

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**04 June 2019**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Information**

**1 HOUSING LAND SUPPLY POSITION UPDATE**

**This report updates Members on the Council's current Housing Land Supply (HLS) position for decision-taking on planning applications. It also explains the relationship of this position with the HLS position in the Local Plan.**

**1.1 Introduction**

1.1.1 The last HLS position was published in December 2018. This highlighted that the Council could demonstrate 3.7 years of housing land supply, as at 31<sup>st</sup> March 2018. This was a measure of the projected supply against the housing requirement derived from the 2016-based Household Projections.

1.1.2 Since this publication the Government has updated the Planning Practice Guidance (PPG) that governs the assessment of housing need. This report explains the changes to the PPG and what it means for the Council's HLS position.

**1.2 Housing Need - Updated Planning Practice Guidance**

1.2.1 In February 2019 the housing need section of the Government's PPG was updated.

1.2.2 The updated PPG includes a standard method for calculating housing need. The Government's National Planning Policy Framework (NPPF) expects local planning authorities to follow this method. The key elements of the standard method are:

- Official Household Projections – projected average annual growth over the next 10 years
- Housing Affordability ratio (median) – this is the ratio of local house prices to workplace-based earnings published by the Office for National Statistics
- Capping – the local housing need figure is capped at 40% above the projected household growth over the next 10 years

- 1.2.3 The change made in February involved the replacement in the calculation of the latest set of Household Projections (2016-based) with the previous set (2014-based).
- 1.2.4 In addition to this change, new guidance has been introduced which negates the need to undertake an additional calculation to address past under-delivery. The PPG explains that the affordability adjustment within the standard method is applied to take account of past under-delivery so there is no need to address this separately.

### **1.3 Housing Need - Calculation**

- 1.3.1 When the relevant data is injected into the standard method and the 40% cap is applied, the result is an annualised housing need figure of 854 dwellings per annum (dpa). This is the measure for calculating the Council's current HLS position.
- 1.3.2 Against this measure, the Council is able to demonstrate 3 years of HLS, as at 31<sup>st</sup> March 2018. This position is calculated by measuring the projected supply of housing (extant unimplemented planning permissions, residual allocations from the Council's adopted Development Plan - the Local Development Framework - and a windfall estimate from small sites) against the annualised target of 854 dpa. The detailed breakdown of this position is set out in **[Annex A]**.
- 1.3.3 The position of 3 years of HLS will be updated to a base date 31<sup>st</sup> March 2019 once all of the relevant evidence has been collated and the standard method has been applied. Given the amount of information that needs to be gathered and analysed, this up-dated position will not be completed until the latter part of this calendar year. In the meantime, the current HLS position will remain 3 years. This position will inform decision-taking on planning applications.

### **1.4 Housing Land Supply Position – Implications for Decision-Taking Pre-Adoption of the Local Plan**

- 1.4.1 In terms of what this means for decision-taking, the starting position is the Government's [NPPF](#) (February 2019), in particular para.11. For local planning authorities that are unable to demonstrate a five years supply of deliverable housing sites – as is the case for Tonbridge & Malling – the presumption in favour of sustainable development must be considered when taking decisions on planning applications.
- 1.4.2 The application of the presumption has the effect of limiting the weight that can be given in decision-taking to policies in the Council's adopted [Local Development Framework](#) that have a bearing on the supply of land for development, in particular those policies that constrain where and how much development can take place. Examples include the policies relating to the settlements in the borough and development in the countryside, i.e. Policies CP11 – 14 in the Council's adopted Core Strategy.

- 1.4.3 The application of the presumption does not limit the weight that can be given to other policies in the Council's Local Development Framework, although the weight that should be afforded to them in decision-taking is determined by their currency and degree of conformity with the Government's NPPF. Furthermore, it is important to bear in mind that the NPPF, which is a key material consideration in decision-taking, does include a suite of policies including those that protect areas of assets of particular importance.
- 1.4.4 This approach to decision-taking will continue to apply ahead of the adoption of the new Local Plan for as long as the Council is unable to demonstrate a 5 year HLS position.

## **1.5 Housing Land Supply Position – Implications for Decision-Taking Post-Adoption of the Local Plan**

- 1.5.1 When the Local Plan is adopted, the default position on HLS will be the housing requirement of 696 dpa and the development strategy contained within the adopted Plan. This is because the adopted Local Plan will be treated as an up-to-date Development Plan for decision-taking purposes. According to para.11 in the Government's NPPF, for decision-taking the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay.
- 1.5.2 At present, the weight that can be afforded to the policies in the new Local Plan in decision-taking on planning applications is limited because the Plan has yet to be examined.
- 1.5.3 The Housing Topic Paper submitted with the Local Plan highlights the HLS position including the Local Plan development allocations. This is set out in **[Annex B]** to this report. This table highlights that the Council will be able to demonstrate 5.9 years of HLS once the Local Plan allocations are taken account of. This healthy HLS will put the Council in a clear robust position when it comes to decision-taking on future planning applications, i.e. the Council will be able to refuse development proposals that do not accord with the up-to-date Local Plan, taking account of other material considerations.

## **1.6 Legal Implications**

- 1.6.1 Legislation requires planning applications to be determined in accordance with adopted up-to-date Development Plans unless material considerations indicate otherwise. The absence of an up-to-date Development Plan and an inability to demonstrate a five year HLS position limits the capacity of the Council to apply local policies in decision-taking on planning applications.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 Any delays to the Local Plan examination process coupled with less than 5 years HLS could have financial implications for the Council in terms of defending planning appeals on decisions made ahead of adoption of the Local Plan.

## **1.8 Risk Assessment**

- 1.8.1 Upon adoption of the Local Plan the Council will have an up-to-date Development Plan in place and will be able to demonstrate a five year HLS position. This will put the Council in a clear robust position for determining planning applications against the strategy and policies in the Local Plan, having regard to other material considerations. Any delays in the process will risk setting back adoption of the Local Plan and the benefits adoption will achieve for local decision-taking.

Background papers:

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Nil

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