



CDD.5

Land south of Henfield Road, Albourne

PINS Ref: APP/D380/W/23/3319542

Statement of Common Ground: Five Year Housing Land Supply

24th July 2023

1. Introduction

- 1.1. This Housing Land Supply ("HLS") Statement of Common Ground ("SoCG") has been prepared by Mr Steven Brown (of Woolf Bond Planning), on behalf of the Appellant, Croudace Homes Ltd and Alex Roberts (Lambert Smith Hampton) on behalf of Mid Sussex District Council ("MSDC"). It sets out both the agreed and disputed matters having regard to the five year housing land supply position.
- 1.2. This HLS SoCG identifies the requirement to be met during the five year period, the respective positions on the disputed components of supply; and the respective five year housing land supply positions.

2. The Agreed Position

- 2.1. It is agreed between the parties that the five year period to be used for the purpose of calculating the five year housing land supply position for this appeal is 1st April 2023 to 31st March 2028.
- 2.2. Whilst there is disagreement as to whether the Council can demonstrate a five year supply of housing land, it is common ground that any shortfall could be rectified if planning approval is given for housing on appropriate sites not allocated for housing in the adopted development plan. It is agreed that outline permissions are not presumed to be deliverable, as set out in paragraph 4.1 below.
- 2.3. In the circumstances where a housing land supply deficit is confirmed through the appeal, it is agreed for the purposes of paragraph 11(d) of the NPPF that the presumption in favour of sustainable development would be engaged.

3. The Housing Requirement and Five Year Period

- 3.1. In so far as the strategic policies from the Mid Sussex District Local Plan 2014-31 are more than five years old, it is agreed, by operation of paragraph 74 and footnote 39 of the NPPF, that **the housing requirement falls to be measured against the local housing need figure calculated using the standard method.**

- 3.2. As such, the starting point when calculating the five year requirement is the minimum 1,090 dwelling annual requirement derived from the application of the Standard Method. This equates to a minimum of 5,450 dwellings over the five years from 1st April 2023 to 31st March 2028 (as per paragraph 5.6 of the Council's Housing Land Supply Statement).
- 3.3. As a result of the Housing Delivery Test ("HDT") results published in January 2022, it is agreed that it is appropriate to apply a 5% buffer to the requirement. This produces a 1,145dpa annualised requirement (rounded). The HDT Results for Mid Sussex since 2018 have been as follows

Table 1. Housing Delivery Test Measurements and Results for Mid Sussex District

Year	Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	HDT Measurement
	1	2	3		1	2	3		
2021 HDT	876	802	583	2261	651	1005	1136	2793	124%
2020 HDT	812	876	802	2490	614	651	1005	2270	91%
2019 HDT	754	812	877	2444	1068	614	651	2333	95%
2018 HDT	753	754	812	2319	884	1060	611	2555	110%

Source: *DLUHC*

- 3.4. The agreed minimum five year requirement for the period **1st April 2023 to 31st March 2028 is 5,723 dwellings.**
- 3.5. The minimum 5,723 dwelling requirement is calculated as follows:
- 1,090dpa x 5 years = 5,450.
 Add 5% buffer = +273
 Total Requirement = 5,723 dwellings

4. Agreed Definition of Deliverable

- 4.1. It is agreed that the definition of deliverable is explained in the Glossary to the NPPF (page 66), and the PPG (ID 68-007-20190722). The definition and test for demonstrating deliverability is also considered in the relevant appeal decisions in Core Document series CDI.

5. The Respective Housing Land Supply Positions

- 5.1. The Council's position is set out in its Paper 'Housing Land Supply Position as at 1st April 2023' (July 2023) (**CDE.25**).
- 5.2. The Council's assessment as set out in **CDE.25** identifies a supply of 5,821 dwellings. This results in a surplus of 98 dwellings against the 5,723 minimum dwelling requirement and a supply of 5.09 years.

- 5.3. Following a review of its position, the Council has reduced its supply figure by 51 dwellings. This reflects the acceptance that Abbeville Park (SHELAA Ref 45) will now deliver 250 dwellings (not the 300 set out in CDE.25) and 83 dwellings (net) will be delivered at the former Hazeldens Nursery (SHELAA ref 58), not the 84 (gross) dwellings set out in CDE.25.
- 5.4. The Council now rely upon a supply of 5,770 dwellings against the minimum 5,723 dwelling requirement. This results in a surplus of 47 dwellings and a supply of 5.04 years.
- 5.5. The Appellant identifies a maximum supply of 4,742 dwellings. This results in a shortfall of 981 dwellings against the 5,723 minimum dwelling requirement and a supply of only 4.14 years.
- 5.6. The respective positions are summarised in Table 1 below.

Table 1: Respective Five Year Housing Land Supply Positions

	MSDC	Appellant
Minimum 5yr Req. 1 April 2023 to 31 March 2028	5,723	5,723
Deliverable Supply	5,770	4,742
Extent of Surplus/Shortfall	47	-981
No. Years Supply	5.04yrs	4.14yrs

- 5.7. The supply differences from Table 1 above are set out in **Appendix 1** (attached).

6. The Respective Five Year Positions

- 6.1. The agreed position between the Council and Appellant is that there is a dispute regarding whether the Council is able currently to demonstrate a five year supply of deliverable housing land for the period 1st April 2023 to 31st March 2028.
- 6.2. It is the Council's case that there is 5.04 years supply of deliverable housing land and a 47 dwelling surplus.
- 6.3. It is the Appellant's case that there is 4.14 year supply and a 981 dwelling shortfall.

Signatures

On behalf of the Appellant:

Signed: *Steven Brown*

Name: Steven Brown BSc Hons DipTP MRTPI (Woolf Bond Planning obo Croudace Homes Ltd)

Date: 24th July 2023

On behalf of Mid Sussex District Council

A handwritten signature in black ink, appearing to read 'Alex Roberts', with a stylized, cursive script.

Signed:

Name: Alex Roberts (Lambert Smith Hampton obo Mid Sussex District Council)

Date: 24 July 2023

APPENDIX 1 TO FIVE YEAR HOUSING LAND SUPPLY SOCG: SITE DELIVERY

Land south of Henfield Road, Albourne

PINS Ref: APP/D3830/W/23/3319542

24th July 2023

1.0 Introduction

- 1.1. Table A below sets out the respective positions in relation to the deliverability of the components of supply.

Table A: The Supply Positions

NPPF Category	Supply source	Council	Appellant	Difference
A	Small Sites with Planning permission 5 – 9 units	153	153	0
	Small Sites with Planning Permission 1-4 units	178	178	0
	Major Sites (10+ units) with Detailed Planning Permission (Full and REM applications)	3,495	3,297	198
B	Outline permission for Major Development	752	413	339
	Allocated in Development Plan	1,034	543	491
	Windfall Allowance	158	158	0
	Total Housing Supply in years 1-5	5,770	4,742	1,028

- 1.2. The disputed sites are identified in tables B to E below. They relate to the Major Sites with Detailed Permission (Tables B & C), Sites with Outline permission for Major Development (Table C) and Sites Allocated in Development Plan (Tables D & E) as relied upon by the Council.

Table B: Major Sites with Detailed Permission (sites under construction at 1st April 2023)

From the list of detail sites with permission under construction – the disputed site is:

SHELAA Ref	Address	LPA Planning Ref	LPA Dwellings	Appellant Dwellings	Difference	Summary of reasons for the Appellant's difference
969	Land west of Freeks Lane, Burgess Hill	DM/19/3845	410	250	160	No evidence that delivery can exceed 50dpa which is the average achieved on other similar sites within the District as indicated in Appendix 5 of Council's Housing Land Supply Statement.
	Total		410	250	-160	

- 1.3. From the sites with detailed permission which were under construction at April 2023, and given the Council's revised position on Abbeville Park, the dispute relates to the delivery of 160 dwellings at Freeks Lane, as the expected completion rate exceeds that achieved on other comparable sites within the District, including those in earlier phases of this site. The realism of build rates based upon past trends is acknowledged as an important factor in determining delivery rates in appeal on land at Park Farm, Thornbury, Gloucestershire (**CDI.14**).
- 1.4. The Local Authority disputes the Appellant's position that the sites with detailed permission under construction will not achieve the level of completions envisaged within the five year period, notwithstanding inconsistency with past trends of delivery rates.

Table C: Major sites with full or reserved matter planning permission not yet commenced at 1st April 2023

The disputed sites are as follows:

SHELAA Ref	Address	LPA Planning Ref	LPA Dwellings	Appellant Dwellings	Difference	Summary of reasons for the Appellant's difference
493	Brookleigh, phase 1.5 and 1.6, Bellway, Issacs Lane, Burgess Hill	DM/21/3870	249	225	24	Realism of delivery rates as not under construction at April 2023. Whilst construction on the highway works to Isaac's Lane are underway (pursuant to the reserved matters application in northern arc), no construction on building structure was underway in early July 2023. Consequently, dwellings will not be completed until at least autumn 2023. Thereafter, in the absence of clear evidence to contrary, the Appellant applies a maximum of 50dpa. Whilst Bellway's website indicates that homes are being marketed and available from summer 2023, this is on the basis that they are off-plan as explained.
1113	Linden House, Southdowns Park, Haywards Heath	DM/18/0421	14	0	14	This site has outline permission for 14 dwellings following demolition of offices granted 2/6/21. No information regarding timeframe for the submission, determination and implementation of reserved matters.
	Total		263	225	38	

- 1.5. From the sites with detailed permission which were not under construction at April 2023, the Appellant disputes the delivery of 38 dwellings as the expected completion rate exceeds that achieved on other comparable sites within the district (Brookleigh), including those in earlier phases of these sites. Realism of build rates based upon past trends is acknowledged as an important factor in determining delivery rates in appeal on land at Park Farm, Thornbury, Gloucestershire (**CDI.14**)..

- 1.6. With respect to the Linden House site, although it is included by the Council as a site with detailed planning permission, the scheme only has outline consent. Consistent with the approach of the NPPF further evidence is required to support its inclusion as a deliverable site. As this evidence has not been provided, the site is therefore excluded.
- 1.7. The Local Authority disputes the Appellant's position that the sites with detailed permission which were not under construction will not achieve the level of completions envisaged within the five year period, notwithstanding inconsistency with past trends of delivery rates.

Table D: Major sites with outline permission.

SHELAA Ref	Address	LPA Planning Ref	LPA Dwellings	Appellant Dwellings	Difference	Summary of reasons for the Appellant's difference
493	Northern Arc, Burgess Hill	DM/18/5114	752	413	339	<p>The Appellant disputes the Council's delivery assumptions from this site.</p> <p>Whilst site has outlined permission, no reserved matters applications have been submitted for this section of the northern arc.</p> <p>The Council has not provided further evidence to support the delivery assumptions upon which they rely.</p> <p>In the absence of further information demonstrating timeframes for the disposal of the site by Homes England to developers alongside the submission and implementation of reserved matters, the Appellant has provisionally included an allowance of 339 dwellings.</p> <p>This allowance is based upon a further 3 developers operating on the site (reflecting the max of 6 envisaged in the previous SoCG with Homes England) and allowing 2 years from submission of reserved matters to first completion (assuming these are imminent and therefore that initial dwellings</p>

SHELAA Ref	Address	LPA Planning Ref	LPA Dwellings	Appellant Dwellings	Difference	Summary of reasons for the Appellant's difference
						delivered in September 2025. Thereafter, consistent with that achieved on other sites, 50dpa per outlet could be expected. This means that from 1 Sep 2025 through to 31 Mar 2026, 113 dwellings could be completed. From 1 Apr 2026 through to 31 Mar 2028 a further 300 dwellings would be completed. This is therefore a total of 413 dwellings.
	Total		752	413	339	

- 1.8. The Appellant disputes the inclusion of the expected delivery of 725 dwellings within 5 years from the northern Arc in Burgess Hill. It has assumed a contribution of 413 dwellings (a difference of 339 dwellings) as this provides potential for submission of further reserved matters applications and there subsequent implementation, notwithstanding the limited information in support of this from the Council. The number of outlets, timeframe for determination of a potentially imminent reserved matters application and subsequent build out rates would reflect the Council's evidence for other sites, especially for the parts of the Northern Arc currently delivering.

Table E Major allocated sites with planning application submitted.

SHELAA Ref	Address	LPA Planning Ref	LPA Dwellings	Appellant Dwellings	Difference	Summary of reasons for the Appellant's difference
832	Land west of Selsfield Road, Ardingly	DM/22/1575	35	0	35	Site has outline permission for 35 dwellings approved 8/6/23 (DM/22/1575). No evidence for timeframe for submission, determination and implementation of reserved matters.
246	Hurst Farm Hurstwood Lane, Haywards Heath	DM/22/2272	215	0	215	Outline application for up to 375 dwellings, 2 FE primary school received on 19 th July 2022 and no indication of timeframe for determination. There is also no information on when a reserved matters application might be submitted, determined and implemented
	Total		250	0	250	

- 1.9. The Appellant disputes the Local Authority position that the west of Selsfield Road, Ardingly and Hurst Farm, Hurstwood Lane, Haywards Heath are deliverable within a five year period. This is that although outline applications submitted (and approved in the context of land west of Selsfield Road), no evidence for the timeframe for submission of the necessary reserved matters alongside subsequent determination and implementation has been allowed.

Table F: Allocated sites with no planning application submitted.

SHELAA Ref	Address	LPA Dwellings	Appellant Dwellings	Difference	Summary of reasons for the Appellant's difference
594	Land south of Southway, Burgess Hill	30	0	30	No application submitted and no evidence that this is expected at any time
840	Woodfield House, Issacs Lane, Burgess Hill	29	0	29	No application submitted and no evidence that this is expected at any time
138	Hammerwood Road, Ashurst Wood	12	0	12	No application submitted and no evidence that this is expected at any time
807	Land south of The Old Police House, Birchgrove Road, Horsted Keynes	20	0	20	No application submitted and no evidence that this is expected at any time
897	Land to the rear of Firlands, Church Road, Scaynes Hill	20	0	20	No application submitted and no evidence that this is expected at any time
479	Land at Hanlye Lane, east of Ardingly Road, Cuckfield	55	0	55	No application submitted and no evidence that this is expected at any time
770	Land south and west Imberhorne Upper School, East Grinstead	75	0	75	No application submitted and no evidence that this is expected at any time. Whilst Council's Housing Land Supply Statement (paragraph 3.4) states a pre-app has been submitted, no details of its contents, the date of submission and the nature of the Council's response regarding the acceptability or otherwise of what had been provided.
	Total	241	0	241	

- 1.10. From the allocated sites with no pending application at 1st April 2023, the Appellant disputes the delivery of 241 dwellings as there is no evidence on the timeframe for the submission of planning applications which would enable the delivery of the quantum of dwellings assumed by the Council by 31st March 2028.
