



## UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
Telephone (01799) 510510, Fax (01799) 510550  
Textphone Users 18001  
Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

9 January 2024

Your ref: S62A/2023/0027  
Our ref: UTT/23/2682/PINS

[section62a@planninginspectorate.gov.uk](mailto:section62a@planninginspectorate.gov.uk)

Please ask for Rachel Beale on [REDACTED]  
[REDACTED]

Dear Major Casework Team,

### **Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (as amended)**

**S62A/2023/0027 - Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.**

**Land At Warish Hall Farm North Of Jacks Lane, Smiths Green Lane, Takeley**

Thank you for your email of the 22 December requesting a response on the below headings.

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

The revised NPPF came into force on 19 December 2023.

Although the relevant paragraphs of the NPPF stated within the Council's Committee Report and consultation response letter have now been altered, it is considered that these revisions do not change the assessment of the case.

#### **Housing Delivery Test (HDT)**

In October 2023, UDC published an updated 5-Year Housing Land Supply Statement which identified that, between 1<sup>st</sup> April 2023 and the 31<sup>st</sup> March 2028, the number of homes which could be considered 'deliverable' amounted to 3,695. The Objectively Assessed Need (OAN) over the same period, including a mandatory 5% buffer, was 3,591. This meant the Council could demonstrate a surplus of 104 homes, which translated to a housing land supply of 5.14 years.



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On 19 December 2023, the government released the latest Housing Delivery Test (HDT). The latest version of the National Planning Policy Framework (NPPF) (published on the same date) introduced policy changes to how the 5YHLS test is applied for Local Authorities that have published a draft Local Plan.

These changes mean the mandatory 5% buffer applied to the 5YHLS must now be replaced with a 20% buffer. This has ramifications for the Council's 5YHLS position as detailed below:

	Supply (as of 01/04/23)	OAN	Buffer	Total Need	Surplus/ Deficit	Years Supply
<b>October 2023</b>	3,695	3,420	171 (5%)	3,591	104	5.14
<b>January 2024</b>	3,695	3,420	684 (20%)	4,104	- 409	<b>4.50</b>

The Council therefore cannot demonstrate a 5YHLS that includes a 20% buffer and the presumption in favour of sustainable development held within Paragraph 11(d) of the NPPF is automatically engaged when determining planning applications for residential development within the district. Paragraph 13.3.2 of the Council's Committee Report should therefore be amended to reflect this.

Yours sincerely



Dean Hermitage MA, Mgeog, MRTPI  
Director of Planning