

STATEMENT OF COMMON GROUND – HOUSING LAND SUPPLY

HOLLINS STRATEGIC LAND AND METACRE LIMITED

APPEAL A - APP/D2320/W/21/3284692
LAND AT CARRINGTON ROAD, ADLINGTON

Appeal B - APP/D2320/W/21/3284702
LAND SOUTH OF PARR LANE, ECCLESTON

JANUARY 2022

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1. Introduction

- 1.1 This Statement of Common Ground ('SoCG') has been prepared by NJL Consulting on behalf of Hollins Strategic Land and Metacre Ltd ('the Appellants'), and Chorley Council ('the Council').
- 1.2 It relates to a conjoined appeal against the Council's decisions to refuse planning permission for residential development under the following outline planning applications:
 - Land At Carrington Road, Adlington – Appeal A (Ref: APP/D2320/W/21/3284692)
 - Land South of Parr Lane, Ecclestone – Appeal B (Ref: APP/D2320/W/21/3284702)
- 1.3 This SoCG refers only to matters concerned with the 5-year housing land supply position ('the 5YHLS').
- 1.4 This Statement sets out the agreed matters of fact and agreed positions between the Council and the Appellants in respect of housing supply matters for this appeal.
- 1.5 Finally, this statement summarises those areas of disagreement between the parties.

2. Matters of Agreement

The Council's Latest Position Statement

- 2.1 The Council's most recent assessment of 5-year supply is set out in the Five-Year Housing Supply Statement for Chorley published in May 2021 (CD 6.15). The base date of this assessment is 1st April 2021, and it covers the five year period 1st April 2021 to 31st March 2026.

The relevant five-year period

- 2.2 The relevant 5-year period for the determination of this appeal is 1st April 2021 to 31st March 2026.

The relevant housing requirement

- 2.3 The relevant housing requirement is an area of dispute and will be covered in evidence by the parties. The parties agree that the choice is between continued use of CS Policy 4 and the standard method.

CS Policy 4

- 2.4 Policy 4 of the Core Strategy: "Housing Delivery" sets out the minimum housing requirement for Chorley for the period 2010 to 2026 of 417 dwellings per annum. The Core Strategy was adopted in July 2012.
- 2.5 The Inspector concluded at the Pear Tree Lane¹ appeal that Policy 4 was deemed to be out of date and a constrained housing requirement in relation to the development of Safeguarded Land in Policy BNE3.
- 2.6 It is agreed that Policy 4 of the Core Strategy was reviewed less than five years ago in 2017. At this time, following the publication of the new Central Lancashire Strategic Housing Market Assessment, Chorley entered into a Memorandum of Understanding (MOU1) with its neighbours South Ribble and Preston Councils endorsing the continued use of the requirements set out in CS Policy 4.
- 2.7 In April 2020 a second MOU was adopted. MOU2 is now defunct following Preston Council's decision to withdraw.

¹ CD9.1 - Land at Pear Tree Lane, Euxton, Chorley (Ref: APP/D2320/W/20/3247136) Para. 49

Local Housing Need

2.8 Compared to the CS Policy 4 housing requirement, the standard method calculation for minimum local housing need across each of the three Central Lancashire authorities is as follows:

Area	CS Policy 4		Standard Method LHN	
Chorley	417	31%	537	54.8%
Preston	507	38%	261	26.6%
South Ribble	417	31%	182	18.6%
Central Lancashire	1341	100%	980	100%

2.9 In Chorley, the annual requirement using the Standard Method is 537 dwellings per annum. This is a significant increase against the housing requirement under CS Policy 4.

2.10 The Standard Methodology results in a significant change in the distribution of housing across Central Lancashire with an increased proportion directed to Chorley.

2.11 It is agreed by both parties² that the Standard Methodology in itself, represents a significant change to the methodologies which underpinned the housing requirement set out by CS Policy 4, which was derived from RSS figures.

2.12 The housing requirement set under CS Policy 4 is based on the RSS for the North West and underpinned by a re-distribution of 2003 household projections across Central Lancashire authorities. The RSS housing requirements methodology has been superseded twice-over by Objectively Assessed Housing Needs methodology, which are both now obsolete, and replaced by the Standard Methodology.

2.13 At the time of reporting on the Local Plan, the EiP Inspector found the Policy 4 housing requirement to be sound and in accordance with the NPPF 2012 based on new updated evidence in the 2009 SHMA.

2.14 It is agreed that the latest published position on the base date for the housing requirement in the emerging Central Lancashire Local Plan is April 2021³.

² See Paras. 106, 109, 111, 112 of Closing Submissions Of The Appellant – Land at Blainscough Hall (Appeal Ref: APP/D2320/W/21/3275691)

³ Confirmed in Para. 3.4 of the Central Lancashire Local Plan Issues and Options Consultation Paper (CD 6.5)

Historic Oversupply

- 2.15 It is common ground that there is no clear policy/guidance under the National Planning Policy Framework and Planning Practice Guidance on the on the approach to considering previous over supply when identifying the housing requirement for the 5YHLS calculation.
- 2.16 It is common ground that there are a number of appeal decisions which have provided different directions on whether 'oversupply' should be included in the five year housing land supply calculation.
- 2.17 The base date of the adopted plan is 1st April 2010. However, as Policy 4 of the Core Strategy explains, the backlog since 1st April 2003 should be taken into account. At April 2010 Chorley had prior under provision of 162 dwellings which needs to be made up over the plan period. The planned housing requirement set out in the Core Strategy is a minimum annual target of 417 dwellings plus the prior under provision of 162 dwellings therefore at April 2010 the minimum housing requirement for Chorley was 6,834 dwellings. By 31st March 2021, a minimum of 4,749 dwellings should have been completed. The Council have completed 6,316 dwellings in the same period and therefore it is agreed that the 'oversupply' set against the adopted Plan housing requirement is 1,567 dwellings.

The Buffer

- 2.18 Based on the published results for the Housing Delivery Test, both parties agree that a 5% buffer should be applied to the housing requirement in line with paragraph 73 of the Framework (as explained in the Five Year Housing Land Supply Statement of May 2021).

The Deliverable Supply

- 2.19 The Council's published position is that the deliverable five-year housing land supply at 1st April 2021 is 1,565 dwellings.
- 2.20 The following adjustments to the deliverable housing land supply are agreed.

Allocations without Planning Permission

- 2.21 HS1.1 Eaves Green – The allocation was recently allowed at appeal and planning permission has been granted. The following lead-in times were presented at the inquiry for the above appeal and agreed between the parties:

- Late 2021/ early 2022 – Start on site
- January to June 2022 – Site opening and infrastructure works
- December 2022 – Completion of first dwelling
- January to March 2023 – 10 dwellings completed

With delivery not likely until the beginning of 2023 it is estimated that 10 dwellings could be delivered up to March 2023, and 40 dwellings per year from April 2023. As a result, the supply from this site needs to be reduced by 40 dwellings to reflect the delay to delivery by one year.

Windfall Sites of Less than 10 Dwellings

2.22 The site at 145 Town Lane – has not been subject to the submission of a CIL commencement notice. The Council confirmed in the Housing Supply Statement of Common Ground for the appeals at Tincklers Lane and Town Lane that the applicant will not be implementing the permission and instead will be applying to build new extensions. This application has therefore expired resulting in the loss of one dwelling from the deliverable supply.

2.23 Taking this into account, and in the light of the agreed adjustments, then the differences in the assessed deliverable supply of housing land are set out below:

Deliverable Housing Supply	No. dwellings (Council position)	No. dwellings (Appellants' position)	Difference
Allocated sites with planning permission	469	469	0
Allocated sites without planning permission	190	130	-60
Windfall sites >10 dwellings with planning permission	397	341	-56
Windfall sites <10 dwellings with planning permission (discounted by 36%)	265	265	0
Windfall allowance	183	183	0
Total Five Year Supply	1,504	1,388	-116

The Overall Position

2.24 The Council accepts that if the five year housing land supply should be measured against either the local housing need figure or the adopted housing requirement (plus

a 5% buffer), without any allowance being given to previous oversupply, that it cannot demonstrate a deliverable five year housing land supply.

2.25 The Appellants agree that if the allowance of oversupply is accepted by the Inspector, regardless upon what the housing requirement is measured against, the Council can evidence a five year housing land supply.

2.26 The summary position on five year housing land supply is set out below (based on the Council's deliverable supply evidence):

Housing Land Supply	Accounting for oversupply	Ignoring Oversupply	Local Housing Need
	CS Policy 4	CS Policy 4	
Deliverable Supply (Council's position)	1,504	1,504	1,504
Annual Requirement	417	417	537
Annual Requirement with 5% buffer	109	438	564
Total five year requirement with 5% buffer	545	2,190	2,820
Available Supply in Years	13.8	3.4	2.6

2.27 Based on the Appellants' position on the deliverable supply then the five year housing supply position is as follows:

Housing Land Supply	Accounting for oversupply	Ignoring Oversupply	Local Housing Need
	CS Policy 4	CS Policy 4	
Deliverable Supply (Appellants' position)	1,388	1,388	1,388
Annual Requirement	417	417	537
Annual Requirement with 5% buffer	109	438	564
Total five year requirement with 5% buffer	545	2,190	2,820
Available Supply in Years	12.7	3.2	2.5

3. Matters of Disagreement

The five year housing requirement

- 3.1 The Council considers that its five year housing land supply should be measured against the adopted housing requirement. The Council will set out the reasons for this in evidence and point to MOU1 constituting a footnote 39 review of the CS Policy 4 requirement.
- 3.2 The Appellants consider that the five year housing land supply should be measured against the local housing need using the standard method set out in the planning practice guidance. The Appellants will set out the reasons for this in evidence.

Allowance for oversupply in the housing requirement

- 3.3 The Council considers that housing delivery above the adopted housing requirement under Core Strategy Policy 4, which sets a minimum annual target of 417dpa to be delivered over the Plan period, should be factored into the calculation of future housing requirements. The Council refers to this as 'oversupply'.
- 3.4 The Appellants consider that no allowance for past over delivery against a minimum annual housing requirement should be factored into the calculation of future housing requirements.

The extent of the deliverable supply

- 3.5 The total supply of deliverable sites for housing in the in the five years from 01 April 2021, namely:
- The delivery capacity of site HS1.5 Cowling Farm (an Allocated Site Without Planning Permission). The Council's position is that 60 dwellings will be completed in the five year period. The Appellants' position is that, in the absence of any clear evidence, the allocation will fail to deliver housing completions in the five year period and will set out reasons for this in evidence.
 - The delivery capacity of site 3491 Fairclough House, Church Street, Adlington (a Site of 10 or More Dwellings with Planning Permission). The reasons for discounting the site from the supply are:
 - The site recently exchanged ownership following the Fairpoint Group, the former owner of the building, going into administration in 2017.

- o Prior approval (Ref: 19/00840/P3PAJ) was approved in 15 November 2019 for its conversion to 56 flats, however this requires that the consented dwellings are built in 3 years (i.e. 15 November 2022).
- o The Council's Five Year Housing Supply Statement states that the development had yet to be commenced at 01 April 2021, meaning that at the date of drafting this SoCG, there is just 11 months for a design team to be engaged, contract let and the conversion works finalised.
- o There is no developer attached and no evidence to demonstrate the deliverability of the site within this short timeframe. This raises significant doubt on the prospects of the consented 56 dwellings being implemented in the five year period.

Signed on behalf of the Appellants	Signed on behalf of the Council
	
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Date: 13 th January 2021	Date: 13 th January 2021