

# East Herts Council Non-Key Decision Report

**Date:** 4 March 2024

**Report by:** Councillor Vicky Glover-Ward – Executive Member for Planning and Growth

**Report title:** East Herts Five Year Land Supply Position Statement – March 2024

**Ward(s) affected:** All

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## Summary

- The purpose of this report is to seek approval to publish the East Herts Five-Year Land Supply Position Statement – March 2024.

## RECOMMENDATIONS FOR DECISION: That

**(A) The East Herts Five-Year Land Supply Position Statement – March 2024, contained at Appendix A, be approved for publication.**

### 1.0 Proposal(s)

1.1 The National Planning Policy Framework (NPPF) sets out that local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies<sup>1</sup>.

1.2 Local planning authorities are no longer required to identify and update annually a supply of specific deliverable sites

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<sup>1</sup> See paragraph 75 - [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- (A) their adopted plan is less than five years old; and
- (B) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

1.3 As the East Herts District Plan is now more than five years old, the Council is still required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.

1.4 The East Herts Five-Year Land Supply Position Statement – March 2024 sets the latest housing requirement for the district and the sites that form the land supply.

1.5 On the basis of the information included within the Position Statement, the Council is able to demonstrate a five-year land supply position of 5.57 years against the identified requirement of 5,560 dwellings across the five-year period 2023-2028.

## **2.0 Background**

2.1 The purpose of a five-year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement over the next five year period. The consequence of not being able to demonstrate a five-year supply of deliverable sites is that the presumption in favour of sustainable development will apply as set out in paragraph 11.d) of the NPPF<sup>2</sup>.

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<sup>2</sup> See paragraph 11. d) - [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework)

- 2.2 The Council's last Five-Year Land Supply Position Statement was published in November 2022. This set out that the Council was able to demonstrate a five-year land supply position of 5.8 years against the housing requirement at the time.
- 2.3 Unfortunately, this position was subsequently challenged following five separate appeals into schemes at Whempstead Road in Bennington, where an Inspector concluded that the Council was unable to demonstrate a five-year land supply of deliverable sites.
- 2.4 The Inspector questioned the deliverability of the Council's anticipated supply of housing, setting out specific concerns in relation to the following four sites:
- GA1: The Gilston Area
  - HERT3: West of Hertford (Archers Spring)
  - EWEL1: East of Welwyn
  - WARE2: North and East of Ware
- 2.5 He concluded that no development from these sites should be included in the five-year supply, thereby reducing the overall supply by 1,800 dwellings, leading to a 760 dwelling shortfall. This resulted at the time in the Council only having 4.41 years of supply.
- 2.6 It is worth noting that there is no established practice for how an Inspector should approach deliverability. In this case, the approach taken by the Inspector was particularly firm but not unlawful. There are examples of where Inspectors have taken a much more pragmatic approach and applied a discount rate rather than take out the full supply over the five-year period.

### 3.0 Reason(s)

- 3.1 An updated Five-Year Land Supply Position Statement has now been prepared (see **Appendix A**).

#### *Housing Requirement:*

- 3.2 The Position Statement explains that because the District Plan is now over five years old, the five-year housing requirement has to be calculated using the 'Standard Method' rather than the housing requirement set out in the District Plan. The Standard Method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses both projected household growth and historic under-supply.
- 3.3 Using the Standard Method calculation, the annual housing need figure for East Herts is for 1,112 dwellings per annum which equates to a requirement of 5,560 dwellings over the five-year period 2023-2028.

#### *Supply of Housing:*

- 3.4 In order to demonstrate a supply of specific deliverable sites, local planning authorities are required to test sites against the definition of deliverable contained in Annex 2 of the NPPF<sup>3</sup> which states that:

*"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*

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<sup>3</sup> See Annex 2: [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/617353/nppf-annex-2-2019.pdf)

*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.”*

3.5 This definition sets out which sites are considered to be deliverable in principle, and those sites where further evidence is needed to be considered deliverable. The Position Statement deals with each of these typologies in turn, providing clear evidence on deliverability where applicable.

3.6 Taking into account the overall requirement for 5,560 dwellings, alongside the identified supply of deliverable housing (6,189 dwellings), the Position Statement sets out that the Council is currently able to demonstrate a five-year land supply position of 5.57 years against the identified requirement of 5,560 dwellings across the five-year period 2023-2028.

#### **4.0 Options**

4.1 Where a plan is more than five-years old, the NPPF sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement.

## **5.0 Risks**

5.1 In decision-taking, in circumstances where a local planning authority cannot demonstrate a five-year housing land supply, then the presumption in favour of sustainable development will apply.

## **6.0 Implications/Consultations**

6.1 None

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

No

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

No

## **Legal**

No

## **Specific Wards**

All

### **7.0 Background papers, appendices and other relevant material**

7.1 **Appendix A:** East Herts Five-Year Land Supply Position Statement – March 2024

#### **Contact Member**

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