

Technical Statement re: Five Year Housing Land Supply and Delivery

For Mr R Martin | 24-438 – PINS ref: 3343986

Residential development at land between Caravan Site and Watling Street, Park Street,  
St Albans



**Project:** 24-438  
**Site Address:** Land between Caravan Site and Watling Street, Park Street, St Albans  
**Client:** Mr R Martin  
**Date:** 07 August 2024  
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# 1. Introduction

- 1.1 Emery Planning is instructed by Mr R Martin (the Appellant) to provide this technical statement in relation to St Albans City and District Council's five-year housing land supply (5YHLS) and housing delivery. It has been prepared in support of an appeal against the Council's decision to refuse outline planning permission for up to 95 dwellings including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure at land between caravan site and Watling Street, Park Street, St Albans (application reference: 5/2022/0267, PINS ref: APP/B1930/W/24/3343986).
- 1.2 This statement is prepared by Ben Pycroft BA(Hons), Dip TP, MRTPI who is a Director of Emery Planning and since the Framework was originally published in 2012 has extensive experience in dealing with housing supply matters and has prepared and presented evidence relating to five year housing land supply calculations at numerous Local Plan examinations and over 60 public inquiries across the country. It should be read alongside the proof of evidence of Matt Hill of Maddox Planning, which deals with all other planning matters in relation to the appeal.
- 1.3 This statement has been prepared in the context of the current (20<sup>th</sup> December 2023) version of the Framework. On 30<sup>th</sup> July 2024, the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government made a Written Ministerial Statement on "Building the homes we need". The statement explains that "we are in the middle of the most acute housing crisis in living memory". On the same day, the Government launched a consultation on a revised Framework and a revised standard method for calculating local housing need. The consultation documents explain that the current standard method relies on household projections which are more than 10 years old and are no longer fit for purpose in reflecting current housing needs. The Government also states that:

"by projecting forward past trends, household projections have also resulted in artificially low projections in some places, particularly where overcrowding and concealed households have suppressed household formation, which generally happens in the least affordable parts of the country."
- 1.4 As a result, the Government proposes a revised standard method for calculating Local Housing Need, which "aligns more closely with the Government's aspirations for the housing market". The Government's ambition is to deliver 1.5 million new homes over the next five years.
- 1.5 The Government's proposed revised standard method for calculating Local Housing Needs is to identify 0.8% of the existing stock and make an adjustment for affordability. As with the current method, the affordability adjustment uses the workplace-based median house price to median earnings ratio but instead increases the multiplier used in the adjustment to 0.6% compared to 0.25% and uses average



affordability over the last three years. The cap and the cities uplift which apply under the current method are to be removed.

1.6 The Government’s proposed revised method results in a figure of **1,544 dwellings per annum** for St Albans compared to a current capped figure of 885 dwellings per annum. Consequently, when the new standard method is adopted, the number of years of deliverable housing land supply in St Albans will significantly reduce.

1.7 References in this statement to 5YHLS should be read as relating to a four year housing land supply (4YHLS) where appropriate. This is consistent with paragraph 002 of the Planning Practice Guidance (Reference ID: 68-002-20240205). However, it is of note that the Government is proposing to remove the 4YHLS provision, which along with other changes made to the Framework in December 2023 are considered “detrimental to housing supply”.

1.8 In summary, this statement explains the following:

- The Council meets the requirements of paragraph 226 of the National Planning Policy Framework (the Framework) and as such only needs to demonstrate a 4 year housing land supply (4YHLS) of deliverable sites against the five year requirement. However, paragraph 226 of the Framework and the 4YHLS provision are to be removed in the new Framework;
- The Council cannot demonstrate even a 4YHLS of deliverable housing sites against the 5YHLS requirement, as it is required to by paragraph 77 of the Framework by a significant margin;
- The deliverable 5YHLS at 1<sup>st</sup> April 2023 based on the Council’s trajectory would be 1.9 years (a shortfall of 3,268 dwellings against a current 5YHLS requirement plus 20% buffer). This is one of the lowest 5YHLS positions in England. Even on the Council’s figure the shortfall is substantial. We conclude that the position is even less than that claimed by the Council and conclude that the 5YHLS is **1.5 years**;
- The deliverable supply is even less against the Government’s proposed local housing need figure for St Albans of 1,544 dwellings. The Council’s claimed deliverable supply against this figure and a 20% buffer would be just 1.11 years. Our deliverable supply figure would be **0.87 years**.
- Even on the Council’s latest timescales, the emerging Local Plan will not be adopted until March 2026 and there is no immediate plan-led solution to address the housing shortfall; and
- Housing delivery in St Albans has historically been poor. The Council has failed each Housing Delivery Test since its inception in 2018.

1.9 The implications of these points are addressed in Matt Hill’s proof of evidence.



## 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, which is discussed below.

### Development Plan Context

#### Adopted development plan

- 2.2 The adopted development plan comprises the saved policies of the St Albans District Local Plan Review, adopted in November 1994 (policies saved September 2007). This is one of the oldest Local Plans in the country.
- 2.3 Matt Hill addresses the conformity of the appeal proposals with the development plan and the weight to be given to the policies in the adopted plan in his proof of evidence. However, of relevance to this technical statement is the fact that the housing requirement set out in adopted strategic policies is over five years old and therefore in accordance with paragraph 77 and footnote 42 of the Framework, the Council’s housing land supply should now be measured against the local housing need calculated using the standard method set out in the PPG. This is capped at 888 dwellings per annum.

#### Emerging development plan

- 2.4 The new Local Plan will cover the period 2024 to 2041. Regulation 18 consultation closed in September 2023. The timetable set out in the latest Local Development Scheme (LDS) (February 2024) indicates that regulation 19 consultation will take place between October and December 2024, with the plan being submitted in March 2025. The LDS anticipates that the examination will take place between March 2025 and February 2026 with adoption in March 2026.

### Other material considerations

#### National Planning Policy Framework

- 2.5 The latest version of the Framework was updated on 20<sup>th</sup> December 2023. The relevant sections of the 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 4YHLS if applicable as set out in paragraph 226 or b) where the Housing Delivery Test (HDT) result is less than 75%;
- Section 5: Delivering a sufficient supply of homes, including:
  - Paragraph 60, which refers to the Government’s objective of significantly boosting the supply of homes;
  - Paragraph 61, which explains that the minimum number of homes needed should be informed by a local housing need calculated using the standard method set out in the PPG. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area;
  - Paragraph 72, in relation to an allowance for windfall sites;
  - Paragraph 75, which states that strategic policies should include a trajectory illustrating the expected rate of delivery over the plan period. It states that local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies;
  - Paragraph 76, which states that local planning authorities are not required to demonstrate a 5YHLS where a) the adopted plan is less than five years old and the adopted plan identified a 5YHLS of specific, deliverable sites at the time the examination concluded. Transitional arrangements set out in footnotes 40 and 79 explain that this should only be taken into account as a material consideration when dealing with applications made on or after 20<sup>th</sup> December 2023;
  - Paragraph 77, which explains that the requirement to demonstrate a 5YHLS (or in some circumstances a 4YHLS) is a minimum requirement and explains that the supply should be measured against either the housing requirement set out in adopted strategic policies, or the local housing need where the strategic policies are more than five years old. Footnote 42 explains that if the adopted housing requirement has been reviewed and found not to require updating, it should still be used. Footnote 42 also explains that where the local housing need is used it should be calculated using the standard method set out in the PPG. Paragraph 77 and footnote 43 also explain that a 20% buffer should apply where the latest HDT result is less than 85%. Finally, paragraph 77 of the Framework states that the PPG provides further information on calculating housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed;
  - Paragraph 78, which explains the circumstances in which a 5YHLS can be confirmed through an annual position statement; and
  - Paragraph 79, in relation to Housing Delivery Test Action Plans and the policy consequences for failing the HDT.
- Annex 1: Implementation, including:



- Paragraph 224, which explains that the policies in the Framework are material considerations which should be taken into account when dealing with applications from 20<sup>th</sup> December 2023. As above, footnote 79 explains that as an exception to this, paragraph 76 and the related reference in footnote 8 should only be taken into account as a material consideration when dealing with applications made on or after 20<sup>th</sup> December 2023; and
- Paragraph 226, which explains the circumstances when a local planning authority only has to demonstrate a 4YHLS i.e. where an authority has an emerging local plan that has either been submitted for examination or has reached regulation 18 or 19 stage and includes both a policies map and proposed allocations towards meeting housing need. Paragraph 226 of the Framework explains that this does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework (i.e. until 20<sup>th</sup> December 2025).
- Annex 2: Glossary, including:
  - The definition of “deliverable” on page 69; and
  - The definition of “windfall sites” on page 76.

2.6 As set out in the introduction to this statement, on 30<sup>th</sup> July 2024, the Government consulted on a revised Framework and a revised standard method for calculating local housing need. The Government’s proposals would alter the housing land supply calculation for St Albans as follows:

- The 4YHLS provision would be removed; and
- The 5YHLS would be measured against the revised standard method of 1,544 dwellings per annum rather than a capped figure of 888 dwellings per annum.

### Planning Practice Guidance (PPG)

2.7 The PPG was first published in March 2014 and has been updated since. 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 As above, paragraph 77 of the Framework explains that 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.





2.9 Chapter 68 of the PPG was updated on 5<sup>th</sup> February 2024. Of relevance is paragraph 68-055 (reference ID: 68-055-20240205), which confirms that;

*“Both the 5 year housing land supply and the 4 year housing land supply that authorities should demonstrate for decision making should consist of deliverable housing sites demonstrated against the authority’s five year housing land supply requirement, including the appropriate buffer.”*

### St Albans City and District Council Four Year Housing Land Supply Position and Housing Trajectory 1 April 2023 (AMR 2023)

2.10 The Council’s AMR 2023 sets out that the Council had a deliverable 4YHLS at 1<sup>st</sup> April 2023 supply of 1,802 dwellings, which demonstrated against the Council’s 4YHLS requirement including a 20% buffer equates to a 4YHLS of 1.7 years. The AMR was published after the revised version of the Framework on 20<sup>th</sup> December 2023 but before the updated PPG on 5<sup>th</sup> February 2024. The assessment of a 4YHLS against a 4YHLS requirement undertaken in the AMR 2023 is not consistent with paragraph 68-055 of the PPG as described above.

### St Albans City and District Council Housing Delivery Test Action Plan (June 2022)

2.11 The Council’s latest Housing Delivery Test Action Plan remains that which was published in June 2022. At the time of publication, the latest Housing Delivery Test results were those published by the Secretary of State in January 2022 and showed that St Albans delivered 69% of the Government’s target. In reviewing the key issues facing housing delivery, the Action Plan explains that the step-change in the Government’s housing requirements can only be delivered through the adoption of a new Local Plan that will almost certainly require the Council to release Green Belt land for housing. Until that time sufficient permissions are not being granted (page 14).



## 3. St Albans City & District Council Housing Land Supply

- 3.1 Paragraph 226 of the December 2023 Framework explains that where an authority has an emerging local plan that has either been submitted for examination or has reached regulation 18 or 19 stage and includes both a policies map and proposed allocations towards meeting housing need, the authority will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77). This currently applies in the case of St Albans as it has a regulation 18 plan with allocations to meet housing need and a policies map. Prior to December 2023, the local planning authority was required to demonstrate a five year housing land supply as a minimum requirement.
- 3.2 The PPG confirms that both the 5YHLS and the 4YHLS that authorities should demonstrate for decision making should consist of deliverable housing sites demonstrated against the authority's five-year housing land supply requirement, including the appropriate buffer.
- 3.3 The consultation version of the draft Framework (July 2024) proposes to remove paragraph 226 and the provision of a 4 year housing land supply.

### Previous positions

- 3.4 Until December 2023, the requirement to demonstrate a five-year housing land supply was the minimum requirement for St Albans. The failure to demonstrate even the minimum requirement results in the application of the tilted balance to the presumption in favour of sustainable development as set out in paragraph 11d) of the Framework. Within this context, it is of note that the Council has been unable to demonstrate a deliverable five-year (or indeed four-year) land supply since at least 2015:
- The Council's Annual Monitoring Report 2015 claims that the Council's position at 1<sup>st</sup> April 2015 was that it could demonstrate a deliverable supply of **3.49 years**.
  - The Council's Annual Monitoring Report 2016 claims that the Council's position at 1<sup>st</sup> April 2016 was that it could demonstrate a deliverable supply of **3.72 years**.
  - The Council's Annual Monitoring Report 2017 claims that the Council's position at 1<sup>st</sup> April 2017 was that it could demonstrate a deliverable supply of **3.3 years**.
  - The Council's Annual Monitoring Report 2018 claims that the Council's position at 1<sup>st</sup> April 2018 was that it could demonstrate a deliverable supply of between **2.4 and 3.4 years**.



- The Council’s Annual Monitoring Report 2019 claims that the Council’s position at 1<sup>st</sup> April 2019 was that it could demonstrate a deliverable supply of between **1.9 and 2.6 years**.
- The Council’s Annual Monitoring Report 2020 claims that the Council’s position at 1<sup>st</sup> April 2020 was that it could demonstrate a deliverable supply of between **2.4 and 3.4 years**.
- The Council’s Annual Monitoring Report 2021 claims that the Council’s position at 1<sup>st</sup> April 2021 was that it could demonstrate a deliverable supply of **2.2 years**.
- The Council’s Annual Monitoring Report 2022 claims that the Council’s position at 1<sup>st</sup> April 2022 was that it could demonstrate a deliverable supply of **2.0 years**.
- The Council’s 4 Year Housing Land Supply Position and Housing Trajectory 2023 claims that the Council’s position at 1<sup>st</sup> April 2023 was that it could demonstrate a deliverable supply of **1.7 years** against a 4 year requirement. The deliverable 5YHLS at 1<sup>st</sup> April 2023 based on the council’s trajectory would be **1.9 years**.

## Current five year housing land supply position

### Stage 1: Identifying the base date and five year period

3.5 The base date set out in the AMR 2023 is 1<sup>st</sup> April and the five year period would run to 31<sup>st</sup> March 2028.

### Stage 2: Identifying the housing requirement

3.6 The adopted development plan comprises the saved policies of the St Albans District Local Plan Review, adopted in November 1994 (policies saved September 2007). The saved policies of the Plan do not contain an adopted housing requirement figure.

3.7 In accordance with paragraph 77 and footnote 42 of the Framework, the five-year housing land supply should be measured against the local housing need using the standard method set out in the PPG. Paragraph 2a-004 of the PPG<sup>1</sup> explains how local housing need is currently calculated. There are four steps:

- Step 1 – set the baseline by calculating the projected annual household growth over a 10 year period using the 2014-based household projections with 2023 being used as the starting point. For St Albans, the annual household growth from 2023-33 is 634.
- Step 2 – make an adjustment to take account of affordability using the most recent median workplace-based affordability ratios. For St Albans, the most recent median workplace-based affordability ratio (published 22<sup>nd</sup> March 2023) is 18.44. The affordability adjustment is 1.90. Therefore, the uncapped local housing need is 1,204.6 dwellings per annum.

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<sup>1</sup> Paragraph: 004 Reference ID: 2a-004-20190220: “What is the standard method for assessing local housing need?”



- Step 3 – cap the level of any increase. For St Albans, the local housing need figure should be capped at 40% above the annual household growth of 634. This is 888 dwellings per annum.
- Step 4 – apply the cities and urban centres uplift – a 35% uplift is not applied because St Albans is not in the top 20 cities and urban centres list. This means that the local housing need is **capped at 888 dwellings per annum**.

3.8 The ‘base’ five year requirement is 4,440 dwellings (i.e., 888 x 5 years = 4,440).

3.9 The Government is currently consulting on a revised standard method for calculating local housing need. The proposed outcome of this is that the local housing need for St Albans would be 1,544 dwellings per annum. The reasons for this and how this is to be calculated are set out in the introduction to this statement.

3.10 Once the new standard method has been adopted, the base five year requirement will be 7,720 dwellings (i.e. 1,544 X 5).

#### Stages 3 and 4: Identifying the past shortfall and how the past shortfall should be addressed

3.11 Paragraph 68-031 of the PPG<sup>2</sup> explains that where the standard method for assessing local housing need is used, 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.

#### Stage 5: Applying the appropriate buffer

3.12 The latest Housing Delivery Test result for St Albans was less than 75% (it was just 55%). As a result, the 20% buffer applies making the annual requirement 1,065.6 (i.e., 888 + 20%).

3.13 The five year housing land supply to be demonstrated is currently 5,328 dwellings (i.e., 4,440 + 20% = 5,328).

3.14 Once the revised standard method has been adopted, it will be 9,264 dwellings (i.e. 1,544 X 5 + 20%).

#### Stage 6: Identifying a Realistic and Deliverable Supply

3.15 The definition of “deliverable” is set out on page 69 of the Framework (December 2023) and states:

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<sup>2</sup> Paragraph: 031 Reference ID: 68-031-20190722: “How can past shortfalls in housing completions against planned requirements be addressed?”



“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.”

3.16 Paragraph 68-007 of the PPG<sup>3</sup> 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;

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<sup>3</sup> 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.”

3.17 The AMR 2023 states that the deliverable four year housing supply at 1<sup>st</sup> April 2023 for the period 2023/24 to 2026/27 is 1,802 dwellings. This comprises:

- 1,442 dwellings on sites with planning permission (estimated future completions); and
- 360 dwellings on windfall sites.

3.18 Figure 3 (page 7) of the AMR 2023 also shows the trajectory for 2027/28 which would mean the deliverable 5YHLS at 1<sup>st</sup> April is 2,060 dwellings. This comprises:

- 1,520 dwellings on sites with planning permission (estimated future completions); and
- 540 dwellings on windfall sites.

3.19 We have reviewed the Council’s deliverable supply set out in Figure 4 of the AMR 2023. This includes planning permission references for the sites in the trajectory but provides very little information on the current planning status of the sites. We conclude that **107 dwellings** should be removed from the Council’s 5YHLS in relation to the following sites:

- **62 dwellings** at Verulam Industrial Estate, London Road, St Albans (5/2021/2417) – planning permission was granted on 7<sup>th</sup> June 2022. A non-material amendment was granted on 4 December 2022 to alter the residential core, the market and affordable housing mix amongst other things. There are several pre-commencement conditions on the planning permission including the implementation of a programme of archaeological works and ground investigations. No application has been made to discharge pre-commencement conditions to date. Whilst we accept the site is deliverable in principle, there is no evidence to demonstrate that dwellings will be completed in 2024/25. **20 dwellings** should be removed from the supply.
- **43 dwellings** at 270-274 London Road, St Albans (5/2014/2136) – planning permission was granted on appeal for 83 C2 bedrooms resulting in a net uplift of 43 dwellings on 24<sup>th</sup> May 2016. Conditions were discharged on 18<sup>th</sup> January 2019. The permission would have expired in May 2019 and there is no evidence to demonstrate that the development is progressing. **43 dwellings** should be removed from the supply.



- **44 dwellings** at Ridgeview Lodge, Barnet Road, London Colney (5/2020/1910) – planning permission was granted on 7<sup>th</sup> February 2022 for the conversion of the site from a hostel for homeless people (sui generis) to 25 units of temporary accommodation to persons in housing need and the provision of 19 units of private accommodation. The mix of units is provided in the committee report for the application and shows that all four blocks (A-D) would be converted as part of the proposals. Although subsequent applications were made to discharge conditions in relation to the planning permission, an application seeking prior approval for the demolition of blocks B and D of Ridgeview Lodge was submitted in August 2022 (5/2022/2010). The decision dated 6<sup>th</sup> September 2022 confirmed that prior approval is not required. There is no clear evidence to demonstrate that the permission will be implemented. **44 dwellings** should be removed from the supply.

### Windfall allowance

- 3.20 The Council trajectory includes a windfall allowance of 540 dwellings in the five year supply. Windfalls are anticipated to start delivering at 180 per annum from year three (i.e. 2025/26).
- 3.21 The Council has not provided any compelling evidence to justify this windfall allowance within the supply. Firstly, it is unknown where the sites are located or why they are expected to come forward and deliver dwellings in the specified period. Secondly, it is unclear whether there is any overlap or double counting with sites with permission as set out in the trajectory, the majority of which are windfall sites in any event. Whilst no evidence is provided in the AMR, it appears the Council relies on the windfall allowance as set out at Table 3.2 of the Regulation 18 Consultation Draft Local Plan Housing Trajectory which shows a windfall allowance of 180 from year 3 onwards. This has not yet been tested at examination.
- 3.22 The document titled ‘Emerging Draft Windfall Topic Paper’ dated December 2020 provides further context. However, the emerging draft topic paper is not listed as forming part of the evidence base for the emerging Local Plan therefore its status is unclear. This draft emerging topic paper states that based on historic rates, windfalls over the last 10 years have consistently provided the majority of housing provision of the district and that accounts for 84% of the residential completions (a historic average of 331 dwellings per annum over the last 10 years).
- 3.23 Section 7 of the emerging draft topic paper sets out a proposed windfall allowance of 191 residential dwelling per annum comprising 74 dwellings a year from large sites and 117 dwelling per year on small and medium scale sites including Green Belt previously developed land.
- 3.24 As the sites set out in the housing trajectory are predominantly windfall sites that either have permission or are under construction, we do not consider that there is compelling evidence to support the proposed figure of an additional 180 dwellings per annum from year three. There is no compelling evidence to



support the inclusion of a windfall allowance year 3 of the trajectory having regard to the existing planning permissions and sites under construction.

3.25 On this basis, as no compelling evidence has been provided for the inclusion of a windfall allowance, we conclude that 180 dwellings are removed from year three and the windfall allowance is reduced to 100 for the remaining two years. **340 dwellings are removed from the five year supply.**

3.26 We therefore conclude that the deliverable 5YHLS at 1<sup>st</sup> April 2023 is 1,613 dwellings (2,060 – (107 +340)), which against the local housing need and a 20% buffer equates to **1.5 years**, as shown in the table 3.1 below.

**Table 3.1 – St Albans’ Five Year Housing Land Supply at 1<sup>st</sup> April 2023**

		Council	Appellant
A	Local housing need	888	888
B	Five year requirement	4,440	4,440
C	Supply to be demonstrated (B + 20%)	5,328	5,328
D	Annual supply to be demonstrated (C / 5 years)	1,066	1,066
E	Five year supply at 1 <sup>st</sup> April 2023	2,060	1,613
F	Supply in years (E / D)	<b>1.9</b>	<b>1.5</b>
G	Shortfall (E - C)	<b>-3,268</b>	<b>-3,715</b>

3.27 The deliverable supply is even less against the Government’s proposed local housing need figure for St Albans of 1,544 dwellings. The Council’s claimed deliverable supply against this figure and a 20% buffer would be just 1.11 years. Our deliverable supply figure would be **0.87 years and a shortfall of 7,651 dwellings.**





## 4. Housing Delivery in St Albans

4.1 The Council's Authority Monitoring Report (2022) sets out the net housing completions in St Albans from 1994/95 to 2021/22 and shows that the average completions per year over this period have been 395 dwellings. Completions from 2022/23 are provided in the AMR 2023 and these figures have been used to show the annual completions over the last 10 years in the table below:

**Table 4.1 – Net completions in St Albans 2013/14 to 2021/22**

Year	Net Completions
2013/14	375
2014/15	313
2015/16	396
2016/17	340
2017/18	385
2018/19	624
2019/20	437
2020/21	516
2021/22	314
2022/23	401
<b>Total</b>	<b>4,101</b>
<b>Average</b>	<b>410</b>

4.2 As shown in the table above, annual completions over the last 10 years have been on average 410 dwellings, significantly below the annual supply to be currently demonstrated of 1,066 dwellings per annum (i.e. 888 dwellings plus 20% buffer).

### Housing Delivery Test

4.3 The Housing Delivery Test (HDT) is defined on page 71 of the Framework as follows:



“Housing Delivery Test: Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.”

- 4.4 The following consequences apply where the HDT results confirm delivery falls below specific thresholds.
- 4.5 Firstly, where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in futures years (paragraph 79a) of the Framework).
- 4.6 Secondly, paragraph 79b of the Framework explains that where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites, as set out in paragraph 77 of the Framework.
- 4.7 Thirdly, Paragraph 79c of the Framework explains that where the HDT result is below 75%, of the requirement over the three previous years, the presumption in favour of sustainable development applies, as set out in footnote 8 of the Framework in addition to the requirements for an action plan and 20% buffer.
- 4.8 Guidance on the Housing Delivery Test is then provided in paragraphs 68-036 to 68-054 of the PPG, which should be read alongside the Housing Delivery Test measurement rule book.
- 4.9 The HDT Measurement Rule Book (July 2018) explains that HDT is calculated as a percentage of net homes delivered against the “number of homes required”. Paragraph 14 of the rulebook explains that where the latest adopted housing requirement is over five years old, unless the strategic policies have been reviewed and found not to require updating, the figure used for areas with a Local Plan will be the minimum annual local housing need figure.
- 4.10 The HDT was introduced in 2018. The Council has failed each HDT as summarised below:
- 2018 HDT result = 58%
  - 2019 HDT result = 63%
  - 2020 HDT result = 63%
  - 2021 HDT result = 69%
  - 2022 HDT result = 55%
- 4.11 The failure to meet the HDT means that the 20% buffer applies and the presumption in favour of sustainable development applies (in addition to it applying because of a housing land shortfall). It also means that the Council must produce a Housing Delivery Action Plan in accordance with paragraph 79c)



of the Framework to: “assess the causes of under-delivery and identify actions to increase delivery in future years”. The Council’s latest Housing Delivery Action Plan was published in 2022.

4.12 The Council’s Housing Delivery Test Action Plan explains that the majority of development in St Albans District is on previously developed land which comprised 87% of gross dwelling completions between 2001/02 and 2021/22. It states that over 81% of the land in the district is Green Belt and this is a limiting factor in land available for development. The Table at paragraph 4.3.1 of the action plan sets out an analysis review of key issues stating:

*“The step-change in the Government’s housing requirements can only be delivered through the adoption of a new Local Plan that will almost certainly require the council to release Green Belt. Until that time sufficient permissions to deliver an average of 890 homes per annum are not being granted.”*

4.13 As above, the new Local Plan is not likely be adopted until March 2026 (i.e. 1.75 years from now). Therefore, the Council’s supply position is not expected to improve in the short term.



## 5. Comments on the Rule 6 Party's Housing Land Supply Estimate

5.1 On 23<sup>rd</sup> July 2024, the Rule 6 Party provided the Appellant with the following documents:

- Housing Land Supply Estimate at 1/4/24 based on evidence to 1/7/24; and
- Estimate of Housing Supply figure as of 1/4/24.

5.2 These documents provide the Rule 6 Party's estimate that the deliverable supply in St Albans at 1<sup>st</sup> April 2024 is 2,827 dwellings, which against the local housing need and a 20% buffer equates to 2.7 years. We comment as follows.

5.3 Firstly, paragraph 77 of the Framework requires<sup>4</sup> local planning authorities to:

“identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply”. (emphasis added)

5.4 As above, the St Albans AMR sets out the Council's latest position on its housing land supply. It has a base date of 1<sup>st</sup> April 2023. The AMR was published between the latest version of the Framework being published in December 2023 and the PPG being updated in February 2024. Therefore, the Council is not required to update its position (to a 1<sup>st</sup> April 2024 base date) until the end of 2024 / early 2025.

5.5 Secondly, the base date of 1<sup>st</sup> April 2023 is the date to which both the housing need and deliverable supply to meet that need are identified. It is not appropriate to change the base date (for example to 1<sup>st</sup> April 2024) without a complete assessment of need and supply being undertaken.

5.6 The issue of changing the base date was considered in a decision relating to an appeal made by Wavendon Properties Ltd against the decision of Milton Keynes Council to refuse to grant outline planning permission for up to 203 dwellings at land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands<sup>5</sup>. In that case, the Appellant sought to change the base date (to 1<sup>st</sup> October 2019). The Inspector concluded this would not be appropriate. In paragraph 12.12 of the Inspector's Report to the Secretary of State, the Inspector stated:

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<sup>4</sup> Unless paragraph 76 of the Framework applies, which is not relevant in this case

<sup>5</sup> PINS ref: 3169314 – 25<sup>th</sup> June 2020 – core document **8.10**



“The appellant argues for a 1 October 2019 base date in order to take into account the Council’s June assessment and quarterly monitoring data. This would result in a necessary adjustment of the 5 year supply period to 30 September 2024. There is little in national policy or guidance that advocates such an approach and it would appear to go against efforts to create greater certainty in the planning process. I concur with the Council that such an approach would mean having to argue HLS at every appeal, rather than having a fixed base date. Moreover, the quarterly monitoring data is not intended to be an updated assessment of supply. Thus, I do not consider it necessary to apply a 1 October base date. Nevertheless, if the SoS disagrees on this point, my assessment of specific sites below includes an assessment of the 5 year HLS supply position using a 1 October base date.”

5.7 The Secretary of State agreed as set out in paragraph 12 of the decision letter.

5.8 Thirdly, as above, the Framework requires “specific sites” to be identified as part of the 5YHLS calculation. However, the Rule 6 Party’s approach does not “identify” specific sites. Instead, it applies the number of dwellings in the Council’s trajectory for years 2 to 6 (i.e. 2024/25 to 2028/29), removes the large “one-off” Green Belt applications and then applies a 40% “mark up” to each year. This is contrary to paragraph 77 of the Framework.

5.9 Fourthly, the Rule 6 Party’s approach is flawed because:

- The four sites identified at stage 2 should not be removed from the deliverable supply unless the Rule 6 Party has clear evidence they will not be implemented as set out in the definition of “deliverable” in the annex on page 69 of the Framework;
- The Rule 6 Party’s 40% “mark up” approach incorrectly assumes that the figures each year will increase due to new permissions being granted. However, the evidence demonstrates that the number of dwellings with planning permissions per year has decreased from 2,199 dwellings at 1<sup>st</sup> April 2020 to 1,862 dwellings at 1<sup>st</sup> April 2023<sup>6</sup>:
  - AMR 1<sup>st</sup> April 2020 = 2,199 dwellings;
  - AMR 1<sup>st</sup> April 2021 = 1,968 dwellings;
  - AMR 1<sup>st</sup> April 2022 = 1,998 dwellings; and
  - AMR 1<sup>st</sup> April 2023 = 1,862 dwellings.
- Indeed, the Council’s claimed “deliverable” supply has also decreased over that time:
  - AMR 1<sup>st</sup> April 2020 = 2,612 dwellings;
  - AMR 1<sup>st</sup> April 2021 = 2,351 dwellings;
  - AMR 1<sup>st</sup> April 2022 = 2,145 dwellings; and

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<sup>6</sup> These figures apply a 5% discount to un-started permissions for small sites (1 to 4 dwellings)



- AMR 1<sup>st</sup> April 2023 = 2,060 dwellings.
- The Council’s supply already includes a windfall allowance. Therefore, the Rule 6 Party’s “mark up” approach would result in double counting of further windfall sites being approved in addition to the windfall allowance.

5.10 Fifthly, the Rule 6 Party then include 4 sites where planning permission was granted after 1<sup>st</sup> April 2023, which we comment on as follows:

- Planning permission at the Ragged Hall site was allowed at appeal on 3<sup>rd</sup> May 2024. Therefore, at 1<sup>st</sup> April 2024 the site was not deliverable and the Council was resisting the appeal. Its inclusion would need to be considered in the housing land supply position at 1<sup>st</sup> April 2025;
- The Copeswood site still does not have planning permission. A resolution to grant permission was made in May 2024 and therefore the site was not deliverable at 1<sup>st</sup> April 2024 and again its inclusion would need to be considered in the housing land supply position at 1<sup>st</sup> April 2025;
- The two Chiswell Green sites were allowed at appeal on 22<sup>nd</sup> March 2024. These sites only have outline planning permission and therefore clear evidence is required for their inclusion at 1<sup>st</sup> April 2024. Even if there is clear evidence for their inclusion, the number of dwellings which are considered deliverable in the 5YHLS period from 1<sup>st</sup> April 2024 would need to be evidenced.

5.11 It is inappropriate to include new sites in the 5YHLS which were not deliverable at the base date without also removing sites where planning permission has lapsed and there have been completions. To do otherwise would skew the assessment as only new sites are included and the dwellings which have been completed on sites is not known. In this case, it is not known how many completions there have been in 2023/24. If more dwellings were completed than the 381 dwellings in the AMR trajectory, then this would reduce the deliverable supply at 1<sup>st</sup> April 2024.

5.12 Several appeal decisions have considered this issue and consistently found it inappropriate to include new sites without resetting the base date to also remove completions and lapses. One example is a decision relating to an appeal made by Gladman against the decision of Somerset Council to refuse to grant outline planning permission for 100 dwellings at land at North End, Creech St Michael Somerset<sup>7</sup>. In that case, the Council sought to introduce sites which had not been considered deliverable at the base date. The Inspector agreed with our evidence that this was inappropriate. Paragraphs 51 to 54 of the appeal decision state:

“51. The purpose of the SHELAA is to provide a definitive and transparent assessment of deliverable housing sites for the ensuing five-year period. At the same time, it is important that planning decisions are taken using the ‘latest available evidence .....’ In

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<sup>7</sup> PINS ref: 3329488 – 14<sup>th</sup> February 2024 – core document **8.11**



this regard, the Council has been open and fair in reducing the anticipated delivery of some sites where the initial assumptions have been overtaken by events. At the same time, it is legitimate to consider subsequent information which supports enhanced delivery on sites within the SHELAA.

52. Whilst the Council confirms that it has not 'shifted the base date in its assessment', and acknowledging that it '..... would typically agree with the proposition that sites that have only become deliverable after the base date should not be included .....', it is claimed that the phosphates issue gives rise to a novel situation which amends this position.

53. It is said that there is nothing in guidance or otherwise that suggests that a site not included in the SHELAA cannot subsequently be included. **In my opinion, whilst it would have been open to the Council to publish a new, comprehensive housing land supply assessment with a new base date that also takes account of completions, losses and sites where planning permission has expired, ad hoc adjustment in the manner advocated by the Council would otherwise distort the supply.**

54. On this basis, Ford Farm; South of Pyrland Farm; land north of Taunton Road, Longforth Park; Beech Acre and Steps Water; and Golden Hill Brewery should be deleted from the claimed supply resulting in a combined loss of 471 dwellings. I will, however, assess the specific case for each site as a matter of prudence." (emphasis added)

5.13 In summary, the Rule 6 Party's estimate of the housing land supply position at 1<sup>st</sup> April 2024 is flawed because:

- A complete assessment of need and supply at 1<sup>st</sup> April 2024 would need to be undertaken in accordance with the Framework. This would need to take into account completions, lapses and new permissions (and whether clear evidence exists for the inclusion of any sites which fall within category b) of the definition of deliverable;
- It is contrary to the Framework because it does not "identify" the "specific" deliverable sites included within the 2,827 dwelling figure;
- It includes a "mark up" which is not supported by the evidence. The Council's AMRs demonstrate that the number of dwellings with planning permission has reduced each year since 1<sup>st</sup> April 2020;
- The "mark up" results in double counting of windfall sites and the windfall allowance already included in the deliverable supply;
- It includes sites where planning permission was granted after 1<sup>st</sup> April 2024 and were not deliverable at 1<sup>st</sup> April 2024. In doing so, it does not remove the completions and therefore provides a skewed assessment.



- 5.14 No weight should therefore be given to the Rule 6 Party's estimate of housing land supply at 1<sup>st</sup> April 2024. Nevertheless, it is of note that its estimate only results in a 2.7 year supply; which is significantly below the requirement to demonstrate a 4 or a 5 year supply.
- 5.15 Against the local housing need proposed under the new standard method, the Rule 6 Party's supply figure of 2,827 dwellings would be **1.53 years**.





## 6. Conclusions

6.1 In summary, this technical statement demonstrates the following:

- A four year housing land supply cannot be demonstrated in St Albans against a five year requirement by a significant margin.
- We conclude that the 5YHLS at 1<sup>st</sup> April 2023 is currently **1.5 years** (1.9 years based on the Council's trajectory). The shortfall in the HLS is substantial.
- The deliverable supply is even less against the Government's proposed revised standard method. It would be The deliverable supply is even less against the Government's proposed local housing need figure for St Albans of 1,544 dwellings. The Council's claimed deliverable supply against this figure and a 20% buffer would be just 1.11 years. Our deliverable supply figure would be **0.87 years**.
- The Council has failed to meet the Housing Delivery Test for the fifth consecutive year.
- No weight should be given to the Rule 6 Party's estimate of housing land supply at 1<sup>st</sup> April 2024. The approach is flawed and contrary to the Framework.

6.2 The implications of this statement are addressed in the evidence of Matt Hill.



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