

Home Builders Federation

Matter 1, 2, 3 and 4

OXFORD CITY LOCAL PLAN EXAMINATION

Matter 1: The housing requirement

Whether the circumstances exist in Oxford to justify applying an approach that differs from the standard method of assessing local housing need, and whether it is appropriate to plan for a higher level of need than the standard model suggests.

Whether the evidence base, including the 2018 SHMA Update and the evidence of housing affordability and affordable housing need, support the continued use of 1,400 dwellings per annum (28,000 homes identified in the Growth Deal) as an overall housing requirement (before considering Oxford's capacity).

The Government have established in paragraph 2a-010 of the Planning Practice Guidance the circumstances in which it is appropriate for a Council to plan for a higher level of housing needs. Within this paragraph PPG outlines that one such circumstance is where a deliverable growth strategy has been agreed. Given that Oxford City are part of the Oxfordshire Housing and Growth Deal agreed with to support the delivery of 100,000 homes between 2011 and 2031 it is self-evident that this circumstance alone supports the use of a different approach to assessing need that plans for a higher level of housing need are present. Given that this level of housing need which supports the growth deal has also been found sound at the examinations of the local plans Cherwell, Vale of White Horse and West Oxfordshire would also suggest that the it represents a sound basis against which to plan for housing not only within Oxford but across the HMA. Most recently we would draw the Inspectors' attention to the Inspectors interim note¹ on Cherwell's part 2 local plan which states:

"All in all, like my colleagues who examined Local Plans in West Oxfordshire, and the Vale of White Horse, I find nothing problematic in the Plan's reliance on the figures produced and agreed through the OGB"

We would suggest that paragraph 2a-010 of the PPG was written for precisely the situation found in Oxfordshire and as such there can be no question that the level of housing growth agreed between the authorities in the Oxfordshire Growth Board is the level of housing needs that Oxford City Council and its neighbours must plan for. In

¹ <https://www.cherwell.gov.uk/info/83/local-plans/515/local-plan-part-1-partial-review---examination/11>



addition, where need is higher than the standard methodology Councils are required by paragraph 2a-015 of PPG to ensure their approach “adequately reflects future demographic trends and market signals”. However, it must also be noted that the Government’s concerns regarding the use of alternative methodologies are primarily focussed on those that result in a lower level of housing delivery. Indeed, paragraph 2a-015 of PPG only applies the test of exceptional circumstances mentioned in paragraph 60 of the NPPF to alternative approaches that result in the in a lower housing need figure than that identified using the standard method. This test is not mentioned in relation to authorities using a methodology resulting in higher housing numbers. Based on the Council’s statements and evidence, in particular that set out in the 2018 SHMA update, we would support the assertion that their approach adequately reflects future demographic trends and market signals as required by PPG.

Matter 2: Housing capacity in Oxford

Whether the capacity-based housing requirement for Oxford of 10,884 (544 dwellings per annum over 20 years) set out in OCC1.B is realistic.

Whether the policies of the Plan adequately promote housing delivery, and whether the Plan provides an adequate basis for ensuring that the best use would be made of land within Oxford to maximise housing provision.

Whether the Housing and Employment Land Availability Assessment (HELAA) is a reliable indication of the capacity of the city for housing and whether greater clarity is required for the numbers to be provided on housing sites and mixed-use sites.

The HBF does not wish to comment on the capacity of individual sites identified in the plan but we are concerned about the change in approach taken by the Council with regard to student accommodation as set out in the HELAA. We note that the Council in its update Housing Trajectory (PSD3) has adjusted its ratios with regard to student accommodation to 1:2.5 to reflect the approach taken in the Housing Delivery Test (HDT). Whilst we recognise the desire to have consistent approach it must be recognised this is a national average used for the purposes of determining the nationally set HDT paragraph 68-034 of PPG requires a more local consideration of the impact of student accommodation. If there is local evidence to suggest a different ratio this should be used when considering land supply to avoid overestimating the effects of student accommodation on housing supply. The Council state in paragraph 1.3.7 of the 2017 HEELA and in paragraph 3.11 of the 2017/18 AMR that evidence on of occupancy rates of HMOs suggest that on average there are five people sharing such properties. We also note that both Oxford and Cambridge City Council’s commissioned Cambridge University to undertake a study² on this issue. However, the only published evidence under this research we could find relates to Cambridge City Council. The study produced for Cambridge City Council notes in paragraph 1.6 of the

² <https://www.cchpr.landecon.cam.ac.uk/Research/Start-Year/2016/Assessment-Student-Housing-Demand-Supply-Cambridge-City-Council-Oxford-City-Council>

executive summary that the evidence suggested that there was an average of between 3.5 to 5 students per rental property.

This change in the ratio will double the assumed contribution of homes returning to the general market housing stock as a result of new bed spaces for student accommodation compared to the previous approach taken by the Council. Instead of for every 5 student units provided one home being released the new approach assumes for every 2.5 student units provided a new home will be released. The Council must provide the necessary evidence to justify this change in the ratio.

Matter 3: Green Belt

Whether there are strategic and local level exceptional circumstances that justify the release of sites from the Green Belt for development, and whether the approach towards compensatory improvements is sound.

The case of *Calverton Parish Council v Greater Nottingham Councils* [2015] EWHC10784 provides recent case law on the matter of exceptional circumstances. It sets out that the planning judgements involved in the consideration of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) of the Planning and Compulsory Act 2004 should, at the very least, identify and grapple with the following matters;

- The nature and extent of harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and,
- The inherent constraints on supply/availability of land prima facie suitable for sustainable development;
- The acuteness/intensity of the objectively assessed need;
- the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
- The extent to which the consequent impacts on the purposes of the Greenbelt may be ameliorated or reduced to the lowest reasonably practicable extent.

The Council have broadly grappled with the considerations set out in the *Calverton* case and have set out these in the background paper to the Oxford Green Belt Review (BGP.11). Paragraph 17 of this paper considers these circumstances to be:

- High cost of housing
- Imperative to meet as much of Oxford's housing needs as possible
- Oxford's potential for growth
- Lack of housing as a barrier to economic growth
- Promotion of sustainable patterns of growth

It is evident from the information provided by the Council that there are inherent constraints on the ability of Oxford to meet its housing needs within the City and that there is an intensity to that need – in particular with regard to the need for affordable housing. The Council have also recognised that there is an imperative to meet as much of Oxford's housing needs as possible within the Council's own boundary. We would support their assertions. However, what must also be recognised is that there will be

a shortfall in the amount of planned supply across Oxfordshire to meet the unmet needs of Oxford City. The table below shows that when the housing requirements in each local plan (adopted and submitted) across the County are considered as a whole there is a shortfall of 2,162 homes.

LPA	Need 2011 to 2031 (OGB)	Requirement 2011 to 2031	Surplus/deficit
Cherwell	21,800	27,100	5,300
Oxford City	28,000	10,863	17,137
South Oxfordshire	15,500	21,225	5,725
Vale of White Horse	20,560	22,760	2,200
West Oxfordshire	13,200	15,950	2,750
Oxfordshire	100,060	97,898	2,162

This must be taken into account with regard to Green Belt boundary amendments. We would suggest that this shortfall, alongside the other circumstances put forward by the Council, are sufficient to warrant consideration of further releases of Green Belt within the borough boundary or within close proximity to the City.

Matter 4: Housing delivery

Whether the housing trajectory and its underlying assumptions and evidence provide a realistic and reliable assessment of the rate of housing delivery. Whether it would be possible to demonstrate a 5-year supply of housing land at the adoption of the plan and a reasonable prospect of a rolling 5-year supply for a foreseeable period thereafter, and whether the use of a stepped trajectory is justified.

Whilst we did not comment on housing supply in our representations given that the Council has supplied new evidence, we consider it appropriate to comment on some aspects of housing land supply. The HBF does not comment on individual sites, however for the Council to show that a site is deliverable it must conform with the glossary definition provided in the NPPF. Further guidance is provided at paragraph 68-007 of the PPG with a list of non-exclusive examples as to the types of evidence that could be used to show clear evidence that the site will be delivered in five years. In particular we would highlight the second bullet point in paragraph 68-007 which states that Councils could provide evidence confirming the developer's delivery intentions. We would suggest that for there to be any certainty that a site will come forward within five years that the Council must be able to confirm to the inspector that there is a willing housebuilder involved with the intention and resources to deliver the site within the timescales proposed by the Council.

With regard to the stepped trajectory paragraph 68-021 of PPG states that a stepped trajectory may be appropriate where: "... there is to be a significant change in the level of housing requirement between emerging and previous policies and / or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period". The Council have not looked to justify its position on this basis but on the fact

that they will not have a five-year housing land supply on adoption. We are therefore concerned that a stepped trajectory will not provide the necessary incentive for the Council to push forward the delivery of planning permissions to ensure its capacity is delivered. However, we recognise that the Council is constrained and that its target is based on capacity rather than its housing needs and that there may need to be a stepped trajectory. However, in order to maintain delivery, we would suggest that the Council commit in policy to using the Sedgefield approach to its five-year housing land supply calculation in order to avoid delivery of any shortfall being pushed back even further. Whilst the Sedgefield methodology is the default approach set out in PPG its stated preference in the Local Plan will ensure this debate is not had at any future appeals.

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