

Statement of case re: 5 Year Housing Land Supply (5YHLS)

For Mr Ronald Jackson | 24-530

Permission in Principle for proposed residential development of up to nine dwellings -
Land to the south of Old Road, Chatburn
LPA ref: 3/2025/0414

Project: 24-530
Site Address: Land to the south of Old Road, Chatburn
Client: Mr Ronald Jackson
Date: 5 September 2025
Author: Ben Pycroft

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1. Introduction and summary

- 1.1 This statement has been prepared in support of an appeal made by Mr Ronald Jackson (the Appellant) against the decision of Ribble Valley Borough Council to refuse to grant permission in principle for:

“proposed residential development of up to nine dwellings”

at land south of Old Road, Chatburn (LPA ref: 3/2025/0414).

- 1.2 This statement addresses the Council’s Five Year Housing Land Supply (5YHLS) at 31st March 2025 as set out in the Council’s 5YHLS statement (published May 2025)¹. All other planning matters are addressed in the general statement of case, prepared by Emery Planning.

Background

- 1.3 As set out in the Council’s 5YHLS statement, the Council claims to have a deliverable supply at 31st March 2025 of 1,324 dwellings. The Council claims this should be measured against an annual figure of 214 dwellings per annum. This is the local housing need calculated using the standard method set out in the Planning Practice Guidance (PPG) of 311 dwellings per annum (i.e. 1,555 dwellings over a 5 year period) minus the “surplus” housing delivered over the period 2008 to 2025 of 536 dwellings and a 5% buffer. The Council therefore claims to have a **6.2 year supply** at 31st March 2025.

Summary

- 1.4 The following matters in relation to 5YHLS are agreed:
- The base date for calculating the 5YHLS is 31st March 2025 and the 5YHLS period runs to 31st March 2030;
 - The adopted strategic policies of the Core Strategy (adopted December 2014) are more than five years old and have not been reviewed and found to be up to date. Therefore, the 5YHLS should be measured against the local housing need calculated using the standard method set out in the PPG. This is 311 dwellings per annum; and
 - The 5% buffer applies.
- 1.5 The following matters in relation to 5YHLS are not agreed:

¹ Appendix EP10



- Whether the 5YHLS requirement should be reduced by the “surplus” housing delivered against the adopted housing requirement between 2008 and 2024 and the local housing need between 2024 and 2025;
- The extent of the deliverable supply; and
- Whether the Council can demonstrate a 5YHLS in accordance with the Framework.

1.6 In relation to the so called “surplus” or “over-supply”, the Appellant’s case is that any over (or under delivery) has already been factored into the calculation of local housing need in step 2 of the standard method (i.e. the affordability adjustment) and therefore there is no justification to reduce the 5YHLS requirement by any over-delivery against the previous requirement. We refer to appeal decisions and a report of a Local Plan Inspector to support our case.

1.7 In relation to the deliverable supply, we conclude that the Council has not provided the necessary “clear evidence” that “housing completions will begin on site within five years” on 4 sites that fall within category b) of the definition of “deliverable” as set out in the Annex on Page 72 of the Framework. We refer to appeal decisions by Inspectors and the Secretary of State to support our position. We therefore remove 268 dwellings from the Council’s deliverable supply figure of 1,324 dwellings and conclude that the deliverable supply is 1,056 dwellings (i.e. $1,324 - 268 = 1,056$). This equates to **3.23 years** as shown in the following table.



Table 1.1 – Ribble Valley’s 5YHLS at 31st March 2025

	Requirement	Council	Appellant
A	Annual local housing need figure	311	311
B	5YHLS requirement without buffer	1,555	1,555
C	Surplus / over-supply	536	0
D	5YHLS requirement minus surplus / over-supply of 536 dwellings (without buffer)	1,019	1,555
E	Buffer (5% of D)	51	78
F	5YHLS requirement including buffer (D + E)	1,070	1,633
G	Annual 5YHLS requirement including buffer (F / 5 years)	214	327
	Supply		
H	Deliverable supply at 1 st April 2025	1,324	1,056
G	Supply in years (H / G)	6.19	3.23
H	Over / under supply against 5YHLS requirement plus buffer (H – F)	254	-577

1.8 The implications of this are addressed in the Appellant’s general statement of case.



2. Planning policy context

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration. It is the Framework which sets out what a 5YHLS is, how it should be calculated and the consequences for failing to demonstrate a 5YHLS.

Development plan context

Existing development plan

- 2.2 The existing development plan comprises the Ribble Valley Core Strategy (adopted December 2014). Of relevance to this statement is Key Statement H1: “Housing Provision”, which states:

“Land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the period 2008 to 2028 in accordance with baseline information.”

- 2.3 Policy H1 is more than five years old. It has not been reviewed and found to be up to date. Consequently, the 5YHLS should be calculated against the local housing need calculated by the standard method set out in the Planning Practice Guidance (PPG) in accordance with paragraph 78 and footnote 39 of the Framework.

Emerging development plan

- 2.4 The Council is currently in the process of preparing a new local plan. The timetable for the preparation of the plan is set out in the Council’s Local Development Scheme (March 2025), as follows:

- Call for sites – September 2021 (completed);
- Regulation 18 consultation – May 2022 (completed);
- Second Regulation 18 consultation – Autumn 2025;
- Regulation 19 consultation – January 2026;
- Submission of plan – May 2026;
- Examination – 2026; and
- Adoption – December 2026.



Other material considerations

National Planning Policy Framework

- 2.5 The Framework was published in March 2012. It was revised in July 2018, February 2019, July 2021, September 2023, December 2023, and most recently on 12 December 2024 (with minor updates on 7th February 2025).
- 2.6 The relevant sections of the revised Framework in relation to this statement are:
- Footnote 8 which explains that the tilted balance to the presumption in favour of sustainable development applies where a) a local planning authority cannot demonstrate a 5YHLS or b) where the Housing Delivery Test result is less than 75%;
 - Section 5: Delivering a sufficient supply of homes, including:
 - Paragraph 61, which refers to the Government’s objective of significantly boosting the supply of homes;
 - Paragraph 62, which explains that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment calculated using the standard method set out in the PPG. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for;
 - Paragraph 75, in relation to an allowance for windfall sites;
 - Paragraph 78, which states:

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies³⁸ or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

 - a) 5% to ensure choice and competition in the market for land; or
 - b) 20% where there has been significant under delivery⁴⁰ of housing over the previous three years, to improve the prospect of achieving the planned supply; or
 - c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last



five years examined against a previous version of this Framework⁴¹, and whose annual average housing requirement⁴² is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

- Footnote 39 states: “Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance”

Footnote 40 states: “This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement”

- Paragraph 79, in relation to Housing Delivery Test Action Plans and the policy consequences for failing the HDT.
- Annex 1: Implementation, including:
 - Paragraph 232, which explains that where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan’s adoption.
 - Paragraph 233, which sets out the circumstances in which an authority can confirm its housing land supply through an Annual Position Statement.
 - Annex 2: Glossary, including:
 - The definition of “deliverable” on page 72; and
 - The definition of “windfall sites” on page 80.

Planning Practice Guidance (PPG)

2.7 The relevant chapters of the PPG in relation to this statement are:

- Chapter 2a - Housing and economic needs assessment;
- Chapter 3 – Housing and economic land availability assessments; and
- Chapter 68 – Housing supply and delivery.

2.8 Chapters 2a and 68 of the PPG were last updated on 12th December 2024 and in February 2025 to reflect the revised Framework.



Ribble Valley 5 Year Housing Land Supply – May 2025

- 2.9 The Council's 5YHLS position claims that at 1st April 2025, the Council has a deliverable supply of 1,324 dwellings, which against the local housing need and a 5% buffer (with a reduction based on the oversupply against the adopted housing requirement) equates to **6.2 years**.



3. Matters agreed in relation to 5YHLS

3.1 As set out in the introduction to this statement, the following matters in relation to 5YHLS are agreed:

- The base date for calculating the 5YHLS is 31st March 2025 and the 5YHLS period runs to 31st March 2030;
- The adopted strategic policies of the Core Strategy (adopted December 2014) are more than five years old and have not been reviewed and found to be up to date. Therefore, the 5YHLS should be measured against the local housing need calculated using the standard method set out in the PPG. This is 311 dwellings per annum; and
- The 5% buffer applies.



4. Matters not agreed in relation to 5YHLS – the surplus / over-supply

The Council's case

- 4.1 Table 9 on page 18 of the Council's 5YHLS statement explains that there is a surplus or over-supply against the adopted housing requirement (of 280 dwellings per annum) over the period 2008 to 2024 and against the local housing need (of 305 dwellings per annum) over the period 2024 to 2025. It states that the surplus / over-supply is 536 dwellings.
- 4.2 The Council then calculates the 5YHLS requirement by multiplying the local housing need of 311 dwellings by 5 years (i.e. $311 \times 5 \text{ years} = 1,555$ dwellings). The Council then reduces the 5YHLS requirement by the surplus / over-supply of 536 dwellings. The Council therefore claims that the 5YHLS requirement (before applying the buffer is 1,019 dwellings. This equates to 204 dwellings per annum (and 214 dwellings with a 5% buffer).

National Planning Policy and Guidance

- 4.3 From the outset, as set out in section 2 of this statement, the second sentence of paragraph 78 of the Framework explains that the 5YHLS should be measured against the housing requirement set out in adopted strategic policies or against the local housing need. It states:

“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.”

- 4.4 It does not state that the 5YHLS should be measured against the local housing need reduced by the over-supply against the adopted housing requirement over the period 2008 to 2024 and then against the local housing need over the period 2024 to 2025 as the Council claims should be the case.
- 4.5 In the previous (December 2023) version of the Framework, the last sentence of paragraph 77 stated:

“National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.”



- 4.6 When the PPG was updated to reflect the December 2023, on 5th February 2024 (to, amongst other things clarify what was meant by a 4YHLS), the paragraphs relating to oversupply and undersupply were not updated. However, a letter from the Chief Planning Officer stated:

“We intend to publish further Housing Supply and Delivery guidance in due course which will set out how past oversupply can be considered by authorities who are calculating their 5- year housing land supply position, as well as wider updates to ensure that the position in the revised NPPF is fully reflected in guidance.”

- 4.7 The further guidance was not issued and the new Government instead consulted on a draft Framework in the summer 2024, which proposed to remove the last sentence of paragraph 77. The reason for this was set out in the Government’s consultation on the new NPPF:

“We are also proposing to remove the wording on past oversupply in paragraph 77, which was introduced to set out that previous over-supply could be set against upcoming supply. Given the chronic need for housing we see in all areas, we should celebrate strong delivery records without diluting future ambitions.”

- 4.8 The new Framework was then published on 12th December 2024. The wording included in the last sentence of paragraph 77 of the December 2023 Framework was removed but no further guidance was provided. The Government’s response to the consultation on the Framework instead stated:

“The government has considered the range of responses to this question and has concluded that the wording should be removed. This change is intended to simplify the wording of the National Planning Policy Framework and has no bearing on local authorities’ ability to account for over-supply – this can continue to be taken into account as it is currently. The government will continue to keep the matter of over-supply under review.”

- 4.9 The PPG on over-supply has not been updated since July 2019. Paragraph 68-032 of the PPG answers the question: “*How can past over-supply of housing completions against planned requirements be addressed?*” as follows:

“Where areas deliver more completions than required, the additional supply can be used to offset any shortfalls against requirements from previous years.”

- 4.10 In the absence of policy or additional guidance, the issue of how over-supply should be addressed has been concluded by the Courts to be a matter of planning judgment in the circumstances of the case before the decision maker².

² Tewkesbury Borough Council v Secretary of State for Communities Housing and Local Government & Ors [2019] EWHC 1775 (Admin) (08 July 2019)



The Appellant's case

- 4.11 The local housing need should not be reduced by over-supply.
- 4.12 Firstly, the Council accepts that its 5YHLS should be measured against its local housing need. Where the 5YHLS calculation is against the local housing need, past over or under delivery has already been factored into the standard method.
- 4.13 Paragraph 68-031 of the PPG³ is relevant. It answers the question: "How can past shortfalls in housing completions against planned requirements be addressed?" as follows:

"Where shortfalls in housing completions have been identified against planned requirements, strategic policy-making authorities may consider what factors might have led to this and whether there are any measures that the authority can take, either alone or jointly with other authorities, which may counter the trend. Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure. Under-delivery may need to be considered where the plan being prepared is part way through its proposed plan period, and delivery falls below the housing requirement level set out in the emerging relevant strategic policies for housing.

Where relevant, strategic policy-makers will need to consider the recommendations from the local authority's action plan prepared as a result of past under-delivery, as confirmed by the Housing Delivery Test.

The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach), then the appropriate buffer should be applied. If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.

Where strategic policy-making authorities are unable to address past shortfalls over a 5 year period due to their scale, they may need to reconsider their approach to bringing land forward and the assumptions which they make. For example, by considering developers' past performance on delivery; reducing the length of time a permission is valid; re-prioritising reserve sites which are 'ready to go'; delivering development directly or through arms' length organisations; or sub-dividing major sites where

³ Paragraph: 022 Reference ID: 68-031-20190722 "How can past shortfalls in housing completions against planned requirements be addressed?" - Revision date: 22 07 2019



appropriate, and where it can be demonstrated that this would not be detrimental to the quality or deliverability of a scheme.” (our emphasis added)

- 4.14 Step 2 of the standard method: “an adjustment to take account of affordability” uses the median workplace-based affordability ratios. The PPG states that “the mean average affordability over the five most recent years for which data is available should be used.” An adjustment is made using this data as set out in the PPG. The affordability ratio themselves are partly influenced by housing sales some of which will be from new housing completions. Therefore, step 2 of the standard method clearly factors in past delivery.
- 4.15 Whether the 5YHLS requirement should be reduced by over-supply when local housing need is used has been considered at Local Plan examinations and in previous appeals.
- 4.16 For example, on 24th May 2024, a post-examination letter was issued by the Inspector examining the North Norfolk Local Plan (Inspector David Reed)⁴. Paragraph 6 of the letter states:

“No doubt due to its lengthy preparation process, the submitted plan covers a twenty-year period from 2016 to 2036. At present, there are only 12 years of the plan period remaining, and once the further steps necessary to ensure a sound plan have been taken, it is likely to be nearer to 11 years. The National Planning Policy Framework (NPPF) states in paragraph 22 that strategic policies should look ahead a minimum 15 years from adoption, and to be consistent with this the plan period should be extended to 31 March 2040 to allow for adoption during the next 12 months. Turning to the base date of the plan, this should correspond to the date from which the housing needs of the district are quantified. As set out in paragraph 12 below, this should be April 2024. The plan period should therefore be 2024-40. The latest housing monitoring data for permissions and projected completions reflect the position at 1 April 2023 but these are sufficiently up to date for local plan preparation purposes.” (our emphasis added)

- 4.17 Paragraphs 12 and 13 of the letter state:

“12. Having concluded that the standard method should be followed instead of the Council’s bespoke method, the latest available information should be used to derive the most up to date housing need figure for the district. With the latest affordability ratio published in March, it is possible to derive the local housing need figure as follows:

2014 based household projection for 2024-34	391 dpa
Latest affordability ratio 10.80 so uplift	1.425
Local Housing Need 2024-34	557 dpa
Local Housing Need 2024-40 (16 years)	8,900 dwellings

⁴ Appendix EP11



13. The local housing need methodology takes account of any previous over or under supply, so there is no shortfall or surplus arising pre 2024 to add to this figure.” (our emphasis added)

4.18 On 13th June 2022, a decision was issued relating to an appeal made by Greystoke Land Ltd against the decision of Wychavon District Council to refuse to grant outline planning permission for 9 dwellings at land off Morris Road, Broadway⁵. In that case, it was agreed that Wychavon’s 5YHLS should be calculated against the Local Housing Need calculated using the standard method. However, Wychavon Council sought to reduce the 5YHLS requirement by 1,620 dwellings. This was the “oversupply” against the adopted housing requirement over the period 2006 to 2021⁶. The Appellant in that case argued against the approach on the basis that the PPG makes no provision for past over-supply to be factored in to the standard method. Inspector David Prentis agreed with the Appellant in that case. Paragraphs 47 to 53 of the appeal decision state:

“47. The SWDP covers the areas of Malvern Hills District Council, Wychavon District Council and Worcester City Council, referred to collectively as the South Worcestershire Councils (SWC). Since 2021 the SWC have calculated five year housing land supply jointly. The most recent statement of the housing land supply position is the South Worcestershire Five Year Housing Land Report, September 2021 (HLR21). As the SWDP is now more than five years old, the Framework⁷ requires the housing land supply calculation to be based on the standard method set out in national planning guidance (NPG), as opposed to the adopted SWDP annual housing requirement⁸.

48. On that basis, HLR21 calculates that the SWC have 5.76 years of housing supply, allowing for a 5% buffer, consistent with the Framework. The calculation applies a reduction of 1,620 units to the five year target derived from the standard method. This reduction seeks to take account of oversupply against the plan housing requirements over the period 2006 – 2021. The appellant challenged this approach, arguing that NPG makes no provision for past oversupply to be factored in to the standard method. It was common ground that, without the oversupply reduction, there would be 4.31 years of supply.

49. As noted above, the Framework states that the standard method for assessing housing need is applicable in this case. The method, which is described in NPG, involves a two, three or four step process, although only steps one and two are relevant to this case⁹. The first step establishes a baseline, by reference to national household growth

⁵ PINS ref: 3289569 – 13th June 2022 – appendix **EP12**

⁶ The South Worcestershire Local Plan, adopted in 2016 covers the period 2006 to 2030. The base date of the 5YHLS calculation in the Broadway appeal was 1st April 2021

⁷ The Framework, paragraph 74

⁸ This is based on a total supply of 5,800 units, which was not disputed

⁹ NPG, Reference ID: 2a-004-20201216 (Housing and economic needs assessment)



projections. The second step requires an adjustment to the baseline to take account of affordability ratios.

50. The NPG states that housing need is an unconstrained assessment of the number of homes needed in an area. To my mind it is a forward-looking snapshot at a given point in time. In this context, I consider that it would be inconsistent to adjust the need figure derived from the standard method to reflect past delivery in relation to policy requirements.

51. The Council argued that the SWC are performing well in terms of the housing delivery test and that the SWDP is effective in terms of delivering housing. Whilst I note the housing delivery test result, that is a separate exercise from the calculation of a five year housing land supply figure. The Council also drew attention to a decision of the High Court and an appeal decision which considered the question of how to address past oversupply¹⁰. However, those decisions considered cases where housing land supply was being assessed against a local plan requirement. The cases are not, therefore, comparable with the current situation. That said, the High Court decision noted that the NPG did not engage with a situation where there was past oversupply, therefore the matter was left as a matter of judgment for the situations where it arises.

52. For the purposes of this appeal, I consider that the case for applying an undersupply adjustment to the need figure derived from the standard method has not been made out. On that basis, the SWC are not able to demonstrate the five year supply required by the Framework.

53. The appellant suggests that the calculation should be carried out in relation to the Council's administrative area rather than on the joint basis reflected in HLR21. However, on the appellant's own figures the area of assessment makes no material difference to the outcome in this case, so it is not necessary for me to comment further on this point¹¹. (our emphasis added. The footnotes included are from the appeal decision)

4.19 On 5th July 2022, a decision was issued relating to an appeal made by Lone Star Land against the decision of Malvern Hills District Council to refuse to grant outline planning permission for up to 45 dwellings and 12 self/custom build at land at Leigh Sinton Farms, Leigh Sinton Road, Malvern¹². Inspector R Norman identified the main areas of dispute in relation to 5YHLS in that case were whether individual calculations should be made for the authorities of Malvern Hills, Wychavon and Worcester or a joint calculation made and should the "oversupply" be factored into supply calculations. Malvern Hills Council's case was that a joint approach should be adopted and the oversupply against the adopted requirement should be

¹⁰ Tewkesbury Borough Council v Secretary of State for Housing, Communities and Local Government [2021] EWHC 2782 and appeal decision relating to land to the north west of Fiddington, Ashchurch and Tewkesbury (APP/G1630/W/21/3283839)

¹¹ See table 7.1 in the appellant's statement of case

¹² PINS ref: 3289643 – 5th July 2022 – Appendix EP13



removed from the 5YHLS calculation using the local housing need. The oversupply was to be spread over the remainder of the plan period.

4.20 Paragraph 40 of the appeal decision states:

“In relation to the matter of oversupply, I accept that this means that there have been homes provided on the ground for local people over and above the identified need. Nevertheless, I do not understand the 5-year housing land supply to be a ceiling figure, which is suggested in the PPG which states that the standard method for calculating local housing need provides a *minimum* number of homes to be planned for. Taking into consideration the content of the Framework and the PPG and the evidence before me, which are largely silent on the matter, I feel that there is no clear steer that would lead me to conclude that the oversupply should be included in forward projections for housing delivery.”

4.21 On 20th September 2022, a decision was issued in relation to an appeal made by Greystoke Land against the decision of Wychavon District Council to refuse to grant outline planning permission for 100 no. dwellings at land at Bretforton Road, Badsey¹³. This referred to the above appeal decisions. Paragraphs 4 to 6 of the appeal decision state:

“4. A matter discussed at length at the Hearing was whether the Council could demonstrate a sufficient housing land supply, as required by the National Planning Policy Framework (the Framework). At the time of the Hearing the Council stated it could demonstrate more than five years of housing land supply, calculated together with the other South Worcestershire Councils (namely Malvern Hills District Council and Worcester City Council). This was based on the use of the Standard Method but included previous years of oversupply of housing into the calculations. The appellant contested the use of previous years housing development oversupply as part of the calculations towards the housing land supply figure.

5. Subsequent to the Hearing for this appeal and prior to this decision there has been two other appeal decisions issued, one for Land off Morris Road, Broadway (ref: APP/H1840/W/21/3289569) and Land at Leigh Sinton Farms, Leigh Sinton, Malvern (ref: APP/J1860/W/21/3289643). Both decisions were for sites within the South Worcestershire area and concluded that oversupply should not be included in calculating housing land supply using the standard method.

6. Following consideration of these other appeal decisions the Council accepted that, without oversupply the three Councils cannot demonstrate a five-year land supply. Without factoring in the oversupply from previous years, the Council stated that the Wychavon supply, on a joint basis, is 4.4 years” (our emphasis added)

¹³ PINS ref: 3266573 – 20th September 2022 – Appendix EP14



4.22 More recently, on 3rd September 2025, a decision notice was issued in relation to an appeal made by Gladman Developments Ltd against the decision of Stratford-on-Avon Council to refuse to grant outline planning permission for up to 130 dwellings at Orchard adjacent to Chutneys, Bordon Hill (PINS ref: 3358848)¹⁴. In that case, the Inspector concluded that the local housing need calculated using the standard method should not be reduced by the over-supply against the adopted housing requirement. Paragraphs 65 to 67 of the appeal decision state:

“65. On the third point, the Council has had significant success in delivering housing against the CS requirement with nearly 3,000 more dwellings completed over the plan period to date (12,463 dwellings compared to the CS target of 9,490 dwellings by the end of 2023/24). The latest Housing Delivery Test result from 12 December 2024 stood at 254% delivery against requirement over the past 3 years. Oversupply has been factored into the Council’s recent 5 year housing land supply calculations including October 2024 to reduce the overall requirement. It is likely that the Council will meet the overall CS target 4 years before the end of the plan period. The Council’s position is that 2,124 dwellings should be removed from the 5 year period to reflect the oversupply.

66. National policy, including the Planning Practice Guidance (PPG), does not exclude the use of oversupply to offset future requirements and only refers to it offsetting any shortfalls against requirements from previous years. However, the PPG is clear that under-delivery does not need to be addressed separately when establishing LHN as it forms part of the affordability indicators that inform LHN. It follows that the same approach should be taken to oversupply (over-delivery) as more houses should improve the affordability of properties locally.

67. The current LHN approach is not intended to penalise local planning authorities who have delivered above plan targets. Instead, it is intended to achieve a step change in the provision of housing nationally. The Council via the emerging SWLP is seeking to meet its LHN in full. The Council accepts that LHN should be used from year 2 onwards and for the full 5 year period starting in 2025. Therefore, the Council’s oversupply should not be used to offset its full 5 year requirement.” (our emphasis added)

4.23 In the Stratford upon Avon case, the Council sought to use a hybrid approach to the 5YHLS requirement using the adopted requirement in the first year and the local housing need in years 2-5. This was because the new Framework and standard method were introduced 2/3s of the way through year 1 of the 5YHLS period and after the Council had published the position statement. This is not the case in Ribble Valley where the 5YHLS period commences on 1st April 2025 after the new standard method was published and its position statement was published after December 2024.

¹⁴ Appendix EP31



- 4.24 In the Stratford upon Avon case, Emery Planning presented the 5YHLS evidence on behalf of the Appellant (Gladman). In doing so, we made the same point about the standard method already factoring in the previous over delivery as we have in this statement and as above, the Inspector in that case agreed with our evidence.
- 4.25 The following two appeal decisions in Chorley are also relevant. In these cases the Inspectors concluded that the 5YHLS should be calculated against Chorley’s local housing need and the 5YHLS requirement should not be reduced by the over-supply against the adopted housing requirement.
- 4.26 On 3rd February 2022, an appeal decision regarding land adjacent to Blainscough Hall, Blainscough Lane, Coppull was issued (PINS ref: 3275691)¹⁵. In that case, Chorley Council sought to calculate its 5YHLS against the adopted housing requirement and from this remove the over-supply. The Inspector concluded that there had been a significant change in local housing need which rendered the policy containing the adopted housing requirement out of date and therefore the 5YHLS should be calculated against the local housing need. The Inspector also rejected Chorley Council’s approach to the over-supply. Paragraphs 50 and 51 of the appeal decision state:
- “50. The purpose of the 5-year housing land supply is to ensure sufficient housing to meet need and improve affordability. Constraining supply as proposed by the Council, would reduce the ability to meet future housing needs. Furthermore, in the context of an acute shortfall of affordable housing in the borough, it would reduce the ability of the Council to ensure that adequate provision is made.
51. Given the above, based on the evidence before me in this case, I conclude that an oversupply from previous years should not be used to offset future housing needs. Such an approach would run counter to the aims of the Framework to determine a minimum number of homes required and the demonstration of a minimum 5-year supply of housing to meet this requirement. It would therefore fail to significantly boost the supply of housing. Such a conclusion would also be consistent with the approach set out in the aforementioned Tewkesbury judgement. I shall address the implication of my finding on housing land supply below.”
- 4.27 On 18th February 2022, an appeal decision relating to land to the east of Tincklers Lane, Eccleston was issued (PINS ref: 3272310)¹⁶. This appeal was co-joined with another appeal by the same appellant (Mr Robin Buckley) regarding land to the north of Town Lane, Whittle-le-Woods (PINS ref: 3272314). That appeal was dismissed and the Tincklers Lane appeal allowed. The Inspector in this case again considered Chorley’s approach to its 5YHLS.

¹⁵ Appendix EP15

¹⁶ Appendix EP16



4.28 In relation to over-supply, paragraphs 48 to 50 of the appeal decisions state:

“48. In respect of any oversupply against Policy 4 and having regard to the Tewkesbury judgement and other appeal decisions referred to by the Council, they refer to having met the Policy 4 requirement based on the total amount of dwellings as referred to in the LP. I note the contribution of Buckshaw Village to the housing supply in Chorley and which has come forward at pace. However, this is nearing completion with a significant proportion of dwellings being delivered in the period up to 2016.

49. The LP indicates that the phasing for housing was heavily weighted towards early delivery, and I accept that delivery rates may not necessarily equate to 417 dwellings per year. The Council have met the Housing Delivery Test. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement.

50. Moreover, the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes”

4.29 Secondly, the Government’s objective is to significantly boost housing land supply. It is committed to delivering 1.5 million homes in five years. To achieve this, the Government revised the standard method for calculating local housing need, which it states is “mandatory”. At paragraph 8 of the consultation document, the Government stated:

“We will not deliver our target of 1.5 million homes if too little land is allocated. **It is clear that the current level of ambition is too low: our analysis suggests that housing requirements in adopted plans only add up to approximately 230,000 homes per annum** and the latest OBR forecast indicates that this year the number of net additions will fall below 200,000 homes”

4.30 A footnote to this paragraph explains that the 230,000 figure is:

“Based on the sum of the annual average housing requirement across the entire plan duration, in the most recently adopted plan for each authority, including joint plans. Calculated using data provided to MHCLG from the Planning Inspectorate and local planning authorities”



- 4.31 The 230,000 figure therefore includes the average adopted housing requirement for Ribble Valley of 280 dwellings per annum and the Government considers the current level of ambition set out in adopted plans is “too low”. To address this, the Government revised the standard method for calculating local housing need, which results in a total figure for England of around 370,000 dwellings per annum.
- 4.32 The Council’s annual 5YHLS requirement (taking into account the over-supply) is just 204 dwellings per annum (214 with a 5% buffer). This is significantly less than the minimum adopted housing requirement of 280 dwellings per annum and the minimum local housing need of 311 dwellings per annum. The Council’s approach to oversupply is contrary to the Government’s objective of significantly boosting housing supply. This is similar to the position in Chorley as described in the two appeal decisions above.
- 4.33 Thirdly, the Housing Delivery Test will be measured against the local housing need. Therefore, the minimum number of homes the Government expects the Council to deliver is 311 dwellings per annum and not the 204 dwellings the Council claims its supply should be measured against. The Blainscough Hall Inspector also considered this point. Paragraphs 46 and 47 of the appeal decision state:

“The projected reduction in supply in the latter part of the plan period does not negate the importance of maintaining a 5 year housing land supply. The implications of not doing so bring into play paragraph 11d) of the Framework and the application of the tilted balance for decision making and as I have outlined above in paragraph 39 above, would conflict with Policy 4c).

47. It also has implications for the Housing Delivery Test (HDT). Where the HDT indicates that delivery has fallen below 95% of the local planning authorities housing requirement over the previous three years, the authority is required to prepare an action plan. The purpose of the plan as set out in paragraph 76 of the Framework is to increase delivery in future years. Whilst the HDT is separate to the requirement of a 5-year housing land supply, it is a complementary tool aimed at achieving the Government objective of boosting supply. It is therefore in my view a further material consideration.”

- 4.34 For these reasons, the 5YHLS requirement should not be reduced by the over-supply. Without the over-supply, the Council’s supply figure equates to 4.05 years.



5. Matters not agreed re: 5YHLS – the deliverable supply

What constitutes a deliverable site?

Previous National Planning Policy (2012) and Guidance (2014)

5.1 Footnote 11 of the 2012 Framework stated:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

5.2 Paragraph 3-031 of the previous PPG (dated 6th March 2014): “What constitutes a ‘deliverable site’ in the context of housing policy?” stated:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (eg infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply.”

5.3 Therefore, under the 2012 Framework, all sites with planning permission, regardless of their size or whether the planning permission was in outline or in full were to be considered deliverable until permission expired unless there was clear evidence that schemes would not be “implemented” within five



years. The PPG went further by stating that allocated sites “could” be deliverable and even non-allocated sites without planning permission “can” be considered capable of being delivered.

- 5.4 The Government consulted on the draft revised Framework between March and May 2018. The draft revised Framework provided the following definition of “deliverable” in the glossary:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

- 5.5 Question 43 of the Government’s consultation on the draft revised Framework asked: “do you have any comments on the glossary?”

- 5.6 There were 750 responses to question 43 of the consultation. Some of the points raised included:

“Local authorities called for the proposed definition of ‘deliverable’ to be reconsidered, as it may result in them being unable to prove a five year land supply and place additional burdens on local authorities to produce evidence. Private sector organisations were supportive of the proposed definition.” (emphasis added)

- 5.7 The government’s response was as follows:

“The Government has considered whether the definition of ‘deliverable’ should be amended further, but having assessed the responses it has not made additional changes. This is because **the wording proposed in the consultation is considered to set appropriate and realistic expectations for when sites of different types are likely to come forward.**” (emphasis added)

Current National Planning Policy and Guidance

- 5.8 The definition of “deliverable” is set out on page 72 of the Framework (December 2024). For the avoidance of doubt, the definition has not substantially changed since 2018¹⁷. The definition states:

¹⁷ The July 2018 version of the Framework included the same wording but did not list the two categories of site as a) and b). The definition in the December 2023 Framework is the same as in the current Framework



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

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

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

- 5.9 Paragraph 68-007 of the PPG¹⁸ provides some examples of the types of evidence, which could be provided to support the inclusion of sites with outline planning permission for major development and allocated sites without planning permission. It states:

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- have outline planning permission for major development;
- are allocated in a development plan;
- have a grant of permission in principle; or
- are identified on a brownfield register.

Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;

¹⁸ Paragraph 007 Reference ID: 68-007-20190722: “What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?”



- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.”

- 5.10 Whilst the previous definition in the 2012 Framework considered that all sites with planning permission should be considered deliverable, the revised definition in the current Framework is clear that only sites with detailed consent for major development should be considered deliverable and those with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin in five years.
- 5.11 As above, the PPG has been updated to provide some examples of the type of evidence which may be provided to be able to consider that sites with outline planning permission for major development, allocated sites and sites identified on a brownfield register are deliverable.
- 5.12 The onus is on the Council to provide clear evidence of deliverability for category b) sites. This was confirmed in a decision dated 28th September 2018 soon after the definition of “deliverable” was made relating to an appeal made by Landex Ltd against the decision of Mid Suffolk District Council to refuse to grant outline planning permission for up to 49 dwellings at land on east side of Green Road, Woolpit¹⁹. Paragraph 65 of the appeal decision states:

“The NPPF 2018 provides specific guidance in relation to the calculation of the five years supply but specifically with regard to qualifying sites, the Glossary definition of ‘Deliverable’ in Annex 2 goes further than its predecessor. Small sites and those with detailed permission should be considered deliverable until permission expires unless there is clear evidence that they will not be delivered. Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the LPA to provide that clear evidence for outline planning permissions and allocated sites.” (our emphasis added)

- 5.13 Paragraph 68 of the same appeal decision states:

“Sites with outline planning permission make up a very large proportion of the Council’s claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years. I accept that there was clear evidence of what was necessary on one site provided in Mr Robert’s evidence and so the 200 dwellings in respect of that site should be added to

¹⁹ PINS ref: 3194926 – 28th September 2018 – Appendix EP17



the Appellant's supply calculations. As for the other 1,244 dwellings with outline permission, the Council has not even come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon those sites." (our emphasis added)

5.14 We consider the evidence the Council has provided in our assessment of the disputed sites below. However, we make the following general points with reference to relevant appeal decisions where the definition of "deliverable" and "clear evidence" have been considered.

Relevant appeal decisions

5.15 There have been several appeal decisions which have considered the definition of "deliverable" since it was first introduced in the 2018 version of the Framework and whether "clear evidence" has been provided for the inclusion of sites which only have outline planning permission for major development or are allocated without planning permission. Whilst each appeal has been determined on a case by case basis on the evidence before the decision-maker, several themes have arisen in appeal decisions, which we discuss below.

The absence of any written evidence

5.16 Where no evidence has been provided for the inclusion of category b) sites, the Secretary of State and Inspectors have concluded that these sites should be removed. For example:

- In an appeal decision regarding land off Audlem Road, Stapeley, Nantwich and land off Peter De Stapeleigh Way, Nantwich²⁰, the Secretary of State removed 301 dwellings from Cheshire East Council's supply from sites including: *"sites with outline planning permission which had no reserved matters applications and no evidence of a written agreement"* (paragraph 21 of the decision letter dated 15th July 2020);
- In an appeal decision regarding land to the south of Cox Green Road, Surrey²¹ an Inspector removed 563 dwellings on 24 sites from Waverley Council's supply because the Council had not provided any evidence for their inclusion (paragraphs 22 to 24 of the appeal decision dated 16th September 2019);
- In an appeal decision regarding land at Station Road, Stalbridge, North Dorset²² an Inspector removed 2 large sites from North Dorset's supply (references A02 and A04) because the Council had not provided any up to date information from the developers for these sites and applications for reserved matters had not been made (paragraphs 53 and 57); and

²⁰ PINS refs: 2197532 and 2197529 – Appendix **EP7**

²¹ PINS ref: 3227970 – Appendix **EP18**

²² PINS ref: 3284485 – Appendix **EP19**



- In an appeal decision regarding land within the Westhampnett / North East Strategic Development Location, North of Madgwick Lane, Chichester²³, an Inspector removed the second phase of a wider site that is under construction on the basis that an application for reserved matters had not been made for phase 2 and the fact that a major housebuilder was progressing phase 1 was not in itself clear evidence (paragraph 82).

5.17 In a decision relating to an appeal regarding land at Weddington Road, Weddington, Nuneaton²⁴, the Inspector concluded that Nuneaton and Bedworth could not demonstrate a 4 year housing land supply. The Inspector found that the deliverable supply was closer to our figure on behalf of the Appellant of 2.74 years. In doing so, the Inspector removed (amongst other sites):

- A site with outline planning permission at Discovery Academy where there was no clear evidence of firm progress being made towards the submission of a reserved matters. The Inspector stated: “The information from the Council does not explain what the application for reserved matters would look like, when it will be made or when applications to discharge the pre- commencement conditions set out in the outline planning permission are to be made. Further decisions on funding are also required in the Summer. To conclude that even with slippage all 58 units could be delivered by 2028 is not borne out in the evidence before me. It should not be considered deliverable at the base date and 58 dwellings should be removed from the supply” (paragraphs 164 and 165);
- A site with outline planning permission at Hospital Lane where there was no clear evidence of firm progress being made towards site assessment work or the submission of a reserved matters application (paragraphs 172 and 173);
- A site at West of Bulkington which had a resolution to grant full planning permission and the issuing of the planning permission had been “imminent” for some time but the S106 agreement has still not been issued (paragraphs 174 and 174); and
- A site at Phoenix Way / Wilsons Lane which had outline planning permission but “There is no firm progress with the site assessment work to support a reserved matters application, information as to who is going to submit the reserved matters application, what it will be for or when it is going to be determined. None of the timescales have been confirmed in a written agreement with the developer and it is still unknown who the developer will be. There is no clear evidence of deliverability and 73 should be removed from the supply”.

²³ PINS ref: 3270721 – Appendix EP20

²⁴ PINS ref: 3330615 – 26th July 2024 – Appendix EP21



The most up to date evidence

- 5.18 In an appeal regarding land on the east side of Green Road, Woolpit²⁵, the Inspector found Mid Suffolk Council's approach in publishing its AMR and then retrospectively seeking evidence to justify its position "wholly inadequate". Paragraph 70 of the appeal decision states:

"the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published."

- 5.19 However, evidence can post date the base date to support the sites in the deliverable supply and not seek to introduce new sites. In an appeal regarding land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands (Milton Keynes)²⁶, the Secretary of State agreed with Inspector Gilbert-Woolridge that the latest available evidence should be used when considering deliverability. Paragraph 12 of the Secretary of State's decision letter dated 25th June 2020 states:

"For the reasons given at IR12.8-12.12 the Secretary of State agrees with the Inspector that it is acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019 (IR12.11)".

- 5.20 Similarly, in a decision regarding land off Darnhall School Lane, Winsford²⁷, the Secretary of State agreed with Inspector Middleton that it is appropriate to take into account information received after the base date if it affects sites included in the deliverable supply²⁸.

- 5.21 This means that where sites have not progressed as the Council's trajectory claimed at the time the position statement was published, the supply should be reduced. In the Audlem Road appeal²⁹, the Secretary of State removed from Cheshire East Council's supply;

"a site where there is no application and the written agreement indicates an application submission date of August 2019 which has not been forthcoming, with no other evidence of progress". (paragraph 21 of the Decision Letter dated 15th July 2020)

- 5.22 Cheshire East Council's Housing Monitoring Update (HMU) had a base date of 31st March 2019 and was published in November 2019. Representations by both parties on the HMU were received with the final comments received on 12th February 2020 (DL paragraph 7). Therefore, whilst the written evidence for

²⁵ PINS ref: 3194926 – Appendix **EP17**

²⁶ PINS ref: 3169314 – Appendix **EP22**

²⁷ PINS ref: 2212671 – Appendix **EP23**

²⁸ Paragraph 344 of the Inspector's Report and paragraph 15 of the Decision Letter.

²⁹ PINS refs: 2197532 and 2197529 – Appendix **EP7**



this site explained a planning application would be made on this site in August 2019 because the application was not forthcoming by the time the decision was made and no other evidence of progress had been provided, the Secretary of State removed the site from the supply.

The form and value of the evidence

- 5.23 In the Woburn Sands appeal decision referred to above, the Secretary of State agreed with the Inspector that a proforma can, in principle, provide clear evidence of a site's deliverability (please see paragraph 12 of the decision letter and paragraphs 12.13 to 12.15 of the Inspector's Report). However, the evidential value of the written information is dependent on its content. The Secretary of State and Inspectors have concluded that it is simply not sufficient for Councils to provide agreement from landowners and promoters that their intention is to bring sites forward. The evidence needs to provide a realistic prospect that housing will be delivered on the site within five years.
- 5.24 For example, in allowing an appeal for 120 dwellings at land east of Gleneagles Way, Hatfield Peverel³⁰, the Secretary of State found Braintree Council could not demonstrate a five year housing land supply.
- 5.25 Braintree Council claimed that it could demonstrate a 5.29 year supply. In determining the appeal, the Secretary of State concluded that the Council could only demonstrate a 4.15 year supply. The reason for this is set out in paragraph 41 of the decision letter (page 7), which states:

"Having reviewed the housing trajectory published on 11 April, the Secretary of State considers that the evidence provided to support some of the claimed supply in respect of sites with outline planning permission of 10 dwellings or more, and sites without planning permission do not meet the requirement in the Framework Glossary definition of "deliverable" that there be clear evidence that housing completions will begin on site within five years. He has therefore removed ten sites from the housing trajectory"

- 5.26 The ten removed sites are listed in a table provided at Annex D on page 24 of the Secretary of State's decision letter. Of the ten sites removed from Braintree's supply, 9 had outline planning permission and the remaining site was an allocated site with a hybrid planning application pending determination. For these sites, Braintree Council had submitted completed forms and emails from landowners, developers and their agents providing the timescales for the submission of reserved matters applications and anticipated build rates. However, the Secretary of State removed these sites because he did not consider they met the definition of "deliverable" as set out in the Framework.

³⁰ PINS ref: 3180729 – Appendix EP24



5.27 As part of its case in seeking to defend an appeal against its decision to refuse to grant outline planning permission for up to 140 no. dwellings at land off Popes Lane, Sturry³¹, Canterbury City Council claimed that it could demonstrate a 6.72 year supply. For there to be a shortfall in the supply, Canterbury Council claimed that some 1,654 dwellings (out of 6,455 dwellings) would have to be removed from the “deliverable” supply.

5.28 The Inspector, however, found that the Council could not demonstrate a five year housing land supply. The Inspector concluded that the deliverable supply was 4,644 dwellings, which equates to 4.8 years. The reason why the Inspector concluded that the deliverable supply was 1,811 dwellings (28%) less than the Council claimed was because he found that 10 sites should be removed from the supply because:

“there is insufficient clear evidence to show that they meet the NPPF’s definition of deliverable. Sites which are not deliverable cannot be counted as part of the supply for the purposes of meeting the 5-year requirement.” (paragraph 23)

5.29 In this case, Canterbury Council had provided statements of common ground between the Council and the developer or landowner to support the inclusion of several of the disputed sites. However, the Inspector found that the statements of common ground did not demonstrate that the development prospect was realistic. Paragraph 23 of the appeal decision states:

“For a number of the disputed sites, the Council’s evidence is founded on site-specific SCGs which have been agreed with the developer or landowner of the site in question. I appreciate that the PPG refers to SCGs as an admissible type of evidence, and I have had full regard to that advice. But nevertheless, the evidential value of any particular SCG in this context is dependent on its content. In a number of cases, the SCGs produced by the Council primarily record the developer’s or landowner’s stated intentions. Without any further detail, as to the means by which infrastructure requirements or other likely obstacles are to be overcome, and the timescales involved, this type of SCG does not seem to me to demonstrate that the development prospect is realistic. In addition, most of the site-specific SCGs are undated, thus leaving some uncertainty as to whether they represent the most up-to-date position.”

5.30 Similarly, as part of its case in seeking to defend an appeal made by Parkes Ltd against its decision to refuse to grant outline planning permission for up to 53 dwellings at land to the south of Cox Green Road, Rudgwick³², Waverley Council claimed it could demonstrate a supply of 5,708 dwellings, which equated to just under 5.2 years against its housing requirement and buffer.

5.31 The Inspector concluded that the supply should be reduced by 928 dwellings and therefore that Waverley Council could only demonstrate a “deliverable” supply of 4.3 years. The reasons why the Inspector

³¹ PINS ref: 3216104 – Appendix **EP25**

³² PINS ref: 3227970 – Appendix **EP18**



considered the supply should be reduced are set out in paragraphs 10 to 27 of the appeal decision. We note that whilst Waverley Council's assumptions of delivery on a site at Dunsfold Park relied on estimated numbers of delivery from a pro-forma returned by the site's lead developer, the Inspector however considered that the details contained within it were "scant". There was no explanation as to how the timings of delivery could be achieved including the intended timescales for submitting and approving reserved matters, applications of discharge of conditions, site preparation and installing infrastructure. The Inspector therefore did not include the site.

- 5.32 We now refer to two appeal decisions in Oxfordshire and one in Central Bedfordshire where the definition of "deliverable" and "clear evidence" were considered.

Little Sparrows, Sonning Common (South Oxfordshire) Appeal Decision

- 5.33 At the time the South Oxfordshire Local Plan was examined, the Council's 5YHLS position at 1st April 2020 was that it could demonstrate a 5.35 year supply. These claims were tested soon after the Local Plan was examined at an inquiry in relation to an appeal regarding Little Sparrows, Sonning Common³³. In that case, the Inspector concluded that the Council could only demonstrate a 4.21 year supply.
- 5.34 Paragraph 18 of the appeal decision explains that at the inquiry, the Council's case had fallen to 5.08 years. The Council's case at that time was that it could demonstrate a deliverable 5YHLS of 5,785 dwellings and the Appellant's case was that it could demonstrate a deliverable 5YHLS of 4,789 dwellings. The difference between the two positions was 996 dwellings on 15 sites as set out in table 3 of the SoCG for that case as referred to in paragraph 19 of the appeal decision.
- 5.35 Paragraphs 20 and 21 of the appeal decision then state:

"20. I have also had regard to the PPG advice published on 22 July 2019 on 'Housing supply and delivery' including the section that provides guidance on 'What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking.' The PPG is clear on what is required:

"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."

This advice indicates to me the expectation that 'clear evidence' must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.

³³ PINS ref: 3265861 – 25th June 2021 – Appendix EP26



21. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward. (emphasis added)

5.36 This is relevant because in that case the Council had submitted emails from those promoting sites. However, the Inspector in that case found that such emails were not clear evidence as set out in the paragraphs above.

5.37 Paragraph 22 of the appeal decision then stated:

"It is not necessary for me to go through all of the disputed sites in Table 3 of SoCG 5. **In my view, the Council was not able to provide clear evidence of delivery on most of the disputed sites which significantly undermines its position.** For example, the Council suggests that 100 dwellings would be delivered at Site 1561: Land to the south of Newham Manor, Crowmarsh Gifford whereas the Appellant says 100 dwellings should be deducted. The comments set out by the Appellant for this site in Table 3 are compelling. Similarly, at Site 1009: Land to the north east of Didcot, the Council suggests 152 dwellings would be delivered whereas the Appellant says 152 dwellings should be deducted. The Appellant provides cogent evidence to support its case. Furthermore, at Site 1418: Land at Wheatley Campus, the Council agrees a deduction but only of 62 dwellings whereas the Appellant says the deduction should be 230. **There is no clear evidence before me that would suggest that these sites or indeed most of the disputed sites would deliver the completions suggested by the Council in the next five years**" (our emphasis added)

5.38 Paragraph 23 of the appeal decision states:

"Overall, I consider that the Appellant's assessment of supply set out in Table 2 of SoCG 5 is more realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. I am satisfied that the Appellant's approach is consistent with national policy, case law, appeal decisions and informed by current housebuilder sales rates, assessment of the technical complexities of delivering development sites and experience of the housebuilding industry including lead-in times"

5.39 Finally, paragraph 25 of the appeal decision states:

"I consider that the Council's supply figure should be reduced to reflect the Appellant's position set out in Table 2 of SoCG 5. The Council's supply figure of 5,785 dwellings in



Table 2 should be reduced to give a more robust total supply figure of 4,789 dwellings for the five year period. Although the Council maintains there is a 5.08 year supply, the evidence that is before me indicates a housing land supply equivalent to 4.21 years. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall, but it also means most important policies for determining the application are automatically out-of-date. The Council accepts that means all the policies in the SOLP and the SCNP are out-of-date. It also means if the paragraph 172 tests in the NPPF are satisfied then the tilted balance applies.”

Land west of Wroslyn Road, Freeland (West Oxfordshire) appeal decision³⁴

- 5.40 In this case, West Oxfordshire accepted that it could not demonstrate a deliverable 5YHLS. However, the extent of the shortfall was not agreed. Our evidence on behalf of the Appellant in that case was that 1,691 dwellings should be removed from West Oxfordshire’s 5YHLS. The Inspector found that the figure the 5YHLS was closer to our position of 2.5 years rather than the Council’s figure of 4.1 years (paragraph 59).
- 5.41 Paragraphs 50 to 57 of the appeal decision set out the Inspector’s findings on the disputed sites in that case. For the disputed sites, West Oxfordshire had provided emails and proformas to support the inclusion of the sites. However, the Inspector concluded that this was not “clear evidence” and removed the sites from the deliverable supply.

Land to the east of Langford Road, Biggleswade and north of Queens Way, and Denny Crescent, Langford, Central Bedfordshire³⁵

- 5.42 In this decision, the Inspector removed 416 dwellings from Central Bedfordshire’s 5YHLS from a site at land north of Houghton Regis which had outline planning permission and phases under construction but no known housebuilder for phases 3b and 4 or timescales for the submission of outstanding reserved matters. For this site, Central Bedfordshire had provided a delivery programme from the promoter of the site.
- 5.43 Paragraph 16 of the appeal decision states:

“Land north of Houghton Regis (Site 1) (Ref: HT057) forms part of a large strategic development plan site allocation with outline planning permission. It comprises several phases. A master plan has been approved and a design code has been submitted for Phase 4. Phases 3b and 4 are being marketed as there is no known housebuilder. The timing for the submission of the outstanding reserved matters is unknown. In

³⁴ PINS ref: 3301202 – 18th January 2023 – Appendix **EP27**

³⁵ PINS ref: 3341832 – 11th November 2024 – Appendix **EP28**



combination, the evidence provided is not clear that the 416 homes relating to Phase 3b and 4 are deliverable within the relevant 5 year period.”

The fact an application has been submitted may not mean there is clear evidence of deliverability

5.44 In a decision dated 25th August 2022 regarding an appeal made by Salter Property Investments Ltd against the decision of Exeter City Council to refuse to grant outline planning permission for up to 93 dwellings at land off Spruce Close, Exeter³⁶, the Inspector found:

- The pro-formas used by Exeter were undated, unsigned and deficient (paragraph 39);
- That 2 sites with outline planning permission and no reserved matters applications pending, and no clear evidence for their inclusion should be removed (paragraphs 40 and 41); and
- That even where reserved matters applications had been made, where those applications are subject to outstanding objections and there is no written agreement with the developer, the sites should not be included because no clear evidence had been provided (paragraphs 42 and 43).

5.45 In the Freeland appeal decision referred to above³⁷, the Inspector removed sites from the Council’s supply despite the fact that planning applications had been made. Paragraph 56 states:

“Applications were submitted in January 2021 for sites EW4 and EW5. The same email referred to above refers to consent being granted at the October planning committee, which, when HLS discussions were had at the Inquiry at the end of November, had not happened. I understand that officer illness has caused delays in progressing the applications to committee. However, without an officer report, a recommendation, or even a confirmed committee date, there is currently no clear evidence to indicate that the dwellings at sites EW4 and EW5 included in the Council’s PS should be considered deliverable in 5 years. The 156 and 120 dwellings should not, as yet, be included in HLS figures”

5.46 In a decision dated 10th April 2024 relating to an appeal against the decision of East Hampshire Council to refuse to grant outline planning permission for up to 60 dwellings at 46 Lymington Bottom, Four Marks³⁸, the Inspector removed a site from the deliverable supply because whilst a reserved matters application had been made, clear evidence had not been demonstrated. Paragraph 54 of the appeal decision states:

“Land east of Horndean has only outline planning permission. The Appellant advised that the Council’s Environmental Health Officers are concerned about ventilation, their

³⁶ PINS ref: 3292721 – Appendix **EP29**

³⁷ PINS ref: 3301202 – Appendix **EP27**

³⁸ PINS ref: 3329928 – Appendix **EP30**



Policy team have concerns about the design of the scheme and the Highway Authority have objected as well as the Parish Council. A reserved matters scheme has been submitted but is undetermined. Therefore, the submitted evidence does not clearly show this is deliverable in the time period and 200 dwellings should be deleted from the supply.”

5.47 In the Central Bedfordshire case referred to above³⁹, the Inspector removed:

- An allocated site without planning permission where an outline planning application remained undetermined for a significantly protracted period (paragraph 15); and
- A site with outline planning permission where a reserved matters application had been pending determination for 2 years and was subject to unresolved technical objections (paragraph 17).

5.48 In summary, the above appeal decisions found that sites with outline planning permission for major development and allocated sites without planning permission should not be included in the deliverable supply where the respective Councils had failed to provide the clear evidence required. In some cases those Councils had provided proformas and other evidence from those promoting sites, and Inspectors and the Secretary of State found this not to be clear evidence.

Disputed sites

5.49 The Council includes 268 dwellings on 4 large sites in the supply which we dispute as follows:

Table 5.1 – Assessment of sites

Site ref	Address	Capacity	LPA SYS	EP SYS	EP comments
3/2018/ 0423	Land at Accrington Road, Whalley	77	77	0	The site previously had detailed permission for 77 dwellings, however this was not implemented and expired. A full planning application for 104 dwellings was refused on 12 May 2022 for 8 reasons. A full planning application for 74 dwellings was refused on 10 January 2025 for 2 reasons. No further applications have been made.

³⁹ PINS ref: 3341832 – Appendix EP28



Site ref	Address	Capacity	LPA 5YS	EP 5YS	EP comments
					No clear evidence for inclusion.
3/2020/0601	Land at Highmoor Farm, Clitheroe	125	75	0	An outline planning application for 125 dwellings was approved on 08 February 2023. No reserved matters applications have been submitted to date. No clear evidence for inclusion.
HAL2	Land at Wilpshire (Salesbury View)	32	75	0	The site does not have planning permission. A full planning application for 84 dwellings was refused on 13 September 2024 and dismissed at appeal on 05 February 2025. No further applications have been made. No clear evidence for inclusion.
3/2012/0942	Standen, Littlemoor, Phases 5 & 6	386	41	0	Outline permission for 1,040 dwellings was approved on the wider site in April 2014. A reserved matters application for phases 5 & 6 comprising 265 dwellings was submitted on 24 March 2020 and is still pending determination, over 5 years later. No clear evidence for inclusion.
		Totals	268	0	

5.50 Therefore, we conclude that 268 dwellings should be removed from the Council's supply.



6. Conclusions

- 6.1 We therefore conclude that the deliverable supply in Ribble Valley at 1st April 2025 is 1,056 dwellings. This equates to **3.23 years** against the local housing need and a 5% buffer, as shown in the following table:

Table 6.1 – Ribble Valley’s 5YHLS at 31st March 2025

	Requirement	Council	Appellant
A	Annual local housing need figure	311	311
B	5YHLS requirement without buffer	1,555	1,555
C	Surplus / over-supply	536	0
D	5YHLS requirement minus surplus / over-supply of 536 dwellings (without buffer)	1,019	1,555
E	Buffer (5% of D)	51	78
F	5YHLS requirement including buffer (D + E)	1,070	1,633
G	Annual 5YHLS requirement including buffer (F / 5 years)	214	327
	Supply		
H	Deliverable supply at 1 st April 2025	1,324	1,056
G	Supply in years (H / G)	6.19	3.23
H	Over / under supply against 5YHLS requirement plus buffer (H – F)	254	-577

- 6.2 The implications of this are addressed in the Appellant’s general statement of case.



