

**Appeal by Catesby Estates
Land South of Burford Road, Minster Lovell**

Appeal ref. APP/D3125/W/23/3331279

LPA Ref. 22/03240/OUT

**Proof of Evidence – Housing Delivery and
Housing Land Supply**

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January 2024

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Summary

Introduction

1. I am instructed to present evidence at this Inquiry by Catesby Estates, herein referred to as 'the Appellant'.
2. My evidence in this proof of evidence addresses both housing delivery and housing land supply in West Oxfordshire District.

The Housing Requirement in West Oxfordshire and the Progression of Local Plan Strategic Allocations

3. In respect of housing need and delivery in the plan period to 2031 and to date, my evidence confirms that Policy H1 of the Local Plan, 'Amount and distribution of housing', sets out that provision will be made for at least 15,950 homes in the period 2011 – 2031.
4. In order to deliver this housing requirement, the plan identifies a strategic development location north of Eynsham to deliver a new 'Oxfordshire Cotswold Garden Village', 4 larger housing allocations referred to as 'Strategic Development Areas' and 11 smaller, 'non-strategic' housing sites.
5. Having considered the planning status and progress of the Local Plan Allocations, my evidence finds that the Strategic Growth Location and Strategic Development Allocations are not progressing as the Council expected i.e. they have not progressed in accordance with the Local Plan trajectory (Appendix 2, page 281 of the Local Plan (**Core Document CD G1**)). Indeed, many are substantially behind in terms of their expected delivery or progress.
6. No homes have been delivered from the Strategic Growth Location and, at the Strategic Development Allocations, the only homes that have been delivered are from planning applications that were already commitments at the time the Local Plan was adopted (and so such delivery would have been expected). However, progression of other planning applications to enable the anticipated delivery in the Local Plan trajectory have not progressed as expected and, given the planning status of applications at the Strategic Growth Location and across all the Strategic Development Allocations sites, my evidence finds there will be substantial delays with the delivery of homes with the expectation that there will be a substantial shortfall against the Local Plan minimum housing requirement at the end of the Plan period (2031).
7. That being the case, the Council's housing delivery strategy has clearly failed in my view and there is a need to permit more sites that will deliver homes now, in order (i) to address both shortfalls in the Council's five year housing land supply (based on the findings of my evidence) and (ii) to also address the significant shortfalls in housing delivery that will occur at the end of the plan period.

The Council's Five Year Housing Land Supply

8. Beyond the Council's failures to deliver the homes it has needed to, to date, my evidence also finds that the Council's claimed deliverable supply in the next five years is a considerable over-estimation of the actual supply that should be considered to meet the definition of deliverable in the NPPF.
9. My evidence assesses all large sites of 10 or more units included by the Council in its supply trajectory in order to determine the realistic figure for the delivery of new homes from those sites within the 5-year period. This includes a consideration of the findings of previous Inspectors on whether these sites should be considered to meet the NPPF definition of deliverable. I have also considered the Council's expected contribution from small sites to the Council's housing land supply.
10. Having concluded this exercise, I have found that there are several sites which should not be included in the Council's deliverable supply (when considered against the NPPF definition of 'deliverable') or where other reductions in supply should be made.
11. The reductions set out in my evidence are summarised in **Summary Table JRTS1** below (with detailed site commentary and assessment provided in my evidence and accompanying appendices).

Table JRTS1 – Summary Overall Reductions

Site			Council's delivery	My delivery	Difference in delivery	Summary for why I have applied reductions
Land	North	Of 150		0	-150	Outline permission (22/01330/OUT) for up to 150 homes was granted in February 2023. This was progressed by Blenheim Estate Homes. However, there is no record of any application for reserved matters having been submitted. This site does not to meet the definition of deliverable and should be from the Council's housing land supply.
Witney	Road	120		0	-120	Outline permission (21/03405/OUT) for up to 120 homes was allowed at appeal in January 2023 – this was an appeal I acted on. This was progressed by Ainscough Strategic Land who intend to sell the site to a developer rather than build it out themselves. However, there is no record of any application for reserved matters having been submitted. I am aware that the site has also recently be reclassified by the Environment Agency as falling within Flood Zone 3, which may hinder the progression of reserved matters. This site does not to meet the definition of deliverable and should be from the Council's housing land supply. Through discussions on the Statement of Common
Hanborough						
Oxfordshire						
Ducklington,						
Witney						

				Ground, it appears that the Council will accept that this site should be removed from the Council's supply.
CA1 -REEMA North and Central, Carterton	200	0	-200	<p>This site is split into two parcels - REEMA North and REEMA Central. On the REEMA central site, detailed consent has previously been granted and the latest supply statement confirms this element is now complete. On the REEMA North part of the site, there was previously an outline permission (ref. 04/2358/P/OP) which was followed, firstly, by a reserved matters application for 225 homes (ref. 11/0490/P/RM – permitted in July 2011) and, secondly, a further reserved matters permission ref. 13/0399/P/RM for 200 homes (which amended the earlier 2011 consent), however, neither permission has been progressed and, in my view, they have lapsed.</p> <p>Regardless of whether the permission on the REEMA central site has lapsed, the latest Housing Land Supply Statement confirms that the DIO has confirmed that pre-application discussions are in progress with Taylor Wimpey and that a detailed application is expected in 2024. It is not clear when (or indeed if) a revised submission might come forward, whether it might be acceptable to the Council and consultees and, if an application were submitted, when it might be determined.</p> <p>There is no clear evidence for deliverability of the 200 homes claimed by the Council is available, and so this site delivery should be removed from the Council's deliverable supply. The Ducklington¹ appeal decision considered this site and found that on the basis that a revised scheme is yet to be submitted this site would not meet the test of deliverable and should be removed from the supply². There has been no material change in the planning status of this site since this decision to warrant a change in conclusion on it not meeting the definition of deliverable</p>
EW2 - West Eynsham SDA	256	76	-180	<p>Part of this site (160 units) has already been completed. Of the residual 840 homes, a further 76 have full permission and are currently under construction by Thomas Homes on the former Eynsham Nursery and</p>

¹ Land at Witney Road, Ducklington (ref. 3297487)

² I note that the Wroslyn Road appeal Inspector did consider this site to be deliverable (ref. 3301202) but, in evidence at Aston (on which I acted - APP/D3125/W/23/3317512), I explained why this site remained one that did not meet the definition of deliverable (a conclusion I maintain today). The Aston Inspector did not make any determination of specific sites.

				<p>Plant Centre site (15/00761/FUL) – these homes are not disputed.</p> <p>The Council’s position statement explains that the units relied on are the residual 76 homes cited above plus 180 units which are the subject of a current outline planning application at Land west of Derrymerrye Farm (20/03379/OUT) which was the subject of a non-determination planning appeal due to be heard in December 2023. However, as of October 2023 the appeal has been withdrawn, the letter from the agents for the Appellant explains there is uncertainty regarding Housing Infrastructure Fund (HIF)2 for the A40 Programme Revised Strategy and also citing viability issues with the scheme.</p> <p>At present there is no permission in place for this development, and no application or appeal pending determination. The Council has not provided the clear evidence necessary to include this site in the supply.</p>
EW4 - Land north of Hill Rise, Woodstock	180	48	-132	<p>A hybrid application (by the Blenheim Estate) (Ref. 21/00189/FUL) was submitted in January 2021 and allowed at appeal (3315391) in October 2023. This consent included detailed permission for 48 units which I do not contest are deliverable. The remainder of the units are only subject to outline consent and there is no record of any reserved matters submission for these units. The Council has not provided the clear evidence necessary to include the units from this site with outline permission in the supply.</p>
EW5 - Land north of Banbury Road, Woodstock	235	0	-235	<p>The site does not have detailed permission. Outline planning permission for the erection of up to 235 dwellings is pending determination and has been subject to a resolution to grant consent subject to a S106 agreement (21/00217/OUT). This resolution was made at committee in December 2022 and since then there has been no activity on the application page, and no decision notice has materialised. Even when outline permission is granted, it will still remain a site that falls under limb b of the definition of deliverable and, even at that point (which has not been reached), will still require the Council to provide clear evidence that first housing completions will commence in the five year period. This site does not to meet the definition of deliverable and should be from the Council’s housing land supply.</p>
Small Sites	459	413	-46	<p>It is reasonable to apply lapse rate of 10% to the total potential delivery from the remaining small sites with</p>

planning permission. The inclusion of a 10% lapse rate was endorsed by the Ducklington Inspector³.

TOTAL	1600	537	-1063
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12. Following my assessment of delivery, my evidence shows that **1,063 homes** should be removed from the Council's deliverable housing supply. This equates to an overall supply in the five-year period (2023-2028) of **2,255 homes**.
13. This results in the following five year supply position:

Table JRTS2 – Five Year Supply Calculation

Step		
A	Housing requirement (2023-2028)	2,850
B	My assessment of deliverable supply	2,255
C	Five Year Supply	3.95 years
D	Shortall in deliverable supply	-595 homes

14. As can be seen from Summary Table 2, my evidence on deliverable supply results in a supply in West Oxfordshire of only 3.95 years, a shortfall of 595 homes. This is a very significant shortfall in the supply of housing, against a minimum housing requirement.

The Implications on Plan Period Delivery

15. Taking my findings on deliverable housing land supply over the next 5 years, I have considered the potential implications of this on residual housing needs at the end of the 5 year period.
16. Table JRTS3 shows the Council's cumulative delivery against the Council's Local Plan housing requirement to date (based on actual completions) and shows what the position on cumulative delivery will be at the end of the 5 year period (based on my assessment of deliverable supply).

Table JRTS3: West Oxfordshire's Phased Housing Requirement Compared to Actual and Predicted Completions

	Year	Combined Annual Requirement	Actual Delivery	Under or Over-delivery	Cumulative Under or Over-delivery
Actual Delivery to Date	2011 - 12	550	359	-191	-191
	2012 - 13	550	278	-272	-463
	2013 - 14	550	186	-364	-827

³ Paragraph 93 of the appeal decision _ Core Document O2

2014 - 15	550	395	-155	-982
2015 - 16	550	246	-304	-1,286
2016 - 17	550	518	-32	-1,318
2017 - 18	550	556	+6	-1,312
2018 - 19	550	813	+263	-1,049
2019 - 20	550	1,086	+536	-513
2020 - 21	550	868	+318	-195
2021 - 22	800	1,002	+202	+7
2022 - 23	800	729	-71	-64
2023 -24	975			
2024 -25	1,125			
2025 - 26	1,125	2,255	-3,220	-3,284
2026 -27	1,125			
2027 - 28	1,125			
Totals	12,575	9,291	-3284	-3,284

17. My evidence shows that, at the end of the five year period (in 2027/2028), there will be a **shortfall in the plan period to date of 3,284 homes**. Based on this actual and predicted delivery to 2027/28, that would result in a need to deliver **6,659 homes between 2027/28 and 2030/31**⁴. That would require an annual requirement of 2,219 homes each year in the remaining 3 years of the plan period. There is, therefore, a requirement for an immediate step change in the delivery of housing now.
18. To date, the highest annual delivery was in 2019/20 when 1,086 homes were delivered (still some 1,133 homes short). Indeed, the Council has only exceeded the delivery of 1,000 homes twice in an 11 year period and the average delivery in that period is only 586 homes per annum (some 1,633 homes lower than the delivery expected to be required).
19. Overall, a requirement to deliver circa 6,659 homes in only a 3 year period will not be achieved. The consequences are that there will be substantial shortfalls in delivery at the end of the Plan period. The only remedy is to grant consents for sites now which can deliver before the end of the Plan period (in 2031).

Overall Findings

20. It is clear from my evidence that West Oxfordshire Council cannot demonstrate a five year housing land supply in accordance with paragraph 77 of the NPPF. The shortfalls in

⁴ Calculated by taking 1,125 per annum (as required by Policy H2 of the Local Plan) in the period 2028-2031 and adding the predicted shortfall at 2027/28 of 3,284 homes.

supply in the District are serious and significant. Furthermore, there will be significant shortfalls in plan period delivery that the Appeal Proposal can also help to address.

21. The planning proof of evidence of Alan Divall considers in more detail the weight to be given to out of date policies as a result of the shortfalls in supply and the weight to be given to the benefits of the delivery of homes on the Appeal Site in the context of the Council not being able to demonstrate a five year supply, and based on my evidence on overall plan period shortfalls in delivery.

1. Introduction

- 1.1 My name is Jeff Richards, and I am a Senior Director at Turley. I am instructed to present evidence at this Inquiry by Catesby Estates, herein referred to as 'the Appellant'.
- 1.2 This Appeal follows the Council's refusal of an outline planning application for 134 dwellings including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.
- 1.3 My evidence addresses both housing delivery and housing land supply in West Oxfordshire. It should be read in conjunction with that of 5 other witnesses for the Appellant, namely:
- Charles Mylcreest of EDP on landscape;
 - Jamie Roberts of Tetlow King on affordable housing;
 - Dave Neale of DTA on highway matters;
 - Gail Stoten of Pegasus Group of heritage; and
 - Mr Alan Divall of Walsingham Planning on overall planning matters.
- 1.4 The evidence which I have prepared and provide for this Appeal (PINS Reference No. APP/D3125/W/23/3331279) is true and has been prepared in accordance with the guidance of my professional institution. I confirm that the opinions expressed are true and professional opinions.
- 1.5 I have given professional evidence on the overall planning merits of proposed development schemes, including many housing related proposals, at numerous Public Inquiries. This includes recent appeals in West Oxfordshire⁵ that have considered the Council's ability to demonstrate a five year housing land supply and which I will refer to in more detail later in my evidence where relevant to the current assessment of supply.
- 1.6 Whilst the Council's most recent 5 year housing land supply position statement (with a 2023 base date (**Core Document CD I1**), claims a 5.4 year supply, my evidence will show that this is a highly overstated position and that the Council is not able to demonstrate a sufficient five year housing land supply.

Qualifications

- 1.7 I have an Honours Degree in Town & Country Planning and a Masters degree in Town Planning, both from the University of the West of England. I am also a Member of the

⁵ APP/D3125/W/22/3297487 – Land East of Witney Road, Ducklington issued in January 2023 (CD O2) and APP/D3125/W/23/3317512 - Land north of Cote Road, Aston issued in July 2023 (CD O1)

Royal Town Planning Institute and have over 20 years' experience in the planning profession.

- 1.8 I joined Turley as a Director in November 2014; I held the role of Head of Planning South West (Heading up Turley's Bristol and Cardiff Offices) between 2016 and 2022 and I now hold the position of Senior Director. Turley has been working in planning and property for 40 years and is now one of the largest, leading planning practices in the UK, with offices in 14 locations.
- 1.9 Before my role at Turley, I practiced as a Planning Consultant with WYG for over 11 years, including as a Director from June 2013. Prior to that, I worked as a Planning Officer in Local Government at North Somerset Council for over 2 years.
- 1.10 I advise on a large range of development across many sectors, but hold a particular specialism in residential development where I provide strategic advice on residential promotions and progress numerous applications for development. I am currently advising on sites that, in total, will deliver over 20,000 new homes.
- 1.11 Since the publication of the 2012 National Planning Policy Framework (NPPF), and the inclusion of previous paragraphs 47⁶ and 14⁷ in that NPPF, I have also developed a particular specialism in the analysis of housing land supply, providing evidence on the requirement to demonstrate a five year housing land supply at numerous Local Plan Examinations and at Public Inquiries across the country. My experience in strategic residential development means that I am very familiar with the processes involved in promoting and progressing sites for residential development, including their overall 'deliverability' and the time it can take to secure the necessary permission before first homes will be seen.
- 1.12 In that context, my evidence considers both the Council housing delivery performance since the adoption of its Local Plan in 2018 and also the Council's ability to demonstrate a housing land supply sufficient to provide for five years' worth of housing, as required by paragraph 77 of the NPPF.
- 1.13 I have structured my evidence as follows:

Section 2 - I briefly consider the policy context relevant to the consideration of housing delivery and the determination of housing land supply;

Section 3 – I consider recent appeals relevant to five-year supply where the requirement for 'clear evidence' within limb b) of the definition of a deliverable site has been considered. I also consider recent appeals in West Oxfordshire that have considered housing land supply;

Section 4 – I consider the Council's housing delivery since the adoption of the plan, with consideration of its stepped housing requirement, the housing trajectory that it includes in its Local Plan (on which it relied to support the Plan's consideration at Examination and its adoption) and the expected progression of sites allocated in the Local Plan

⁶ Setting out the requirement to demonstrate a five year supply

⁷ Setting out the presumption in favour of sustainable development

compared to their current progress. I consider the overall implications of the Council's delivery to date, and the progression of allocations on the Council's ability to meet its minimum housing requirement by the end of the Plan period in 2031;

Section 5 – I set out the Council's current published position on five year housing land supply;

Section 6 – I provide my assessment of the Council's housing land supply;

Section 7 – I consider the implications of my findings on 5 year deliverable supply on the Council's cumulative delivery position at the end of the five year period and consider the level of delivery needed in order to meet the Local Plan's minimum housing requirement; and

Section 8 - I set out my concluding remarks.

2. Relevant Planning Policy Context

The Development Plan and the Housing Requirement for Housing Land Supply Purposes

- 2.1 The West Oxfordshire Local Plan 2031 was adopted in September 2018. Policy H1 (Amount and Distribution of Housing) states that provision will be made for at least **15,950 homes** in the period 2011 – 2031.
- 2.2 This will comprise **13,200 homes** in the period 2011 - 2031 to meet West Oxfordshire's identified housing needs and a further **2,750 homes** in the period 2021 - 2031 to meet Oxford City's identified housing needs.
- 2.3 Policy H2 sets out a phased approach to housing delivery and confirms that 5 year housing land supply is to be calculated on the basis of the phased requirement set out in the table to Policy H2. The additional requirement of 2,750 dwellings to meet Oxford City's housing needs is set out separately in a table to policy H2 but it is confirmed that delivery and supply will be assessed against the combined annual requirement.
- 2.4 A table showing this phased requirement is provided at Table JRT1 in section 4, below.

The National Planning Policy Framework

- 2.5 The NPPF was recently updated in December 2023, which included a number of changes to the requirement to demonstrate a five year housing land supply. I summarise key aspects relevant to housing delivery and housing land supply, below.
- 2.6 **Paragraph 11** sets out the presumption in favour of sustainable development and confirms that for decision taking, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, this means granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (with the policies those areas and assets listed at footnote 7); or
 - ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as taken as a whole.
- 2.7 **Footnote 8** states that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (or four years where relevant in some LPAs) (with a buffer, if one is required) as set out in paragraph 77); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 2.8 **Paragraph 60** advises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land

can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The need for affordable housing is the subject of a separate proof of evidence prepared by Jamie Roberts of Tetlow King Planning.

- 2.9 **Paragraph 75** of the NPPF outlines that strategic policies should include a trajectory of expected housing delivery over the plan period.
- 2.10 **Paragraph 76** confirms that, where an LPA has an adopted plan that is less than 5 years old and where that plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded, there is no longer a need to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing. In West Oxfordshire, the Local Plan was adopted in September 2018 and so the requirement to demonstrate a 5 year housing land supply (or 4 year housing land supply in some instances) still applies – see paragraph 77, below.
- 2.11 **Paragraph 77** confirms that in all other circumstances, local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years of housing against the housing requirement in adopted strategic policy or the local housing need where the strategic policy is more than five years old. There is no longer a requirement to include a 5% buffer as part of the 5 year supply requirements, but a 20% buffer should be included where HDT results show that the delivery in an area falls below 85%.
- 2.12 **Paragraph 77** also cross refers to the provisions of **Paragraph 226** which confirms that, in some circumstances, only a 4 year housing land supply needs to be demonstrated. This applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This applies for 2 years from the date of publication of the NPPF. West Oxfordshire District Council has not prepared a draft plan that meets these requirements and so the requirement to demonstrate a 5 year housing land supply in accordance with NPPF paragraph 77 remains.
- 2.13 **Footnote 42** associated with Paragraph 77 states that, where strategic policies are more than five years old, local housing need should be used for five year housing land supply purposes unless the strategic policies have been reviewed and found not to require updating.
- 2.14 The Glossary at Annex 2 of the NPPF provides a definition of what constitutes a Deliverable site as follows:

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.*

- 2.15 This definition has not changed from the previous NPPF and my evidence refers to the two strands of the above definition as 'limb a' and 'limb b' of the definition of deliverable.

Planning Practice Guidance

- 2.16 The PPG provides further guidance on assessing a five-year housing supply including:

Housing Supply and Delivery

- Paragraph 007 – What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking?
 - Paragraph 008 – What happens if an authority cannot demonstrate a 5 year housing land supply?
 - Paragraph 010 – How can a 5 year housing land supply be confirmed as part of the examination of plan policies?
 - Paragraph 011 – Can 'recently adopted plans' adopted under the 2012 Framework be used to confirm a 5 year land supply?
 - Paragraph 022 – How should buffers be added to the 5 year housing land supply requirement?
 - Paragraph 031 – How can past shortfall in housing completions against planned requirements be addressed?
 - Paragraph 032 – How can past over-supply of housing completions against planned requirements be addressed?
 - Paragraph 035 – How can authorities count older people's housing in the housing land supply?
- 2.17 Paragraph 007 (under 'Housing Supply and Delivery'), mentioned above, sets out what evidence to demonstrate deliverability may include as the following:
- 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;
- 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

2.18 Relevant extracts from PPG are included at **Appendix JR4**.

2.19 Overall the NPPF and PPG are clear that the obligation is on the local planning authority to demonstrate a five year supply against the definition of “deliverable” set out in Annex 2 of the NPPF and that this should be position that the authority should update annually.

3. Appeal Decisions on Housing Land Supply

Appeal decisions that have considered the approach to 'clear evidence'

- 3.1 There are a number of sites included in the Council's supply that have no detailed planning permission (including sites with no application submitted, or sites with a pending outline planning application only or sites with only outline planning permission secured) and so fall into limb b) of the definition of deliverable. Such sites should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- 3.2 In this context, there have been a number of recent appeal decisions where the definition of a deliverable site and the burden in respect of presenting 'clear evidence' has been considered.

Woolpit, Suffolk (Ref. APP/W3520/W/18/3194926), September 2018 (Core Document CD 011)

- 3.3 The Inspector's decision in the Woolpit appeal was one of the first decisions following the revised definition of a deliverable site in the NPPF.
- 3.4 With regards to the base date for land supply purposes it confirmed at paragraph 67 that;

"In my view the definition of 'deliverable' in the Glossary to the NPPF 2018 does not relate to or include sites that were not the subject of an allocation but had a resolution to grant within the period assessed within the AMR. The relevant period is 1 April 2017 to 31 March 2018. There is therefore a clear cut-off date within the AMR, which is 31 March 2018. The Council's supply of deliverable sites should only include sites that fall within the definition of deliverable at the end of the period of assessment i.e. 31 March 2018. Sites that have received planning permission after the cut-off date but prior to the publication of the AMR have therefore been erroneously included within the Council's supply. The inclusion of sites beyond the cut-off date skews the data by overinflating the supply without a corresponding adjustment of need. Indeed that is why there is a clear cut-off date set out in the AMR. Moreover, the site West of Barton Road, Thurston, should be removed from the supply as its permission postdates the cut-off for the relevant period of assessment."

- 3.5 It confirmed that, for sites with only outline permission, the onus is on the Council to provide the necessary clear evidence of deliverability. The Inspector stated, at paragraph 68, that:

"Sites with outline planning permission make up a very large proportion of the Council's claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years...the Council has not even come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon those sites."

Ardleigh, Colchester (Ref. APP/P1560/W/17/3185776), September 2018 (Core Document CD 012)

3.6 At the time of the appeal, the draft PPG had been issued outlining the potential ways in which clear evidence might be provided. As the guidance had not yet been confirmed, the Inspector considered it appropriate to take a precautionary approach and to expect necessary evidence to involve a clear commitment to a programme of delivery.

3.7 When considering sites with outline planning permission only, the Inspector stated at paragraph 94:

*“Three of the sites have **not yet had applications for approval of reserved matters, which must be seen as a key milestone in the delivery process.** The Council’s own assessment acknowledges potential difficulties in bringing forward development on these sites...uncertainties about viability and access prevent full confidence of delivery within the period.” (my emphasis).*

3.8 In this decision, sites with only outline permission were subsequently omitted from the predicted supply.

Little Sparrows, Sonning Common, Oxfordshire (APP/Q3115/W/20/3265861), June 2021 (Core Document CD 013)

3.9 The requirement for clear evidence and what it should comprise was considered in a recent appeal at Little Sparrows, Sonning Common, Oxfordshire. In the decision letter, dated June 2021, the Inspector states, at paragraphs 20 and 21, that:

“20. I have also had regard to the PPG advice published on 22 July 2019 on ‘Housing supply and delivery’ including the section that provides guidance on ‘What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking.’ The PPG is clear on what is required:

“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.”

This advice indicates to me the expectation that ‘clear evidence’ must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.

21. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed proforma from a developer or agent does not in itself constitute ‘clear evidence’. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward.”

London Road, Woolmer Green (Ref. APP/C1950/W/17/3190821), October 2018 (Core Document CD O14)

- 3.10 The Inspector recognised at Paragraph 30 of the decision that there is no presumption of deliverability from sites with the second limb of the definition of a deliverable site, stating:

“The second closed list refers to sites: with outline planning permission; with permission in principle; allocated in the development plan or identified on a brownfield register. Whilst such sites can be included within the 5-year HLS, there is no presumption of deliverability and it is for the LPA to justify their inclusion with clear evidence that housing completions will begin on-site within 5 years.”

- 3.11 When considering sites with outline permission, the Inspector concluded at paragraph 32 that the information provided fell “well short” of the clear evidence required by the Framework.

Bures Hamlet, Essex (Ref. APP/Z1510/W/18/3207509), March 2019 (Core Document CD O15)

- 3.12 In the Bures Hamlet appeal, the Inspector considered the extent of evidence presented by the Council, including how this should be provided. At paragraph 66 of the decision, the Inspector found that:

“Where there is to be a reliance on an annual assessment then that clear evidence should logically be included in that published assessment or at least published alongside it. That would qualify as publicly available in an accessible format as the PPG requires. It would accord with guidance in PPG Paragraph 3-048 which applies to all forms of annual review including, but not limited to, annual position statements. That is not to say there should be publication of every email or every note of a meeting or telephone conversation. The information can be provided in summary form but there needs to be some means of identifying the basis for the conclusion reached.”

- 3.13 When considering the information made available in the Annual Monitoring Report (AMR), the Inspector states at paragraph 67 that:

“The information published here in the AMR is minimal and it relies heavily on unsupported assertions that a site will be delivered. That does not amount to clear evidence. In most cases it does not include the additional information that was introduced only in oral evidence at the inquiry such as: the date when a reserved matters submission was made or anticipated; when a S106 obligation was completed; why a full planning application and not a reserved matters application was submitted on a site that already had outline permission; the source of an estimate of a delivery rate; any assumptions and yardsticks that were applied where direct information was in doubt or missing; or other information of the type suggested in PPG paragraph 3-036.”

- 3.14 The Inspector concludes at paragraph 69 that the Council has not provided clear evidence in the AMR that there is a five year housing land supply. He also concluded that, whilst there was insufficient evidence to draw a precise conclusion on supply, the likelihood is that the supply was closer to the Appellant’s figure of 4.45 years.

Southfield Road, Gretton (Ref. APP/U2805/W/18/3218880) August 2019 (Core Document CD O16)

- 3.15 The Inspector considered the position on four contested sites against the NPPF definition of a deliverable site and the revised PPG guidance on what constitutes ‘clear evidence’. The Inspector recognises at paragraph 35 that consideration of clear evidence now focuses on ‘how much’ and whether progress is ‘firm’.
- 3.16 Within the Inspector’s analysis of the four disputed sites, he considered that:
1. Information limited to a developer holding a meeting in respect of progressing towards a detailed application is not considered to be firm evidence of progression of reserved matters (paragraph 37).
 2. There had been attempts to develop on a site for a number of years and no firm progress had been demonstrated by the Council that it would deliver (paragraph 38).
 3. On a large sustainable urban extension, the delivery on site had been pushed back through several reviews of AMRs and the Inspector had difficulty with the evidence presented being sufficiently clear enough to demonstrate the Council’s trajectory (paragraphs 39 and 40).
- 3.17 The Inspector concluded that the Council’s submission fell short of the clear evidence required by the Framework.

Land at Farleigh Farm, Backwell (Ref. APP/D0121/W/21/3285624), June 2022 (Core Document CD O17)

- 3.18 Finally, in an appeal in Backwell in June 2022, the Inspector considered the concept of deliverability and what might be meant by the requirement for clear evidence. At paragraphs 48 and 49 of his decision, the Inspector states the following:

“I start by clarifying the concept of ‘deliverability’. The Framework Annex 2 sets out the main considerations in this regard. In particular, Category A sites which do not involve major development and have planning permission, and all those sites with detailed planning permission should be considered deliverable in principle, unless there is clear evidence that homes will not be delivered within five years. In contrast Category B sites, including those which have outline planning permission for major development or have been allocated in a development plan, should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. The essential point for both categories is whether it is reasonable to assume that they will contribute to the five-year supply, though caselaw has determined that it is not necessary for there to be certainty of delivery as anticipated.

Some examples of the nature of ‘clear evidence’ are provided in the planning practice guidance (PPG). 5 These are necessarily generalised and refer to indicators such as ‘progress towards approving reserved matters’ and ‘firm progress with site assessment work’. Nonetheless, the evidence provided must be tangible and directly relevant to achieving development on site, as opposed to speculation and assertion. In doing so such

evidence should support the key test of whether there is a 'realistic prospect' of delivery within five years."

Summary of Appeal Decisions and Approach to 'clear evidence'

- 3.19 Drawing the findings of the various appeals summarised above, it is my view that the following is relevant when considering whether a site has the necessary clear evidence to be considered deliverable:
- i. the onus is on the Council to provide the necessary clear evidence that first homes will be delivered in the five year period;
 - ii. any clear evidence should logically be included in the Council's published assessment or at least published alongside it;
 - iii. the evidence provided must be tangible or cogent and directly relevant to achieving development on site, as opposed to speculation and assertion;
 - iv. clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward;
 - v. securing an email or completed proforma from a developer or agent does not in itself constitute clear evidence;
 - vi. the holding of a meeting to discuss progress towards a detailed application is not sufficient clear evidence;
 - vii. an application for approval of reserved matters, should be seen as a key milestone in the delivery process, but firm progress of any such application is also relevant to determine whether sufficient clear evidence can be demonstrated;
 - viii. where there is evidence that the delivery of a site has been pushed back through several reviews of AMRs, the current claimed delivery assumptions on that site should be approached with considerable caution; and
 - ix. where there have been attempts to develop on a site for a number of years and no firm progress had been demonstrated by the Council that it would deliver, then current claimed delivery assumptions on that site should be approached with considerable caution.

Appeal Decisions in West Oxfordshire that have considered the five year housing land supply in the District

- 3.20 There have been a number of appeal decisions in recent years that have considered the issue of 5 year housing land supply in West Oxfordshire District. I summarise these below. In addition, when I come onto assess the Council's deliverable supply, I will identify where, despite the Council now having published a more recent (October 2023) Housing Land Supply Position Statement, recent findings in the below appeals remain relevant and where the Council has not provided any additional evidence that

would materially affect the conclusions of previous Inspectors on the deliverability of relevant sites.

Land East of Barns Lane, Burford (Core Document CD O18)

- 3.21 The first was an appeal on Land east of Barns Lane, Burford⁸, which was issued in August 2022. This decision, whilst considering the Council's housing land supply position based on an April 2021 base date, remains of relevance as there are still sites included in the Council's latest October 2023 position statement (with a 1st April 2023 base date (**Core Document CD I1**)) which were considered as part of the claimed deliverable supply in this appeal.
- 3.22 In the Burford appeal, whilst the Council initially claimed to have a 5.02 year housing land supply, it accepted at the inquiry that, on 8 large contested sites, they had no evidence (and no clear evidence) that housing completions will begin on any of these sites within five years and so, as per the Framework, it was concluded that these sites cannot be considered deliverable⁹. The Inspector, therefore found the housing land supply position for the District to be **closest to the appellant's submitted position of 3.68 years**.

Land East of Witney Road, Ducklington (Core Document CD O2)

- 3.23 A second appeal, which followed on from the above appeal at Burford, was an appeal on land east of Witney Road, Ducklington¹⁰. This was an appeal I was involved in, acting for the Appellant, Ainscough Strategic Land, and where I provided both housing land supply and planning evidence.
- 3.24 Whilst the Ducklington appeal, like Burford, considered the Council's five year housing land supply at the base date 1st April 2021, some of the sites that were contested continue to be included in the Council's latest October 2023 position statement.
- 3.25 The Inspector found there to be **between a 3.56 and 3.96 year supply**¹¹ (a position that was reached through a statement of common ground, following the exchange of evidence), although he accepted my position on each of the contested sites¹² and confirmed the supply to be towards the lower end of the range¹³.

⁸ Appeal reference APP/D3125/W/22/3293656, CD I10

⁹ Please see paragraph 33 of the appeal decision, CD I10

¹⁰ APP/D3125/W/22/3297487 – Land East of Witney Road, Ducklington – decision issued January 2023 (**CD I2**)

¹¹ Paragraph 94 of **CD I2**

¹² Please see conclusions on each site in paragraphs 89 to 93 of **CD I2**

¹³ Paragraph 94 of **CD F2**

Land West of Wroslyn Road, Freeland (Core Document CD O19)

- 3.26 Following the Burford and Ducklington appeal decisions¹⁴, the Council published a more recent five year housing land supply position statement (with a 2022 base date (**Core Document CD I2**)), in which it accepted that it was not able to demonstrate a sufficient five year housing land supply (at **only 4.1 years** (a shortfall of 1,008 homes)). The Wroslyn Road appeal considered the Council's claimed supply in its updated November 2022 Position Statement.
- 3.27 Having considered the evidence on deliverability on a number of contested sites¹⁵, the Wroslyn Road Inspector found the supply to **be closer to the lower end (Appellant's) figure of 2.5 years** rather than the Council's upper end figure of 4.1 years.

Land at Colwell Green, Witney (Core Document CD O20)

- 3.28 A further appeal decision on Land at Colwell Green, Witney (APP/D3125/W/22/3307358) (**Core Document CD O20**) was issued in May of this year. Again, this considered the Council's November 2022 Position Statement. Within the Colwell Green decision, the Inspector concluded (at paragraph 16) that the Council's supply was around **2.6 years**, as suggested by the Appellant, was appropriate in that instance.

Land at Hill Rise, Woodstock (Core Document CD O21)

- 3.29 In an agreed Statement of Common Ground with the Blenheim Estates in relation to an appeal on an allocated site at Hill Rise, Woodstock the Council and Appellant agreed the supply to be **3.5 years**. However, for this appeal, there is not breakdown of which sites were agreed as not being deliverable and discounted from the Council's supply.
- 3.30 I understand that a position of 3.5 years was simply reached as a compromise position between the two parties on the basis that the appeal site is an allocated site in the Councils Local Plan, and so where the principle of development has been accepted. Of note, the 3.5 year supply was also a figure that included the Hill Rise, Woodstock appeal site itself (156 homes)¹⁶.
- 3.31 The previous decisions are material considerations of significant weight because there should be consistency of administrative decision making.

Land North of Cote Road, Aston (Core Document CD O1)

Finally, in an appeal on land north of Cote Road Aston (an appeal I was also involved in and provided evidence on housing delivery and five year housing land supply), a SoCG was agreed between the Council and that appellant which confirmed that the Council's housing land supply (with a 1st April 2022 base date at that time) fell between 2.56 –

¹⁴ Whilst the November 2022 Position Statement (**CD I2**) was published before the appeal decision was issued for Ducklington, this was not submitted to the inquiry and so the Inspector's decision was issued based on the Council's 2021 Position Statement

¹⁵ See paragraphs 50-57

¹⁶ See paragraph 2.21 of **O21**

3.14 years. It was also agreed that this represented a serious and significant shortfall against the five-year requirement. In light of this, the Inspector records at paragraph 2 of his decision that it was not necessary to test the matter further at that Inquiry.

- 3.32 The previous decisions are material considerations of significant weight because there should be consistency of administrative decision making¹⁷.

¹⁷ I am advised that the principle of consistency in decision making was explained by Mann LJ in **North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137**: “One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [...]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system.”

4. The Council's Housing Delivery Performance to Date

- 4.1 Within this section of my evidence, I consider the Council's housing delivery performance since the adoption of its Local Plan in 2018.
- 4.2 I have considered both the Council's housing delivery compared to its housing requirement and also compared to its local plan trajectory. I have also considered the progression of specific local plan allocation sites compared to the Council's expectations. I then consider the consequences of my findings.

The West Oxfordshire Local Plan – Housing Requirement and Delivery Strategy

- 4.3 The West Oxfordshire Local Plan covers the period 2011 to 2031 and was adopted in September 2018.
- 4.4 Policy H1 of the Plan, '*Amount and distribution of housing*', sets out that provision will be made for at least 15,950 homes in the period 2011 – 2031. This will comprise 13,200 homes in the period 2011 - 2031 to meet West Oxfordshire's identified housing needs and a further 2,750 homes in the period 2021 - 2031 to meet part of Oxford City's unmet housing needs.
- 4.5 The initial West Oxfordshire housing requirement of 13,200 homes in the plan period is derived from an annual figure of 660 homes per annum. This was a mid-point figure from a range in overall housing needs concluded in the Oxfordshire Strategic Housing Market Assessment (SHMA), April 2014 (**Core Document CD L2**)¹⁸. That range included a consideration of housing requirements to need economic needs (661 homes per annum) and affordable housing needs (685 homes per annum). These matters, which led to an increase in the housing requirement above a demographic based need figure (541 homes per annum), remain important issues now despite the Local Plan being over 5 year old and the Council concluding, through a Regulation 10A Review, that its strategic policies need to be updated.
- 4.6 In addition, the need to provide homes to meet Oxford's unmet needs also remains just as relevant today as it did when the plan was adopted in 2018. The Oxford Housing and Economic Needs Assessment (HENA), December 2022 (**Core Document CD L4**) concludes that the housing need for Oxford City is 1,322 homes per annum. This is substantially higher than standard method requirement of 762 homes per annum for Oxford City. The Oxford Local Plan 2040 Background Paper 1 (**Core Document CD I7**) suggests¹⁹ that they are only able to deliver 481 homes per annum (equating to an unmet need of 841 homes per annum) and the same Background Paper concludes there are 2,528 homes worth of additional unmet needs arising (not already accounted for in existing allocations in other adopted plans, including West Oxfordshire's). As such, it is clear that delivery of sites and

¹⁸ As confirmed in Table 90 page 181

¹⁹ Please see Table 3 (after paragraph 8.1) in the Council's Oxford Local Plan 2040 Background Paper 1 (Core Document CD I7)

homes to meet the unmet needs of Oxford City (which include unmet affordable housing needs) remains a very important issue.

- 4.7 In order to deliver the overall housing requirement, paragraph 5.27 of the Local Plan confirms that the Council has identified a strategic development location north of Eynsham to deliver a new 'Oxfordshire Cotswold Garden Village. This was anticipated to deliver 2,200 homes in the plan period (to 2031) and paragraph 9.5.42 confirms that delivery of 2,200 from the Garden Village will contribute entirely to meeting the housing needs of Oxford City. No completions have yet come forward on this site and, indeed, the Council no longer includes it in its five year supply.
- 4.8 Furthermore, paragraph 5.28 of the Local Plan confirms that the Council has identified a number of larger housing allocations referred to as 'Strategic Development Areas' (SDAs). These are sites of a 'strategic scale', and it is anticipated that these sites will deliver around 4,050 new homes by 2031. Paragraph 5.32 confirms that the allocated strategic sites include:
- Land to the east of Witney (450 homes).
 - Land to the north of Witney (1,400 homes).
 - Land to the east of Chipping Norton at Tank Farm (1,200 homes).
 - Land west of Eynsham (1,000 homes).
- 4.9 Paragraph 5.31 of the Local Plan confirms that, in addition to the strategic location for growth and strategic development areas outlined above, the Plan allocates 11 smaller, 'non-strategic' housing sites. These non-strategic sites total 1,470 homes.
- 4.10 Policy H2 'Delivery of New Homes' confirms that the Council's housing requirement will be phased over the plan period. This approach applies a lower initial housing requirement of 550 dwellings per year from 2011/12 – 2020/2021. Thereafter, an additional 275 homes per year for Oxford's unmet need is included and this, combined with an increase in the requirement to meet West Oxfordshire's needs, results in a gradual increase in the annual requirement (within the local plan, rather than for housing land supply purposes which is now to be calculated using the standard method housing requirement) up to a total combined annual requirement of 1,125 homes per year.
- 4.11 Paragraph 5.44 of the Local Plan confirms that the staged requirement is necessary in order to enable sufficient time for large strategic sites to start delivering. It also states that it should not be seen as a target, and over-delivery against these targets, particularly in the early years, will be encouraged.
- 4.12 Policy H1 confirms that the phasing in the Plan period will be in accordance with the following table:

Table JRT1: West Oxfordshire's Phased Housing Requirement (replicated from the Table within Policy H1)

Year	West Oxfordshire's Needs	Oxford City's Need	Combined Annual Requirement
2011 - 17	550 per annum		550 per annum
2017 - 18	550		550
2018 – 19	550		550
2019 – 20	550		550
2020 – 21	550		550
2021 – 22	525	275	800
2022 – 23	525	275	800
2023 – 24	700	275	975
2024 – 25	850	275	1,125
2025 – 26	850	275	1,125
2026 – 27	850	275	1,125
2027 – 28	850	275	1,125
2028 - 29	850	275	1,125
2029 - 30	850	275	1,125
2030 - 31	850	275	1,125
Totals	13,200	2,750	15,950

West Oxfordshire's Delivery to Date

- 4.13 Against the above housing requirement, as phased in the Table within Policy H1, the following completions have been achieved.

Table JRT2: West Oxfordshire's Phased Housing Requirement Compared to Completions

Year	Combined Annual Requirement	Actual Delivery	Under Over-delivery	or Cumulative Under Over-delivery
2011 - 12	550	359	-191	-191
2012 - 13	550	278	-272	-463
2013 - 14	550	186	-364	-827
2014 - 15	550	395	-155	-982

2015 - 16	550	246	-304	-1,286
2016 - 17	550	518	-32	-1,318
2017 - 18	550	556	+6	-1,312
2018 – 19	550	813	+263	-1,049
2019 – 20	550	1,086	+536	-513
2020 – 21	550	868	+318	-195
2021 - 22	800	1,002	+202	+7
2022 - 23	800	729	-71	-64
Totals	7,100	7,036	-64	-64

4.14 As can be seen from the above, the Council has under delivered in the first six years of the plan period. It then achieved satisfactory levels of delivery compared to its stepped requirement for five years, before falling short again in the latest monitoring year. Overall, there is an under-delivery in the plan period to date of 64 homes.

4.15 Whilst this is a fairly modest shortfall it is important to note that:

1. Cumulatively there has only been one monitoring year where there was a surplus in delivery overall since the beginning of the plan period, and only by 7 homes;
2. The stepped annual housing requirement will now become more challenging – it is currently at 800 homes but will then rise to 975 homes in 2023/24 and 1,125 homes in 2024/25 and thereon until the end of the plan period; and
3. When considered against the Local Plan trajectory (Appendix 2, page 281 of the Local Plan), the Council had expected to have dealt with the shortfall earlier and to have moved to a position of a greater surplus in delivery. That has not been achieved.

4.16 Indeed, the Local Plan was adopted in 2018 and the Housing Land Supply Position Statement²⁰ at the time of the Examination included baseline data to April 2017²¹. Since 2017, the Council's performance against its Local Plan trajectory is shown in Table JRT3 below:

²⁰ Housing Land Supply Position Statement (May 2017)

²¹ As is recorded at paragraph 240 of the Local Plan Inspector's Report (**CD G4**)

Table JRT3: West Oxfordshire's Local Plan Trajectory and Performance Since Adoption				
Year	LP Trajectory	Actual Delivery	Under or Over-delivery	Cumulative Under or Over-delivery
2017 - 18	542	556	+14	+14
2018 – 19	931	813	-118	-104
2019 – 20	1,175	1,086	-89	-193
2020 – 21	1,075	868	-207	-400
2021 - 22	1,360	1,002	-358	-758
2022 - 23	1,287	729 ²²	-558	-1316
Totals	6,370	5,054	-1316	-1316

- 4.17 As can be seen, against the Council's Local Plan trajectory it has delivered 1,316 fewer homes than expected. By this point in the plan, instead of a shortfall of 64 homes, the Council was expecting to have achieved a surplus of 1,252 homes as it entered the more challenging delivery period of its Local Plan.
- 4.18 Furthermore, in the current five year period (2023/24 - 2027/28) the Council's local plan trajectory suggested that 5,322 homes would be built. The Council's latest Supply Statement (October 2023), now claims a deliverable supply of only 3,318 homes, 2,004 fewer homes in that period. Even if that supply figure were to now be achieved in the next five years, the Council would fall 3,320 homes short in the plan period to 2028 compared to its Local Plan trajectory.

The Delivery of Local Plan Allocations

- 4.19 Crucial to the delivery of the Council's Local Plan Strategy and its housing requirement are the Plan's housing allocations which, as set out at paragraphs 4.6 to 4.8 above, includes a 'strategic development location' (the 'Oxfordshire Cotswold Garden Village'), and both 'strategic' and 'non-strategic' allocations.
- 4.20 Appendix 2 to the Local Plan provides both an overall trajectory across the plan period but also an anticipated trajectory for the Local Plan allocation sites. I have considered that trajectory for the Strategic Development Location and Strategic Allocations to determine whether the Council's expectations have been realised or remain on track, and I provided a summary of the latest position below. An overall summary of the

²² The Council do not provide annualised completions figures in the supply report, however they provide a total delivery figure to date of 7,036 homes which I have used together with the annualised completions data in previous supply reports to calculate delivery for 2022/23

expected delivery from Local Plan allocation sites compared to actual and predicted delivery if provided at **Appendix JR1**.

The Strategic Development Location – Oxfordshire Cotswolds Garden Village (Salt Cross Garden Village)

- 4.21 Starting with the strategic development location known as the ‘Oxfordshire Cotswold Garden Village’ or ‘Salt Cross Garden Village’, a site that was intended to contribute entirely to meeting the housing needs of Oxford City, Table JRT4 below shows the expected trajectory that was provided in the Local Plan.

Table JRT4 – Local Plan Trajectory for Oxfordshire Cotswold Garden Village												
Year	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	Total
Delivery	0	220	220	220	220	220	220	220	220	220	220	2200

- 4.22 When considered against the above expected trajectory, whilst there is a planning application (ref. 20/01734/OUT) that has been submitted by Grosvenor Developments Ltd for a mixed-use Garden Village, this is still pending determination and has been since 2020.
- 4.23 An Area Action Plan (AAP) is required for the allocation of this site and the Examination report on this was received 1 March 2023. The Council is considering the report and the recommendation that the Plan can proceed to adoption, albeit timescales for this do not appear on the webpage. The submission draft AAP (**Core Document CD I5**) included a trajectory at Figure 10.1 which shows first completions of 50 homes in 2024/25 and followed by 100 homes in 2025/2026. The Inspector’s report includes main modifications to the APP which include amendments to the trajectory (page 108 of the Inspector’s Report), confirming the first 50 units were (at the time of writing) expected during 2026. I also note this trajectory is based on an assumed lead in period as set out at Table 1 on page 10 of the Phasing Report (**Core Document CD I6**) that expected a resolution to grant outline planning permission to be secured in June- August 2022. That has clearly not been achieved. The Council’s latest Housing Land Supply Statement (**Core Document CD I1**) now includes **no homes** as being deliverable in the five year period to 2028.
- 4.24 After the Inspector’s report was received, a legal challenge was submitted by a third party organisation called Rights Community Action. The challenge focused on the conclusions reached by the Inspector in relation to the soundness of AAP Policy 2 – Net Zero Carbon Development. The case was due to be heard in the High Court in November 2023 and as such, any decision regarding the potential formal adoption of the AAP is currently on hold pending the outcome of that process.
- 4.25 The AAP still needs to be adopted, the current pending outline application needs to move to approval (including the need to obtain a resolution to grant planning permission and complete a s106) and, as set out with Table 1 to the Phasing Report (page 10 of **Core Document CD I6**), there are many additional steps that need to be achieved before first homes will be seen on the site. The timetable that is set out in Table 1 to the Phasing

Report still looks very ambitious in my view and Step 1 on the lead in timetable is already delayed.

- 4.26 The Local Plan trajectory expected that, by the end of the 2022/23 monitoring year (which we are now beyond), 440 homes would have been completed on the site. Clearly this hasn't been achieved. By the end of the 2027/28 monitoring year 1,540 homes were anticipated, however the latest Five Year Supply statement now confirms that no homes would be considered as deliverable in the period to 2028. On that basis, by the end of the current five year period, the Council will be over 1,500 homes short of the Local Plan Trajectory just in respect of this single site.
- 4.27 To further compound the concerns about delivery from this site, the Local Plan expected 2,200 homes to be delivered from the Garden Village in the plan period to 2031. The trajectory in the Inspector's Report suggested that only 790 homes will be completed by the end of 2031 (which actually extends beyond the plan end on 1 April 2031 and is already behind in terms of delivery steps and expectations). This is 1,410 homes fewer than the Local Plan expected. I am not aware that the Council has any plan in place to replace the homes that will no longer come forward on this site in the plan period as a whole. The status of this site alone shows that the Council's housing delivery strategy has failed.

The Strategic Site Allocations

- 4.28 Turning to the other strategic allocations, I have found that expected delivery is also falling substantially behind expectations. I summarise my findings from **Appendix JR1** below:

East Witney

- 4.29 Table JRT5 below shows the expected trajectory that was provided in the Local Plan for East Witney.

Table JRT5 – Local Plan Trajectory for East Witney

Year	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	Total
Delivery	0	25	50	50	50	50	50	50	50	50	25	450

- 4.30 This site was the subject of a, now refused (in May 2023), outline application (ref. 20/02654/OUT) for 495 homes (amended to 450). The site was expected to have started delivering homes in the 2021/22 monitoring year, with homes delivering every year thereafter through to the end of the plan period. Clearly this hasn't been achieved. The Council are not currently projecting any delivery at all from this site in the current five year period to 2028.
- 4.31 At present there is no pending application for development on this site. The Local Plan trajectory anticipated 325 homes would have been delivered from this site by 2028, but the Council now anticipate zero delivery by this date. The shortfall will not be made up in the Plan period. This site will take many years to come forward and to deliver its first

housing completions. Given that the site was expected to deliver homes in every year of the plan period from last year, every year of delay will lead to a greater number of homes falling beyond the end of the plan period.

North Witney

- 4.32 Table JRT6 below shows the expected trajectory that was provided in the Local Plan for North Witney.

Table JRT6 – Local Plan Trajectory for North Witney

Year	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	Total
Delivery	0	25	50	100	150	200	200	200	200	175	100	1400

- 4.33 Two parts of the SDA are the subject of current planning applications including a full application for the erection of 110 dwellings west of Hailey Road (19/03317/FUL) and an outline planning application for the erection of up to 200 dwellings on land north west of Woodstock Road (14/01671/OUT). The full application is currently at appeal (against the non-determination of the application) due to be heard via an inquiry scheduled for January 2024. The outline is still pending determination.
- 4.34 Whilst a masterplan for the whole of the SDA was expected to come forward in spring 2022 (including much larger parts of the allocation beyond these sites), this has not materialised.
- 4.35 The site was expected to have started delivering homes in the 2021/22 monitoring year with homes delivering ever year thereafter through to the end of the plan period. Clearly this has not been achieved. Pending applications for 306 homes only have been submitted compared to the 1,400 across the SDA as a whole. This site, and particularly the homes which fall beyond the current planning applications (which is a majority of the allocation), will take many years to come forward, and homes from the allocation as a whole will now fall beyond the end of the plan period.
- 4.36 The Council's latest Housing Land Supply Statement now suggests zero delivery of homes from this site by 2027/28 compared to 925 homes that the Local Plan trajectory suggested would be delivered by that date.

Land east of Chipping Norton (Tank Farm) (1,200 homes)

- 4.37 Table JRT7 below shows the expected trajectory that was provided in the Local Plan for Tank Farm.

Table JRT7 – Local Plan Trajectory for Tank Farm

Year	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	Total
Delivery	25	50	50	52	75	75	100	100	100	100	150	150	173	1200

- 4.38 Part of the SDA has already been completed by McCarthy & Stone (planning reference 16/04230/FUL) with 73 retirement apartments provided and 100 homes have been built out by Bloor Homes (under application refs. 16/03416/OUT and 18/03310/RES). These homes were commitments at the time the Local Plan was adopted and all homes with consent to date have been completed, 173 compared to 177 in the Local Plan trajectory by this date.
- 4.39 However, future delivery is reliant on other land interests and further permissions being secured and progressed. The Council's latest Housing Land Supply Statement (2023) (**Core Document CD I1**) confirms that the two main land controlling interests (Oxfordshire County Council and CALA Homes) are developing a masterplan for the SDA as a whole but that this has been delayed whilst additional archaeological survey work is undertaken and no planning application has come forward – no delivery is suggested in the five year period to 2028.
- 4.40 The Local Plan trajectory shows that the remaining part of the SDA was due to deliver the bulk of its homes from 2022/23 i.e. it should be delivering on site since last year. This will clearly not be achieved given its planning status whereby the masterplan needs to be finalised and an initial outline planning application will need to be submitted. It will take many years for homes on the remainder of the SDA to come forward, with the consequence that the delivery of many hundreds of homes will fall beyond the end of the plan period.

Land West of Eynsham

- 4.41 This is a site that is allocated for 1,000 homes. Paragraph 9.5.60 of the Local Plan (**Core Document G1**) confirms that 550 of the 1,000 homes were to contribute to Oxford's unmet needs with the remaining 450 homes contributing towards West Oxfordshire's needs.
- 4.42 Table JRT8 below shows the expected trajectory that was provided in the Local Plan for Land West of Eynsham.

Table JRT8 – Local Plan Trajectory for Land West of Eynsham														
Year	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	Total
Delivery	0	0	0	0	75	75	125	125	150	125	88	0	0	763

- 4.43 At the time of adoption of the Local Plan, two parts of the SDA already had planning permission. This included land west of Thornbury Road (ref. 15/03148/OUT and 18/01009/RES (for 160 homes)) which has now been completed by Taylor Wimpey. It also included a further planning permission for 77 units on the former Eynsham Nursery and Plant Centre site which are currently under construction – these sites were included separately within the Local Plan trajectory, and so are not included in above housing delivery figures at Table JRT8.
- 4.44 The Trajectory in the Local Plan for Land West of Eynsham sets out the anticipated delivery from the remainder of the allocation, i.e. beyond the two applications detailed

above (collectively the yield from the two, now progressing/progressed, applications and the residual 763 in the trajectory, make up the 1,000 unit allocation for this site).

- 4.45 An outline application for 180 homes on the site (ref. 20/03379/OUT) was submitted in December 2020, however, this was subject to an appeal against non-determination which has now been withdrawn. A further outline application for 180 homes (ref. 22/03484/OUT) was submitted in December 2022 and the LPA declined to determine the application via a notice issued in April 2023.
- 4.46 The Local Plan trajectory anticipated 75 homes would be completed by the end of the 2022/23 monitoring year (which we are now beyond), with a further 75 homes being completed in the current 2023/24 monitoring year. At present there is no permission in place for this development, and no application or appeal pending determination, and so delivery from this site remains very uncertain (and it is a site I consider later in my evidence in terms of whether it can currently be considered deliverable and included in the Council's housing land supply).
- 4.47 The Council now claim that 256 homes can be considered deliverable in the five year period to 2028 – even if that were achieved (which I dispute) this allocation would then be 419 homes behind previous expectations. Whilst this site was expected by the Local Plan to be completed before the end of the plan period, that now looks very unlikely with a large number of the anticipated homes likely to now be delivered beyond 2031.

Conclusion on the Council's Expected Delivery of Local Plan Site Allocations

- 4.48 It is clear from my analysis above, that the Council's Local Plan Allocations, and particularly its Strategic Growth Location and Strategic Development Allocations, are not progressing as expected. Indeed, **Appendix JR1** shows that, when considered cumulatively, the Strategic Growth Location and Strategic Development Allocations were expected to have delivered 842 homes to date but have only delivered 173 homes and so they are 669 homes behind expectations. More crucially, at the end of the 5 year period to 2028, the Local Plan trajectory expected 4,192 homes to have been delivered from these strategic sites, however, based on the Council's own deliverable supply figures, only 429 homes are now expected to be delivered – **3,767 homes** behind expectations.
- 4.49 At the Strategic Development Allocations, the only homes that have been delivered are from planning applications that were already commitments at the time the Local Plan was adopted (and so such delivery would have been expected).
- 4.50 Progression of other planning applications to enable the anticipated delivery in the Local Plan trajectory have not progressed as expected and, given the planning status of applications across all the Strategic Development Allocations sites, there will be substantial delays with the delivery of homes with the high likelihood that there will be a very significant shortfall at the end of the Plan period (likely to be thousands of homes).
- 4.51 At the Oxfordshire Cotswold Garden Village alone, the Council's own evidence shows that 1,540 homes will not be delivered in the Plan period (and the final shortfall is likely to be far higher in reality). Many hundreds of homes on other strategic site allocations will also not now be delivered in the plan period. This clearly has serious consequences

for the delivery of the Council's minimum housing requirement and for its overall housing delivery strategy. Indeed, it can be fairly recorded in my view that the Council's housing delivery strategy has failed, and I am not aware of any action plan that the Council has in place to make up the very substantial shortfalls in plan period supply that will arise. It will, therefore, fail to deliver against its minimum housing needs over the Plan period and I consider this matter further in Section 7 of my evidence. The only remedy to seek to make inroads into this shortfall is to grant consents for sites now which can deliver before the end of the Plan period (in 2031).

The Council's Reliance on Greenfield Sites

- 4.52 Of relevance to my findings above on the delays with the delivery and progress of strategic allocations and shortfalls that will accrue in the plan period, is the Council's reliance on greenfield delivery.
- 4.53 At **Appendix JR2**, I have undertaken an analysis of all sites of 10 or more homes included in the Council's Five Year Housing Land Supply Position Statement (**Core Document CD I2**) to determine what percentage of sites in the Council's supply are on greenfield sites.
- 4.54 My analysis shows that, of the Council's current supply of sites of 10 or more homes, 2,319 homes of the claimed overall supply of 2,609 homes are on greenfield sites – this represents **89% of the supply** from major sites in the next 5 years.
- 4.55 It is clear, therefore, that in order to address the shortfalls in supply I identify in my evidence, applications for homes on further greenfield sites will need to be permitted.

5. West Oxfordshire Council's Position on Five Year Housing Land Supply

The Council's Latest Housing Land Supply Position Statement (October 2023)

- 5.1 The latest position statement from the Council is set out in the Housing Land Supply Position Statement which is dated October 2023.
- 5.2 This Statement covers the supply period from 1 April 2023 to 31 March 2028.
- 5.3 The Council uses the 2023 based Local Housing Need (LHN) requirement based on the standard methodology of 570 homes per annum. This equates to a basic requirement of **2,850 homes**.
- 5.4 The Council has achieved a shortfall in overall delivery to date of 64 units, and it adds this shortfall to the basic five year requirement of 2,850 homes²³.
- 5.5 It then applies a 5% buffer (as required by paragraph 74 of the 2019 NPPF) to ensure choice and competition in the market for land.
- 5.6 Overall, the Council's five year supply statement concludes that the requirement is **3,060 homes**. As set out in the following section, I (taking a fair position) do not agree that this is the correct figure to adopt for the purposes of testing housing land supply and consider instead that this should be **2,850 homes**.
- 5.7 The Council claim in its latest position statement to have sites projected to deliver a total claimed deliverable supply of 3,318 homes. Paragraph 6.2 of the Statement confirms this to equate to a supply of **5.4 years** (which is a surplus of **258 homes**).

²³ Fairly, I do not agree that this shortfall in delivery should be added in to the requirement for the purposes of five year supply as when using the standard method derived LHN figure the standard practice is not to take into account historic shortfall or surplus as this is already embedded in the inputs to the calculation.

6. Assessment of West Oxfordshire Council's Five Year Housing Land Supply

Determining the Council's Housing Land Supply

6.1 In order to demonstrate the extent of housing supply in West Oxfordshire, it is necessary to determine a number of key steps as follows:

1. Determining the appropriate five year period for assessing five year supply.
2. Determining the appropriate five year housing land supply requirement including the initial housing requirement and whether a buffer should be applied in accordance with paragraph 77 of the NPPF.
3. Identifying a realistic and deliverable supply in accordance with the NPPF definition of a deliverable site, including consideration of appropriate lead in times and annual delivery rates where relevant.
4. Calculating the Council's housing land supply using the steps above.

6.2 I consider these steps in turn, below.

Step 1: The Appropriate Five Year Supply Period

6.3 The Position Statement presents completions data²⁴ up to 31 March 2023 and the Council present a five year supply position for the 2023-2028 period. I agree that this is the most appropriate period on which to assess supply.

Step 2: The Five Year Supply Housing Requirement

6.4 The West Oxfordshire Local Plan was adopted in September 2018, and so it became five years old in September 2023. Policy H2 sets out the housing requirement of 13,200 homes from 2011-2031, plus 2,750 to meet Oxford's needs (15,950 homes in total to 2031).

6.5 As the plan is now more than five years old, in accordance with paragraph 77 and footnote 42 of the NPPF the Council now use the Local Housing Need (LHN) figure derived from the standard methodology for the purposes of calculating five year supply.

6.6 The 2023 based LHN for West Oxfordshire is 570 homes, the basic five year requirement is therefore **2,850 homes**.

²⁴ The Council do not provide annualised completions figures in the supply report, however they provide a total delivery figure to date of 7,036 homes which I have used together with the annualised completions data in previous supply reports to calculate delivery for 2022/23

- 6.7 The Housing Delivery Test (HDT) result for West Oxfordshire mandates that no buffer is applied to the five year supply calculation. This approach is in line with the relevant guidance.
- 6.8 The Council has underdelivered by 64 homes to date against the housing requirement set out in Policy H2 of the Local Plan. The Council adds this shortfall to date to the basic five year requirement. However, the LHN calculation includes provision for any shortfall to date (through the affordability uplift) imbedded in the standard methodology assumptions. I do not agree with this approach and consider that the five year requirement should not be increased by 64 units.
- 6.9 My assessment is, therefore that the correct housing need figure for the current five year supply period, without the application of a buffer (as is the correct approach set out in the most recent NPPF), is **2,850 homes**²⁵. so this is also the figure that I adopt for the purposes of testing housing land supply.

Determining what sites are Deliverable

- 6.10 I have assessed all large sites of 10 or more units included by the Council in its supply trajectory on an individual basis in order to determine the realistic figure for the delivery of new homes from those sites within the 5-year period.
- 6.11 A review of the planning status of sites has been undertaken and full details of the commentary on this are included at **Appendix JR3**. This sets out the Council's claimed five year trajectory for each site and also an amended trajectory based on the evidence established by my detailed review of the planning status of each. A summary of the reasons for any reductions are provided in the final column, although a summary is also provided in this section of my evidence.
- 6.12 My review has considered the policy status, the ownership of the site (or land promotion positions secured on it), whether there are any planning applications lodged on the site (and if so, its progress) or whether an application has been determined; and whether there is any further evidence available that would indicate a progression of the site or otherwise. This includes a review of the evidence that the Council has provided to support its predictions which is included at Appendices 1-3 to the Council's October 2023 Housing Land Supply Statement (**Core Document I1**), and which is very limited with only a column providing a very brief 'commentary on deliverability'.
- 6.13 Where I have identified further evidence on sites, this is provided in the Core Documents which I reference where relevant. Where there has been no material change in the status of sites, I have also considered the conclusions of the Inspectors in the previous appeals that have considered five year housing land supply in the District (summarised in Section 3 of my evidence).
- 6.14 Having concluded this exercise, I have found that there are several sites which should not be included in the Council's deliverable supply (when considered against the NPPF

²⁵ LHN of 570 x 5

definition of 'deliverable') or where other reductions in supply should be made. In particular:

1. Some sites, or residual homes to be delivered on some sites, included in the Council's supply, which fall under the limb b) part of the definition of deliverable in the NPPF, do not meet the NPPF requirement for clear evidence to be provided demonstrating that first housing completions will begin on site within the five year period.
2. It is considered that a lapse rate should be applied to all remaining small sites (of less than 10 units) as there is an over estimation of the likely deliverability of the quantum of units from this source of supply, given that a number of permissions for small sites can be expected to lapse.

- 6.15 The details of disputed sites that fall within each of these categories is provided below, along with an explanation for why these sites should either be removed from the supply or why reductions in predicted delivery over the five year period should be made.

Disputed Sites

Sites that do not have the necessary clear evidence that housing completions will begin on site within five years

- 6.16 The following sites had secured only outline planning permission at the base date (1 April 2023) or had been allocated in a development plan but had no detailed permission in place (or even an application submitted) at 1st April 2023.
- 6.17 On that basis, they are sites that fall within limb b) of the definition of deliverable in the NPPF. They are only capable of being included in the Council's deliverable supply if the Council is able to provide the necessary clear evidence that first housing completions will begin on the site in the five year period.
- 6.18 As has been made clear from the appeal decisions that I refer to in Section 3 of my evidence, the onus is on the Council to provide that clear evidence. Furthermore, the evidence provided must be tangible and directly relevant to achieving development on site, as opposed to speculation and assertion.

Land North Of Witney Road Long Hanborough Oxfordshire

- 6.19 Outline permission (22/01330/OUT) for up to 150 homes was granted in February 2023. This was progressed by Blenheim Estate Homes.
- 6.20 There is no record of any reserved matters application pursuant to this outline nor any discharge of conditions. We have no information, let alone clear evidence, as to when a reserved matters application may be prepared and submitted and what the future delivery intentions are, including intended delivery rates for the site.
- 6.21 Even when a reserved matters comes forward, we do not know whether it will be in an acceptable form to the Council and what comments might be raised by consultees – in my experience, larger sites can take time to come forward given the need to ensure that proposals come forward in a coherent and comprehensive manner.

- 6.22 Importantly, the site has outline permission only, it falls within limb b of the definition of a deliverable site in the NPPF and the site should only be included in the Council's supply if clear evidence is provided to show that housing completions will begin on site in the five year period. The onus is on the local planning authority to provide that evidence. No such clear evidence has been provided by the Council and this site should be removed from the Councils supply.

Table JRT9 – Land North Of Witney Road Long Hanborough

	23/24	24/25	25/26	26/27	27/28	Total
Council Delivery			150			150
My Delivery			0			0
Difference						-150

Witney Road, Ducklington, Witney

- 6.23 Outline permission (21/03405/OUT) for up to 120 homes was allowed at appeal in January 2023 – this was an appeal I acted on. This was progressed by Ainscough Strategic Land who intend to sell the site to a developer rather than build it out themselves. However, there is no record of any application for reserved matters having been submitted.
- 6.24 I am aware that the site has also recently be reclassified by the Environment Agency as falling within Flood Zone 3, which is now expected to hinder the progression of reserved matters. At a recent inquiry²⁶ for a site at Witney, the LPA confirmed that given the change in flood risk classification for the site, no units should be relied on from this site in the current five year period. In addition, through my own discussions with the Council on the Statement of Common Ground, it appears that the Council will accept that position (that the site is not deliverable) for this inquiry also.
- 6.25 We have no information as to when a reserved matters application may be prepared and submitted and what the future delivery intentions are, including intended delivery rates for the site. Importantly, the Council's position statement has taken no account of the reclassification of the site as Flood Zone 3 (a reclassification that it lobbied for) when considering when the site currently meets the definition of deliverable and the requirement for clear evidence. The onus is on the local planning authority to provide that evidence. No such clear evidence has been provided by the Council and this site should be removed from the Councils supply.

Table JRT10 –Witney Road, Ducklington, Witney

	23/24	24/25	25/26	26/27	27/28	Total
Council Delivery			120			120
My Delivery			0			0
Difference						-120

²⁶ Land West of Hailey Road appeal (APP/D3125/W/23/3328652)

CA1 - REEMA North and Central, Carterton

- 6.26 This site is split into two main parts – REEMA Central and REEMA North. On the REEMA Central Site, detailed consent was secured for 81 dwellings (net) and the latest supply statement confirms this element is now completed.
- 6.27 On the REEMA North part of the site, there was previously an outline permission (ref. 04/2358/P/OP) which was followed, firstly, by a reserved matters application for 225 homes (ref. 11/0490/P/RM – permitted in July 2011) and, secondly, a further reserved matters permission ref. 13/0399/P/RM for 200 homes (which amended the earlier 2011 consent), however, neither permission has been progressed. The Council in its supply statement (page 72) suggests that these RM permissions were implemented in order to keep them alive, however, there is no evidence provided to confirm that the permission was lawfully implemented.
- 6.28 Notwithstanding the above, the latest Housing Land Supply Statement confirms that the DIO has confirmed that pre-application discussions are in progress with Taylor Wimpey (on the REEMA North Site) and that a detailed application is expected in 2024. It is not clear when (or indeed if) a fresh planning application might come forward, whether it might be acceptable to the Council and consultees and, if an application were submitted, when it might be determined. However, what is clear is that there is no intention of progressing the previous outline and reserved matters secured on the REEMA North site and that a fresh permission will be sought.
- 6.29 The Inspector for the Ducklington appeal considered this site at paragraph 89 of their decision and set out:
- “At 'REEMA North and Central' there was dispute whether an extant permission for 200 dwellings existed. In addition, the MoD are discussing a revised scheme which is yet to be submitted. Thus, the implementation and timing are both uncertain, and I do not find that this would meet the test of deliverable.”*
- 6.30 Whilst the Wroslyn Road appeal Inspector found that 200 homes should be considered deliverable²⁷, there appears to have been some suggestion that the 23 homes under construction at that time were part of the 2013 reserved matters permission for 200 homes, rather than being part of a separate permission (on the REEMA Central part of the site) for 81 homes (discussed above). Furthermore, the Inspector appears to reach their conclusion on the basis that the 2013 reserved matters consent for 200 homes falls under limb a) of the definition of deliverable and so should be considered deliverable unless there is clear evidence that they will not be delivered within five years. In my view, there is such clear evidence – the homes delivered are not part of this 200 home permission, the Council and Defence Infrastructure Organisation (DIO) (the landowner) themselves have confirmed that they intend to pursue an alternative permission²⁸ and

²⁷ Paragraph 50 of the Decision (**CD 019**) – “The Council counts 298 dwellings for site Ref CA1, where detailed planning permission was granted for 200 dwellings in 2013 and 23 dwellings are under construction.”

²⁸ With it being confirmed that the latest interest is from Taylor Wimpey who will want to secure a permission for its own house types and will not want to implement a reserved matters secured in 2013 for non-Taylor Wimpey house types

so it is clear that the 2013 consent (now permitted 10 years ago, and where I have not seen any evidence that it as lawfully commenced) will not progress (even if it could, following any evidence of a lawful start on site to keep the permission alive).

6.31 The latest Housing land Supply Statement sets out (**Core Document CD I1, page 72**) that the DIO has confirmed that it is intending to come forward with a planning application for a revised scheme in 'early 2024', however the previous Supply Statement claimed that this would materialise in 'summer/autumn 2023'. I also note that in the 2021 Supply Statement previously stated that the DIO would progress with an application for 300 homes and would complete these by the end of 2024. This 300 homes scheme has not materialised, and it now looks as though a smaller scheme will be progressed. Again, no revised submission has been made to date and it is not clear, when (or indeed if) a revised submission might come forward (noting previous suggestions have not materialised). Finally, it is not clear whether a future application will be acceptable to the Council and consultees (bearing in mind it proposes substantially more homes more than previously consented, and more than the allocation expected) and, if an application were submitted, when it might be determined.

6.32 I am aware, through SoCG discussions, that the Council may rely on an email itself from Taylor Wimpey stating that a fresh permission is to be applied for and that it expects 217 homes to be delivered in the 5 year period. Firstly, this is clear evidence that the previous consent (lapsed or not) is no longer intended to come forward. Secondly, whilst the Council may intend to rely on an email from Taylor Wimpey in respect of its future intentions, as was made clear in an appeal at Little Sparrows, Sonning Common (ref. APP/Q3115/W/20/3265861 – **Core Document O13 (paragraph 21)**):

"clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered".

6.33 A realistic consideration of the site's status demonstrates that there is currently no planning application submitted and that Taylor Wimpey's suggestion that this site will deliver 217 homes in the period 2023-28 is wholly unrealistic and lacks the necessary clear evidence that is required for a site of this nature.

6.34 Overall, there is clear evidence that the previous reserved matters consent for 200 homes on the site is no longer going to be delivered – that is based on evidence from the Council and landowner themselves and so that permission should not be considered deliverable. In respect of homes on the site that the DIO may wish to progress, there are no current applications that have been submitted. Despite an email from Taylor Wimpey, there is not the necessary clear evidence for the 200 homes to be included in the supply. This is reflected by **Table JRT11**, below.

Table JRT11 – REEMA North and Central

	23/24	24/25	25/26	26/27	27/28	Total
Council Delivery			200			200
My Delivery			0			0
Difference						-200

EW2 - West Eynsham SDA

- 6.35 This site is a Strategic Development Allocation under Policy EW2 (West Eynsham Strategic Development Area) to deliver 1,000 homes. Once developed, this will result in a net gain of 763 homes.
- 6.36 At the time the Local Plan was adopted, two parcels within the site had detailed consent in place, as follows:
1. Eynsham Nursery and Garden Centre (for 77 homes, Ref. 15/00761/FUL) – the site is under construction; and
 2. Land west of Thornbury Road, Eynsham (160 homes, refs. 15/03148/OUT and 18/01009/RES) – this site is now complete as of 1 April 2022).
- 6.37 Based on the above, 76 homes from these permissions remain to be built at the base date for the current supply period. Delivery from these areas of the SDA is not disputed as the sites have detailed consent and are under construction.
- 6.38 On the remainder of the SDA, the Council’s position statement explains that the units relied on are the residual 76 homes cited above plus 180 units which are the subject of an outline planning application at Land west of Derrymerrye Farm (20/03379/OUT) which was the subject of a non-determination planning appeal due to be heard in December 2023. However, as of October 2023 the appeal has been withdrawn, the letter from the agents for the Appellant explains there is uncertainty regarding Housing Infrastructure Fund (HIF)2 for the A40 Programme Revised Strategy and also citing viability issues with the scheme.
- 6.39 The Council accepted at the Ducklington appeal (through the agreed SoCG - **Core Document 18**) that the remainder of the site without permission site should not be considered deliverable. Since then, there remains absolutely no clarity or certainty on any timescales for delivery of homes on the remainder of this site and a complete absence of any clear evidence. The West of Wroslyn Road Inspector agreed²⁹, and removed any delivery from this site in the five year period. Since then, the evidence of deliverability has worsened with an appeal to determine the application withdrawn. Even if the appeal were successful, which we simply do not know, then this would still remain a site with outline planning permission only and would still require clear evidence to be considered deliverable, even at that point.

²⁹ Paragraph 55 of **CD 13**

- 6.40 As the site is allocated for development, with no permission in place for development and no application or appeal pending determination, it falls within limb b of the definition of a deliverable site in the NPPF. Consequently, the onus is on the local planning authority to provide clear evidence that housing completions will be on site within five years for the areas of the site without detailed consent. No such clear evidence has been provided by the Council to show that homes will begin in the five year period. The reductions in supply are shown in **Table JR12** below.

Table JRT12 – EW2 - West Eynsham SDA						
	23/24	24/25	25/26	26/27	27/28	Total
Council Delivery			256			256
My Delivery			76			76
						-180

EW4 - Land north of Hill Rise, Woodstock

- 6.41 This site is a non-strategic allocation in the adopted Local Plan under Policy EW4 for 'around 120' dwellings.
- 6.42 A hybrid application (by the Blenheim Estate) (Ref. 21/00189/FUL) was submitted in January 2021 for the following development:
- "Hybrid planning application consisting of full planning permission for the erection of 74 dwellings, 60 sqm of community space (Class E), a parking barn, means of access from the A44, associated infrastructure, open space, engineering and ancillary works; outline planning permission for up to 106 dwellings, up to 60sqm of community space (Class E), a parking barn, with associated infrastructure, open space, engineering and ancillary works (Amended)."*
- 6.43 The Council refused the application at Committee in December 2022, and an appeal (3315391) against this refusal was allowed in October 2023. This consent included detailed permission for 48 units which I do not contest are deliverable. The remainder of the units are only subject to outline consent and there is no record of any reserved matters submission for these units.
- 6.44 At present no evidence has been provided by the Council to demonstrate the deliverability of the units with outline consent on the site. We have no information, let alone clear evidence, as to when a reserved matters application may be prepared and submitted and what the future delivery intentions are, including intended delivery rates for the site. The onus is on the local planning authority to provide that evidence. No such clear evidence has been provided by the Council and all but the 48 units with detailed consent should be removed from the Council's supply.
- 6.45 The reductions in supply are shown in **Table JRT13** below.

Table JRT13 – Land north of Hill Rose, Woodstock

	23/24	24/25	25/26	26/27	27/28	Total
Council Delivery			180			180
My Delivery			48			48
Difference						-132

EW5 - Land north of Banbury Road, Woodstock

- 6.46 Policy EW5 of the adopted location plan allocates this site for development, including up to 180 new homes.
- 6.47 An outline application for up to 235 homes was submitted by the landowner (Blenheim Estate) in January 2021, currently remains pending determination and has been subject to a resolution to grant consent subject to a S106 agreement (21/00217/OUT). This resolution was made at committee in December 2022 and since then there has been no activity on the application page, and no decision notice has materialised.
- 6.48 The allocated site does not yet have any permission in place for development. Even once a decision is issued, the site would have outline approval only and would still fall under limb b) of the definition of deliverable, and still require clear evidence that homes will be delivered in the five year period. At that point, in order to make ‘tangible’ progress towards delivery (which would include the need for a reserved matters planning application to be prepared and submitted and which, as other Inspectors have found, should be seen as a key milestone in a site’s delivery³⁰), it is likely that the site would need to be marketed and sold to a house builder before development can come forward, at which point further submissions would need to be made to secure reserved matters and to discharge any pre-commencement conditions.
- 6.49 At the Ducklington appeal, the Council conceded this site did not meet the definition of deliverable and should not be included in the supply (through the agreed SoCG - **Core Document CD 18**). The West of Wroslyn Road Inspector also found no clear evidence to justify including this site in the supply³¹.
- 6.50 No information has been provided to suggest when the outline can be expected to be approved, when reserved matters application(s) can be expected, and no clear evidence has been provided to suggest completions can be expect from this site within the next five years. This site does not meet the definition of deliverable in the NPPF and should be removed from the Council’s supply. The reductions in supply are shown in **Table JRT14** below.

³⁰ Ardleigh, Colchester (Ref. APP/P1560/W/17/3185776), September 2018 (**CD 112**)

³¹ Paragraph 56 of **CD 13**

Table JRT14 – Land north of Banbury Road, Woodstock

	23/24	24/25	25/26	26/27	27/28	Total
Council Delivery			235			235
My Delivery			0			0
Difference						-235

Small Sites – the Application of a Lapse Rate

6.51 Given the volume of sites identified and the nature of small scale development, it is considered reasonable to consider whether it is appropriate to apply a lapse rate to this source of supply. In my experience, this is an approach that many local authorities apply to ensure that the anticipated supply small scale development sites is realistic and not an over estimation. The nature of small scale development is that it is typically undertaken by small and medium developers, or even private individuals, rather than national housebuilders. It is not unusual or uncommon for consents to lapse before they are implemented, or for revised applications to be progressed.

6.52 Indeed I note that several of the individual sites listed within Appendix 2 of the Supply Statement appear to have been superseded or have clear evidence that they will not now deliver the homes attributed to them in the supply trajectory, these include;

- Application ref. 15/00302/FUL at Land fronting Well Lane, Curbridge is included in the supply delivering 4 units, however, the site was part of a subsequent wider consent (16/02657/FUL) for 14 dwellings, approved in March 2017, and this consent appears to have been built out, it is clear that the earlier permission for 4 units will not be progressed.
- Application ref. 11/0680/P/FP at Broadstone Manor Offices, Broadstone Hill, Old Chalford, was granted detailed consent in June 2011 for two self contained units. However, condition 4 of the permission restricts the occupancy of the new units to family members of (or staff employed at) the main dwelling house. These units are not, therefore, new available housing supply as they are effectively additional accommodation linked to an existing dwelling.
- There is double counting in the supply trajectory relating to 3 units at Manor Farm Barns, North Street, Middle Barton. Both an initial application for this development (ref. 20/00605/FUL) and a slightly revised scheme also for 3 units (ref. 21/02984/FUL) are included in the supply despite both being for the same number of units on the same site.
- Application ref. 12/0843/P/FP at 61 Witney Road, Ducklington, was granted detailed consent for a self contained annex in July 2012. Condition 4 of this consent restricts the occupancy of the annex to accommodation that is ancillary to the existing dwelling and stipulates that the building shall not be occupied as a separate dwelling. This unit should not, therefore, contribute towards the deliverable housing land supply.

6.53 Indeed, through discussions relating to the five year supply SOCG for this appeal the Council has commented the following;

“the LPA has been made aware of errors in the small sites list that together result in a reduction of 46 homes”.

6.54 At the time of writing I am still seeking clarification with regard to which sites these units relate to. For the purposes of my evidence I have, therefore, considered the small site quantum set out in the Supply Statement³².

6.55 Several local authorities who consider it appropriate to apply a non-implementation or lapse rate to certain components of supply, so as not to overestimate the number of units that are likely to come forward. This is particularly appropriate where an authority has some local data on historic lapse rates. Examples of deductions are as follows;

- Stroud apply a non-implementation rate of 22% to all un-allocated small sites (9 dwellings or less);
- Somerset West and Taunton apply a lapse rate of 10% to all small sites;
- Cornwall apply a 10% discount to all small sites;
- South Somerset apply a 5% non-implementation rate to the total of all sites (large and small) included in the Council’s supply; and
- Malvern Hills District Council apply a 5% lapse rate to the total identified supply from all sources (large and small).

6.56 Whether or not it is appropriate to apply such a discount to an element of the supply will depend on the robustness of the evidence available for the sites within that source of supply. The decision about whether to include an allowance for non-implementation should depend on how robust the delivery information for these units is considered to be. Although in principle all small sites can be considered deliverable, the reality in my experience is that many permissions for sites of less than 10 units do lapse or are failed to be implemented for some reason. West Oxfordshire has a significant number of small sites within the supply and there is no information on the deliverability of these other than the list of application reference numbers, several of which appear to relate to applications granted in 2020 or earlier (and so would be approaching the 3 year time limit for commencement) but which the Council’s October 2023 position statement confirms had not started.

6.57 Importantly, I presented evidence to the Ducklington³³ appeal that a 10% lapse rate should be applied to the Council’s small sites supply. The Inspector agreed, concluding the paragraph 93 that:

³² The 10% lapse rate I apply is to the total quantum of small sites listed in the supply statement (459 homes). If through discussions on the SOCG the LPA remove some of the small sites from the supply, the lapse rate would apply to the residual units.

³³ Land at Witney Road, Ducklington (ref. 3297487) – Core Document O2

“There was also dispute whether an assumption should be made that some permissions on small sites will lapse. The appellant suggests 10% and a reduction of 66 dwellings should be made. There is a logic to the assumption that some permissions will lapse as the owners may change their minds, may neglect the 3 year deadline or a constraint emerges. Given these eventualities I find that a 10% allowance and 66 dwellings reduction would be reasonable.”

6.58 There is no additional evidence presented by the Council in its latest position statement to lead to a different conclusion.

6.59 Given the above, I consider it reasonable to apply a lapse rate of 10% to the Council’s claimed supply from small sites.

Table JRT16 – Small Sites

	21/22	22/23	23/24	24/25	25/26	Total
Council Delivery			459			459
My Delivery			413			413
Difference						-46

Overall Reductions to the Council’s Housing Land Supply

6.60 Having consider all sources of supply included in the Council’s latest statement and made reductions where I consider these to be appropriate, my overall reductions in supply are summarised at **Table JRT17** below:

Table JRT17 – Summary Overall Reductions

Site	Council's delivery	My delivery	Difference in delivery	Summary for why I have applied reductions
Land North Of 150 Witney Road Long Hanborough Oxfordshire		0	-150	Outline permission (22/01330/OUT) for up to 150 homes was granted in February 2023. This was progressed by Blenheim Estate Homes. However, there is no record of any application for reserved matters having been submitted. This site does not to meet the definition of deliverable and should be from the Council's housing land supply.
Witney Road, 120 Ducklington, Witney		0	-120	Outline permission (21/03405/OUT) for up to 120 homes was allowed at appeal in January 2023 – this was an appeal I acted on. This was progressed by Ainscough Strategic Land who intend to sell the site to a developer rather than build it out themselves. However, there is no record of any application for reserved matters having been submitted. I am aware that the site has also recently be reclassified by the Environment Agency as falling within Flood Zone

				<p>3, which may hinder the progression of reserved matters. This site does not to meet the definition of deliverable and should be from the Council's housing land supply. Through discussions on the Statement of Common Ground, it appears that the Council will accept that this site should be removed from the Council's supply.</p>
CA1 -REEMA North and Central, Carterton	200	0	-200	<p>This site is split into two parcels - REEMA North and REEMA Central. On the REEMA central site, detailed consent has previously been granted and the latest supply statement confirms this element is now complete. On the REEMA North part of the site, there was previously an outline permission (ref. 04/2358/P/OP) which was followed, firstly, by a reserved matters application for 225 homes (ref. 11/0490/P/RM – permitted in July 2011) and, secondly, a further reserved matters permission ref. 13/0399/P/RM for 200 homes (which amended the earlier 2011 consent), however, neither permission has been progressed and, in my view, they have lapsed.</p> <p>Regardless of whether the permission on the REEMA central site has lapsed, the latest Housing Land Supply Statement confirms that the DIO has confirmed that pre-application discussions are in progress with Taylor Wimpey and that a detailed application is expected in 2024. It is not clear when (or indeed if) a revised submission might come forward, whether it might be acceptable to the Council and consultees and, if an application were submitted, when it might be determined.</p> <p>There is no clear evidence for deliverability of the 200 homes claimed by the Council is available, and so this site delivery should be removed from the Council's deliverable supply. The Ducklington³⁴ appeal decision considered this site and found that on the basis that a revised scheme is yet to be submitted this site would not meet the test of deliverable and should be removed from the supply³⁵. There has been no material change in the planning status of this site since this decision to warrant a change in conclusion on it not meeting the definition of deliverable</p>

³⁴ Land at Witney Road, Ducklington (ref. 3297487)

³⁵ I note that the Wroslyn Road appeal Inspector did consider this site to be deliverable (ref. 3301202) but, in evidence at Aston (on which I acted - APP/D3125/W/23/3317512), I explained why this site remained one that did not meet the definition of deliverable (a conclusion I maintain today). The Aston Inspector did not make any determination of specific sites.

EW2 - West Eynsham SDA	256	76	-180	<p>Part of this site (160 units) has already been completed. Of the residual 840 homes, a further 76 have full permission and are currently under construction by Thomas Homes on the former Eynsham Nursery and Plant Centre site (15/00761/FUL) – these homes are not disputed.</p> <p>The Council's position statement explains that the units relied on are the residual 76 homes cited above plus 180 units which are the subject of a current outline planning application at Land west of Derrymerrye Farm (20/03379/OUT) which was the subject of a non-determination planning appeal due to be heard in December 2023. However, as of October 2023 the appeal has been withdrawn, the letter from the agents for the Appellant explains there is uncertainty regarding Housing Infrastructure Fund (HIF)2 for the A40 Programme Revised Strategy and also citing viability issues with the scheme.</p> <p>At present there is no permission in place for this development, and no application or appeal pending determination. The Council has not provided the clear evidence necessary to include this site in the supply.</p>
EW4 - Land north of Hill Rise, Woodstock	180	48	-132	<p>A hybrid application (by the Blenheim Estate) (Ref. 21/00189/FUL) was submitted in January 2021 and allowed at appeal (3315391) in October 2023. This consent included detailed permission for 48 units which I do not contest are deliverable. The remainder of the units are only subject to outline consent and there is no record of any reserved matters submission for these units. The Council has not provided the clear evidence necessary to include the units from this site with outline permission in the supply.</p>
EW5 - Land north of Banbury Road, Woodstock	235	0	-235	<p>The site does not have detailed permission. Outline planning permission for the erection of up to 235 dwellings is pending determination and has been subject to a resolution to grant consent subject to a S106 agreement (21/00217/OUT). This resolution was made at committee in December 2022 and since then there has been no activity on the application page, and no decision notice has materialised. Even when outline permission is granted, it will still remain a site that falls under limb b of the definition of deliverable and, even at that point (which has not been reached), will still require the Council to provide clear evidence that first housing completions will commence in the five year period. This site does not to meet the definition of deliverable and should be from the Council's housing land supply.</p>

Small Sites	459	413	-46	It is reasonable to apply lapse rate of 10% to the total potential delivery from the remaining small sites with planning permission. The inclusion of a 10% lapse rate was endorsed by the Ducklington Inspector ³⁶ .
TOTAL	1600	537	-1063	

Calculating the Council's Five Year Housing Land Supply

- 6.61 Overall, having carefully analysed all sites that the Council lists as delivering housing in the five-year period, my assessment of delivery at **Appendix JR3** and as detailed above shows that **1,063 homes** should be removed from the Council's deliverable housing supply, which equates to an overall supply in the five-year period (2023-2028) of **2,255 homes**. This results in the following five year supply position:

Table JRT18 – Five Year Supply Calculation

Step		
A	Housing requirement (2023-2028)	2,850
B	My assessment of deliverable supply	2,255
C	Five Year Supply	3.95 years
D	Shortall in deliverable supply	-595 homes

- 6.62 My evidence shows that the actual supply in West Oxfordshire stands at only **3.95 years, a shortfall of 595 homes**. This is clearly a very serious and significant shortfall against a minimum housing requirement.

³⁶ Paragraph 93 of the appeal decision

7. The Implications on Plan Period Delivery

- 7.1 Taking my findings on deliverable housing land supply over the next 5 years, I have considered the potential implications of this on residual housing needs against the Local Plan housing requirement at the end of the five year period.
- 7.2 As I have set out earlier in my evidence, at Section 4, the Council's Local Plan figure is part of its Statutory Development Plan and, despite being over 5 years old, this isn't replaced by LHN other than for the purposes of calculating five year housing land supply – and so it remains a housing requirement that the Council should plan to meet. The overall housing requirement figure was also based on a careful consideration of economic and affordable housing needs, as well as the unmet needs of Oxfordshire, all matters that remain of importance today.
- 7.3 Table JRT19 shows the Councils cumulative delivery against the Council's Local Plan housing requirement to date (based on actual completions) and shows what the position on cumulative delivery will be at the end of the five year period (based on my assessment of deliverable supply).

Table JRT19: West Oxfordshire's Phased Housing Requirement Compared to Actual and Predicted Completions

	Year	Combined Annual Requirement	Actual Delivery	Under or Over-delivery	Cumulative Under or Over-delivery
Actual Delivery to Date	2011 – 12	550	359	-191	-191
	2012 – 13	550	278	-272	-463
	2013 – 14	550	186	-364	-827
	2014 – 15	550	395	-155	-982
	2015 – 16	550	246	-304	-1,286
	2016 – 17	550	518	-32	-1,318
	2017 – 18	550	556	+6	-1,312
	2018 – 19	550	813	+263	-1,049
	2019 – 20	550	1,086	+536	-513
	2020 – 21	550	868	+318	-195
	2021 – 22	800	1,002	+202	+7
	2022 – 23	800	729	-71	-64
	2023 -24	975			
	2024 -25	1,125			
	2025 – 26	1,125	2,255	-3,220	-3,284
	2026 -27	1,125			

2027 – 28	1,125			
Totals	12,575	9,291	-3284	-3,284

- 7.4 As can be seen from Table JRT19, at the end of the five year period (in 2027/2028), I predict (based on my assessment of deliverable supply) that there will be a **shortfall in the plan period to date of 3,284 homes**.
- 7.5 Based on this actual and predicted delivery to 2027/28, that would result in a need to deliver 6,659 homes between 2027/28 and 2030/31. That would require an annual requirement of 2,219 homes each year in the remaining 3 years of the plan period.
- 7.6 As can be seen, the highest annual delivery was in 2019/20 when 1,086 homes were delivered (still some 1,133 homes short). Indeed, the Council has only exceeded the delivery of 1,000 homes twice in an 11 year period and the average delivery in that period is only 586 homes per annum (some 1,633 homes lower than the delivery expected to be required).
- 7.7 The Council's own Local Plan trajectory (Appendix 2, page 281 of **Core Document G1**, and extracted as Figure 2 below) shows that the expected peak in delivery would be 1,360 homes, although my earlier evidence has already shown that this trajectory has not been achieved.

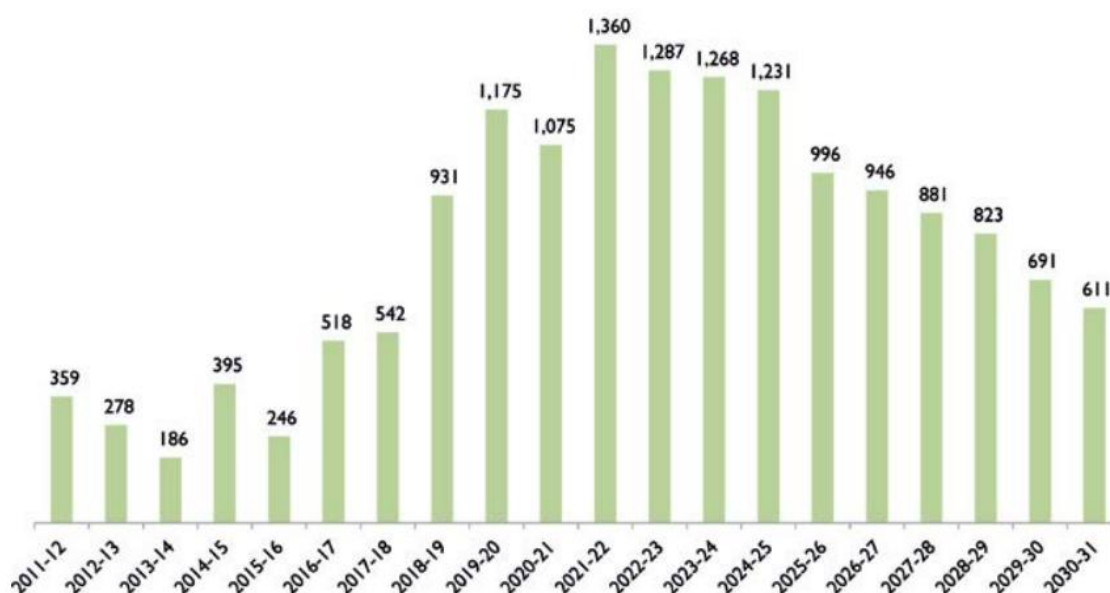


Figure 1 – The Council's Local Plan Trajectory (extract from Appendix 2 to the Local Plan)

- 7.8 Whichever way it is looked at, the requirement to deliver circa 6,659 homes in only a 3 year period will not be achieved based on the evidence of actual or predicted average or

peak delivery evidence. The consequences are that there will be substantial shortfalls in delivery at the end of the Plan period (likely to be thousands of homes) with real planning consequences in terms of substantially fewer homes for people to live, impacts on economic growth, affordable housing delivery (and the significant social consequences that result from such under-provisions) and delivery against Oxford's unmet needs (including the city's own unmet affordable needs). The only remedy is to grant consents for sites now which can deliver before the end of the Plan period (in 2031).

8. Conclusions

- 8.1 The West Oxfordshire Local Plan covers the period 2011 to 2031 and was adopted in September 2018.
- 8.2 Policy H1 of the Plan, 'Amount and distribution of housing', sets out that provision will be made for at least 15,950 homes in the period 2011 – 2031.
- 8.3 In order to deliver this housing requirement, the plan identifies a strategic development location north of Eynsham to deliver a new 'Oxfordshire Cotswold Garden Village, 4 larger housing allocations referred to as 'Strategic Development Areas' and 11 smaller, 'non-strategic' housing sites.
- 8.4 Having considered the planning status and progress of the Local Plan Allocations, my evidence concludes that the Allocations, and particularly its Strategic Growth Location and Strategic Development Allocations, are not progressing as expected.
- 8.5 At the Oxfordshire Cotswold Garden Village alone (the Strategic Growth Location), the Council's own evidence shows that 1,540 homes will not be delivered in the Plan period (and the final shortfall is likely to be far higher in reality). The status of this site alone shows that the Council's housing delivery strategy has failed.
- 8.6 At the Strategic Development Allocations, the only homes that have been delivered are from planning applications that were already commitments at the time the Local Plan was adopted (and so such delivery would have been expected). However, progression of other planning applications to enable the anticipated delivery in the Local Plan trajectory have not progressed as expected and, given the planning status of applications across all the Strategic Development Allocations sites, there will be substantial delays with the delivery of homes with the high likelihood that thousands of homes can be expected to not deliver in the plan period.
- 8.7 Indeed, when considered cumulatively, the Strategic Growth Location and Strategic Development Allocations were expected to have delivered 842 homes to date but have only delivered 173 homes and so they are 669 homes behind expectations. More crucially, at the end of the 5 year period to 2028, the Local Plan trajectory expected 4,192 homes to have been delivered from these strategic sites, however, based on the Council's own deliverable supply figures, only 429 homes are now expected to be delivered – **3,767 homes** behind expectations. This clearly has serious consequences for the delivery of the Council's minimum housing requirement and for its overall housing delivery strategy.
- 8.8 My assessment of the progress of the Strategic Growth Location and Strategic Development Allocations leads me to the conclusion that the Council's housing delivery strategy has failed, and I have not identified any action plan that the Council has in place to make up the very substantial shortfalls in plan period supply that will arise. It will, therefore, fail to deliver against its minimum housing needs over the Plan period. The only remedy to seek to make inroads into this shortfall is to grant consents for sites now which can deliver before the end of the Plan period (in 2031).

- 8.9 My evidence also considers the NPPF requirement for local planning authorities to identify and update annually a supply of specific deliverable site sufficient to provide 5 years' worth of housing against their housing requirements. This includes a review of recent appeal decisions in the District that have considered housing land supply and where clear conclusions have been reached by a number of Inspectors on sites raised by the Council in its deliverable supply.
- 8.10 The latest position statement from the Council is set out in the Housing Land Supply Position Statement which is dated October 2023. The Council claim to have sites projected to deliver a total claimed deliverable supply of 3,318 dwellings. This equates to a supply of 5.4 years, a surplus of 258 dwellings.
- 8.11 My evidence has assessed all large sites of 10 or more units included by the Council in its supply trajectory on an individual basis in order to determine the realistic figure for the delivery of new homes from those sites within the 5-year period. It also considers other sources of supply.
- 8.12 Having concluded this exercise, I have found that there are several sites which should not be included in the Council's deliverable supply (when considered against the NPPF definition of 'deliverable') or where other reductions in supply should be made.
- 8.13 Overall, having carefully analysed all sites that the Council lists as delivering housing in the five-year period, I conclude that **1,063 homes** should be removed from the Council's deliverable housing supply. This equates to an overall supply in the five-year period (2023-2028) of **2,255 homes**.
- 8.14 This results in a supply in West Oxfordshire of **only 3.95 years**, a **shortfall of 595 homes**. It is clear from my evidence that West Oxfordshire Council cannot demonstrate a five year housing land supply in accordance with paragraph 77 of the NPPF. The shortfalls in supply in the District are serious and significant.
- 8.15 Furthermore, given the delay I have identified with the delivery of the strategic allocations and given that the housing requirement will rise in subsequent five year the shortfall in housing land supply is expected to persist for many years.
- 8.16 Indeed, the consequences of my assessment of deliverable supply in the 5 year period would leave 6,659 homes (and average of 2,219 homes) to be delivered in only a 3 year period. Such delivery would be to **just to meet the Local Plan minimum housing requirement**. This will not be achieved based on the evidence of actual or predicted average or peak delivery evidence, and there will be substantial shortfalls in delivery at the end of the Plan period.

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