

# **Land at Chelmsford Road, Hartford End Five-Year Housing Land Supply Review**

**Uttlesford District Council**

Stockplace Investments Ltd

19 September 2023

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**Appendix 2: Deliverability Review**

## 1.0 Introduction

- 1.1 Lichfields has prepared this report on behalf of our client, Stockplace Investments Ltd ('Stockplace'). It supports a planning application, being submitted by Stockplace to Uttlesford District Council ('the Council'), seeking outline permission for up to 50 homes at 'Land at Chelmsford Road, Hartford End'.
- 1.2 The purpose of this report is to consider what Uttlesford's current five-year housing land supply ('5YHLS') position is to inform the overall planning case for development (set out within the submitted Planning Statement). The report sets out a review of the Council's latest 5YHLS position statement in which it is acknowledged the Council cannot demonstrate a five-year supply. The report also considers the provisions of the National Planning Policy Framework ('NPPF') 2021 Paragraph 14 and the weight to the shortfall identified.

### Uttlesford's five-year housing land supply

- 1.3 The Council's latest position – published in December 2022 – is set out in the 'Uttlesford District Council 5-Year Land Supply Statement and Housing Trajectory' ('the 5YHLS report'). This report details the supply over the five-year period from 1<sup>st</sup> April 2022 from 31<sup>st</sup> March 2027; with a stated supply of 4.89 years<sup>1</sup>.

Table 1.1 Uttlesford DC's Stated 5YHLS Position

Uttlesford DC 5YHLS	
Five-Year Requirement	3,638
Deliverable Supply	3,560
Five-Year Housing Land Supply	4.89 years
Shortfall / Surplus	-78 homes

Source: Table 4, 'Uttlesford Five-Year Housing Land Supply Position Statement' (2022)

### Context and relevance

- 1.4 The Council is unable to demonstrate a 5YHLS and Stockplace's planning application should be determined with Paragraph 11(d) – the so called 'tilted balance' – engaged via footnote 8 of the NPPF (2021). This means that the Council should *"grant permission unless... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*.
- 1.5 Notwithstanding the binary nature of engaging NPPF Paragraph 11(d) via a lack of 5YHLS, the scale of any shortfall is also material and will impact on the weight to be attached to the matters to be weighed in the tilted planning balance; it is therefore considered necessary to address – at least in broad terms – the scale of shortfall. In this context, this report focuses on undertaking an assessment of the housing requirement and the deliverability of the supply.
- 1.6 Finally, while the Council cannot demonstrate a 5YHLS – meaning policies most important for determining the application are out-of-date – as a starting point, many policies are likely already out-of-date irrespective of the 5YHLS position. This is because the Council's

<sup>1</sup> Paragraph 1, 'Uttlesford District Council 5-Year Land Supply Statement and Housing Trajectory'

latest plan was adopted in 2005 (with a housing requirement to 2011) and it has been concluded policies most important for determining housing applications are out-of-date.

## Structure

1.7 This report is structured as follows:

- **Section 2.0** sets out an overview of relevant policy and guidance;
- **Section 3.0** sets out an assessment of the Council's five-year housing requirements;
- **Section 4.0** details a deliverability review of the Council's supply;
- **Section 5.0** details the relevance of the Council's 5YHLS position for our clients planning application;
- **Section 6.0** considers proposed changes to the NPPF; and
- **Section 7.0** details our conclusions.

## 2.0 Relevant Policy and Guidance

- 2.1 This section presents the relevant sections of the Uttlesford District Local Plan and NPPF pertinent to the determination of a 5YHLS.

### Development plan

- 2.2 The Statutory Development Plan for the site comprises the Uttlesford Local Plan (2005). This plan is now significantly out of date and as a starting point many of its policies are agreed to be considered out-of-date with reference to their consistency with the NPPF and age. Uttlesford District Council is in the process of developing a new Local Plan (having previously withdrawn a draft plan at examination in 2020) with a Reg.18 consultation due to be undertaken in October 2023. The aim is to then adopt a new plan in Spring 2026.

### National Planning Policy Framework

#### Adopted

- 2.3 The NPPF (2021) states that the presumption in favour of sustainable development should be at the heart of plan-making and decision-taking. For decision-taking, Paragraph 11 of the NPPF is clear that this means:

*“c. approving development proposals that accord with an up-to-date development plan without delay; or*

*d. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 2.4 Footnote 8 of the NPPF confirms that circumstances where policies are ‘out-of-date’ *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites for applications for housing development.”*

- 2.5 The NPPF (2021) also states that:

*“... 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<sup>38</sup>, or against their local housing need where the strategic policies are more than five years old<sup>39</sup>...” (Paragraph 74)*

- 2.6 A framework for assessing the deliverability of sites is set out at Appendix 1.

## Emerging

- 2.7 In early December 2022, the Government published a Written Ministerial Statement ('WMS')<sup>2</sup>. This set out that changes would be made to the NPPF and specifically the test of 5YHLS. While this WMS is a material consideration, the WMS is merely an expression of what policy might be subject to a future consultation rather than what current policy is. Consequently, the starting point for decision making remains extant policy which should continue to be implemented. This position is confirmed in a note issued to all Planning Inspectors by the 'Planning Inspectorate' ('PINS')<sup>3</sup>.
- 2.8 Since the WMS, the Government published a draft NPPF for consultation in late December 2022 alongside a series of questions<sup>4</sup>. The consultation ended on 2<sup>nd</sup> March 2023 with the Government aiming to review the responses and publish a revised NPPF in 'Spring 2023' (a timeline the Government have missed). Within the revised NPPF, changes are proposed – as trailed by the earlier WMS – to the requirement to demonstrate a 5YHLS, the calculation of it, and other relevant policy including the Housing Delivery Test.
- 2.9 While the recent consultation is capable of being a material consideration in the determination of planning applications, we consider that it holds very limited weight (as detailed in Section 6.0 of this report). No further updates on the revised NPPF have been issued since the consultation period ended in March 2023.

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<sup>2</sup> [REDACTED]

<sup>3</sup> 'PINS Note 14/2022'.

<sup>4</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1126647/NPPF\\_July\\_2021\\_-\\_showing\\_proposed\\_changes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf) & <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>



3.0

# Assessment of the Council’s Housing Requirement

3.1 The Council calculates its current five-year requirement as 3,638 homes. When assessing this figure against adopted policy in the development plan, national policy and national guidance we consider that figure should now be amended accounting for the Council’s latest local housing need.

## Basic five-year requirement

3.2 The NPPF (2021) states that:

*“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<sup>38</sup>, or against their local housing need where the strategic policies are more than five years old<sup>39</sup>” (Paragraph 74)*

3.3 Expanding on the above, Footnote 39 states that in circumstances where a local plan is more than five-years old but has been reviewed and found not to need updating the local plan requirement can continue to be used. It also confirms that local housing need should be calculated using the standard method set out in national planning guidance (‘PPG’).

3.4 In the specific case of Uttlesford, the Council’s Local Plan was adopted considerably more than five-years ago and has not been reviewed or found not to need updating. Therefore, the Council has correctly identified that the basis for assessing its 5YHLS is its local housing need figure calculated using the standard method.

3.5 The Council calculates its local housing need figure is 693 dwellings per annum (‘dpa’). This figure was arrived at using a 2022 base year and the latest median affordability ratios at the time of the report’s publication. In accordance with the PPG (ID: 2a-004) the latest inputs to the standard method should be used when calculating local housing need. At the time of the Council’s 5YHLS positions publication the Council did use the latest inputs. However, the inputs have now changed: i.e. the base year should now be 2023 and the latest affordability ratios (published March 2023) should be used. This lowers the Council’s local housing need marginally to 684 dpa<sup>5</sup>; albeit this is a capped figure. For reference, the uncapped local housing need figure is 769 dpa.

Table 3.1 Basic Annual Requirement

	Uttlesford DC	Lichfields
Annual Requirement	693 dpa	684 dpa
Source	Standard Method (2022 Base Date, 2021 Affordability Ratio)	Standard Method (2023 Base Date, 2023 Affordability Ratio)

Source: ‘Uttlesford Five-Year Housing Land Supply Position Statement’ (2022) & Lichfields Analysis

<sup>5</sup> The Long Melford appeal (ref. 3214377) Inspector confirms the use of the latest inputs to the standard method (see IR 429 to 430)

## Shortfall of supply

- 3.6 If a shortfall has accrued, the PPG states that this should normally be added on to a five-year requirement in full. However, in situations where the standard method is used no undersupply should be added (PPG ID: 68-031). This is because its methodology already includes an ‘affordability uplift’ which accounts for situations where past undersupply has resulted in changes to the affordability ratio.

## Appropriate buffer

- 3.7 The Council’s latest 5YHLS position is not a formal ‘Annual Position Statement’; therefore, the appropriate buffer is either a default 5% or a 20% depending on the Council’s ‘Housing Delivery Test’ (‘HDT’) result. The Council’s latest HDT result – dated 2021, published January 2022 – is 99%, meaning the appropriate buffer to apply is 5%.
- 3.8 Looking to the next HDT publication, the Government – as part of the recent NPPF consultation – stated that while it does intend to publish the 2022 HDT results, they are seeking views on how to address the implications arising from it<sup>6</sup>. Projecting what that result might be, Uttlesford delivered only 208 dwellings in 2021/22.<sup>7</sup> Therefore, we expect its next HDT measurement for 2022 to drop to 58%, as shown in Table 3.2 below.

Table 3.2 Projected 2022 Housing Delivery Test Results

Number of Homes Required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test Result 2022
2019-20	2020-21	2021-22		2019-20	2020-21	2021-22		
654	470	693	1,817	507	340	208	1,055	58%

Source: HDT Results 2021 (gov.uk), Live Table 122 on Housing Supply (gov.uk) & Lichfields analysis

- 3.9 Assuming the Government apply the HDT implications as normal, it is likely that when the 2022 HDT results are published, a 20% buffer will be required. Furthermore, a measurement of this level (i.e. below 75%) means Paragraph 11(d) would also be engaged via this route. While this is already the case, given the lack of 5YHLS and age of the adopted planning policy, an HDT measurement at this level would reaffirm this position and require the Council to put in place a housing delivery action plan.
- 3.10 Nonetheless until the 2022 HDT results are published, a 5% buffer is appropriate for the District.

## Lichfields assessment

- 3.11 Taking together the above amendments, the Council’s current five-year requirement is 3,591 homes. This is calculated using the latest standard method figure and a 5% buffer.

<sup>6</sup> See Paragraph 23 and Question 21 – <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

<sup>7</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1119761/Live\\_Table\\_122.odt](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1119761/Live_Table_122.odt)

Table 3.3 Lichfields Review of Uttlesford DCs Five-Year Requirement

	Uttlesford DC	Lichfields
Annual Requirement	693	684
Shortfall	~	~
Buffer	5%	5%
Total Five-Year Requirement	3,638	3,591

Source: 'Uttlesford Five-Year Housing Land Supply Position Statement' (2022) &amp; Lichfields Analysis

- 3.12 The impact of our changes to the requirement is that the Council's stated 5YHLS should at most be 4.96 years: a shortfall of 31 homes. This is without any amendments to the Council's deliverable supply as shown in Table 3.4.

Table 3.4 Amended Lichfields DC 5YHLS Position (Based on Amends to Requirement Only)

	Uttlesford DC	Lichfields
Five-Year Requirement	3,638	3,591
Deliverable Supply (based on Council assessment)	3,560	3,560
Five-Year Housing Land Supply	4.89 years	4.96 years
Shortfall / Surplus	-78	-31

Source: 'Uttlesford Five-Year Housing Land Supply Position Statement' (2022) &amp; Lichfields Analysis

## 20% buffer sensitivity test

- 3.13 As an illustrative test, the below sets out the impact of the 20% buffer on the Council's requirement and overall supply position (based on the Council's supply figures). Applying the 20% buffer would increase the five-year requirement from our revised figure of 3,591 homes to 4,104: resulting in the Council only being able to demonstrate a supply of 4.34 years (a shortfall of 544 homes) (based on the Council's own supply figures).

Table 3.5 Uttlesford District's Five-Year Requirement (20% buffer)

	Uttlesford District Council	Lichfields
Basic Five-Year Requirement	3,465	3,420
Buffer	20%	20%
Five-Year Requirement	4,158	4,104

Source: 'Uttlesford District Council 5-Year Land Supply Statement' (2022) &amp; Lichfields Analysis

Table 3.6 Uttlesford District's Five-Year Supply (20% buffer)

	Uttlesford District Council	Lichfields (no supply amends)
Five-Year Requirement	4,158	4,104
UDC Stated Supply	3,560	3,560
Five-Year Supply	4.28 years	4.34 years
Shortfall / Surplus	-598	-544

Source: 'Uttlesford Five-Year Housing Land Supply Position Statement' (2022) &amp; Lichfields Analysis

## 4.0 Deliverability Assessment of the Council's Supply

- 4.1 This section of the report sets out an overview of the Council's approach to assessing deliverability and a deliverability review of the Council's sites. This is using our deliverability assessment framework detailed at Appendix 1.

### The Council's supply

- 4.2 The Council identifies a deliverable supply of 3,560 homes across the relevant five-year period from 1<sup>st</sup> April 2022. The Council has published a separate trajectory that details the specific sites included with a brief commentary. The supply is broken down into seven categories set out in Table 4.1 below.

Table 4.1 Uttlesford DC's Deliverable Supply

Source of Supply	Supply
1) Under construction	1,303
2) With planning permission (full or reserved matters covering whole site)	476
3) With outline permission with part(s) covered by reserved matters	955
4) With outline permission only	98
5) Adjusted figure for communal establishments (C2)	92
6) Small sites <6 dwellings (years 1-3 only)	408
7) Windfall allowance (years 4-5 only)	228
<b>Total</b>	<b>3,560</b>

Source: Uttlesford Five-Year Housing Land Supply Position Statement – Appendix 2 (2022)

- 4.3 Noting the sources of supply above, the Council consider 'small sites' as being five or fewer homes, with large sites being for six or more homes. In our assessment, we consider a large site as being 10 or more homes and small as being nine or fewer; consistent with the definition of 'major' and 'minor' development.

### Appeal precedent

- 4.4 At the Helena Romanes School appeal (ref. 3296064) (dated February 2023) the Appellant put forward an assessment of the Council's 5YHLS position. While the Inspector did not appear to review each site in detail, he stated that *"there is some force to the appellant's assessment of deliverable supply"* (DL Para 56); that the Council's position has a *"general lack of the evidential threshold set out in the PPG"* (DL Para 56) and that the Council's housing land supply position is *"closer to the 4 years invited by the appellant"* (DL Para 57). We have considered the developers deliverability review in undertaking our own, detailed below, but apply our own judgement to each site noting that the Inspector did not endorse the Appellant's conclusions on specific sites.
- 4.5 In addition, we note a number of recent S62A 'Decision Notice and Statement of Reasons' for housing developments across Uttlesford. These reports have – so far – noted the Council's 5YHLS position being the stated 4.89 years but do not interrogate the position any further.

## Deliverability review

- 4.6 The below sets out a summary of our deliverability review of the Council's stated supply. We have included a full schedule of our amendments – including the reasoning for each amendment – at Appendix 2 to this report.

### 1) Under construction

- 4.7 This source of supply makes a major contribution to Uttlesford's stated supply at 1,303 units. Having reviewed the sites, we have removed one site ('Land At Smiths Farm') as we do not consider it to be deliverable. We have also made amendments to two sites where the number in the trajectory did not reflect the accurate position in terms of net dwellings.
- 4.8 In total, we reduce the supply from this source to 1,221 units (a reduction of 82 units).

Table 4.2 Summary of Lichfields Review of Uttlesford DCs sites under construction

Uttlesford DC	Lichfields	Difference
1,303	1,221	-82

Source: Lichfields Analysis

### 2) With planning permission (full or reserved matters covering whole site)

- 4.9 These sites, with detailed planning permission covering the whole site, are 'Category A' which are considered deliverable unless there is clear evidence of them not coming forward, or the permission has lapsed. We have made no amendments to sites from this source in our review.

Table 4.3 Summary of Lichfields Review of Uttlesford DCs sites with planning permission (full or reserved matters covering whole site)

Uttlesford DC	Lichfields	Difference
476	476	0

Source: Lichfields Analysis

### 3) With outline permission with part(s) covered by reserved matters

- 4.10 A number of sites that were placed in this category by Uttlesford only have outline permission and, therefore, should have been categorised as such (i.e. Category 4). Our review has amended the delivery from seven sites in this source. These sites have been assessed as either not having sufficiently 'clear evidence' to be considered deliverable or are considered deliverable, but the lead-in times have been amended.
- 4.11 In total, our amendments to this source of supply reduce the supply by 183 dwellings to 772 dwellings in total.

Table 4.4 Summary of Lichfields Review of Uttlesford DCs Sites with outline permission with part(s) covered by reserved matters

Uttlesford DC	Lichfields	Difference
955	772	-183

Source: Lichfields Analysis

#### 4) With outline permission only

- 4.12 Sites with outline permission only are 'Category B' sites for which clear evidence of deliverability is required. In our review, we found that one site lacks sufficiently clear evidence to be deliverable. Therefore, our amendments to this source of supply reduce supply by 60 dwellings to 38 in total.

Table 4.5 Summary of Lichfields Review of Uttlesford DCs sites with outline permission only

Uttlesford DC	Lichfields	Difference
98	38	-60

Source: Lichfields Analysis

#### 5) Adjusted figure for communal establishments (C2)

- 4.13 Three sites comprising 167 C2 bedspaces are included within the Council's supply. As per the HDT Rulebook (2018), a ratio of 1:1.8, based on the national average number of adults in all households, should be applied. This has been applied correctly by the Council resulting in a supply of 92 units from this source. We have not made any amendments.

Table 4.6 Summary of Lichfields Review of Uttlesford DCs sites adjusted figure for communal establishments (C2)

Uttlesford DC	Lichfields	Difference
92	92	0

Source: Lichfields Analysis

#### 6) Small sites <6 dwellings (years 1-3 only)

- 4.14 Small sites (<6 units) are expected to deliver 408 dwellings within the first three years of the supply. This is based on 647 net dwellings with permission and an assumption that 63% of these will be delivered (reflecting the evidence presented in the Windfall Allowance for Uttlesford Paper June 2021). The permissions comprising the 647 net dwellings have not been identified individually on the trajectory; therefore, we have been unable to undertake a targeted review of these sites.
- 4.15 Notwithstanding, these types of sites are Category A and are presumed 'deliverable'. It is only where clear evidence is provided that the site is not deliverable that it would be removed from the supply. We consider that the non-implementation rate applied by the Council is a realistic figure given it reflects the evidence presented in their Windfall Allowance Paper. Therefore, we do not make any amendments to this source of supply.

Table 4.7 Summary of Lichfields Review of Uttlesford DCs small sites &lt;6 dwellings (years 1-3 only)

Uttlesford DC	Lichfields	Difference
408	408	0

Source: Lichfields Analysis

Table 4.8 Small Sites &lt;6 Dwellings Delivery

	2022/23	2023/24	2024/25	2025/26	2026/27	Total
Uttlesford DC	136	136	136	0	0	408
Lichfields	136	136	136	0	0	408
Difference	0	0	0	0	0	0

Source: Uttlesford Five-Year Housing Land Supply Position Statement – Appendix 2 (2022)

## 7) Windfall allowance (years 4-5 only)

- 4.16 The Council include an allowance for windfall site delivery of 114 dwellings per year. This figure is primarily based on historic rates of completions as evidenced in the Council's 'Windfall Topic Paper' (June 2021). To avoid double counting with the small sites with extant planning permissions, no allowance for windfall is made in years one to three of the five-year period (i.e. 2022/23 – 2024/25).
- 4.17 In accordance with the NPPF (Paragraph 71), a windfall allowance should, as a starting point, not be included. It is only where there is 'compelling evidence' that an allowance be added to the Council's supply. Any allowance made should also have regard for the strategic housing land availability assessment, past delivery rates, and expected future trends.
- 4.18 Reviewing the proposed allowance, we consider it to be generally modest and acceptable following a review of the Council's 'Windfall Paper'. However, we note that the figure included is based partly on past completions of both small sites (which the Council describe as <6 homes) and 'large sites' (which the Council describe as >6 homes). For example, the 'Windfall Topic Paper' notes that a high number of windfall permissions were granted due to "*several permissions granted for developments of between 6-20 dwellings*" (Paragraph 17). It is unclear whether 20 homes is the 'largest' site the Council assess. Notwithstanding, while we question the inclusion of larger sites as part of the calculation, it appears they only make a modest contribution and are a typology of site more likely to come forward in Uttlesford given the lack of up-to-date Local Plan.
- 4.19 In this context, while we might have reservations regarding the large site inclusion within the windfall rate applied, we do not propose any specific amendments to this source of supply.

Table 4.9 Summary of Lichfields Review of Uttlesford DCs windfall allowance (years 4-5 only)

Uttlesford DC	Lichfields	Difference
228	228	0

Source: Lichfields Analysis

## Lichfields Position on five year Supply

- 4.20 From our review of the Council's current supply, we conclude the Council can only evidence a deliverable supply of 3,235 homes in the relevant five-year period.

Table 4.10 Uttlesford DC's Deliverable Supply

Source of Supply	Council Supply	Lichfields	Difference
2) Under construction	1,303	1,221	-82
3) With planning permission (full or reserved matters covering whole site)	476	476	0
4) With outline permission with part(s) covered by reserved matters	955	772	-183
5) With outline permission only	98	38	-60
6) Adjusted figure for communal establishments (C2)	92	92	0
7) Small sites <6 dwellings (years 1-3 only)	408	408	0
8) Windfall allowance (years 4-5 only)	228	228	0
Total	3,560	3,235	-325

Source: Lichfields Analysis

4.21 Our reduction in the Council's supply is primarily because of a lack of sufficiently clear evidence to demonstrate its Category B sites as being deliverable. These are the sites which are inherently less certain of delivery in the five-year period; hence the requirement for the publication of clear evidence to be deliverable. In this context:

- It is the Council's responsibility to publish this evidence and while there has been some engagement with developers and on-site surveys, the Council's position itself is substantively absent of the necessary detail to conclude that sites are indeed deliverable; and
- In reviewing the evidence for these sites, we would agree with the Helena Romanes School appeal Inspector (ref. 3296064) that the Council's position has a "*general lack of the evidential threshold set out in the PPG*" (DL Para 56).

4.22 In addition to those sites without sufficiently clear evidence:

- There are a few sites where the figures identified appear to be gross, rather than net figures (i.e. demolitions/conversions not having been correctly accounted for).
- We have concerns regarding the windfall allowance but make no arithmetical amends to it. However, it should be noted that it effectively projects that the Council will need to continue to grant permission on large unallocated sites, which will be needed for supply.
- In some cases we consider the Council's assessment of lead-in times to be unrealistic (given the site's progress) so have amended these in line with Start to Finish (in lieu of local evidence).

4.23 The effect of our amendments to both the five-year housing requirement and supply results in the Council being able to demonstrate a land supply equivalent to 4.59 years; with a shortfall of 356 homes (applying a 5% buffer).



Table 4.11 Amended Uttlesford DC 5YHLS Position Supply and Requirement Amends (5% buffer)

	Uttlesford DC	Lichfields
Five-Year Requirement (5% buffer)	3,638	3,591
Deliverable Supply	3,560	3,235
Five-Year Housing Land Supply	4.89 years	4.59 years
Shortfall / Surplus	-78	-356

Source: Uttlesford Five-Year Housing Land Supply Position Statement (2022) &amp; Lichfields Analysis

- 4.24 As a sensitivity, were the 20% buffer to apply – noting our projected measurement for the next HDT (see Table 4.12 Amended Uttlesford DC 5YHLS Position Supply and Requirement Amends (20% buffer)) – the Council's supply position would reduce to 3.94 years. However, until such time as the 2022 HDT is published by Government (and the Government confirm its intention of how to or how not to apply the 2022 HDT implications), the Council's position is 4.59 years with a 5% buffer is applicable.

Table 4.12 Amended Uttlesford DC 5YHLS Position Supply and Requirement Amends (20% buffer)

	Uttlesford DC	Lichfields
Five-Year Requirement (20% buffer)	4,158	4,104
Deliverable Supply	3,560	3,235
Five-Year Housing Land Supply	4.28 years	3.94 years
Shortfall / Surplus	-598	-869

Source: Uttlesford Five-Year Housing Land Supply Position Statement (2022) &amp; Lichfields Analysis

## 5.0 Relevance of Our Housing Land Supply Conclusions

- 5.1 The presence or not of a 5YHLS is a material consideration for the determination of any planning application involving the provision of housing. The lack of a 5YHLS engages the tilted balance of NPPF Paragraph 11(d) and the supply position concluded is also material to the degree of weight that should be given to the provision of new homes.

### The ‘titled balance’

- 5.2 NPPF Paragraph 11(d) sets out that for decision taking, where the policies which are most important for determining the application are out-of-date (including by virtue of there not being a demonstrable 5YHLS), permission should be granted unless (i) policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (the often called ‘tilted balance’).
- 5.3 In this case, the Council acknowledges it cannot demonstrate a 5YHLS. Our amendments to the supply reduces this position to 4.59 years. As a policy construct, 5YHLS and how it engages Paragraph 11(d) is binary; either a 5YHLS exists (and as such Paragraph 11(d) is not engaged via this route<sup>8</sup>) or it does not exist, and Paragraph 11(d) is engaged. In this case, Paragraph 11(d) is therefore engaged (as the Council agree is the case in its latest published position).
- 5.4 In addition:
- As a starting point, many policies are likely already out-of-date and the titled balance engaged irrespective of the 5YHLS position. This is because the Council’s latest plan was adopted in 2005 (with a housing requirement to 2011) and it has been concluded policies most important for determining housing applications are out-of-date; and
  - We project that the Council’s 2022 HDT measurement will be 58%. A measurement of this level (i.e. below 75%) means Paragraph 11(d) would be engaged assuming the Government publish the measurements and then apply the HDT implications as normal.

### NPPF Paragraph 14

- 5.5 Our client’s development site is within a designated neighbourhood planning area: Felsted. Therefore, the provisions of NPPF (2021) Paragraph 14 are relevant. Paragraph 14 states:

*“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, **provided all of the following apply:***

*a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*

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<sup>8</sup> Albeit there may be other reasons that render relevant policies out-of-date

*b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*

*c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*

*d) the local planning authority's housing delivery was at least 45% of that required over the previous three years." (our emphasis)*

- 5.6 In this case, the Felsted Neighbourhood Plan was made on the 25<sup>th</sup> February 2020. Therefore, clause (a) no longer applies as it was made more than two years ago. As all four conditions do not apply concurrently from that point, Paragraph 14 is not engaged for this application as the decision will be made after the expiry of those two years.

## Significance to the degree of the shortfall

- 5.7 Notwithstanding the binary nature of engaging NPPF Paragraph 11(d), the scale of any 5YHLS shortfall is also material and will impact on the weight to be attached to the matters to be weighed in the tilted planning balance; it is therefore considered necessary to address, at least in broad terms, the scale of shortfall. That is also consistent with the approach set out in the recent high court judgment *Gladman v SoS Housing Communities and Local Government* [2019] EWHC 128,<sup>9</sup> whereby Justice Dove concluded (para 26) “in the event of there being a shortfall in the housing land supply, by and large it will be necessary for the decision maker to engage at least in broad terms what the extent of that shortfall is.”
- 5.8 In broad terms, the greater the degree of shortfall, the greater weight the shortfall must be given in the balancing exercise.
- 5.9 The degree of 5YHLS shortfall in Uttlesford is significant, equivalent to 356 homes or 0.41 years. By way of reference the earlier Helena Romanes School appeal in Uttlesford District (ref. 3296064), the Council's supply position was concluded to be ‘closer to 4’ years and therefore the Inspector concluded that the public benefit arising from additional new homes should be given very significant weight in any balancing exercise.
- 5.10 This shortfall is further compounded by the fact that:
- 1 Our assessment of the Council's recent housing delivery indicates that it will record a measurement of 58% (see Table 3.2) in the 2022 Housing Delivery Test, and therefore would be subject to the 20% buffer. This would further reduce the 5YHLS position to 3.94 years with a shortfall of 869 dwellings.
  - 2 The Council's median affordability ratio has increased from 10.76 in 2005 (i.e. the date of adoption of its Local Plan) to 13.18 in 2022. This is significantly higher than the national average of 8.28 in England and just above the South East average of 10.75.
  - 3 The Council's waiting list for affordable homes was 1,272 households at 31 March 2022.<sup>10</sup> This highlights the pressing need for more homes in the District and the development would deliver 20 additional affordable homes to help meet this need (including affordable rent, shared ownership, and First Homes).

<sup>9</sup> Gladman Development Ltd v Secretary of State of Housing Communities And Local Government & Anor [2019] EWHC 128 (Admin) (29 January 2019) - [REDACTED]

<sup>10</sup> Department for Levelling Up, Housing and Communities [2022] Local authority housing statistics data returns for 2021 to 2022 - <https://www.gov.uk/government/statistical-data-sets/local-authority-housing-statistics-data-returns-for-2021-to-2022>

- 4 The Local Plan was adopted in 2005 and is severely out of date. While the Council is preparing a new Local Plan, this process was put on hold in September 2022 and a new plan is not expected to be adopted until at least Spring 2026. Therefore, the Council is reliant on unallocated development – such as the proposed development by Stockplace – for housing delivery to meet needs for market and affordable homes.
- 5 The Standard Method figure used to determine the Council's 5YHLS is capped at 40% above projected household growth. Therefore, the 'true' objectively assessed need for housing without any cap applied is significantly greater than 683 dpa, at 769 dpa.
- 6 As of February 2022, Uttlesford District Council has been placed in 'special measures' by the Government due to the poor quality of decision-making on applications for planning permission for major development. Inadequate decision-making in recent years is likely to have delayed the delivery of much needed new housing.

5.11 In summary the 5YHLS shortfall is significant, and that should be weighed in the tilted planning balance in respect of the benefits and any potential disbenefits of the proposal.

## 6.0 Proposed Changes to the NPPF

6.1 The Government's 'Levelling-up and Regeneration Bill: reforms to national planning policy' concluded in March 2023. This consultation proposed amendments to national planning policy which relate to 5YHLS. We set out a brief summary of these below, and assess the relevance of each in the context of this application:

- 1 LPAs with up-to-date requirements would no longer need to demonstrate a 5YHLS. This would not apply to Uttlesford as its requirement is not up-to-date;
- 2 5% and 20% buffers are proposed to be removed for all authorities.
- 3 Past over-supply would be incorporated in 5YHLS assessments, with the consultation stating that these should include 'any previous under or over-supply as set out in planning practice guidance'. The consultation is not clear on how this would be calculated;
- 4 A proposed 4-year supply transitional arrangement for LPAs that have submitted a plan for examination or published a Regulation 19 plan, or a Regulation 18 plan with allocations, proposals map, and a housing requirement. Uttlesford – at the time of writing – has not published a Regulation 18 Plan with allocations;
- 5 Additional protections afforded to areas with a made neighbourhood plan. The application site falls within the Felsted Neighbourhood Plan area.

6.2 While the recent consultation is capable of being a material consideration in the determination of planning applications, we consider that it holds very limited weight in decision-making at present, for the reasons set out below:

- 1 The proposed amendments to planning policy, including those concerning 5YHLS, are high-level without the benefit of accompanying changes to the planning practice guidance on how these policies should be applied;
- 2 As such, no conclusions can be reached on how these would impact an LPA's 5YHLS position, until the full guidance is available for review. For example, if the removal of the buffer was implemented, this would likely need to correspond with amendments to the guidance concerning evidence necessary to demonstrate deliverability, in order to ensure that future land supply is capable of meeting housing requirements; and
- 3 The proposed changes to the NPPF are at the early stages of consultation, they are controversial and have generated a high volume of responses (c.26,000) including objections that the Government will need to address and resolve, including through potential re-drafting and/or guidance. As such, attributing the proposed amendments very limited weight is appropriate. This is consistent with the principles set out in paragraph 48 of the NPPF that relate to emerging Local Plans; these allow LPAs to give weight to emerging policies based on the stage of preparation of the emerging plan, and the extent to which there are unresolved objections to relevant policies<sup>11</sup>.

6.3 Overall, since its publication in December 2022, there is still no firm timetable for when any new NPPF might be published or an indication of whether the policies originally

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<sup>11</sup> As evidenced by responses to the 'Levelling Up, Housing and Communities Committee' held on 24<sup>th</sup> April 2023 by Rachel Maclean MP (Minister of State (Housing and Planning) at Department for Levelling Up, Housing and Communities) and Emran Mian (Director General, Regeneration at Department for Levelling Up, Housing and Communities)

proposed will be adopted. Although we consider the outlined proposals to currently hold very limited weight ahead of any revised policy being adopted, below we consider the proposed amendments in the context of how they might affect Uttlesford's 5YHLS position during the determination of this application – acknowledging an absence of guidance supporting the proposed changes.

- 6.4 As set out above, the majority of the proposals would not affect Uttlesford at a District level as it does not have an up-to-date housing requirement, there is no apparent past oversupply, and its emerging plan is not sufficiently progressed. The key amendment which would affect Uttlesford District's overall position is therefore the proposed removal of the 5% and 20% buffers.
- 6.5 As such, in Table 6.1 we have considered Uttlesford's 5YHLS position with no buffers included. Using Uttlesford's supply figures, this would increase their supply to 5.14 years, marginally securing a 5YHLS. However, based on our amendments to the deliverable supply – as set out above in this report – the position would be 4.72 years. Therefore, on the basis of our analysis, even without the application of a buffer, Uttlesford is not able to demonstrate a 5YHLS at a district level.

Table 6.1 Amended Uttlesford DCs 5YHLS Position with no buffers included

	Uttlesford DC	Lichfields
Five-Year Requirement (no buffers)	3,465	3,420
Deliverable Supply	3,560	3,235
Five-Year Housing Land Supply	5.14 years	4.72 years
Shortfall / Surplus	+95	-185

- 6.6 Looking to this application, the site is within a designated neighbourhood plan area (Felsted) which has a made neighbourhood plan. The additional protections that are proposed to areas with a made neighbourhood plan would hypothetically apply in the specific circumstances of the Felsted Neighbourhood Plan; triggering the proposed amended Paragraph 14 of the NPPF. However, as aforementioned the consultation should be afforded very limited weight for the reasons set out above.

## 7.0 Conclusions

- 7.1 This report has considered Uttlesford DC's 5YHLS position in the context of Stockplace's proposed development at 'Land at Chelmsford Road, Hartford End'.

**The five-year housing requirement, in line with NPPF Paragraph 74 and PPG (ID: 68-044), is 3,591 homes over the five-year period. However, it might increase to 4,104 homes depending on the publication and application of the 2022 HDT measurements.**

- 7.2 Having regard for policy and guidance, the Council's standard method figure can be updated to a 2023 base date, using the latest affordability ratio, and applying a 5% buffer. As a result, the Council's five-year requirement reduces slightly from that stated by the Council. It might be that the 20% buffer is appropriate in the near future but this is subject to when the Government publishes the next HDT measurements and whether or not it decides to implement its consequences as normal. However, until such time the 5% buffer should be used.

**The Council's evidence identifies deliverable sites equivalent to 3,560 homes. On this basis, Uttlesford DC's 5YHLS position is at most 4.96 years supply – using our amended requirements – and the tilted balance at NPPF Paragraph 11(d) is engaged.**

- 7.3 The Council's latest 5YHLS position concludes a deliverable supply of 3,560. Against either a requirement incorporating a 5% or 20% buffer the Council cannot demonstrate a five-year land supply (4.96 years and 4.34 years respectively). Thus, Paragraph 11(d) of the NPPF – the 'tilted balance' is engaged for this application.

**However, having regard to the NPPF definition of deliverable, we consider the Councils supply should be reduced to just 3,235 homes.**

- 7.4 When reviewing the Council's supply, we consider the Council can only demonstrate a supply of 3,235 homes from deliverable sites. The key issue we have identified is a lack of clear evidence on large sites with outline permission. There are also other issues with sites we have identified including unrealistic build-out rates and lead-in times. These conclusions on the degree of clear evidence available, and that the Council's supply figure should be reduced, is consistent with previous Inspectors conclusions in respect of recent appeal decisions within the district.

**On this basis, Uttlesford DC's 5YHLS position should be 4.59 years. The degree of shortfall is 0.41 years, and this in and of itself should be considered a significant shortfall.**

- 7.5 The weight to this is enhanced given the Council's 5YHLS is assessed against a capped local housing need figure, previous shortfalls, the Councils median affordability ratio remains high, and to meet needs the Council are reliant on non-allocated sites given there is little prospect of the Council adopting a local plan to remedy supply issues in the short term.

- 7.6 The degree of shortfall is clearly material and should be considered in the tilted planning balance. In broad terms, the greater the degree of shortfall, the greater weight the shortfall must be given in the balancing exercise. Here, the shortfall in Uttlesford should be

considered significant. The weight to this shortfall is enhanced by local factors: including the Council's recent housing delivery, which is low (using a projected HDT measurement), the fact that the Local Plan is severely out-of-date, and the Council being placed into 'special measures' by the government.

- 7.7 Finally, while changes are proposed to 5YHLS in the previously consulted upon draft NPPF the proposed policy changes should hold very little weight in the determination of the application.



## Appendix 1: Deliverability Review Framework

### What Constitutes a Deliverable Site?

- 1.1 The below overviews relevant policy and guidance in relation to what constitutes a deliverable site. This provides a framework for how we assess the deliverability of sites in Section 4.0 and Appendix 2 of this report.

### Policy and guidance

- 1.2 To ‘demonstrate’ a 5YHLS, NPPF (2021) paragraph 74 requires local planning authorities to identify a supply of specific ‘deliverable’ sites sufficient to meet five-years’ worth of housing. The NPPF (2021) defines a ‘deliverable’ site as:

*“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.” (Annex 2, page 66)*

- 1.3 The Secretary of State (‘SoS’) has confirmed his interpretation that the definition of ‘deliverable’ should not be taken as being a ‘closed list’<sup>12</sup>. The SoS stated that the “*examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition*” (Paragraph B of the Consent Order). Therefore, sites not specifically listed in the definition of deliverable can be found to be ‘deliverable’ where that site can be shown to 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’. For example, this would extend to sites that have a resolution to grant planning permission subject to the signing of a S106 agreement at the base date.

- 1.4 The PPG provides further guidance on what constitutes a ‘deliverable’ site in the context of decision-taking and the evidence required to demonstrate deliverability, for example such evidence may include:

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<sup>12</sup> See Consent Order for East Northamptonshire Council v Secretary of State for Communities and Local Government (C0/917/2020) - <https://cached.offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/CO009192020.pdf>

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*“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;*

*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.” (ID: 68-007)*

## **Our interpretation of policy and guidance?**

1.5 From the above, our interpretation of policy and guidance is summarised as follows:

- **‘Category A’** sites are those listed in the definition of ‘deliverable’ (i.e. sites with a detailed permission) and – in accordance with the PPG (ID: 68-007) – are sites that are ‘in principle’ deliverable. It is only when these sites expire, or a third party presents ‘clear evidence’ that these sites will not deliver within the five-year period that they should not be considered deliverable (i.e. to overturn the presumption that they are ‘deliverable’).
- **‘Category B’** sites are - in effect - any large site that does not have a detailed permission (including those types of sites not specifically listed in the definition). It is for an LPA to demonstrate these sites are deliverable with published ‘clear evidence’ that housing completions will begin on site within five-years. The test is not whether the Council’s assumptions on any one site are unrealistic, it is that they have to be shown to be clearly realistic<sup>13</sup>.

1.6 What does and does not form ‘clear evidence’ has been a matter of much debate at various planning appeals. Ultimately, there is no definition of ‘clear evidence’ and determining what does form ‘clear evidence’ is a matter of planning judgement. Having reviewed a large body of precedent from both Inspector and Secretary of State decisions we consider the below points to be most important:

**1 Deliverability is determined on the content and value of the evidence prepared, not simply the fact that evidence itself has been provided.**

As confirmed by the ‘Popes Lane’ decision<sup>14</sup>, it is the evidential value of the evidence gathered that demonstrates that a development’s prospects of delivery are realistic: forming ‘clear evidence’. The value of any site-specific evidence is itself dependant on the site’s context and the specific circumstances of that site<sup>15</sup>. Evidence can also take account of information gathered after the base date as long as it is used to support sites

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<sup>13</sup> Appeal ref. 3236460 (IR65)

<sup>14</sup> Appeal ref. 3216104 (IR 23)

<sup>15</sup> Confirmed in both the ‘Popes Lane’ (ref. 3216104 (IR 23) and ‘Rectory Farm’ (ref. 3234204) (IR 32) decisions

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identified as deliverable as of the base date<sup>16</sup>. However, to ensure consistency in the approach to assessing a five-year supply new sites should not be added into the supply of an existing position; instead, new sites should only be added once a new position with an updated base date is published.

- 2 **While there is no minimum criterion for clear evidence<sup>17</sup>, the type and form of ‘clear evidence’ for Category B sites will vary depending on circumstances of the site (e.g. its size or how quickly it is expected to deliver).**

By way of example, the type and form of evidence that could be considered robust to demonstrate a ‘realistic prospect’ of completions beginning within the five-year period for a hypothetical Category (B) site that has outline permission for 50 units and has a reserved matters application pending consideration, a named housebuilder onboard, with an assumed output in line with average lead-in times/build rates for the local area will be markedly different to that required for either a large-scale strategic site for 1,500 units that does not have a named housebuilder promoting it and also has an allocation but no extant outline permission, or a site that is assumed to be building out sooner and/or more quickly than has typically been the case for comparable sites in an LPA or elsewhere.

**LPAs should undertake a critical analysis of whatever evidence is gathered from developers.**

- 3 In the ‘Rectory Farm’ decision<sup>18</sup> the Inspector noted that the Council did not simply accept the proforma returns from developers on face-value. Where the Council thought the rates overly ambitious the rates were altered. This appeared to give additional weight to the Council’s findings. Another Inspector in the earlier ‘Land to the south of Williamsfield Road’ decision<sup>19</sup> echoed these comments.

## Other considerations: Lead in Time and Build Out Rates

- 1.7 In assessing the deliverability of sites, a key part of the assessment is determining whether the lead-in times and build rate assumptions applied are realistic and robust. A site may be deliverable – with a reasonable prospect of delivering in the five-year period – but the number of homes expected to be delivered within that period may itself be unrealistic.
- 1.8 The Council has published no local evidence in respect of lead-in times and build rates. Instead, the Council’s delivery projections *“have been determined with consideration to a number of factors, including the planning status of the site, submission/approval of corresponding planning and building control applications, past or comparative delivery rates, and site visits. Where the Council has not been able to determine delivery projections using the information available, planning consultants have been contacted for further details.”* (Paragraph 22).
- 1.9 In lieu of local evidence, we have used our own national research report ‘Start to Finish’ (2<sup>nd</sup> Edition, published in February 2020) to benchmark lead-in times and delivery rates. This

<sup>16</sup> As the Secretary of State confirmed in the ‘Woburn Sands’ decision (ref. 3169314) (DL 12) and again in the ‘Land at Mitchelswood Farm’ decision (ref. 3119171) (IR9.61-9.62)

<sup>17</sup> Land to the South of Williamsfield Road (ref. 3207411) (IR 27)

<sup>18</sup> Appeal ref. 3234204 (IR 32)

<sup>19</sup> Appeal ref. 3207411 (IR 27)

updated report follows its award winning<sup>20</sup> and widely cited<sup>21</sup> first edition published in November 2016 that assesses delivery rates and lead-in times on at a national level.

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<sup>20</sup> It won the RTPI Planning Consultancy Award in 2017 for Research Excellence

<sup>21</sup> For example, at the examination of the North Essex Authorities Shared Strategic (Section 1) Plan (see IED/011 & IED/022).

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## Appendix 2: Deliverability Review

Lichfields Site Ref	Site Name	Application Ref.	Status	Date of Permission	Council Delivery					Council 5 Year Total	Lichfields Amended Delivery					Lichfields 5 Year Total	Difference	Lichfields Reasoning for Amends
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5			
L1	Great Dunmow: Land west of Chelmsford Road	UTT/13/1684/OP UTT/17/3106/DFO	Under Construction	04/11/2014	0	0	0	30	50	80	0	0	0	0	0	0	-80	<p>A Hybrid application was submitted in 2013 and permission was subsequently granted in 2014. This included detailed permission for 115 residential units (Phase 1) with the remaining in outline (alongside other uses including a school) (Phase 2). Various applications were made to discharge conditions some of which were refused, and some discharged in 2014 and 2015.</p> <p>Work on the detailed element (Phase 1) does not appear to have started in earnest but the permission has been implemented as confirmed in a Court of Appeal Judgment (Case No: A3/2018/1888, dated 17/10/2019). Crest Nicholson has also submitted an RMA for Phase 2 (185 units plus 70 extra care units) in November 2017. This remains pending determination with no activity on the application file since 2018; albeit, this application is keeping the permission extant (in accordance with Condition 15a). A recent application was approved to discharge Condition 22 (additional biodiversity surveys) which required additional surveys to be submitted in the event the development commenced more than 3 years post permission.</p> <p>Local media also reports that there was a land valuation dispute and that the academy trust for the primary school proposed has pulled out. It would appear this dispute delayed the scheme coming forward.</p> <p>Considering the two phases:</p> <p>- <b>Phase 1 (detailed):</b> This element of the scheme is 'Category A'. We consider that there is clear evidence the site won't deliver in the five-year period. This evidence being the land valuation dispute which appears to be ongoing (given there is no evidence to the contrary). The site has also been in the five-year supply for some time once anticipated to start in 2016/17 as per the April 2015 5YHLS statement.</p> <p>- <b>Phase 2 (outline):</b> This element of the scheme is 'Category B' and requires 'clear evidence' to be considered deliverable. We consider that the Council's evidence is not sufficiently clear for this site to be deliverable. The evidence provided is basic and lacking in detail when considering the example types of evidence that can form 'clear evidence' in the PPG. This is also clearly a complex site for which there is a difficult planning history.</p>
L2	Great Hallingbury: Newlands, Woodside Cottage & Oakside	UTT/0831/10/FUL	Under Construction	09/07/2010	0	1	0	0	0	1	0	0	0	0	0	0	-1	<p>Permission granted in 2010 for 6 dwellings (net 3 due to demolition of 3 dwellings). Five dwellings have been completed with 2 units demolished. Work not commenced on final of the 6 dwellings that would require the loss of the final original dwelling. Even if final approved is built, the net number of homes delivered in this five-year period would be zero.</p>
L3	Newport: Bricketts, London Road	UTT/16/1290/OP UTT/19/2900/DFO	Under Construction	25/11/2016	11	0	0	0	0	11	10	0	0	0	0	10	-1	<p>Reserved matters were granted in 2021 following outline permission in 2016. The outline permission was for demolition of 1 dwelling and erection of up to 11 dwellings. Therefore 10 dwellings is the correct net figure.</p>

Lichfields Site Ref	Site Name	Application Ref.	Status	Date of Permission	Council Delivery					Council 5 Year Total	Lichfields Amended Delivery					Lichfields 5 Year Total	Difference	Lichfields Reasoning for Amends
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5			
L4	Elsenham: Land northwest of Henham Road	UTT/17/3573/OP UTT/21/2799/DFO	With outline permission with part(s) covered by reserved matters	17/12/2021	25	50	50	50	50	225	0	25	50	50	50	175	-50	<p>The scheme is being brought forward by Bloor Homes. Several conditions have been discharged and the site is deliverable. The proposed rates of delivery are reasonable. The site is considered deliverable.</p> <p>However reserved matters approval was granted for the homes in June 2022; therefore, delivery in 22/23 is not considered realistic. Based on our own 'Start to Finish' benchmarks (used in lieu of local data) sites of this size take 1.9 years on average to go from a detailed permission to first completion. Applying a 1.9-year period from detailed approval in June 2022 to completion of the first dwelling in early 2024 means a slight reduction in the Council's assumed trajectory.</p> <p>This revised timescale is backed up given there was a submission in January 2023 to discharge pre-commencement conditions (i.e. ref. UTT/23/0244/DOC); demonstrating the main development had not commenced at this stage. This would render the agent's assumption that 25 homes would be completed in 2022/23 plainly incorrect.</p>
L5	Great Dunmow: Land south of Stortford Road, Dunmow	UTT/18/2574/OP	With outline permission with part(s) covered by reserved matters	21/01/2022	0	19	50	50	50	169	0	0	50	50	50	150	-19	<p>Hybrid permission was granted in January 2022; the site is considered deliverable, and 108 units have detailed permission. The agent estimated reserved matters to be submitted by June 22 (we suspect this is a typo and was meant to refer to June 23) with commencement in August 23. However, as of writing no applications have been made to Discharge of Conditions related to either the detailed or outline element nor has an application been made for reserved matters.</p> <p>For the detailed element, start to finish would suggest first completion 1.9 years from permission being granted. This would mean completions in December 2023. However, given there has been no progress on discharging conditions, this appears overly optimistic. We would push delivery back to September 2024 to allow additional time for conditions to be discharged.</p>
L6	Henham: Land south of Vernons Close	UTT/20/0604/OP	With outline permission with part(s) covered by reserved matters	30/11/2021	0	10	35	0	0	45	0	0	0	0	0	0	-45	<p>This site has outline permission granted at appeal Feb 2021 and is a Category B site which requires clear evidence to be considered deliverable. No Reserved Matters or Discharge of Condition applications have been submitted. The site is being brought forward by Southern and Regional Developments Ltd, not a recognised house builder. The Council's evidence is from an Agent whom is no longer involved in the project. Consequently, there is not sufficiently clear evidence of the site coming forward.</p>
L7	Saffron Walden: Land North Of Shire Hill Farm	UTT/17/2832/OP	With outline permission with part(s) covered by reserved matters	14/07/2020	0	33	33	34	0	100	0	0	0	30	33	63	-37	<p>Outline permission was granted in July 2020 for upto 100 homes. Since this time a number of conditions have been discharged and an RMA for the 100 homes has been submitted by Redrow Homes. An application to amend the S106 via a Deed of Variation was submitted in June 2022 and despite a recommendation to grant the variation remains pending determination. The proposed variations include mechanisms for the consultation of a link over a bridleway to allow the construction of the spine road (being sought consent for separately), revising trigger points, and other "additional irregularities" to "help deliver the future residential scheme for the site". It therefore appears the delivery of homes is linked to this S106 Deed of Variation.</p> <p>At this time, the site does not have detailed permission and there are clearly matters to resolve regarding the S106. Notwithstanding, the submission of the RMA is clear evidence that the site will come forward. We have assumed</p>

Lichfields Site Ref	Site Name	Application Ref.	Status	Date of Permission	Council Delivery					Council 5 Year Total	Lichfields Amended Delivery					Lichfields 5 Year Total	Difference	Lichfields Reasoning for Amends
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5			
																		that the Deed of Variation and RMA will be approved by October (i.e. Q3 2023) and then applied Lichfields Start to Finish lead-in time of 1.9 years. This would place delivery at the end of September 2025.
L8	Stebbing: Sabre House, Dunmow Road	UTT/17/2480/OP	With outline permission with part(s) covered by reserved matters	28/11/2017	0	0	0	0	9	9	0	0	0	0	0	0	-9	This site was subject to an original outline permission granted in November 2017 which has lapsed. A second outline application was refused and then allowed at appeal in August 2021. No Reserved Matters have been submitted with no activity on the planning register in two years. The Council has also not provided any updated information regarding the site.
L9	Takeley: Land West Of Parsonage Road	UTT/19/0393/OP	With outline permission with part(s) covered by reserved matters	31/01/2020	0	0	29	45	45	119	0	0	20	45	45	110	-9	The site is deliverable and the proposed lead in times and build out rates are reasonable. However, only 110 dwellings have detailed permission and the RM covers the whole site. The 9 additional units expected will not be coming forward.
L10	Thaxted: Claypits Farm, Bardfield Road	UTT/18/0750/OP UTT/20/0614/OP	With outline permission with part(s) covered by reserved matters	14/03/2019 28 Oct 2021	0	0	14	0	0	14	0	0	0	0	0	0	-14	The site does not have detailed permission and the Council has not provided sufficiently clear evidence to demonstrate that the site has a realistic prospect of coming forward in the five-year period. Firstly, the applicant of the recent S73 submission was 'Salacia Ltd': a company that does not appear to be a housebuilder. Therefore, we have presumed the site still needs to be sold. There are no RMAs for any detailed elements of the scheme. The Council's evidence is lacking detail for what is a Category B site and is not considered sufficiently clear evidence.
L11	Great Dunmow: Land west of Buttleys Lane	UTT/19/2354/OP	With outline permission only	19/01/2022	0	0	0	30	30	60	0	0	0	0	0	0	-60	Outline application ref. UTT/19/2354/OP allowed at appeal in January 2022, for 60 dwellings. No further applications have been submitted. The Council's notes state that " <i>discussions ongoing re sale of the site to a housebuilder. RM to be submitted post-sale</i> ". In the absence of a detailed planning application and without a housebuilder on board, this site is not considered deliverable based on the Council's evidence and its current position in respect of no clear progress towards first completions.

Source: Uttlesford District Council/Lichfields Analysis





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