


Summary Proof of Evidence of Ben Pycroft re: Housing Land Supply
For Gladman Developments Limited | 24-465

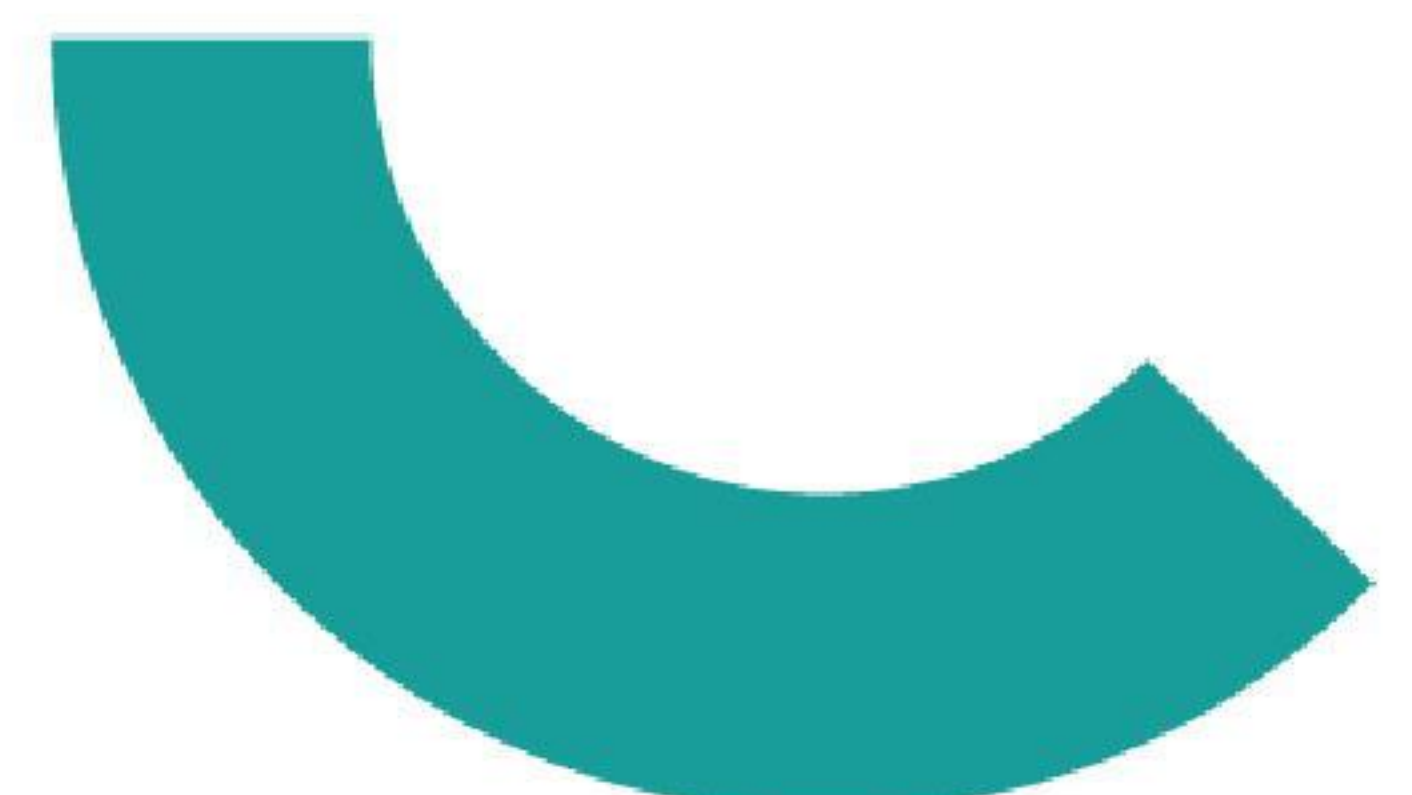
The erection of up to 90 dwellings at land off Scamps Hill, Lindfield
PINS ref: APP/D3830/W/24/3350075

Project: 24-465
Site Address: Land off Scamps Hill, Lindfield
Client: Gladman Developments Limited
Date: 18 November 2024



Contents

1.	Introduction	2
2.	Summary	9



1. Introduction

1.1 This summary proof of evidence is submitted on behalf of Gladman Developments Limited (i.e. “the Appellant”) in support of its appeal against the failure of Mid Sussex District Council to give notice within the relevant timescales of its decision on an outline planning application for:

“The erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access”.

at land off Scamps Hill, Lindfield, West Sussex (LPA ref: DM/24/0446, PINS ref: APP/D3830/W/24/3350075).

1.2 This summary and my main proof of evidence address matters relating to the Council’s five year housing land supply (5YHLS). It should be read alongside the proof of evidence of John MacKenzie, which addresses all other planning matters in relation to this case.

Qualifications

1.3 [REDACTED] have a B.A. (Hons) and postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am a Director of Emery Planning, based in Macclesfield, Cheshire.

1.4 I have extensive experience in dealing with housing supply matters and have prepared and presented evidence relating to five year housing land supply calculations at several Local Plan examinations and over 70 public inquiries across the country.

1.5 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.

1.6 I provide this summary, my main proof of evidence and a set of appendices. I also refer to several core documents and the Statement of Common Ground in relation to housing land supply.



Relevant background

Proposed changes to the National Planning Policy Framework and the standard method for calculating Local Housing Need

1.7 From the outset, my proof of evidence has been prepared in the context of the current version of the National Planning Policy Framework (the Framework), which was published on 20th December 2023. However, between 30th July and 24th September 2024, the Government consulted on a proposed revised Framework and a proposed revised standard method for calculating local housing need. The consultation documents explained:

“The Government will respond to this consultation and publish NPPF revisions before the end of the year, so that policy changes can take effect as soon as possible.”

1.8 More recently, the Government’s Budget document published on 30th October 2024 explained that the Government would respond to the consultation on the proposed revised Framework:

“before the end of the year to confirm pro-growth reforms to the planning system”.

1.9 The proposed revised Framework and proposed revised standard method would have the following significant implications for calculating 5YHLS in Mid Sussex:

- Firstly, whilst Mid Sussex’s 5YHLS is measured against Local Housing Need (LHN) calculated using the current version of the standard method, in her Written Ministerial Statement of 30th July 2024: “Building the homes we need”, the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government stated that the current standard method “is not up to the job. It relies on decade-old population projections, an arbitrary ‘urban uplift’ that focuses too heavily on London and it lacks ambition across large parts of the country”. The Government therefore consulted on a proposed revised standard method. The outcome of the proposed revised standard method for Mid Sussex is that the LHN would be 1,276 dwellings per annum rather than 1,039 dwellings per annum (i.e. an increase of 237 dwellings per annum);
- Secondly, the consultation documents explain that the Government intends to reverse the changes made in the December 2023 version of the Framework, which were “detrimental to housing supply”. The changes made in the December 2023 version of the Framework included (amongst other things):
 - Removing the 5% buffer from the 5YHLS calculation. The Government now proposes to re-instate the 5% buffer. The consultation document explains that: “This will be added to all 5-year housing land supply calculations in decision making and plan making, and provide an important buffer of sites, ensuring choice and competition in the market”. The 5% buffer would therefore be applied to the 5YHLS calculation in Mid Sussex; and



- Allowing certain local planning authorities to only need to demonstrate a four year housing land supply (against a 5 year housing requirement) as set out in paragraph 226 of the Framework. The Government now proposes to re-instate the requirement for all local authorities to demonstrate a 5-year housing land supply at all times. It proposes to delete the wording of paragraph 226 of the December 2023 Framework. Mid Sussex would therefore need to demonstrate a 5YHLS.

1.10 The outcome of these proposed changes means that Mid Sussex would not be able to demonstrate a 5YHLS at 1st April 2024 by a significant margin even on its own supply figure. The Council considers the deliverable supply at 1st April 2024 to be 4,890 dwellings. Against the proposed revised standard method figure of 1,276 dwellings per annum and a 5% buffer, this equates to just **3.65 years** (a shortfall against the 5YHLS including a 5% buffer of 1,809 dwellings). My supply figure of 3,377 dwellings would equate to **2.52** years and a shortfall in the 5YHLS of 3,322 dwellings.

The Council's latest position on 5YHLS

1.11 At the time the appeal was submitted, the Council's latest 5YHLS position was set out in the "Housing Land Supply Position Statement 1 April 2023 – October update"¹. It was originally published over a year ago in July 2023 and updated in October 2023. This document explains that at 1st April 2023, the Council considered the deliverable supply at 1st April 2023 to be 5,770 dwellings, which against the local housing need (at 1st April 2023 of 1,090 dwellings per annum) and a 5% buffer equates to 5.04 years. As above, the December 2023 version of the Framework removed the 5% buffer and without this, the Council's position at 1st April 2023 equates to 5.29 years.

1.12 The start date for this appeal is 29th August 2024. On 17th September 2024, I wrote to the Council² to ask for (amongst other things) the following:

- Confirmation that the base date for calculating the 5YHLS at this appeal would be 1st April 2023 or alternatively when the revised position (e.g. with a base date of 1st April 2024) would be provided to the Appellant; and
- The "clear evidence" the Council relies on for the inclusion of sites which fall within category b) of the definition of deliverable as set out in the Annex on page 69 of the Framework.

1.13 On 26th September 2024, the Council responded by stating:

"The Council's most recently published formal housing supply position comes from the Albourne Inquiry in 2023 and our case for this appeal will be made clear in the SoC".

¹ Core document **6.1**

² Appendix **EP2**



1.14 The Council's Statement of Case (SoC) was received on 3rd October 2024. Paragraph 3.20 on page 9 of the Council's SoC states:

"The Council's most recently published land supply position was established through an appeal at Henfield Road, Albourne (PINS reference APP/D380/W/23/3319542) which determined in October 2023 that the Council can demonstrate 5.04 years' worth of housing land supply as-at April 2023. The Council has not yet calculated its position as-at April 2024 which will be published in the normal manner in the Authority Monitoring Report towards the end of the year."

1.15 On the same day, I e-mailed the Council to ask for confirmation when the publication of the Authority Monitoring Report (AMR) would be and when a draft of the 5YHLS position at 1st April 2024 and all the supporting information would be made available to the Appellant as requested in my letter of 17th September.

1.16 On 4th October 2024, the Council's 5YHLS witness responded to state that the Council did not yet have a date for the publication of the AMR but was currently working on the April 2024 5YHLS material building on the land supply data already published for the Local Plan Examination. A link was provided to the "Housing Supply and Trajectory Topic Paper" (July 2024)³. The response from the Council also stated that it would make sense for the base date for the purpose of calculating the 5YHLS for this appeal to be 1st April 2024 on the assumption the Council would produce its position ahead of the exchange of evidence. The Council suggested that the Topic Paper be used as a starting point.

1.17 The Topic Paper explains that the Council considers it can demonstrate a deliverable supply of 5,770 dwellings at 1st April 2023, which equates to a 5.04 year supply (paragraph 5.2 and table 6, page 14). It also explains that the Council considers it can demonstrate a deliverable supply at 1st April 2024 of 6,063 dwellings, which equates to between 5.3 and 5.84 years depending on whether the requirement is based on the local housing need of 1,039 or 1,090 dwellings per annum and if a 5% buffer is applied (paragraph 5.9 and tables 7, 8, 9 and 10, page 15).

1.18 Table 11 (page 16) and Appendix 3 of the Topic Paper explain how the 6,063 dwelling supply figure has been calculated. It is of note that 1,942 of the 6,063 dwellings included sites allocated in the development plan, and of these 198 dwellings were on sites where a planning application had not been submitted at 1st April 2024 and 997 dwellings were on draft allocations in the emerging Local Plan.

1.19 On 4th October 2024, I responded to the Council by e-mail to request:

³ Core document **6.2**



- All the “clear evidence” the Council relies on for the inclusion of the sites within the trajectory paper which fall within category b) of the definition of “deliverable” and those which do not fall in category a) or b) i.e. the draft allocated sites; and
- A list of completions on a site by site basis with planning application references for the period 1st April 2023 to 31st March 2024 (I note the build rate on some of the larger sites is included in the trajectory paper).

1.20 The Case Management Conference (CMC) took place on 14th October 2024. At the CMC, the Council explained that its current 5YHLS position was that set out at 1st April 2023 but it was working on a new position statement (base date 1st April 2024).

1.21 On 28th October 2024, I sent the Council a list of the disputed sites at 1st April 2023 as part of a draft Statement of Common Ground (SoCG) on 5YHLS (at that time at a base date of 1st April 2023) and again requested the completions data I had requested in my e-mail of 4th October 2024 and the “clear evidence” I had requested in my letter of 17th September and e-mail of 4th October 2024.

1.22 On 4th November 2024, the Council sent me the list of completions for 2023/24⁴ and a list of commitments at 1st April 2024⁵. On 6th November 2024, the Council responded with its comments on the list of disputed sites at 1st April 2023⁶.

1.23 On 7th November 2024 (i.e. 12 days before the exchange of evidence), the Council provided me with its 5YHLS position at 1st April 2024⁷. It also confirmed that the base date for calculating the 5YHLS for this appeal is 1st April 2024. Finally, the Council’s 5YHLS witness responded to the request for the two items listed in my e-mail on 4th October 2024 as follows:

“I think these items are largely sorted by the four docs shared this week (Commitments, Completions, Disputed Schedule and 5HLS Table attached).”

1.24 On 11th November 2024, the Council provided me with a document called “Site Evidence for Disputed Sites”⁸.

1.25 I summarise the list of sites set out in the 5YHLS Table, which the Council provided on 7th November 2023 (appendix **EP6**) as follows:

⁴ Appendix **EP3**

⁵ Appendix **EP4**

⁶ Appendix **EP5**

⁷ Appendix **EP6**

⁸ Appendix **EP7**



Table 1.1 – Breakdown of Mid Sussex Council’s Claimed 5YHLS at 1st April 2024

Source of supply	No. of sites	5YHLS	Category a) or b) or windfall allowance	Percentage of claimed supply
Small sites with planning permission (capacity 1 to 4 dwellings)	Not listed ⁹	158	Category a)	3.23
Small sites with planning permission (capacity 5-9)	18	127	Category a)	2.60
Major sites (capacity 10+) with planning permission under construction	27	2,228	Category a)	45.56
Major sites (capacity 10+) with planning permission but not yet commenced	14	706	Category a)	14.44
Major sites (capacity 10+) with outline planning permission	4	744	Category b)	15.21
Major allocated sites (capacity 10+) with planning application submitted at the base date	9	747	Category b)	15.28
Major allocated sites (capacity 10+) without a planning application submitted at the base date	1	22	Category b)	0.45
Windfall allowance	-	158	Windfall allowance	3.23
Total		4,890		

1.26 The Council’s supply figure of 4,890 dwellings equates to 4.71 years against a local housing need (at 1st April 2024) of 1,039 dwellings (i.e. $4,890 / 1,039 = 4.71$). The 4,890 figure is 734 dwellings more than the 4 year supply that currently needs to be demonstrated in accordance with paragraphs 77 and 226 of the December 2023 version of the Framework.

1.27 I note that the Council’s claimed deliverable supply of 4,890 dwellings at 1st April 2024 is 880 dwellings (16%) less than its claimed deliverable supply at 1st April 2023 of 5,770 dwellings. I also note that the Council’s figure of 4,890 dwellings is 1,173 dwellings (19%) less than its claimed deliverable supply at 1st

⁹ The Council has since provided me with a list of sites (capacity 1-4 dwellings) with planning permission at 1st April 2024 – please see appendix **EP8**



April 2024 of 6,063 dwellings as set out in the Topic Paper referred to above. The draft allocations in the emerging Local Plan are not included in the 4,980 figure.

1.28 As shown in table 1.1 above, 1,513 dwellings (31% of the claimed supply) are on 14 category b) sites as set out in the definition of deliverable in the Annex on page 69 of the Framework. For these sites, the onus is on the Council to provide “clear evidence” for their inclusion on the 5YHLS. As I have set out above, I have asked the Council on several occasions to provide the clear evidence it relies on for the inclusion of these sites. As I also set out above, the Council considers the clear evidence it relies on to be included in the documents I append at **EP3** to **EP7**. The Council also relies on the Albourne appeal decision¹⁰. However, despite my requests for the clear evidence to be provided in advance of the exchange of evidence, should the Council produce additional evidence to support the inclusion of category b) sites in the deliverable supply, then the Appellant will need to address it in rebuttal evidence.

¹⁰ Core document **5.1**



2. Summary

2.1 The Council now accepts that it cannot demonstrate a 5YHLS but claims that it can demonstrate a four year housing land supply against its local housing need as it is currently required to by paragraphs 77 and 226 and footnote 42 of the Framework. The Council's latest position is that it has a deliverable supply at 1st April 2024 of 4,890 dwellings, which against the local housing need calculated against the current standard method of 1,039 dwellings per annum equates to **4.71 years** (a surplus over a requirement to demonstrate a four year housing land supply of 734 dwellings).

2.2 The following matters in relation to 5YHLS are agreed:

- The relevant base date for assessing the 5YHLS the purpose of this appeal is 1st April 2024 and the relevant 5YHLS period is to 31st March 2029;
- The 5YHLS should be measured against the local housing need calculated using the standard method set out in the Planning Practice Guidance (PPG). This is currently 1,039 dwellings per annum;
- A buffer does not currently apply to the 5YHLS calculation; and
- The Council is only currently required to demonstrate a 4 year housing land supply.

2.3 The extent of the deliverable supply is not agreed. As above, the Council considers that it can demonstrate a deliverable supply of 4,890 dwellings.

2.4 For the reasons set out in my proof of evidence and in appendix **EP1** of my proof of evidence, I conclude that the Council has not provided clear evidence for the inclusion of the category b) sites. This means 1,513 dwellings on the following disputed sites should be removed from the Council's 5YHLS.

Table 2.1 – Disputed sites in the Council's 5YHLS at 1st April 2024

Ref:	Address	Status at 1 st April 2024	No. of dwellings in Council's 5YHLS on category b) sites
1125	Brookleigh, care element, Hill, 1C	Outline pp	60
493	Brookleigh, Burgess Hill (remainder)	Outline pp	635
832	Land west of Selsfield Road, Ardingly	Outline pp	35
1113	Linden House, Southdowns Park, Haywards Heath	Outline pp	14



Ref:	Address	Status at 1 st April 2024	No. of dwellings in Council's 5YHLS on category b) sites
470	Wealden House, Lewes Road, Ashurst Wood	No planning permission Full planning application pending determination	50
827	Land south of 96 Folders Lane, Burgess Hill (SA12)	No planning permission Full planning application pending determination	40
840	Woodfield House, Isaacs Lane, Burgess Hill (SA17)	No planning permission Full planning application pending determination	30
479	Land at Hanlye Lane, east of Ardingly Road, Cuckfield (SA23)	No planning permission Full planning application pending determination	55
196	Land south of Crawley Down Road, Felbridge	No planning permission Full planning application pending determination	170
770	Land south and west of Imberhorne Upper School, East Grinstead (SA20)	No planning permission Hybrid planning application pending determination	150
246	Hurst Farm, Hurstwood Lane, Haywards Heath	No planning permission Resolution to grant outline planning permission	215
807	Land south of the Old Police House, Birchgrove Road, Horsted Keynes (SA28)	No planning permission Resolution to grant full planning permission	25
477	Land adjacent to Cookhams, south of Top Road, Sharpthorne	No planning permission Resolution to grant full planning permission	13
847	Former East Grinstead Police Station, East Grinstead (SA18)	No planning permission or application	22
	Total		1,513



2.5 I therefore conclude that the 5YHLS at 1st April 2024 is 3,377 dwellings (i.e. 4,890 – 1,513 = 3,377). Against the current Local Housing Need, this equates to 3.25 years as shown in the following table:

Table 2.2 – Mid Sussex’s 5YHLS at 1st April 2024 (against the current local housing need)

		Council	Appellant
	Requirement		
A	Annual housing requirement	1,039	
B	Five year housing requirement (A X 5 years)	5,195	
	Supply		
C	5YHLS at 1 st April 2024	4,890	3,377
D	Supply in years (C / A)	4.71	3.25
E	Surplus / shortfall in 5YHLS (C – B)	-305	-1,818
F	Surplus / shortfall against 4 year requirement	734	-779

2.6 The policy implication of this is addressed by John MacKenzie.

2.7 Against the proposed revised local housing need and a 5% buffer, the supply would be 2.52 years as shown in the following table.



Table 2.3 – Mid Sussex’s 5YHLS at 1st April 2024 (against the proposed revised local housing need and a 5% buffer)

		Council	Appellant
	Requirement		
A	Annual housing requirement	1,276	
B	Five year housing requirement (A X 5 years)	6,380	
C	Five year housing requirement + 5% buffer (B +5%)	6,699	
D	Annual 5YHLS requirement + 5% buffer (C / 5)	1,340	
	Supply		
E	5YHLS at 1 st April 2024	4,890	3,377
F	Supply in years (E / D)	3.65	2.52
G	Shortfall in 5YHLS (E – C)	-1,809	-3,322



emery

PLANNING

2-4 South Park Court, Hobson Street
Macclesfield, Cheshire, SK11 8BS

+44 (0)1625 433 881

Regus House, Herons Way
Chester Business Park, CH4 9QR

+44 (0)1244 732 447



[emeryplanning.com](https://www.emeryplanning.com)