

**Meeting: Housing Committee**

**Date: 25th June 2018**

**Wards Affected: All**

**Report Title: Update on Five Year Land Supply of Housing**

**Is the decision a key decision? No**

**When does the decision need to be implemented?**

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## **1. Proposal and Introduction**

- 1.1 The requirement to have a five year land supply is a key element of effective spatial planning and development management in Torbay. As such the five year land supply is identified as a key performance indicator in the Housing Strategy Monitoring Framework. The ability to demonstrate a five year housing land supply is key issue which resulting implications for the process of development management in Torbay. The current National Planning Guidance clearly states that the lack of a five year land supply means the presumption in favour of sustainable development applies. Which means in practice that sites not allocated in the Local Plan are more likely to be granted planning permission.
- 1.2 The current NPPF includes a section on the presumption of sustainable development (beginning at paragraph 11). Paragraph 49 states that if a local planning authority cannot demonstrate a five-year supply of deliverable housing sites if the local planning authority then relevant policies for the supply of housing should not be considered up-to-date.
- 1.3 The government has recently consulted on proposed revision to the National Planning Policy Framework. They are proposing to introduce a new way of calculating housing need. The consultation closed on May 10 and the Government's response is now awaited. Changes proposed includes changing the definition of a deliverable site, which would impact on housing land supply calculations.
- 1.4 There is also a link between the five year land supply and neighbourhood plans, as different circumstances apply of the council has less than three, three to five, or more than five year's land supply.

1.5 The issue of the five year housing land supply has proved particularly contentious and subject to much debate. It is clearly in the interests of those seeking to promote site not allocated in the plan to argue the Council does not have a five year land supply, and those seeking to resist development on unallocated sites to argue that it does.

## **2. Reason for Proposal**

2.1 This paper presents the Council's current position in relation to the Housing Land Supply for information. The paper presents an overview of the issues and areas and includes references and signposts the evidence used to inform the Council's position in relation to its five year housing land supply, and the information referred to by those who seek to argue we have a greater or lesser supply of deliverable sites. Debates around how the land supply is calculated and detailed discussions on the various elements fall within the remit of the planning service, and any impacts on decision-making would come under the remit of the planning committee.

### **2.2 Calculating Torbay's Five Year Land Supply**

In theory the calculation of whether or not a Council has a five year housing land supply is a simple calculation of how many houses could be built on deliverable sites compared to the target of how many houses should be built as set out in the Local Plan. In practice debates and disagreements about how the Local Plan calculations of the target, the elements that make up the supply and assessment of deliverability are common, resulting in different calculations of the land supply depending on the methods, assumptions and assessment of deliverability used.

2.3 The Council's current position in relation to its five year land supply is set out in its Torbay Five Land Supply Statement 2017/18 and the Torbay Five Land Supply Statement Appendix A which set out in detail the sites that make up the five year supply and the Council's assessment of their deliverability.

2.4 The statement was subject to public consultation and the Neighbourhood Plan groups submitted a joint response (see link below) making the case for a higher land supply calculations. A response was also submitted from a developer (also see below) arguing for a lower calculation

2.5 The Council's most recent (May 2018) calculations are that the current five year housing land supply would deliver 2362 units, against a target of 2822. This equates to 4.19 years' worth of deliverable sites, so at present Torbay has less than 5 years (but more than 3 years) worth of housing land supply. It is the Council's view therefore that the NPPF's presumption in favour of sustainable development currently applies to decision-making on planning permissions.

2.6 The presumption in favour of sustainable development states that permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits assessed against the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted. The Presumption does not apply to development where Habitats Regulations Appropriate Assessment is being considered planned or determined (NPPF 119). The overall effect of the presumption (and by consequence a lack of 5 year supply) is to trigger a "tilted balance" in favour of granting planning permission.

### 3. Recommendation(s) / Proposed Decision

- 3.1 It is recommended that the Council's position in relation to its five year housing land supply is noted. Any updates on this issue will be highlighted to Housing Committee via the Housing Strategy Action Plan updates and the KPI in the Housing Performance Monitoring Framework

#### Background Documents

National Planning Policy Framework (current version)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

National Planning Policy Framework May 2018 consultation version

<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

Proposed New Housing Delivery Test

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/685292/Housing\\_Delivery\\_Test\\_Measurement\\_Rule\\_Book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685292/Housing_Delivery_Test_Measurement_Rule_Book.pdf)

Local Government Association information on 5 year housing land supply

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/685292/Housing\\_Delivery\\_Test\\_Measurement\\_Rule\\_Book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685292/Housing_Delivery_Test_Measurement_Rule_Book.pdf)

Torbay Council Adopted Local Plan

<http://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Torbay Local Plan Housing Evidence Base

<http://www.torbay.gov.uk/council/policies/planning-policies/evidence-base-and-monitoring/>

Torbay Council Housing Land Supply statement 2017/2018

<http://www.torbay.gov.uk/media/11349/5yrssupply2018.docx>

Torbay Council Housing Land Supply statement 2017/2018

<http://www.torbay.gov.uk/media/11350/5yrssupply-appendixa.xlsx>

Torquay, Paignton and Brixham Neighbourhood Forums joint response to Housing Land Supply Statement (March 2018)

[http://www.paigntonneighbourhoodplan.org.uk/PDF/Documents/2018-03-04%205yr%20Hsg%20Land%20Supply%20Response%20\(Sent\).pdf](http://www.paigntonneighbourhoodplan.org.uk/PDF/Documents/2018-03-04%205yr%20Hsg%20Land%20Supply%20Response%20(Sent).pdf)

Information on Neighbourhood Plans:

Torquay

<http://torquaynp.org/>

<http://www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/torquay-np/>

Paignton

<http://www.paigntonneighbourhoodplan.org.uk/>

<http://www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/paignton-np/>

Brixham

<http://www.brixhamtowncouncil.gov.uk/brixhampeninsulaneighbourhoodplan.php>

<http://www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/brixham-np/>