Dear Chris

I refer to Document TED17 prepared by Tandridge District Council entitled “Examination Note for Inspector: Allocated Housing Site Yields – October 2019”. The remaining contents of this e-mailed correspondence set out the comments raised on behalf of this company’s clients, Chartwell Land and New Homes Ltd where it concerns Policy HSG18 and land known as the former Shelton Sports Ground, Warlingham; and Mr & Mrs Norman Norman where it relates to Policy HSG02 Chapel Road, Smallfield.

The Local Planning Authority have clarified that the “number of units” in the summary table is to be regarded as a minimum, with the Council suggesting that alterations be made to Policies HSG01 to HSG20 inclusive, to reflect the fact that for each site, the figure given is a minimum site yield. Tandridge DC are also on record as stating that in their view, the housing allocation yield assumptions cannot be considered in isolation from other yield assumptions about urban capacity, and that these assumptions regarding housing yields are deliberately cautious in order to retain flexibility in terms of housing delivery.

My clients welcome the clarification given in the summary table, and the fact that the suggested figures in each of the housing policies are to be considered a minimum site yield. Whilst flexibility is necessary to allow for alterations in the dwelling totals for each site at development management stage; it is equally, if not more important, to avoid a situation where the housing requirement figure in the emerging Local Plan could deviate to such an extent that a lack of certainty exists over whether the dwelling requirement figure in the future will be delivered. The fact that the housing requirement figure is well below the accepted full objectively assessed housing needs figure for the District over the period 2013 to 2033, places added importance on ensuring that necessary flexibility is in place to meet future housing provision.

My clients accept that housing yield figures cannot be seen in isolation, particularly where the shortfall in the housing requirement figure amounts to 3,344 dwellings over the period from 2013 to 2033, when assessed against the FOAN derived from the 2014 household projections; or 1,904 dwellings over the same 20-year time period when measured against the FOAN derived from the 2016 household projections.
To comply with the FOAN derived from the 2016 household projections of 7,960 dwellings between 2013 and 2033, a matter required to accord with paragraph 47 of the 2012 NPPF, dictates that an annual housing requirement figure of 398 dwellings is necessary. The various sessions relating to the Matter 2 hearings reveal that in terms of the Council’s housing trajectory there is a dispute between those advising housing developers’ and landowners’ interests, particularly with regard to residential units derived from urban capacity sites, council house building and empty homes. This difference has more recently manifested itself in whether a five year housing land supply exists during the period 2019/20 to 2023/24; an issue which becomes immediately apparent from an examination of Table 4 on page 18 of Document TED14. It also means that increased weight should be attributable to those allocated housing sites in Tier 1 and Tier 2 settlements, particularly those sites the subject of Policies HSG02 and HSG18 in meeting the District’s future housing land supply, especially over the same 5 year period 2019/20 to 2023/24.

It is noted from the contents of Document TED17 that ROK Planning consider the housing yield for the Policy HSG12 site in which they have an interest, falls far short of what could appropriately be delivered for this allocation. It remains the Council’s opinion that the yield assumption indicated “reflects conservation, town/landscape and environmental character constraints”. ROK Planning also aver in their correspondence, following the Examination which took place on 9th October 2019, that there are many cases where the estimated yields fall far short of what could be delivered on an allocated site.

In the case of Policy HSG02 and land owned by Mr & Mrs Norman Norman, the opinion advanced by ROK Planning is accepted, and it is noted that a more realistic minimum housing figure of 24 units, in place of the 15 units set out in the Submission version of the emerging Local Plan, is now advanced by the LPA under the title “Possible Revised Capacity based on site assessment”. However, ROK’s assumption does not apply, and is unrealistic when considering Policy HSG18, a site in which Chartwell Land and New Homes Ltd have an interest, and where the minimum number of residential units has increased from 110 to 195, as revealed in the table accompanying Document TED17. It appears that the minimum figure of 195 dwellings does not arise from any assessment of housing typologies which would be applicable to the former Shelton Sports Ground site, and neither does it arise from any robust masterplan exercise. It appears to be derived from basic density calculations, coupled with an application devoted to an extra care home scheme concerning the former Shelton Sports Ground site, subsequently withdrawn by my clients, a form of niche housing which amounted to 146 units including 3-storey elements. Discussions held with my clients and their retained architects reveal that aside from “landscape and environmental character constraints” being equally applicable to the site the subject of Policy HSG18, a proposal involving a minimum of 195 dwelling would necessitate 4-storey dwellings on large parts of the allocated site.

This brings into play the fact that my clients do not consider a minimum of 195 dwellings to be either an appropriate or realistic housing solution for the former Shelton Sports Ground site. It is felt that as far as the site the subject of Policy HSG18 is concerned, and following discussions held with my client’s retained architects, it would be far more realistic if the Policy HSG18 housing figure was changed so that the same site accommodates “at least 140 dwellings”. This would take into account issues relating to
the size and shape of the site; its topography and relationship with adjoining land; landscape and visual enhancements including boundary treatments, along with improvements to biodiversity and amenity space provision, reflecting not only the Council’s standards and policy requirements, but also paying due regard to compensatory improvements of the kind set out in the NPPG directed at “Green Belt”.

Any discussion regarding housing yields and the extent to which there is a balance between housing development requirements and respect for constraints, also requires consideration to be given to the following matters.

A. All the NPPF compliant plans forming part of the same Housing Market Area in which Tandridge District Council is situated, have varying degrees of unmet housing need when considered against their FOAN figure. It is worth recalling that in the case of Crawley BC’s administrative area, part of their unmet need is expected to be accommodated in the administrative areas of Horsham District Council, Reigate and Banstead Borough Council and Mid Sussex District Council.

B. Reigate and Banstead Borough Council do not intend to update and/or modify the policies set out in the Reigate and Banstead Local Plan: Core Strategy adopted on 3rd July 2014, having already undertaken a review of the Metropolitan Green Belt in that Authority’s administrative area as part of the same Core Strategy.

C. The Inspectors’ report into the Examination in Public into the London Plan 2019 recommended that the Mayor undertakes a review of the Metropolitan Green Belt in Greater London. To date that has not been accepted by the Mayor. This is particularly important in that the LB of Croydon has an NPPF compliant Core Strategy, revealing a shortfall of 562 dpa when measured against the FOAN figure.

D. There is a total of 22,895 dwellings on sites which are both deliverable and developable in Tandridge DC’s administrative area, a statistic revealed in Table 2 on page 24 of the Regulation 19 Housing Topic Paper.

E. The affordable housing need in Tandridge DC’s administrative area amounts to 7,820 dwellings which, adopting a 40% affordable housing figure, would necessitate a housing requirement figure in the same District of 19,550 dwellings.

F. It is accepted that the prospect of identifying sufficient sites for release for residential development in the urban areas of Tandridge District Council is particularly difficult and extremely unlikely, given that 94% of the District is situated in the Metropolitan Green Belt.

A combination of the factors set out in this correspondence means that there is no means of successfully accommodating the unmet housing needs of Tandridge DC in either the same Housing Market Area or in adjoining administrative areas which do not form part of the same Housing Market Area.

This is particularly important at a time when the Local Plan Inspector in a letter dated 14th October 2019 to the Strategic Planning Manager at Sevenoaks District Council found that as far as the emerging Sevenoaks District Council Local Plan is concerned, the adjoining Authority has failed in its Duty to Co-operate with neighbouring Authorities to resolve
the issue of where unmet housing need in that District can be accommodated, and failed to plan strategically by not sufficiently examining how this unmet housing could be provided. The same accusation has been levelled by Leading Council acting on behalf of the Tandridge Housing Forum to Our Local Plan to 2033, a factor endorsed by my clients.

It follows, given the various issues raised in this correspondence, that trajectory assumptions should be the subject of detailed consideration through an examination into Our Local Plan to 2033, as there is no clear indication that a housing requirement figure severely below that of the FOAN will be met in the future to 2033.

It also means having regard to the High Court judgment delivered on 4th December 2019 concerning Compton Parish Council, Julian Cranwell, Ockham Parish Council v Guildford BC, Secretary of State for Housing, Communities and Local Government and Wisley Property Investments Ltd, Blackwell Park Ltd, Martin Grant Homes Ltd and Catesby Estates Plc (2019) EWHC 3242 (Admin) that:-

“72. General planning needs, such as ordinary housing, are not precluded from its scope; indeed, meeting such needs is often part of the judgment that ‘exceptional circumstances’ exist; the phrase is not limited to some unusual form of housing nor to a particular intensity of need…”

Furthermore, if, as was found in the High Court challenge to the Guildford Local Plan, it is lawful for a conclusion to be reached that there were exceptional circumstances justifying the allocations of housing land released from the Green Belt to provide headroom of 4,000 dwellings above the 10,678 OAN figure; so too must it be equally lawful for a headroom figure to provide sufficient housing to meet an OAN, where the housing requirement figure is well below the OAN.

It means that the housing requirement figure in the Submission version of Our Local Plan to 2033 should be altered and increased to remove uncertainties regarding future housing supply in Tandridge DC’s administrative area.

I should be grateful if you could pass these representations on to the Inspector. Please acknowledge receipt of this correspondence.

Yours sincerely

T.F. North

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Cc: Chartwell Lane & New Homes Ltd - by e-mail only
Mr & Mrs Norman Norman – by e-mail only.