PLANNING** | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

## **CONTENTS:**

	Page No:
E. EXECUTIVE SUMMARY	2
1. BACKGROUND	5
2. INTRODUCTION	6
3. POLICY CONTEXT	7
4. THE HOUSING TRAJECTORY	13
5. FIVE YEAR HOUSING LAND SUPPLY	28
6. THE DEVELOPABLE SUPPLY	39
7. FUTURE FIVE-YEAR HOUSING LAND SUPPLY	43
8. CONCLUSIONS	51

## E. EXECUTIVE SUMMARY

E.1 The latest Five Year Housing Land Supply Position Statement of the Council demonstrates that:

- a. There has been a substantial record of under-delivery in Cheltenham Borough and across the JCS area,
- b. The Council is unable to demonstrate a five-year land supply against the housing requirement of the JCS, the objectively assessed need or the minimum local housing need by a substantial margin,
- c. The Council is unable to demonstrate a developable plan period supply by a substantial margin,
- d. The Council is unlikely to be able to demonstrate a five-year land supply against the adopted housing requirement or the objectively assessed need for the remainder of the plan period, and
- e. The Council is unlikely to be able to demonstrate a five-year land supply for the purposes of paragraph 74 until at least December 2022.

E.2 The other authorities in the JCS area are also unable to demonstrate either a five-year land supply or a sufficient plan period supply.

E.3 The consequences of these positions include:

### *The weight to afford to policies*

- a. The policies of the Development Plan have demonstrably been ineffective in securing a sufficient number of completions to date even against the constrained housing requirement which applies in the early part of the plan period, let alone against the objectively assessed need, such that these policies should be afforded reduced weight,
- b. The policies of the Development Plan have been demonstrably ineffective in securing the minimum five-year land supply required by national policy even against the constrained housing requirement, let alone the objectively assessed need, such that they should be afforded reduced weight,

- c. The policies of the adopted Development have been and will continue to be ineffective in providing a sufficient supply to meet the objectively assessed need over the plan period, such that they should be afforded reduced weight,

The currency of policies

- d. In the absence of a five-year land supply, the policies which are most important are to be considered out-of-date, such that providing paragraph 177 does not provide a clear reason for refusal, planning permission should be granted,
- e. In the absence of a sufficient developable supply to meet objectively assessed needs, the Development Plan does not accord with paragraphs 11b, 15, 23 or 68 of the NPPF,

The need for development

- f. There is demonstrably a need for development to address the unmet housing needs which have accrued to date,
- g. There is demonstrably a need for development to address the objectively assessed needs of Cheltenham Borough in the immediate five year period,
- h. There is demonstrably a need for development to restore a five-year land supply both now and in the future,
- i. There is demonstrably a need for development to address the objectively assessed needs over the plan period,

The scope for meeting needs

- j. In the absence of a five-year land supply, the Council demonstrably does not have scope to meet objectively assessed needs in the immediate five-year period,
- k. In the absence of a plan period supply, the policies of the Development Plan do not provide scope to meet the objectively assessed needs,
- l. There is currently no scope across the remainder of the JCS area to address the objectively assessed needs of Cheltenham Borough,

*The weight to be afforded to the provision of housing*

- m. In the absence of a five-year land supply, the Secretary of State has afforded the provision of housing substantial weight elsewhere,
  - n. As a result of the other factors in Cheltenham Borough, including the record of under-delivery, and the absence of a developable supply, it would be expected that substantial weight would be afforded as a minimum.
- E.4 As a result, it is clear that even on the basis of the Council's position, there is a need for the proposed development and no scope to meet this elsewhere or in some other way, such that there may be exceptional circumstances for this major development within an AONB. This will fall to a consideration of the environmental effects.
- E.5 It should be noted that the Council's trajectories are wholly unrealistic<sup>1</sup> and in reality, the shortfalls are substantially greater. As such, whilst realistic trajectories are examined and presented in this Proof of Evidence, it is not considered that it will be necessary for the Inspector to conclude on the precise extent of the shortfall as a result of the preceding consequences arising even on the basis of the Council's trajectories.

---

<sup>1</sup> This is perhaps best exemplified by the fact that the Council consider that it is realistic that a site that does not yet even benefit from planning permission delivered 50 completions last year.

## **1. BACKGROUND**

- 1.1 My name is Neil Tiley. I am an associate member of the Royal Town Planning Institute and have worked in the private sector for almost seven years. I currently hold the position of Director having previously been an Associate Director and before that a Principal Planner at Pegasus Group.
- 1.2 Prior to this I was employed in Local Government for 11 years, including as a Planning Manager at Wiltshire Council for 5 years; as a Senior Planner at Wiltshire County Council for 2 years; as the Demographer at Wiltshire County Council for 2 years; and as a Senior Research Assistant responsible for monitoring and analysing housing completions and undertaking demographic modelling for 2 years.
- 1.3 I have a wealth of experience in assessing housing land supply, having been responsible for the production of such assessments and acting as an expert witness at the majority of housing land supply appeals in Wiltshire over the period 2009 to 2014. I have continued to regularly act as an expert witness dealing specifically with housing need and supply matters for Pegasus Group.
- 1.4 I have significant experience in modelling household need gained in my time as a Demographer and subsequently through preparing and addressing assessments of housing need during my time with the Council and subsequently.
- 1.5 I also have extensive experience of undertaking socio-economic assessments to identify issues which exist in communities and the effects that proposals may have on addressing these.
- 1.6 The evidence which I have prepared and provide for this appeal (APP/B1605/W/21/3273053) is true and has been prepared and is given in accordance with the guidance of my professional institution irrespective of by whom I am instructed, and I confirm that the opinions expressed are my true and professional opinions.

## **2. INTRODUCTION**

- 2.1 This Proof of Evidence relates to a planning appeal for a development of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill at Oakley Farm, Priors Road, Cheltenham, Gloucestershire.
- 2.2 This Proof of Evidence addresses the need for additional housing for Cheltenham and identifies the potential costs of diverting this housing to locations outside of the AONB.

### 3. POLICY CONTEXT

#### **National Planning Policy Framework (NPPF)**

3.1 Paragraph 176 of the NPPF identifies that within the AONB:

**“...permission should be refused for major development<sup>60</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:**

- a) **the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**
- b) **the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and**
- c) **any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”**

3.2 Footnote 60 indicates that whether a proposal constitutes major development is a matter for the decision maker. It is understood that for the purposes of this appeal, it has been agreed that the appeal proposals do represent major development. Accordingly, it is necessary to consider each of the bullet points identified in paragraph 176. The first of these are addressed within this Proof of Evidence and those of Mr Stacey<sup>2</sup> and Mr Hutchison<sup>3</sup>, the second within this Proof of Evidence and that of Mr Hutchison, and the third is addressed in the Proofs of Evidence of Mr Harris, and Ms Stoten. These proofs collectively inform the assessment of exceptional circumstances within the evidence of Mr Hutchison.

#### Achieving sustainable development

3.3 Paragraph 7 of the NPPF indicates that the purpose of the planning system is to contribute to the achievement of sustainable development which it defines to be meeting the needs of the present without compromising the ability of future generations to meet their own needs.

3.4 Paragraph 8 identifies that to provide for sustainable development, there are three overarching objectives which are interdependent, and which need to be pursued in mutually supportive ways. These objectives are identified as follows:

---

<sup>2</sup> Insofar as affordable housing needs are concerned.

<sup>3</sup> Insofar as the impacts of permitting or refusing the development on the local economy.



**“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;**

**b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and**

**c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.” (my emphasis)**

Delivering a sufficient supply of homes

- 3.5 The Government’s imperative to significantly boost the supply of housing to address the national housing crisis which currently exists, is set out in paragraph 60 of the NPPF, which requires local planning authorities:

**“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.” (my emphasis)**

- 3.6 In order to achieve this, the NPPF identifies that it is necessary to identify the need for housing in paragraph 62 which requires that the size, type and tenure of housing need is assessed and reflected in Development Plans.

- 3.7 Having established the need for housing, the NPPF then requires that Development Plans meet this need as set out in:

- Paragraph 11b which requires that Development Plans as a minimum provide for the objectively assessed needs for housing.
- Paragraph 15 which requires that Development Plans provide a framework for addressing housing needs.

- Paragraph 23 which requires that Development Plans provide a clear strategy to address objectively assessed needs over a plan period.
- Paragraph 35a which requires that Development Plans as a minimum meet the area's objectively assessed needs.

3.8 In order to achieve the aim to "meet the objectively assessed need for housing" the NPPF requires that a sufficient supply of sites is identified in the Development Plan and maintained throughout the plan period as set out in:

- Paragraph 23 which requires that Development Plans should identify sufficient sites to deliver the strategic policies (including meeting housing requirements).
- Paragraph 68 which requires that planning policies identify a supply of specific deliverable sites for years one to five of the plan period and a supply of specific, developable sites or broad locations for years 6-10 and where possible for years 11-15 of the plan.
- Paragraph 74 which requires that a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing is maintained throughout the plan period.

3.9 Where a Council is unable to demonstrate a five-year land supply footnote 7 and paragraph 11d indicate that the policies which are most important for determining residential planning applications are to be considered out-of-date and requires that planning permission is granted unless either:

- The application of policies in the NPPF that protect areas or assets of particular importance, including paragraph 177, provide a clear reason for refusal; or
- The adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **National Planning Policy Guidance**

3.10 The PPG provides guidance in support of the NPPF and reference is made to this as appropriate.

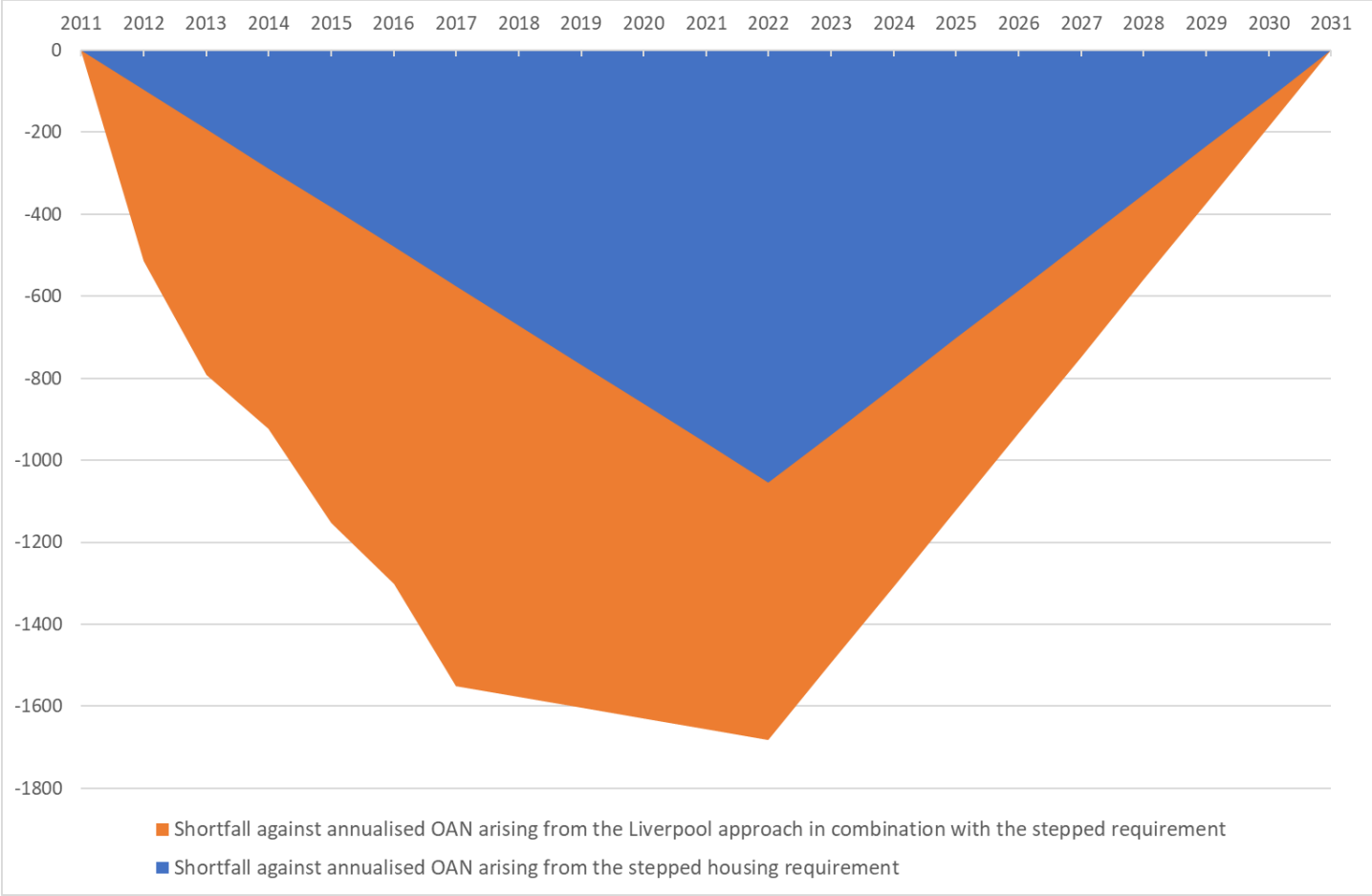
### **The Joint Core Strategy**

- 3.11 The Joint Core Strategy (JCS) was adopted in December 2017.
- 3.12 Policy SP1 identifies a minimum housing requirement for 10,917 homes to meet the objectively assessed housing needs of Cheltenham Borough over the period 2011-31. This equates to an annual average requirement and objectively assessed need for 546 homes.
- 3.13 Policy SP2(3) identifies that in response to this housing need, 10,996 homes will be provided within Cheltenham Borough and at two strategic allocations at North West Cheltenham and West Cheltenham which are partly within Tewkesbury Borough. Through the course of the JCS examination it was demonstrated that the housing needs of Cheltenham provided exceptional circumstances to justify the release of both of these allocations from the Green Belt.
- 3.14 Paragraph 7.1.27 of the supporting text of the JCS identifies that the housing requirement for 10,917 homes in Cheltenham is stepped such that it requires the delivery of 450 homes per annum (hpa) from 2011-22 and 663hpa thereafter in response to the need for 546 homes per annum. The effect of this stepped requirement is that housing needs will not be met over the early part of the plan period but that it is intended that this would be addressed in the longer-term such that the housing needs would be retrospectively met by the end of the plan period. Until this time, the number of homes planned would not meet the needs of the population. Indeed, if the stepped requirement was met, it was planned that by the end of 2022, 1,054 fewer homes would have been provided than needed to meet the needs of the population<sup>4</sup>.
- 3.15 Paragraph 7.1.29 of the JCS also identifies that it is appropriate to use the Liverpool approach to address any under-delivery relative to the stepped housing requirement. This serves to further delay addressing housing needs. As a result of the stepped trajectory and the Liverpool approach, over 1,000 fewer homes would have been provided in Cheltenham Borough than are needed by the end of every year from 2015 to 2025 and the needs would not be met in full until 2031. The effect of these approaches based on the known completions at the time the JCS was adopted is presented in Figure 3.1 below.

---

<sup>4</sup> = (11 x 546) – (11 x 450).

**Figure 3.1 – a comparison of the planned approach of the JCS with the minimum annualised requirement**



3.16 The JCS was found sound on the condition that an immediate partial review was undertaken to address the plan period shortfalls in Tewkesbury Borough and Gloucester City under Policy REV1. However, as there was a sufficient plan period supply in Cheltenham there was no need for such an immediate partial review of the housing supply in this LPA.

3.17 Paragraph 4.13.6 of the JCS identifies a need for 638 affordable homes per annum across the JCS plan area derived from the 2015 SHMA. The 2015 SHMA provides the breakdown of this affordable housing need for each LPA comprising a need for 231 affordable homes per annum in Cheltenham Borough, 282 in Gloucester City and 126 in Tewkesbury Borough.

3.18 Policy SD7 of the JCS requires that development proposals in the AONB conserve and where appropriate enhance the special qualities of the AONB. This does not

appear to accord with paragraph 177 of the NPPF which requires that consideration is given to the need for development, the cost and scope of development and any detrimental effects on the environment. This inconsistency is addressed in the Proof of Evidence of Mr Hutchison.

### **The Cheltenham Plan**

- 3.19 The Council adopted the Cheltenham Plan in July 2020 which contains the non-strategic allocations and development management policies to complement the JCS.
- 3.20 This identified a supply of 11,632 homes in Table 1 which was numerically more than sufficient to meet the objectively assessed need and minimum housing requirement of the JCS for 10,917 homes.

### **Cotswolds AONB Management Plan**

- 3.21 The Cotswolds AONB Management Plan was adopted in September 2018. It is not however a development plan document. It provides guidance on the consideration of development proposals in and within the setting of the AONB.
- 3.22 Policy CE11(1) defers to national planning policy and guidance. However, Policy CE11(2) requires that major development contributes to conserving and enhancing the natural beauty of the AONB and where appropriate to the understanding and enjoyment of its special qualities. This again does not appear to accord with national policy and will be addressed in the evidence of Mr Hutchison.
- 3.23 Policy CE12(2) and footnote 35 recognise that in exceptional circumstances development within the AONB may be necessary to accommodate objectively assessed needs arising from outside of the AONB but that this should be limited to developments where the application of paragraph 177 of the NPPF does not provide a strong reason for refusal.
- 3.24 Appendix 9 provides additional clarification as to the application of paragraph 177 within the Cotswolds AONB. It identifies that the Management Board would expect that any major development proposal should be accompanied by a statement of need which clearly identifies the social, economic and environmental impacts and that the Board would encourage a report setting out a sequential approach to site selection.

#### 4. THE HOUSING TRAJECTORY

- 4.1 As set out in paragraph 12 of the recovered Land to the East of Newport Road and to the East and West of Cranfield Road, Woburn Sands appeal decision (CDK12) when considering the deliverability of sites it is appropriate to take into account the most recent evidence in order to reach a view as to whether a trajectory is realistic. I agree and adopt this approach.
- 4.2 The Five-Year Housing Land Supply Position Statement, 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020 and the accompanying spreadsheet provided by the Council identify the trajectories upon which the Council rely for the purposes of this appeal.

##### The record of delivery

- 4.3 The JCS identifies a requirement to deliver 35,175 homes over the period 2011 to 2031 to meet housing needs. The housing requirement of the JCS is stepped in Cheltenham Borough and as a result, the housing requirement does not meet housing needs across the plan area in the early part of the plan but instead postpones this to the later part of the plan period.
- 4.4 In response to the minimum annualised housing need for 546hpa or the stepped housing requirement for 450hpa, there have been an average of 395hpa delivered across the plan period to 2020<sup>5</sup>. Depending on whether the figures in the Position Statement or the accompanying spreadsheet are used, this equates to a shortfall of either 1,355 or 1,358 homes against the minimum annualised housing need, and a shortfall of either 492 or 495 homes against the stepped housing requirement. This record of delivery is presented in Table 4.1 based on the figures of the spreadsheet. To put this in other terms, 28% of the minimum annualised housing need and 12% of the stepped housing requirement of Cheltenham Borough has not been delivered.

---

<sup>5</sup> According to the spreadsheet there have been 3,558 completions which provides an average of 395.3hpa and according to the Position Statement there have been 3,555 completions which provides an average of 395.0hpa.

**Table 4.1 – cumulative shortfalls for Cheltenham Borough**

	Cumulative completions	Cumulative minimum annualised housing need	Shortfall	Cumulative stepped housing requirement	Shortfall
2011/12	34	546	-512	450	-416
2012/13	303	1,092	-789	900	-597
2013/14	716	1,638	-922	1,350	-634
2014/15	1,031	2,183	-1152	1,800	-769
2015/16	1,427	2,729	-1302	2,250	-823
2016/17	1,724	3,275	-1551	2,700	-976
2017/18	2,320	3,821	-1501	3,150	-830
2018/19	3,096	4,367	-1271	3,600	-504
2019/20	3,558	4,913	-1355	4,050	-492

4.5 Across the JCS plan area there have been either 13,594 or 13,597 housing completions over the plan period to 2020<sup>6</sup> or an average of either 1,510hpa or 1,511hpa. This compares to the minimum annualised housing need for 1,759hpa and the stepped housing requirement for 1,663hpa. There has therefore been a shortfall of either 2,232 or 2,235 homes against the minimum annualised housing need and a shortfall of either 1,369 or 1,372 homes against the stepped housing requirement. In other words, 14% of the minimum annualised housing need of the plan area and 9% of the stepped housing requirement of the plan area has not been provided.

**Table 4.2 – cumulative shortfalls for the JCS plan area**

	Cumulative completions	Cumulative minimum annualised housing need	Shortfall	Cumulative stepped housing requirement	Shortfall
2011/12	946	1,759	-813	1,663	-717
2012/13	2,108	3,518	-1,410	3,326	-1,218
2013/14	3,514	5,276	-1,762	4,989	-1,475
2014/15	4,950	7,035	-2,085	6,652	-1,702
2015/16	6,446	8,794	-2,348	8,315	-1,869
2016/17	7,912	10,553	-2,641	9,977	-2,065
2017/18	9,928	12,311	-2,383	11,640	-1,712
2018/19	12,229	14,070	-1,841	13,303	-1,074
2019/20	13,597	15,829	-2,232	14,966	-1,369

<sup>6</sup> Depending on whether the figures in the Position Statement or spreadsheet are correct.

4.6 There has therefore been a substantial under-delivery of housing in Cheltenham Borough and across the JCS plan area on any basis. The population has therefore not been provided the housing needed with consequent adverse effects for individuals and for the accessibility of the housing market more generally. There is therefore a pressing need for housing to address the backlog which has arisen. It is also demonstrably the case that the policies of the adopted Development Plan have been ineffective in meeting housing needs or achieving their strategic objectives.

#### The future supply

4.7 Based on the trajectories provided by the Council, the Council cannot demonstrate either a deliverable five-year land supply or a developable plan period supply and so I do not consider it to be necessary to undertake a comprehensive review of these trajectories. It is however apparent even from a high level review that the trajectories for a number of sites are plainly unrealistic when account is paid to the progress on sites to date in accordance with the Secretary of State's position in the Woburn Sands appeal decision.

#### Strategic Allocations

4.8 The Council's latest assessment of housing land supply assumes that the first completion at North West Cheltenham would be achieved in 2021/22 and the first completion at West Cheltenham would be achieved in 2022/23. These trajectories are however wholly unrealistic.

4.9 Importantly, the Council's previous trajectories for these sites have been unrealistic. On page 115 of the JCS, the Council suggested that both North West Cheltenham and West Cheltenham would achieve the first completions in 2018/19, with a cumulative supply of 525 homes in the period 2018-20. However, no homes have been delivered in this time, North West Cheltenham still does not benefit from an outline planning permission and West Cheltenham does not even benefit from a planning application in July 2021.

4.10 The current trajectories appear to suffer from a similar if not greater level of unrealism.



North West Cheltenham

4.11 The strategic allocation at North West Cheltenham was subject to an outline planning application for a mixed use development including 4,115 homes in September 2016 which remains undetermined in July 2021. The local highway authority has recently requested that the determination of the application is deferred whilst an addendum to the Transport Assessment is prepared by the applicant and then reviewed by the highway authority. There is no evidence as to when this necessary work will be undertaken or following this when the Council intend to take this application to committee. Nevertheless, no matter how quickly this and other remaining objections are able to be addressed it is clear that this site will not deliver any completions in 2021/22 as assumed by the Council (i.e. within 9 months) or for a number of years thereafter.

4.12 Prior to the first completion, it will be necessary as a minimum for:

- The applicants to prepare an addendum to the Transport Assessment,
- The highway authority to review this, the Council to resolve to grant outline planning permission,
- The Council, County Council and the applicants to negotiate a s106 agreement/s,
- The Council to grant outline planning permission,
- The applicants to undertake the work necessary to discharge pre-commencement and pre-occupation conditions,
- The Council to discharge those conditions,
- The applicants to prepare and submit an application for the approval of reserved matters,
- The Council to consult upon and determine the application for the approval of reserved matters,
- The applicants to design, approve and implement all of the necessary up-front infrastructure works including the access, internal roads, the sewerage network, utilities connections etc, and

- The applicants to proceed with the construction and complete 60 homes.

4.13 It is not credible to suggest that this is realistic within 9 months.

4.14 Furthermore, whilst HIF funding has been secured to deliver the necessary transport infrastructure necessary to support the strategic sites at North West Cheltenham and West Cheltenham, the County Council is proposing an Infrastructure Recovery Strategy (CDE15) that will seek to recover the costs of this infrastructure from the strategic sites by recovering any profit generated above the benchmark land value. If this strategy is adopted, it is likely to significantly compromise the attractiveness of developing these sites and there is no evidence that developers would be willing to proceed on this basis.

4.15 The Start to Finish report (CDF7) analyses the length of time it has taken to deliver sites nationally. It identifies in Figure 4 that on average sites of 2,000+ dwellings have taken 2.3 years from the approval of reserved matters until the first completion is achieved. The site at North West Cheltenham does not even benefit from outline planning permission let alone an application for the approval of reserved matters, and so it would be expected that the first completion would not be achieved for well over 2 years rather than within 9 months as assumed by the Council.

4.16 The Start to Finish report also identifies a range of strategic sites in Appendix 2. I have analysed the lead-in times experienced on these sites where they have a capacity of between 4,000 and 4,500 homes. The time taken from the grant of outline planning permission until the first completion on these sites has ranged from 2 years and 8 months at The Wixams in Bedford to 5 years and 4 months at Cambourne in South Cambridgeshire with a mean average of 3 years and 8 months<sup>7</sup>. The lead-in time of less than 9 months assumed by the Council is therefore not only unprecedented nationally on a site of this scale even if it had outline planning permission, but it also requires that the first completions are forthcoming circa 3 times faster than on any similarly sized site nationally.

4.17 More locally, there are a number of smaller strategic allocations in the JCS area of which three have now achieved completions. The lead-in time for these smaller developments from the grant of outline planning permission until the first completion has ranged from 2 years and 3 months at South Churchdown (465

---

<sup>7</sup> And a median of 3 years and 10 months.

homes) to 4 years at Perrybrook (1,500 homes). The lead-in time assumed by the Council is therefore unprecedented locally even on smaller sites.

- 4.18 Indeed, based on my 18 years' experience of monitoring housing developments, I cannot recall any party having even suggested that a strategic site without outline planning permission will achieve completions within anything approaching a period as short as 9 months, and I have certainly never experienced this being achieved. It is unclear what evidential basis the Council has used to form its view on this issue, but if there is such an evidence base, then it too would suffer from being unrealistic. For all of the above reasons, I consider the trajectory of the Council to be wholly unrealistic.
- 4.19 Given that North West Cheltenham does not even yet benefit from outline planning permission or understandably an application for the approval of reserved matters, even if outline planning permission was granted imminently it would be expected that on average this site will deliver the first completion in 3 years and 8 months' time in April 2025. Even if planning permission was granted imminently and the shortest lead-in time ever achieved on a site of this size nationally was replaced the first completion would be in April 2024. I do not therefore consider that there is any prospect of any completions before 2024/25 and it is likely that the first completions will not be achieved until 2025/26. I nevertheless consider the position of both of these bases, which I refer to as the optimistic trajectory and the realistic trajectory respectively.
- 4.20 I understand that the Appellant has discussed the delivery of this site with one of the developers on the site, and they have indicated that the first completion is in fact likely to be in 2025/26. This again supports the realistic trajectory.
- 4.21 Additionally, the Council assume that North West Cheltenham will deliver 60 homes in 2021/22 building up to an average of 360hpa from 2024 onwards at an average of 320hpa over the period 2022-31<sup>8</sup>. The Start to Finish report identifies in Figure 7 that on average 160hpa have been achieved on sites of 2,000+ homes and that no sites have averaged more than 286hpa according to page 11. The average build out rate will however vary across the lifetime of a development. Reviewing all sites of 2,000 or more homes that have delivered for 8 years<sup>9</sup>, these

---

<sup>8</sup> Excluding the first year of assumed completions namely 2021/22 as this is likely to represent only part of a years completions.

<sup>9</sup> In addition to the first year which may only be a part year of completions.

have delivered on average 231dpa with at most 304hpa at Cambourne. Therefore, not only is the lead-in time assumed by the Council unprecedented as set out previously, the Council's assumed delivery rates of 320hpa are also unprecedented.

4.22 This is particularly surprising at North West Cheltenham given that it is very close proximity to the strategic allocation at West Cheltenham which is likely to absorb some of the same market capacity and therefore will act as a constraint on the delivery rates at North West Cheltenham once it comes on stream<sup>10</sup>.

4.23 The average and maximum delivery rates achieved on sites of 2,000 or more homes over different periods are presented in Table 4.1 below.

**Table 4.1 – respective trajectories for North West Cheltenham**

	Years 2-7	Years 2-8	Years 2-9	Years 2-10	Years 2-11
Average	180	195	223	231	226
Maximum <sup>11</sup>	343	332	318	304	290

4.24 I adopt the average delivery rate for the appropriate period as a realistic trajectory or the maximum rate for the appropriate period as an optimistic trajectory.

4.25 The respective trajectories of either party are set out in Table 4.2.

**Table 4.2 – respective trajectories for North West Cheltenham**

	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	Total
Council's trajectory	0	60	120	240	360	360	360	360	360	360	360	2,940
The optimistic trajectory	0	0	0	0	332	332	332	332	332	332	332	2,324
The realistic trajectory	0	0	0	0	0	195	195	195	195	195	195	1,170

<sup>10</sup> This is not to suggest that both developments will not be able to come forward simultaneously and deliver greater numbers of homes than either in isolation, but rather that the delivery rates on each in isolation is likely to be lower than it otherwise would be.

<sup>11</sup> It should be noted that this maximum was achieved at Cambourne, which is an outlier compared to the next greatest delivery rates at any other site.

4.26 It is therefore likely that the deliverable supply will be 780 homes and the developable supply will 1,770 homes less than identified by the Council. Even if the shortest lead-in time and greatest delivery rates ever achieved nationally were replaced this would reduce the deliverable supply of the Council by 448 homes and the developable plan period supply of the Council by 616 homes.

West Cheltenham

4.27 The strategic allocation for 1,100 homes at West Cheltenham is not subject to a planning application at present. I understand that land deals remain to be negotiated on parts of this site. Nevertheless, the Council suggest that this site will achieve the first completions in 2022/23 (i.e. in less than 1 year and 9 months). Again, the evidential basis for this assessment remains obscure. I do not consider that there is any prospect of this being achieved.

4.28 Within this time, it will be necessary as a minimum for:

- Collaboration agreements to be agreed between landowners,
- An outline planning application prepared, including the preparation of a range of technical reports, and submitted,
- The outline planning application to be consulted upon and concerns raised by consultees to be addressed which is likely to require the preparation of further technical reports,
- The Council to resolve to grant outline planning permission, being satisfied that any concerns have been resolved,
- The Council, County Council and applicants to negotiate a s106 agreement/s,
- The applicants to undertake the work necessary to discharge pre-commencement and pre-occupation conditions,
- The Council to discharge those conditions,
- The land to be marketed and sold to a developer,
- The applicants to prepare and submit an application for the approval of reserved matters,

- The Council to consult upon and determine the application for the approval of reserved matters,
  - The applicants to design, approve and implement all of the necessary up-front infrastructure works including the access, internal roads, the sewerage network, utilities connections etc, and
  - The applicants to proceed with the construction of residential units.
- 4.29 Based on my experience, there is no prospect that all of this could be achieved in less than 1 year and 9 months as assumed by the Council.
- 4.30 Additionally, the proposed Infrastructure Recovery Statement if adopted is likely to similarly compromise the attractiveness of this site to developers.
- 4.31 For sites of this size, the Start to Finish report identifies that on average it takes 6.9 years<sup>12</sup> from the submission of an outline planning application until the first completion is achieved. In the absence of such an outline planning application, it would be expected that it would take at least this long until the first completions are achieved at this site.
- 4.32 Looking at the sites of between 1,000 and 1,500 homes identified in Appendix 2 of the Start to Finish report, these have taken between 2 years and 6 months at Zones 3 to 6 of Omega South in Warrington to somewhere between 12 and 13 years at Cheeseman's Green in Ashford from the submission of an outline planning application until the first completion with an average of 6 years and 4 months. The lead-in time of less than 1 year and 9 months assumed by the Council is unprecedented nationally. The site at Omega South is also something of an exception as this was a residential extension to a commercial development that was already under development such that the infrastructure connections and the developers were already in place. The next shortest lead-in times were 3 years and 5 months at Oxley Park in Milton Keynes and Staynor Hall in Selby.
- 4.33 As set out above, there are also a number of local examples of the lead-in times experienced on sites of this size at Innsworth and Perrybrook. These sites took 5 years and 8 months and 7 years and 3 months respectively from the submission of an outline planning application until the first completion was achieved.

---

<sup>12</sup> 6 years and 11 months.

- 4.34 In my experience, it would be unrealistic to assume that that a site of this scale that does not even yet benefit from a planning application could achieve completions in anything close to 1 year and 9 months.
- 4.35 It would be expected that on average if a planning application was submitted imminently the first completion would be in 6 years and 4 months in late 2027. Even if a planning application was submitted imminently and the shortest lead-in time ever achieved nationally was replicated<sup>13</sup>, the first completions would not be achieved until at least late 2024/25.
- 4.36 The respective trajectories of either party are set out in Table 4.3.

**Table 4.3 – respective trajectories for West Cheltenham**

	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	Total
Council's trajectory	0	0	25	50	50	75	100	100	120	120	120	760
The optimistic trajectory	0	0	0	0	25	50	50	75	100	100	120	520
The realistic trajectory	0	0	0	0	0	0	0	25	50	50	75	200

- 4.37 It is therefore likely that the deliverable supply will be 125 homes less and the developable supply 560 homes less than that identified by the Council. Even if the shortest lead-in time ever achieved nationally is replicated, the deliverable supply would be 100 homes less and the developable plan period supply would be 240 homes less than identified by the Council.

Leckhampton

- 4.38 This site is allocated in the Cheltenham Plan for 350 homes. A full planning application was submitted in October 2020 but remains to be determined in July 2021. Natural England have responded requesting an appropriate assessment is carried out, and the ecological consultant has indicated that a number of ecological surveys are out-of-date and need to be undertaken again at the appropriate time.

<sup>13</sup> On a site that was not already under development.

- 4.39 The Council nevertheless continue to assume that this site will deliver 50 completions last year in 2020/21 and 60hpa every year thereafter. As the site does not even benefit from planning permission in July 2021, this has not been achieved and is not realistic.
- 4.40 The Start to Finish report indicates that on average it takes 1.9 years from the grant of detailed planning permission until the first completion is achieved on a site of this scale. Therefore, notwithstanding the need for an appropriate assessment and for ecological surveys to be undertaken, assuming full planning permission is granted imminently and thereafter the average lead-in time is achieved, the first completions wouldn't be expected until summer 2023 as a realistic trajectory. However, based on my personal experience, on occasions sites which benefit from full planning permission can deliver the first completions in just under a year. Therefore, as an optimistic trajectory I assume that the first completions could be achieved in the summer of 2022.
- 4.41 The respective trajectories of either party are set out in Table 4.4 below.

**Table 4.4 – respective trajectories for Leckhampton**

	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	Total
Council's trajectory	50	60	60	60	60	60	0	0	0	0	0	350
The optimistic trajectory	0	0	50	60	60	60	60	60	0	0	0	350
The realistic trajectory	0	0	0	50	60	60	60	60	60	0	0	350

- 4.42 It is therefore likely that the deliverable supply will be 180 homes less than identified by the Council. Even of the shortest lead-in time of which I am aware is replicated, the deliverable supply would be 120 homes less than identified by the Council.

*Christ College B Site and Former Monkscroft Primary School Site<sup>14</sup>*

- 4.43 These sites are allocated in the Cheltenham Plan for 70 homes and 60 homes respectively. Neither site currently benefits from any planning application.

<sup>14</sup> These sites are considered jointly as they have the same planning status.



- 4.44 Notwithstanding the absence of any planning application, the Council suggest that both of these will achieve completions next year in 2022/23.
- 4.45 The Start to Finish report indicates that on average it takes 3.3 years from the submission of the first planning application until the first completion is achieved on sites of this scale. Therefore, optimistically assuming that an application is submitted imminently on each of these sites and that thereafter the average lead-in time is achieved, these sites would not achieve the first completions until the winter of 2024. However, assuming that full planning applications are submitted on these sites in the coming days/weeks, that they are approved in a timely fashion, have no onerous conditions, the conditions are discharged in a timely fashion, and that development commences imminently, I consider that it is just about possible although unlikely that the first completions could be achieved in early 2023/24.
- 4.46 The respective trajectories of either party are set out in Table 4.5 below.

**Table 4.5 – respective trajectories for Christ Church College B and Former Monkscroft Primary**

	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	Total
<b>Christ Church College B</b>												
Council's trajectory	0	0	25	25	20	0	0	0	0	0	0	70
The optimistic trajectory	0	0	0	25	25	20	0	0	0	0	0	70
The realistic trajectory	0	0	0	0	25	25	20	0	0	0	0	70
<b>Former Monkscroft Primary</b>												
Council's trajectory	0	0	25	25	10	0	0	0	0	0	0	70
The optimistic trajectory	0	0	0	25	25	10	0	0	0	0	0	70
The realistic trajectory	0	0	0	0	25	25	10	0	0	0	0	70

- 4.47 It is therefore likely that the deliverable supply will be 80 homes less than identified by the Council. Even if the shortest lead-in time which I consider could possibly be achieved is achieved, this would reduce the deliverable supply by 30 homes from that identified by the Council.

4.48 The respective trajectories of either party are set out in Tables 4.6 and 4.7 below.

**Table 4.6 – respective combined trajectories based on the Five Year Housing Land Supply Position Statement**

		2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	2020 -25	2011 -31
NW Cheltenham	CBC	0	60	120	240	360	360	360	360	360	360	360	780	2,940
	Optimistic	0	0	0	0	332	332	332	332	332	332	332	332	2,324
	Realistic						195	195	195	195	195	195	0	1,170
W Cheltenham	CBC			25	50	50	75	100	100	120	120	120	125	760
	Optimistic					25	50	50	75	100	100	120	25	520
	Realistic								25	50	50	75	0	200
Leckhampton	CBC	50	60	60	60	60	60						290	350
	Optimistic			50	60	60	60	60	60				170	350
	Realistic				50	60	60	60	60	60			110	350
Christ Church College B	CBC			25	25	20							70	70
	Optimistic				25	25	20						50	70
	Realistic					25	25	20					25	70
Former Monkscroft Primary	CBC			25	25	10							60	60
	Optimistic				25	25	10						50	60
	Realistic					25	25	10					25	60
Other sites according to the Five Year Housing Land Supply Position Statement	CBC	375	260	253	210	168	193	162	163	86	68	78	1,266	2,016
	Optimistic	375	260	253	210	168	193	162	163	86	68	78	1,266	2,016
	Realistic	375	260	253	210	168	193	162	163	86	68	78	1,266	2,016
Total	CBC	425	380	508	610	668	688	622	623	566	548	558	2,591	9,754
	Optimistic	375	260	303	320	635	665	604	630	518	500	530	1,893	8,898
	Realistic	375	260	253	260	278	498	447	443	391	313	348	1,426	7,424

**Table 4.7 – respective combined trajectories based on the accompanying spreadsheet**

		2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	2020 -25	2011 -31
NW Cheltenham	CBC	0	60	120	240	360	360	360	360	360	360	360	780	2,940
	Optimistic	0	0	0	0	332	332	332	332	332	332	332	332	2,324
	Realistic						195	195	195	195	195	195	0	1,170
W Cheltenham	CBC			25	50	50	75	100	100	120	120	120	125	760
	Optimistic					25	50	50	75	100	100	120	25	520
	Realistic								25	50	50	75	0	200
Leckhampton	CBC	50	60	60	60	60	60						290	350
	Optimistic			50	60	60	60	60	60				170	350
	Realistic				50	60	60	60	60	60			110	350

Christ Church College B	CBC			25	25	20							70	70
	Optimistic				25	25	20						50	70
	Realistic					25	25	20					25	70
Former Monkscroft Primary	CBC			25	25	10							60	60
	Optimistic				25	25	10						50	60
	Realistic					25	25	10					25	60
Other sites according to the accompanying spreadsheet	CBC	384	315	293	142	118	143	143	163	86	68	78	1,252	1,933
	Optimistic	384	315	293	142	118	143	143	163	86	68	78	1,252	1,933
	Realistic	384	315	293	142	118	143	143	163	86	68	78	1,252	1,933
Total	CBC	434	435	548	542	618	638	603	623	566	548	558	2,577	9,671
	Optimistic	384	315	343	252	585	615	585	630	518	500	530	1,879	8,815
	Realistic	384	315	293	192	228	448	428	443	391	313	348	1,412	7,341

### Summary

4.49 It is immediately apparent that the trajectory of the Council is wholly unrealistic. Based on a review of only these few sites, once:

- An optimistic trajectory is applied:
  - The deliverable supply of the Council should be reduced by 698 homes to either **1,893 homes** based on Figure 5 of the Five Year Housing Land Supply Position Statement, or **1,879 homes** based on the accompanying spreadsheet, and
  - The developable supply of the Council should be reduced by 856 homes to either **8,895 homes** based on Figure 5 of the Five Year Housing Land Supply Position Statement, or **8,815 homes** based on the accompanying spreadsheet.
- A realistic trajectory is applied:
  - The deliverable supply of the Council should be reduced by 1,165 homes to either **1,426 homes** based on Figure 5 of the Five Year Housing Land Supply Position Statement, or **1,412 homes** based on the accompanying spreadsheet, and
  - The developable supply of the Council should be reduced by 2,330 homes to either **7,421 homes** based on Figure 5 of the Five Year Housing Land Supply Position Statement, or **7,341 homes** based on the accompanying spreadsheet.

4.50 It should be noted that given that I anticipate that the substantive matters will be agreed regardless of these different trajectories, it may not be necessary for the Inspector to conclude on the precise extent of these shortfalls. I therefore proceed to consider the positions on both bases.

## 5. FIVE YEAR HOUSING LAND SUPPLY

### The implications of the five-year housing land supply

- 5.1 Paragraph 74 of the NPPF requires that an LPA assess whether or not they are able to identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement where this was adopted or reviewed in the last five-years, as it was in Cheltenham Borough.
- 5.2 This assessment has three implications for the determination of the appeal.
- 5.3 Firstly, in the absence of a five-year land supply, there is clearly a need for additional housing in terms of national considerations and there is no scope for meeting this in some other way in accordance with the findings of Inspectors and the Secretary of State in other appeals<sup>15</sup>, and so the existence or otherwise of a five-year land supply is material to the application of paragraph 177a and b of the NPPF.
- 5.4 Secondly, the ability of an LPA to demonstrate a five-year land supply (5YLS) determines the framework for determining applications. Where an LPA is unable to demonstrate such a supply, footnote 7 and paragraph 11d of the NPPF indicate that all of the most important policies for determining residential planning applications are to be considered out-of-date and that planning permission should be granted unless either:
- The application of specific policies in the NPPF provide a clear reason for refusal, or
  - Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
- 5.5 Thirdly, as set out in paragraphs 51 and 52 of the Court of Appeal Judgment of *Hallam Land Management Ltd vs the Secretary of State for Communities and Local Government et al [2018] EWCA Civ 1808* (CDK1), the extent of any shortfall in the 5YLS and the length of time this is likely to persist is likely to be material to the weight afforded to the provision of housing and to Development Plan policies.

---

<sup>15</sup> See for example, paragraph 27 of the recovered decision and paragraphs 214-216 of the Inspector's recommendation to the appeal at the Former Molins Sports and Social Club (CDK18).

This reflects the facts that a 5YLS assessment provides an indication of the effectiveness of Development Plan policies to meet the housing needs over the subsequent five-years.

- 5.6 In certain cases, as in Cheltenham Borough, the housing requirement is constrained in the early years of the plan period such that it does not meet the objectively assessed needs identified in the JCS. Additionally, in Cheltenham Borough, the JCS identifies that the 5YLS position should be assessed using the Liverpool approach such that the resultant 5YLS calculations are not representative of the extent to which the objectively assessed needs will not be met.
- 5.7 Furthermore, Government has now introduced the standard method for calculating the minimum local housing need, which provides a current indication of minimum housing needs rather than the objectively assessed needs identified in the JCS. It should however be noted that firstly this provides only the starting point and that when other considerations are taken into account<sup>16</sup> the actual housing need may be demonstrated to be significantly greater and secondly it takes account of any under-delivery<sup>17</sup> but spreads the response to this over the subsequent 10 years<sup>18</sup> rather than five-years as would be required by the Sedgfield approach. Therefore the current needs, especially in the immediate five-years, may be under-estimated by the standard method.
- 5.8 Paragraph 177a requires a consideration of the need for development rather than the requirement for development. It has been established by the courts, that the concepts of housing need and housing requirements are distinct<sup>19</sup> and it is the former that is relevant for the purposes of paragraph 177a. Housing need reflects the need for housing, whereas a housing requirement also takes into account policy considerations. In Cheltenham Borough, there is an objectively assessed housing need for 546hpa but a housing requirement for 450hpa from 2011-22

---

<sup>16</sup> Including for example, the needs of different groups as required by paragraph 62 of the NPPF, affordable housing needs as required by the PPG (2a-024), economic needs as required by paragraph c of the NPPF, unmet needs as required by paragraph 61 of the NPPF etc.

<sup>17</sup> As set out in the PPG (68-031).

<sup>18</sup> As is evident from the PPG (2a-004) which applies the affordability adjustment in response to under-delivery over the subsequent 10 years.

<sup>19</sup> See for example, paragraph 37 of the High Court Judgment of *Gallagher Homes Ltd and Lioncourt Homes Ltd vs Solihull Metropolitan Borough Council* [2014] EWHC 1283 (Admin) (CDK23).

and for 663hpa from 2022-31. For the purposes of paragraph 177a, it is therefore appropriate to consider the 5YLS position against the objectively assessed need and against the minimum local housing need as these reflect the need for housing rather than the requirement for housing<sup>20</sup>.

- 5.9 These assessments also allow a fair comparison to be drawn between the 5YLS position in Cheltenham Borough and that which applies in other LPAs which will in the vast majority of instances either be calculated on the basis of an annualised requirement and using the Sedgfield approach or on the basis of the standard method.

The weight afforded to housing supply

- 5.10 Whilst the weight to be afforded to housing supply is addressed by Mr Hutchison, it is useful to understand how the Secretary of State has approached this issue elsewhere.

- 5.11 In every recovered appeal decision of which I am aware, the Secretary of State has afforded significant weight to housing supply even in circumstances where an LPA is able to demonstrate a five-year land supply or substantial weight where an LPA is unable to do so including where the Council has been able to demonstrate a similar or healthier land supply position than that currently identified by Cheltenham Borough Council. Examples include:

- In paragraph 20 of the recovered appeal decision at 97 Barbrook Lane, Tiptree, Colchester (CDK13), the Secretary of State afforded substantial weight to the provision of market and affordable homes in an LPA that could demonstrate a 4.7 year land supply against the minimum local housing need;
- In paragraph 25 of the Inspectors report to the recovered appeal decision at Fiddington, Tewkesbury (CDK14), the Borough Council agreed that a 4.33 year land supply against the annualised housing requirement represented a substantial shortfall, and the Secretary of State agreed in paragraph 16 of the decision letter. The Secretary of State proceeded to

---

<sup>20</sup> A different consideration is undertaken for the purposes of paragraph 74 as this requires an assessment of the 5YLS against the housing requirement until such time as the housing requirement is more than five years old.

afford substantial weight to the provision of open market and affordable housing in this context in paragraph 28 of the decision letter;

- In paragraph 16 of the recovered appeal decision at Pale Lane Farm, Fleet, Hart (CDK15), the Secretary of State affords the provision of open market and affordable housing significant weight notwithstanding the fact that as set out in paragraph 15, the Council were able to demonstrate a 9.2 year land supply against the objectively assessed need;
- In paragraph 28 of the recovered appeal decision at Land off Audlem Road/Broad Lane, Stapeley, Nantwich (CDK16), the Secretary of State affords the provision of market housing in a sustainable location significant weight notwithstanding that the Council were able to demonstrate a five-year land supply against the housing requirement using the Sedgefield approach.

#### The position of the Council

5.12 The Council acknowledges that it is unable to demonstrate a five-year land supply in the latest Housing Land Supply Position Statement (CDF8A).

5.13 The consequences of this are that:

- There is a need for the proposed development in terms of paragraph 177a of the NPPF,
- There is no scope to meet this need in some other way or outside the designated area in terms of paragraph 177b of the NPPF,
- The most important policies of the Development Plan are to be considered out-of-date,
- Providing that the specified policies of the NPPF do not provide a clear reason for refusal, planning permission should be granted<sup>21</sup>,

---

<sup>21</sup> Given that if it is concluded that there are exceptional circumstances to justify the grant of planning permission having undertaken the considerations required by paragraph 176, then the adverse impacts of granting planning permission would clearly not significantly and demonstrably outweigh the benefits.



- The policies of the Development Plan are demonstrably ineffective in securing the necessary supply and as such the weight afforded to these should be reduced accordingly,
- The provision of housing should be afforded substantial weight according to the findings of the Secretary of State elsewhere.

The extent of the shortfall

5.14 The latest Housing Land Supply Position Statement (CDF8A) identifies a supply of 2,577 homes over the period 2020-25 in response to a five-year requirement of 3,269 homes calculated using the stepped housing requirement and the Liverpool approach. This provides for a 3.9 year land supply with a shortfall of 692 homes.

5.15 The comparative position against the need rather than the constrained minimum housing requirement are calculated in Tables 5.1 and 5.2 below, and these equate to:

- A 3.0 year land supply with a shortfall of 1,711 homes against the objectively assessed need using the Sedgfield approach, or
- A 4.6 year land supply with a shortfall of 231 homes against the minimum local housing need.

**Table 5.1 – 5YLS against the objectively assessed need**

Annual OAN (A=10,917/20)	546
OAN 2011-20 (B=Ax9)	4,913
Completions 2011-20 (C)	3,558
Backlog 2011-20 (D=C-B)	-1,355
OAN 2020-25 (E=Ax5)	2,729
Five-year requirement excluding buffer (F=E-D)	4,084
Five-year requirement including buffer (G=Fx1.05)	4,288
Deliverable supply (H)	2,577
Five-year land supply (I=H/Gx5)	3.0
Shortfall in 5YLS (J=H-G)	-1,711

**Table 5.2 – 5YLS against the minimum local housing need**

Minimum LHN in 2020 (A)	531
Five-year requirement excluding buffer (B=Ax5)	2,657
Five-year requirement including buffer (C=Bx1.05)	2,790
Deliverable supply (D)	2,577
Five-year land supply (E=D/Cx5)	4.6
Shortfall in 5YLS (F=D-C)	-213

5.16 According to the Council, there is therefore a planned shortfall of 692 homes against the stepped housing requirement and a planned shortfall of 213 homes against the minimum local housing need or 1,711 homes against the objectively assessed need. On any basis, there is a pressing need for additional housing to be weighed in the planning balance.

The realism of the Council’s position

5.17 The supply of 2,577 homes identified by the Council comprises:

- i. 159 homes on small permitted sites of 0-4 homes,
- ii. 660 homes on sites with detailed planning permission,
- iii. 183 homes on sites for major development with outline planning permission,
- iv. 445 homes on unpermitted sites allocated in the Cheltenham Plan,
- v. 125 homes on the unpermitted strategic allocation at West Cheltenham,
- vi. 780 homes on the unpermitted strategic allocation at North West Cheltenham, and
- vii. A windfall allowance of 225 homes.

5.18 The NPPF definition identifies that there is a presumption that small sites with planning permission and all sites with detailed planning permission (sources i and ii above) are to be considered deliverable providing they are suitable now, available now and there is a realistic prospect of delivery. I do not consider it necessary to review the deliverability of these sites given the agreed absence of a 5YLS in Cheltenham Borough and therefore accept that these 819 homes are

deliverable. Similarly, the windfall allowance (source vii) was tested and found to be robust at the JCS and so I accept that these 225 homes are deliverable.

5.19 For the remaining sources of supply (sources iii, iv, v and vi), the NPPF identifies that these should only be considered deliverable where:

- The site offers a suitable location for development now,
- The site is available now,
- There is a realistic prospect that housing will be delivered on the site within five years, AND
- There is clear evidence that completions will begin on site within five years.

5.20 The Council has provided no evidence whatsoever that completions on any of these sites will begin on these sites within five years<sup>22</sup> such that if the NPPF is to be rigorously applied based on the evidence provided by the Council (or absence thereof), these sites should be discounted from the deliverable supply.

5.21 However, notwithstanding the absence of the evidence required by national policy, as set out in section 4 above I have assumed that planning applications/permissions are forthcoming imminently and that thereafter sites could deliver in accordance with either the average or the shortest lead-in times identified by the Start to Finish report and/or my professional experience. These will both provide an overly optimistic view of the deliverable supply but provide some gauge as to the realistic and most optimistic need for housing in the absence of the necessary information.

5.22 Nonetheless, whilst I consider these favourable positions to the Council in my evidence, I also consider the position based on a rigorous application of national policy which strips out those additional sources of supply in the absence of the necessary evidence.

---

<sup>22</sup> Such information should be available or readily accessible from the Housing Land Supply Position Statement as set out in paragraph 66 of the Bures Hamlet appeal decision (CDK20).

5.23 The respective deliverable supply positions of the Council, that which arises from a rigorous application of national policy and that which arises from my optimistic assessment are summarised in Table 5.3 below.

**Table 5.3 – respective positions on the deliverable supply<sup>23</sup>**

	Council's assessment	Rigorous application of national policy	The optimistic trajectory	The realistic trajectory
Small permitted sites	159	159	159	159
Sites with detailed planning permission	660	660	660	660
Sites for major development with outline planning permission	183	0	183	183
Allocations in the Cheltenham Plan	445	0	295	185
Leckhampton	290	0	170	110
Christ College B	70	0	50	25
Former Monkscroft Primary	60	0	50	25
Land off Oakhurst Rise	25	0	25	25
Strategic Allocations	905	0	357	0
North West Cheltenham	780	0	332	0
West Cheltenham	125	0	25	0
Windfall allowance	225	225	225	225
<b>Total</b>	<b>2,577</b>	<b>1,044</b>	<b>1,879</b>	<b>1,412</b>

5.24 The resultant 5YLS position that arises from each of these trajectories is set out in Table 5.4.

<sup>23</sup> This table is calculated on the basis of the deliverable supply identified in the accompanying spreadsheet to the Five Year Housing Land Supply Position Statement.

**Table 5.4 – respective 5YLS positions against the stepped requirement, the objectively assessed need and the minimum local housing need**

	Council's assessment	Rigorous application of national policy	The optimistic assessment	The realistic assessment
<b>Stepped housing requirement</b>				
Five year requirement	3,268	3,268	3,268	3,268
Five year land supply	3.9	1.6	2.9	2.2
Shortfall	-691	-2,224	-1,389	-1,856
<b>Objectively assessed need</b>				
Five year requirement	4,288	4,288	4,288	4,288
Five year land supply	3.0	1.2	2.2	1.6
Shortfall	-1,711	-3,244	-2,409	-2,876
<b>Minimum local housing need</b>				
Five year requirement	2,790	2,790	2,790	2,790
Five year land supply	4.6	1.9	3.4	2.5
Shortfall	-213	-1,746	-911	-1,378

5.25 Therefore, I consider that notwithstanding the absence of the necessary clear evidence, the 5YLS would be likely to be:

- circa 2.2 years or at most 2.9 years against the stepped housing requirement using the Liverpool approach, and
- around 1.6 years or at most 2.2 years against the objectively assessed need, and
- around 2.5 years or at most 3.4 years against the minimum local housing need.

5.26 The shortfall is therefore significantly more substantial than the substantial shortfall identified by the Council.

5.27 As set out above, given that on either basis, the Council is unable to demonstrate a five-year land supply and that the shortfall is substantial, I do not consider that it is necessary to conclude on the precise extent of the shortfall.

The wider context

- 5.28 This issue is not confined to Cheltenham Borough. Each of the LPAs within the JCS area are similarly unable to identify a five year land supply at present.
- 5.29 Tewkesbury Borough Council currently suggest that they are able to demonstrate a 4.35 year land supply if they bank the over-supply of housing that has accrued to date which would equate to a 2.37 year land supply if the over-supply is not banked. The approach to addressing the over-supply falls to the planning judgement of individual decision takers. In Tewkesbury Borough, the Secretary of State<sup>24</sup> and a recent Inspector<sup>25</sup> have both concluded that the over-supply should not be banked, and another recent Inspector has concluded that it should be although that Inspector recognised that this approach should not blind one to the pressing need for housing in Tewkesbury Borough<sup>26</sup>. On either basis, the Council accept that they are currently unable to demonstrate a five-year land supply.
- 5.30 Gloucester City similarly accept that in the absence of the emerging City Plan allocations they are currently unable to demonstrate a five-year land supply.
- 5.31 Therefore, at present, the Council's all accept that they are unable to demonstrate a five-year land supply. This demonstrates that the adopted Development Plans across the JCS area have not been effective and do not at present provide scope for meeting the stepped housing requirement or the objectively assessed need.
- 5.32 It should however be acknowledged that both Tewkesbury Borough and Gloucester City Councils are progressing daughter documents to the JCS which will supplement the deliverable supply post-adoption. Gloucester City has indicated that if all of the emerging allocations are found to be sound and the trajectories achieved, they will be able to demonstrate an extremely marginal 5.02 year land supply with a surplus of 20 homes. In Tewkesbury Borough, the ability of the emerging allocations to restore a five-year land supply will be entirely determined by the approach of individual decision-takers to addressing the over-supply which has accrued to date. If a decision-taker adopts the

---

<sup>24</sup> As set out in paragraph 203 of the recommendation to the Oakridge, Highnam appeal which was accepted by the Secretary of State in paragraph 14 (CDK21).

<sup>25</sup> As set out in paragraphs 58 to 63 of the Land off Ashmead Drive, Gotherington appeal decision (CDK22).

<sup>26</sup> As set out in paragraph 96 of the Coombe Hill appeal decision (CDK2).

approach endorsed by the Secretary of State in Tewkesbury Borough<sup>27</sup> and by a recent Inspector<sup>28</sup> such that the over-supply is not banked the Council will remain unable to demonstrate a five-year land supply, but if in the alternative the over-supply is banked in accordance with the most recent appeal decision<sup>29</sup> the emerging Borough Plan is likely to briefly restore a five-year land supply for a single year. In any event, the allocations in these daughter documents have been examined on the basis that they will meet the needs of Gloucester City and Tewkesbury Borough respectively and therefore provide no scope to meet the needs of Cheltenham Borough.

- 5.33 Therefore, there is currently a five-year land supply shortfall across each LPA in the JCS area, and whilst emerging plans are seeking to remedy this in both Gloucester City and Tewkesbury Borough, it firstly remains far from clear that this will be achieved and secondly even if this is achieved these allocations provide no scope to meet the needs of Cheltenham Borough.

---

<sup>27</sup> As set out in paragraph 14 of the Oakridge, Highnam appeal decision (CDK21).

<sup>28</sup> Paragraphs 58-63 of the Land off Ashmead Drive, Gotherington appeal decision (CDK22).

<sup>29</sup> Paragraph 96 of the Coombe Hill appeal decision (CDK2).

## 6. THE DEVELOPABLE SUPPLY

### The evolving position of the Council

- 6.1 The JCS was adopted in December 2017 on the basis that there was intended to be a supply of 11,092 homes<sup>30</sup> in response to the minimum housing requirement for 10,917 homes in Cheltenham Borough. The JCS therefore accorded with paragraphs 11b, 15 and 23 of the NPPF by providing a framework for addressing housing needs over the plan period.
- 6.2 The Cheltenham Plan was found sound and adopted in July 2020 on the basis that there was a supply of 11,632 homes including 5,385 homes at the strategic allocations at North West Cheltenham and West Cheltenham<sup>31</sup>. This was based upon an assessment of the supply which reflected the position as at July 2019<sup>32</sup>. The Development Plan including the Cheltenham Plan therefore identified a greater supply and remained consistent with paragraphs 11b, 15 and 23 of the NPPF.
- 6.3 The Council has subsequently reassessed the supply of housing in the latest Five Year Housing Land Supply Position Statement. This assessment recognises in paragraph 19 that Cheltenham is no longer able to meet the minimum housing requirement over the plan period.
- 6.4 Indeed, the Position Statement now identifies a plan period supply of only 9,751 homes and the accompanying spreadsheet a supply of only 9,671 homes<sup>33</sup>. The evidence of the Council therefore demonstrates that there is now a shortfall of either 1,166 or 1,246 homes over the plan period against the minimum housing need and the minimum housing requirement. Or to put this another way, the policies of the Development Plan will not meet 11% of the minimum housing needs over the plan period. I consider that this represents a substantial shortfall.
- 6.5 The consequence of this are that:

---

<sup>30</sup> As set out in Table SP2a.

<sup>31</sup> As set out in Table 1.

<sup>32</sup> As set out in paragraph 55 of the Inspector's Final Report.

<sup>33</sup> Once the necessary lapse rate is taken into account as required by the examining Inspector of the JCS as set out in paragraph 90 of her Final Report.



- the strategic policies of the Development Plan do not as a minimum provide for objectively assessed needs as required by paragraph 11b of the NPPF;
- the Development Plan does not provide a framework for addressing housing needs as required by paragraph 15 of the NPPF;
- the strategic policies of the Development Plan do not provide a clear strategy for bringing sufficient land forward and at a sufficient rate to address objectively assessed needs over the plan period as required by paragraph 23 of the NPPF;
- the strategic policies of the Development Plan do not plan for and allocate sufficient sites to deliver the strategic housing requirement as required by paragraph 23 of the NPPF; and
- the planning policies do not identify a sufficient supply and mix of sites including specific, developable sites or broad locations for growth for years 6-10 of the plan as required by paragraph 68 of the NPPF.

6.6 It is therefore evident that:

- The housing land supply policies of the adopted Development Plan are not consistent with national policy;
- There is a need for additional housing development within the plan period which is relevant to the application of paragraph 177a of the NPPF;
- There is no scope to meet these needs which is relevant to the application of paragraph 177b of the NPP: and
- The policies of the adopted Development Plan will have to be breached in order to meet these needs.

#### The extent of the shortfall

6.7 The substantial shortfall of either 1,166 or 1,246 homes arises even on the basis of the Council's trajectory which as identified previously is unrealistic.

6.8 On the basis of my realistic assessment, the developable supply would be 2,330 homes less than that identified by the Council at either 7,341 or 7,424 homes.

There would therefore be a shortfall of at least 3,493 or 3,576 homes, which equates to either 32% or 33% of the minimum housing requirement and objectively assessed need. The shortfall is therefore substantially greater than the substantial shortfall claimed by the Council. Even if the shortest lead-in times and the greatest delivery rates ever achieved nationally were replicated there would be a supply of either 8,815 or 8,898 homes which would provide for a shortfall of either 2,019 or 2,102 homes which would equate to 18% or 19% of the minimum housing requirement and objectively assessed need.

- 6.9 However, I accept that for the purposes of this appeal, given that on either basis there is clearly a substantial need for additional housing it may not be necessary to conclude on the precise extent of the shortfall over the plan period.

The wider context

- 6.10 This position is not limited to Cheltenham Borough. Each of the LPAs within the JCS area are similarly unable to identify a sufficient supply to meet the objectively assessed need or the minimum housing requirement over the plan period.
- 6.11 The Inspector examining the Tewkesbury Borough Plan has recently noted that based on the information provided to him by the Borough Council, there is still a plan period shortfall of 563 homes. It should be noted that this assumes, contrary to the findings of the JCS Inspector<sup>34</sup>, that there will be no lapses and it also doesn't take into account the subsequent delays to a site at Fiddington. Once these are taken into account there would actually be a shortfall of 786 homes.
- 6.12 Similarly, Gloucester City Council has identified a plan period supply of 13,287 homes in response to its need for 14,359 homes in their note for the Inspector examining the Gloucester City Plan of 19<sup>th</sup> May 2021. I have not been reviewed this position and so accept this for the purposes of this appeal.
- 6.13 The respective positions are set out in Table 6.1 below.

---

<sup>34</sup> Following lengthy debates at the JCS examination.

**Table 6.1 – respective trajectories for West Cheltenham**

	Objectively assessed need/ minimum housing requirement	Supply identified by the Councils	Shortfall	Supply identified by myself	Shortfall
Cheltenham	10,917	9,671 – 9,751	1,166 – 1,246	7,341 – 8,898	2,019 – 3,576
Gloucester	14,359	13,287	1,072	13,287	1,072
Tewkesbury	9,899	9,336	563	9,113	786
Total	35,175	32,294 – 32,374	2,801 – 2,881	30,751 – 30,831	3,877 – 5,434

6.14 It is therefore apparent that on any basis, not only is there a substantial need for additional housing in Cheltenham Borough over the plan period, but there is also a substantial need in both of the other LPAs within the plan area. In combination there is a substantial need for at least 2,801 homes across the plan area as a whole or at least 3,877 homes once the necessary allowance for lapses and optimistic but realistic trajectories are applied.

6.15 This demonstrates that there is a pressing need for additional housing and no scope within the adopted and emerging Development Plans<sup>35</sup> to meet these needs unless current and emerging Development Plan policies are breached. These considerations are relevant to the application of paragraph 177a and 177b of the NPPF.

<sup>35</sup> As these figures take account of the potential supply arising from the emerging Tewkesbury Borough Plan and Gloucester City Plan.

## 7. FUTURE FIVE-YEAR HOUSING LAND SUPPLY

- 7.1 In order to gauge how long the current five-year land supply shortfall is likely to persist as required by the Court of Appeal Judgment of *Hallam Land Management Ltd vs the Secretary of State for Communities and Local Government et al [2018] EWCA Civ 1808* (CDK1) it is necessary to estimate the future five-year land supply positions that are likely to arise based on the available evidence.
- 7.2 Below, I firstly consider the future five-year land supply position that arises against the adopted housing requirement as I believe this to be material to the extent to which the adopted Development Plan policies are effective in achieving their objectives. I then also consider the future five-year land supply position against the adopted housing requirement until the JCS becomes more than five-years old and from then on against the standard method, as this is the way in which the position will be assessed for the purposes of paragraph 74 of the NPPF and so is material to how long the adopted policies will continue to be out-of-date owing to land supply reasons.

### The trajectory

- 7.3 This analysis is undertaken on the basis of the trajectories provided by the Council in the Five Year Housing Land Supply Position Statement and accompanying spreadsheet, and on the basis of my trajectories as discussed previously. These are set out in Table 7.1 for ease of reference.

**Table 7.1 – respective trajectories to be used when calculating the future deliverable supply**

	The Council's position		The optimistic trajectory		The realistic trajectory	
	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet
Comps 2011-20	3,555	3,558	3,555	3,558	3,555	3,558
2020/21	425	434	375	384	375	384
2021/22	380	435	260	315	260	315
2022/23	508	548	303	343	253	293
2023/24	610	542	320	252	260	192
2024/25	668	618	635	585	278	228
2025/26	688	638	665	615	498	448
2026/27	622	603	604	585	447	428
2027/28	623	623	630	630	443	443
2028/29	566	566	518	518	391	391
2029/30	548	548	500	500	313	313
2030/31	558	558	530	530	348	348

7.4 These trajectories allow the five-year land supply positions to be estimated to provide a gauge as to how long the current shortfall is likely to persist.

Future Housing Delivery Test results

7.5 In order to determine the buffer that will be required in the future it is necessary to estimate the future Housing Delivery Test results based on the Housing Delivery Test Measurement Rule Book. However, the Housing Delivery Test results of 2020 departed from the approach of the Housing Delivery Test Measurement Rule Book to account for the impacts of the current pandemic. It is unknown whether similar adjustments will be made to subsequent results and accordingly it is difficult to provide any reliable estimates of future results. The future five-year land supply positions are therefore assessed both of the basis of a 5% and a 20% buffer.

## The future five-year land supply against the adopted housing requirement

### Future over/under supply

7.6 Based on the preceding trajectories the future level of under-supply against the stepped housing requirement is calculated in Table 7.2 below.

**Table 7.2 – future over or under-supply**

At the start of:	Cumulative housing requirement	Cumulative completions						Cumulative over or under supply					
		The Council's position		The optimistic trajectory		The realistic trajectory		The Council's position		The optimistic trajectory		The realistic trajectory	
		Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet
2020/21	4050	3555	3558	3555	3558	3555	3558	-495	-492	-495	-492	-495	-492
2021/22	4500	3980	3992	3930	3942	3930	3942	-520	-508	-570	-558	-570	-558
2022/23	4950	4360	4427	4190	4257	4190	4257	-590	-523	-760	-693	-760	-693
2023/24	5613	4868	4975	4493	4600	4443	4550	-745	-638	-1120	-1013	-1170	-1063
2024/25	6276	5478	5517	4813	4852	4703	4742	-798	-759	-1463	-1424	-1573	-1534
2025/26	6939	6146	6135	5448	5437	4981	4970	-793	-804	-1491	-1502	-1958	-1969
2026/27	7602	6834	6773	6113	6052	5479	5418	-768	-829	-1489	-1550	-2123	-2184
2027/28	8265	7456	7376	6717	6637	5926	5846	-809	-889	-1548	-1628	-2339	-2419
2028/29	8928	8079	7999	7347	7267	6369	6289	-849	-929	-1581	-1661	-2559	-2639
2029/30	9591	8645	8565	7865	7785	6760	6680	-946	-1026	-1726	-1806	-2831	-2911
2030/31	10254	9193	9113	8365	8285	7073	6993	-1061	-1141	-1889	-1969	-3181	-3261

Future five-year requirements (excluding buffer)

7.7 According to the JCS, this under-supply should be addressed using the Liverpool approach. The resultant five-year land supply requirements (excluding buffer) are calculated in Table 7.3 below.

**Table 7.3 – future five year requirements excluding buffer**

At the start of:	The Council's position		The optimistic trajectory		The realistic trajectory	
	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet
2020/21	3114	3113	3114	3113	3114	3113
2021/22	3362	3356	3387	3381	3387	3381
2022/23	3643	3606	3737	3700	3737	3700
2023/24	3781	3714	4015	3948	4046	3979
2024/25	3885	3857	4360	4332	4439	4411
2025/26	3976	3985	4558	4567	4947	4956
2026/27	4083	4144	4804	4865	5438	5499

Future five-year requirements (including buffer)

7.8 The likely future five-year requirements are calculated on the basis of both a 5% and 20% buffer in Table 7.4 below.

**Table 7.4 – future five year requirements including buffer<sup>36</sup>**

At the start of:	The Council’s position		The optimistic trajectory		The realistic trajectory	
	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet
With 5% buffer						
2020/21	3270	3268	3270	3268	3270	3268
2021/22	3530	3524	3556	3550	3556	3550
2022/23	3825	3786	3924	3885	3924	3885
2023/24	3970	3899	4216	4146	4249	4178
2024/25	4079	4050	4578	4549	4661	4631
2025/26	4175	4184	4785	4795	5194	5204
2026/27	4287	4351	5044	5108	5710	5774
With 20% buffer						
2020/21	3737	3735	3737	3735	3737	3735
2021/22	4034	4027	4064	4057	4064	4057
2022/23	4371	4327	4485	4440	4485	4440
2023/24	4537	4457	4818	4738	4856	4775
2024/25	4662	4629	5232	5199	5326	5293
2025/26	4771	4782	5469	5480	5936	5947
2026/27	4900	4973	5765	5838	6526	6599

Future five-year land supply positions against the adopted housing requirement

7.9 From the trajectories in Table 7.1 and the potential five-year requirements in Table 7.4, the future five-year land supply positions are calculated in Table 7.5 below.

<sup>36</sup> These are limited so that they do not exceed the plan period housing requirement.



**Table 7.5 – future five-year land supply position**

At the start of:	The Council's position		The optimistic trajectory		The realistic trajectory	
	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet
With 5% buffer						
2020/21	3.96	3.94	2.89	2.87	2.18	2.16
2021/22	4.04	3.95	3.07	2.97	2.18	2.08
2022/23	4.05	3.89	3.22	3.06	2.21	2.05
2023/24	4.04	3.88	3.38	3.22	2.27	2.08
2024/25	3.88	3.76	3.33	3.22	2.21	2.09
2025/26	3.65	3.56	3.05	2.97	2.01	1.94
2026/27	3.40	3.33	2.76	2.70	1.70	1.67
With 20% buffer						
2020/21	3.47	3.45	2.53	2.52	1.91	1.89
2021/22	3.54	3.45	2.69	2.60	1.91	1.82
2022/23	3.54	3.41	2.82	2.68	1.94	1.79
2023/24	3.54	3.39	2.96	2.81	1.98	1.82
2024/25	3.40	3.29	2.92	2.82	1.93	1.83
2025/26	3.19	3.11	2.67	2.60	1.76	1.70
2026/27	2.98	2.91	2.41	2.37	1.49	1.46

7.10 The preceding analysis demonstrates that even on the basis of the Council's unrealistic trajectory, a five-year land supply will never be restored against the stepped housing requirement of the JCS using the Liverpool approach. The shortfalls against the objectively assessed need will be even more pronounced.

7.11 This clearly demonstrates that the policies of the adopted Development Plan are ineffective in maintaining a sufficient supply against the adopted housing requirement throughout the plan period which provides a further indication that they should be afforded reduced weight. This is perhaps unsurprising given that there is no plan in place to even meet the minimum housing requirement across the plan period.

**The future five-year land supply for the purposes of paragraph 74**

7.12 Paragraph 74 of the NPPF requires the five-year land supply to be assessed against the standard method once the housing requirement is more than five-

years old, as the JCS will be in December 2022. I therefore also consider the future position on this basis.

7.13 It should be acknowledged that the results of the standard method change at least annually, although these changes are usually relatively small. I therefore proceed to consider the likely future five-year land supply positions on the basis that the minimum local housing need identified by the standard method remains broadly consistent with that of 2021 namely an annual need for 542 homes per annum.

7.14 The estimated annual need for 542 homes per annum which is assumed to apply from December 2022 onwards produces a five-year requirement for 2,846 homes with a 5% buffer or for 3,253 homes with a 20% buffer. The potential five-year land supply requirements that will apply for the purposes of paragraph 74 are presented in Table 7.6 below.

**Table 7.6 – future five year requirements including buffer**

At the start of:	The Council's position		The optimistic trajectory		The realistic trajectory	
	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet
With 5% buffer						
2020/21	3,270	3,268	3,270	3,268	3,270	3,268
2021/22	3,530	3,524	3,556	3,550	3,556	3,550
2022/23	3,825	3,786	3,924	3,885	3,924	3,885
2023/24	2,846					
2024/25	2,846					
2025/26	2,846					
2026/27	2,846					
With 20% buffer						
2020/21	3,737	3,735	3,737	3,735	3,737	3,735
2021/22	4,034	4,027	4,064	4,057	4,064	4,057
2022/23	4,371	4,327	4,485	4,440	4,485	4,440
2023/24	3,253					
2024/25	3,253					
2025/26	3,253					
2026/27	3,253					

7.15 The future five-year land supply positions can then be calculated using the deliverable supply set out in Table 9.1 and the five-year requirements in Table 7.6. These are set out in Table 7.7 below.

**Table 7.7 – five-year land supply position for the purpose of paragraph 74**

At the start of:	The Council’s position		The optimistic trajectory		The realistic trajectory	
	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet	Housing Land Supply Position Statement	The accompanying spreadsheet
With 5% buffer						
2020/21	3.96	3.94	2.89	2.87	2.18	2.16
2021/22	4.04	3.95	3.07	2.97	2.18	2.08
2022/23	4.05	3.89	3.22	3.06	2.21	2.05
2023/24	5.64	5.31	5.01	4.69	3.38	3.06
2024/25	5.56	5.35	5.36	5.15	3.61	3.40
2025/26	5.35	5.23	5.12	5.00	3.68	3.55
2026/27	5.12	5.09	4.89	4.85	3.41	3.38
With 20% buffer						
2020/21	3.47	3.45	2.53	2.52	1.91	1.89
2021/22	3.54	3.45	2.69	2.60	1.91	1.82
2022/23	3.54	3.41	2.82	2.68	1.94	1.79
2023/24	4.94	4.65	4.39	4.10	2.96	2.67
2024/25	4.87	4.68	4.69	4.51	3.16	2.98
2025/26	4.68	4.58	4.48	4.38	3.22	3.11
2026/27	4.48	4.45	4.28	4.25	2.98	2.96

7.16 The preceding analysis demonstrates that based on the Council’s unrealistic trajectory, for the purposes of paragraph 74 a five-year land supply would only be restored from December 2022 (under the 5% buffer scenario only) if notwithstanding the fact that the Council do not consider that they will deliver the minimum stepped housing requirement in 2020/21 or 2021/22, a 5% buffer remains applicable. Once a realistic trajectory is applied, the Council will remain unable to demonstrate a five-year land supply for the purposes of paragraph 74 until at least April 2026.

## 8. CONCLUSIONS

8.1 The available evidence including the Five Year Housing Land Supply Position Statement and accompanying spreadsheet demonstrate that there is clearly a need for the proposed development for the purposes of paragraph 177a of the NPPF in accordance with the findings of the Secretary of State and Inspectors elsewhere including because:

- There has been a substantial under-delivery of housing across the plan period to date both within Cheltenham Borough and across the JCS area such that the needs of households have not been met,
- There is a 3.9 year land supply with a shortfall of 692 homes according to the Council whereas with an optimistic trajectory there would be a 2.2 year land supply with a shortfall of 1,856 homes even against a stepped housing requirement and using the Liverpool approach both of which defer meeting needs, such that there is a requirement for additional housing in the immediate five-year period,
- Against the objectively assessed need there would be a 3.0 year land supply with a shortfall of 1,711 homes based on the trajectory of the Council, such that there is a need for the proposed development, such that there is a need for additional housing in the immediate five-year period,
- There is a plan period shortfall of either 1,166 or 1,246 homes against the objectively assessed need and the minimum housing requirement according to the Council whereas with a realistic trajectory there would be a shortfall of either 3,493 or 3,576 homes, such that there is a substantial need for additional housing in breach of the adopted Development Plan policies across the remainder of the plan period,
- The Council is unlikely to be able to demonstrate a five-year land supply against the minimum housing requirement for the remainder of the plan period such that there is a need for additional housing to restore and maintain a sufficient supply relative to the housing requirement, and
- The Council is unlikely to be able to demonstrate a five-year land supply for the purposes of paragraph 74 of the NPPF until at least December 2022 and in all likelihood until at least April 2026.

- 8.2 Similarly, in the absence of a deliverable or developable supply, there is clearly no scope to meet these needs in some other way for the purposes of paragraph 177b of the NPPF in accordance with the findings of the Secretary of State and Inspectors elsewhere.
- 8.3 Furthermore, both Gloucester City and Tewkesbury Borough Councils accept that the adopted and emerging Development Plans do not provide scope for meeting the objectively assessed need or minimum housing requirement in those areas over the plan period. The adopted and emerging Development Plans in these areas therefore provide no scope for meeting needs across the JCS area.
- 8.4 The policies of the Development Plan are also clearly out-of-date such that paragraph 11d of the NPPF is engaged including because:
- The Council accept that they are unable to demonstrate a five-year land supply, and
  - The Council accept that they are unable to demonstrate a developable supply such that Development Plan does not provide a framework or scope to meet objectively assessed needs as required by paragraphs 11b, 15, 23 and 68b of the NPPF.
- 8.5 These positions are also material to the weight to be afforded to the provision of housing and to the policies of the Development Plan including because:
- As a result of any of the under-supply of housing, the absence of a five-year land supply or the absence of a developable supply, the policies of the Development Plan have been and will continue to be ineffective in providing the housing needed such that they should be afforded reduced weight, and
  - As a result of the absence of a deliverable supply, the provision of housing should be afforded substantial weight in accordance with the findings of the Secretary of State elsewhere, and this would only be increased as a result of the absence of a developable supply.