

LAND NORTH WEST OF GORING STATION, GORING BY SEA, NEAR WORTHING

PROOF OF EVIDENCE ON HOUSING NEED

ON BEHALF OF PERSIMMON HOMES

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E. EXECUTIVE SUMMARY

Housing Needs and Requirements

- E.1 National policy identifies a minimum housing need for 14,160 homes in Worthing Borough over the period 2020-36. The evidence base of the Council however indicates that the needs may be greater including because it would be necessary to deliver between 19,600 and 39,200 homes to address affordable housing needs. This is all in the context of a much wider unmet need for between 32,760 and 56,200 homes across the wider sub-region.
- E.2 In response the Council have proposed a housing requirement for only 3,672 homes over this period, which provides for a shortfall of 10,488 homes with only 26% of the minimum needs being proposed to be met. This proposed housing requirement has not been prepared in accordance with regulatory requirements or national policy including because:
- a. It has not been informed by an iterative Sustainability Appraisal which accords with regulatory requirements;
 - b. It has not been identified using the test prescribed by paragraph 11b of the NPPF;
 - c. It seeks to constrain the housing requirement below the supply which the Council consider can be sustainably delivered and therefore falls foul of paragraph 11b of the NPPF;
 - d. The resultant unmet need has not been dealt with as required by paragraph 35c of the NPPF;
 - e. It significantly reduces the supply of homes contrary to paragraph 60 of the NPPF.
- E.3 The weight afforded to the emerging housing requirement must be determined in this context.
- E.4 The Council also correctly recognise that there is an "exceptionally high need" for housing and a "substantial need" for affordable housing in this context.

Housing Delivery Test

- E.5 The Council has the 16th lowest HDT result nationally (52%) with a record of substantial under delivery such that paragraph 11d is engaged regardless of any other consideration.
- E.6 The Council's HDT result will reduce even further when the next results are published, and the Council will remain subject to a record of substantial under-delivery even if the emerging WLP is able to proceed to adoption such that the most important policies will continue to be out-of-date and paragraph 11d will continue to be engaged.
- E.7 This necessary response has been introduced by the Government to seek to redress the delivery of housing where there has been such a significant disparity between need and supply, as there clearly has been in Worthing Borough.

Five-year housing land supply

- E.8 The Council accepts that it is unable to demonstrate a five year land supply such that for yet another reason the most important policies are out-of-date and paragraph 11d is engaged.
- E.9 The Council's assessment has been miscalculated and undertaken in a way which does not accord with national policy, national guidance or the findings of s78 Inspectors and the Secretary of State. It is understood that the Council has accepted the miscalculations¹, and now identify a 1.81 year land supply with a shortfall of 3,977 homes. However, had this been calculated in accordance with national policy, guidance and the findings of s78 Inspectors and the Secretary of State there would actually be a 1.49 year land supply with a shortfall of 3,594 homes.
- E.10 On either basis, this is an exceptionally large shortfall, which is illustrative of the extent to which the policies of the adopted WCS have been ineffective and of the exceptional need for additional housing.

¹ Although in so doing has introduced additional errors and the whole assessment remains inconsistent with national policy, guidance and the findings of s78 Inspectors and the Secretary of State.

The real-world effects

- E.11 The existing and proposed constrained supply of housing will have a range of significant adverse social effects, including that:
- a. it may undermine the viability of schools such that some may close to the detriment of existing pupils;
 - b. there will be a greater disparity between the demand for healthcare and the number of economically active residents including key workers to provide healthcare services;
 - c. there will be a very significant disparity between the demand for informal care and the number of people of an age to provide that care;
 - d. there will be a reduction in the disposable income available to support local shops, facilities and services such that some may need to close or at least will operate less viably;
 - e. around half of newly forming households will be unable to access market housing;
 - f. the number of households living in overcrowded, concealed, shared, or otherwise unsuitable or undesirable accommodation will increase;
 - g. the ability of households, and particularly younger households, to gain a foothold on the housing ladder will be compromised with consequent long-term economic impacts for those individuals;
 - h. the number of households that will fall into affordable housing need will be greater as their needs will not be met by the market; and
 - i. a proportion of households may consider it necessary to relocate to other LPAs to access appropriate accommodation with consequent harms to community cohesion, to the economy owing to the resultant reduced workforce, disposable income and patronage, and to increasing the need to travel to maintain social, economic and familial relationships.

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- j. a proportion of existing homeless households or households in concealed, overcrowded or otherwise unsuitable accommodation will not be provided the housing they need;
 - k. The health and wellbeing of the significant proportion of the population unable to access suitable housing will be adversely affected, particularly so for children whose physical, mental, educational and societal wellbeing and prospects are compromised as a result of living in unsuitable housing; and
 - l. there will be economic decline with a lower number of jobs being able to be supported than is currently the case owing to the lower workforce, such that a proportion of existing businesses may close or relocate to the detriment of existing employees, or at least they will operate less viably; or alternatively, if in the unlikely event that economic growth is able to be achieved, this will only be able to be achieved as a result of a significant increase in the number of people in-commuting to Worthing with consequent adverse effects on traffic congestion, distance travelled, air quality, climate change, the work-life balance of individuals and the travel costs incurred by individuals.
- E.12 Each and every one of these adverse effects can only be limited or potentially addressed through the provision of additional housing to that facilitated by the adopted and emerging policies of the Development Plan, including at the appeal site. The scale of the appeal site is such that it will make a meaningful contribution to limiting these adverse effects.
- E.13 These are all powerful material considerations which inform the weight to be afforded to the adopted and emerging policies and the weight to be afforded to some of the key benefits arising from the appeal scheme.

1. BACKGROUND

- 1.1 My name is Neil Tiley. I am an associate member of the Royal Town Planning Institute and have worked in the private sector for seven years. I currently hold the position of Director having previously been an Associate Director and before that a Principal Planner at Pegasus Group.
- 1.2 Prior to this I was employed in Local Government for 11 years, including as a Planning Manager at Wiltshire Council for 5 years; as a Senior Planner at Wiltshire County Council for 2 years; as the Demographer at Wiltshire County Council for 2 years; and as a Senior Research Assistant responsible for monitoring and analysing housing completions and undertaking demographic modelling for 2 years.
- 1.3 I have a wealth of experience in assessing housing land supply, having been responsible for the production of such assessments and acting as an expert witness at the majority of housing land supply appeals in Wiltshire over the period 2009 to 2014. I have continued to regularly act as an expert witness dealing specifically with housing need and supply matters for Pegasus Group.
- 1.4 I have significant experience in modelling household need gained in my time as a Demographer and subsequently through preparing and addressing assessments of housing need during my time with the Council and subsequently.
- 1.5 I also have extensive experience of undertaking socio-economic assessments to identify issues which exist in communities and the effects that proposals may have on addressing these.
- 1.6 The evidence which I have prepared and provide for this appeal (APP/M3835/W/21/3281813) is true and has been prepared and is given in accordance with the guidance of my professional institution irrespective of by whom I am instructed, and I confirm that the opinions expressed are my true and professional opinions.

2. INTRODUCTION

- 2.1 This Proof of Evidence relates to a planning appeal for a mixed use development comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre (uses E, F and Sui Generis) with associated car parking, car parking for the adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities at Land North West of Goring Station.
- 2.2 This Proof of Evidence addresses the need for housing in Worthing Borough.

3. POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 3.1 The purpose of the planning system as set out in paragraph 7 of the NPPF is to contribute to the achievement of sustainable development or to meet the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8b of the NPPF identifies that this will require a sufficient number and range of homes to meet the needs of present and future generations.
- 3.2 Paragraph 60 sets out that to support the Government's objective to significantly boost the supply of housing, it is important that a sufficient amount of land can come forward where it is needed to address the needs of households.
- 3.3 In order to ensure this is achieved through the plan-making system:
- paragraph 11a of the NPPF requires that plans seek to meet the development needs of their area;
 - paragraph 11b requires that strategic policies should as a minimum provide for the objectively assessed need for housing unless certain criteria are met;
 - paragraph 15 requires that up-to-date plans provide a framework for addressing housing needs;
 - paragraph 23 requires that strategic policies should provide a clear strategy to address objectively assessed housing needs including planning for and allocating sufficient sites to deliver strategic priorities;
 - paragraph 35a requires that Development Plans as a minimum seek to meet the area's objectively assessed housing needs, and any unmet needs are accommodated within neighbouring areas where it is consistent with achieving sustainable development²;
 - paragraph 62 requires that the housing needs of different groups are reflected in planning policies; and

² Clearly, if it does not achieve sustainable development then these needs should be met beyond the neighbouring areas.

- paragraph 119 requires that planning policies promote the effective use of land to meet housing needs.

3.4 In instances where housing requirements are constrained, such that they do not address housing needs³, paragraph 35c requires that the resultant unmet needs are dealt with through effective joint working rather than being deferred to ensure that housing needs are met and the necessary significant boost to supply is achieved.

3.5 The ability of a Local Plan to meet housing needs, including through the duty to cooperate, is material to the determination of applications, including within an AONB or National Park according to paragraph 177a⁴.

3.6 National policy not only requires housing needs to be reflected and responded to in planning policies and that these are also taken into account during decision-making, but paragraph 74 also requires that LPAs maintain a five year land supply to ensure that up-to-date housing requirements or housing needs are responded to on an ongoing basis.

3.7 Where a Council is unable to demonstrate such a five year land supply, or where there is a record of substantial under-delivery, footnote 8 and paragraph 11d indicate that the policies which are most important for determining residential planning applications are to be considered out-of-date and requires that planning permission is granted unless either:

- The application of policies in the NPPF that protect areas or assets of particular importance, provide a clear reason for refusal; or
- The adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

National Planning Policy Guidance

3.8 The PPG provides guidance in support of the NPPF. Reference is made to this as appropriate.

³ Noting that housing requirements are distinct from housing needs as set out in paragraph 37 of the High Court Judgment of *Gallagher Homes Ltd and Lioncourt Homes Ltd vs Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)*.

⁴ See also paragraphs 119, 121, 122b, 123, 124a, and 149g.

The Worthing Core Strategy

- 3.9 The Worthing Core Strategy (WCS) was adopted in April 2011 prior to the publication of the NPPF and the introduction of the duty to cooperate. It responded to the housing requirements of the subsequently revoked South East Plan.
- 3.10 The WCS was prepared prior to the publication and does not accord with the NPPF in numerous regards⁵.

The emerging Worthing Local Plan

- 3.11 The Council submitted the Worthing Local Plan (WLP) for examination in June 2021 (CDE2). This was accompanied by proposed modifications for consideration by the Inspector⁶ which have not been subject to consultation.
- 3.12 The examining Inspector wrote to the Council in July 2021 setting out a number of initial queries including in relation to the significant unmet housing needs proposed in the WLP. The Council responded in August 2021 (CE14) recognising that there was an exceptionally high need for new homes (paragraph 4.15), a significant unmet need for housing (paragraph 4.18) and a substantial need for affordable homes (paragraph 8.4), but given the environmental constraints in the Borough, the Council suggested that these needs cannot be sustainably responded to.
- 3.13 The examining Inspector then raised a number of Initial Matters, Issues and Questions in September (CDE19) including a query in relation to the plan period (question 12). Shortly before the hearing sessions convened, the Inspector requested a list of the sites which contributed to the housing trajectory and deliverable supply on 28th October 2021.
- 3.14 Following this, hearing sessions commenced on 2nd November 2020, during which a number of issues were discussed including those raised previously by the Inspector, including for example the inter-relationship between Policies SS4, SS5 and SS6.

⁵ For example, housing requirements which flow from the revoked South East Plan have been found to be out of date in numerous s78 appeals.

⁶ And additional modifications were proposed in August 2021 in response to the revised NPPF and again in October 2021 in response to the Inspector's Questions.

3.15 The Council subsequently published a number of additional papers which were made available during the course of the hearing sessions including:

- A Response to the Inspector's request of 28th October providing a list of sites which contribute to the housing trajectory and deliverable supply (CDE20) which whilst published on 4th November was not provided in sufficient time for any party to respond to in any detail. As set out subsequently, this paper includes information that is both factually incorrect and misapplies national policy and guidance in numerous regards;
- A Sustainability Appraisal Note on Unmet Need;
- A response to the Inspector's question raised in September regarding the plan period (CDE21) identifying that whilst the Council would prefer for the WLP to be adopted with the currently proposed plan period, they would not be overly concerned with the plan period being extended to accord with national policy. In this note, the Council acknowledge that if the plan period was extended by a year, the minimum housing need would increase by 885 homes to 15,045 but instead of proposing to respond to this by identifying additional sites, the Council indicate that this would not have any effect on the plan as "all sustainable development opportunities have been allocated." This provides a very clear indication of the Council's approach to meeting housing (and other needs) namely that regardless of the need, Worthing Borough Council will never allow housing beyond the existing built-up area;
- A Note on the Overlap and Inter-relationship between Policies SS4, SS5 and SS6 (CDE18) including a set of proposed modifications to those policies; and
- A Note on Employment Figures.

3.16 These notes raise a significant number of new issues and have not been available to inform the written representations submitted to date. These will clearly be responded to when the opportunity arises, possibly through the Main Modifications consultation, and the newly arising points which they raise will then need to be considered by the examining Inspector.

3.17 Whilst the Inspector's Final Report will conclude on legal compliance and soundness following consultation on the proposed main modifications and any additional hearing sessions that are deemed to be required, the Inspector published a Post-Hearing Note on 9th December 2021 (CDE6) in which he gives his initial advice to the Council. Specifically, this identifies that:

- The Inspector is concerned that the Sustainability Appraisal prepared in support of the submission version of the WLP raises issues of legal compliance (paragraph 3);
- This is particularly the case as the submission draft of the WLP proposes a housing requirement which was not subject to Sustainability Appraisal in the DIIA prepared in support of the Draft Worthing Local Plan in 2018 (paragraph 5);
- The lack of clarity that arises means that the Sustainability Appraisal does not accord with the relevant regulations (paragraph 6);
- There is therefore a need for additional work on the Sustainability Appraisal which may result in changes to the submitted WLP (paragraph 8);
- The proposed Local Green Space at the appeal site conflicts with the NPPF and is unsound (paragraphs 12 and 15);
- Modifications are required to Policies SS4, SS5 and SS6 (paragraph 18);
- The Council's proposed modification to Policy SS6 as set out in the Note on Overlap and Inter-relationship between Policies SS4, SS5 and SS6 (CDE18) does not address the soundness issue (paragraph 23) and so additional modifications will be required (paragraph 24);
- One of the proposed allocations is unsound and should be deleted (paragraph 29); and
- The WLP as submitted is not sound or legally compliant (paragraph 39).

3.18 As the Inspector has identified that the submission draft WLP has been prepared in a way which does not accord with regulatory requirements and as such the

submitted WLP is not legally compliant, it is unclear how the WLP can lawfully progress. Indeed:

- the PPG (61-037) requires that Sustainability Appraisal is undertaken throughout the plan making process to allow the potential environmental, economic and social impacts of proposals to be taken into account. This has clearly not been achieved in the WLP as the DIIA, as the proposed housing requirement was not subject to Sustainability Appraisal;
- the PPG (61-043) requires that Sustainability Appraisal should be an integral part of the preparation of Local Plans and should inform the strategy being progressed. This has clearly not been achieved, as it is unclear how the strategy progressed has been chosen from the reasonable alternatives considered in the DIIA;
- the PPG (11-001) requires that Sustainability Appraisal is carried out during the preparation of a Local Plan and that its role is to assess the extent to which the emerging plan when judged against reasonable alternatives will help to promote sustainable development. This has clearly not been achieved, as the Sustainability Appraisal has not been lawfully prepared throughout preparation;
- The PPG (11-018) requires that Sustainability Appraisal considers all reasonable alternatives are considered including the preferred approach as the plan evolves, which has not been achieved.

3.19 Whilst the Inspector has reserved his judgment on these matters (paragraph 2 of his post hearing note), I would suggest that it would not be possible for a Local Plan which has not been prepared in accordance with the legal requirements to lawfully be adopted. Indeed, even if it could be, it would be wholly unsatisfactory for a new Sustainability Appraisal to be undertaken to retrospectively justify choices that had already been made by the Council.

3.20 Nevertheless, even if it is concluded that an emerging Development Plan that has been prepared in a way which does not meet the legal requirements can be lawful and proceed to adoption, it is apparent that there remains a significant amount of work to be undertaken on the emerging WLP. As a minimum, the Council will need to prepare a schedule of modifications, following which it will be necessary to undertake a round of consultation which will provide the opportunity to address

the newly arising evidence of the Council. Depending upon the extent of the necessary modifications and the significance of objections it may then be necessary to convene additional hearing sessions. In light of all of the above, I would be very surprised if additional hearing sessions are not required.

3.21 As it stands in terms of housing needs and housing requirements, Policy SS2 of the submission draft WLP proposes a housing requirement and supply of 3,672 homes although if it is concluded that the plan period is to be extended to accord with national policy, the Council suggest that there would be a housing requirement and supply of 3,739 homes. The examining Inspector has also identified that the proposed allocation at Titnore Lane (A13) is not sound and should be deleted. This would reduce the supply⁷ to 3,612 homes over the period 2020-36 or 3,679 homes over the period 2020-37. These proposed supply figures respond to the minimum housing need for 14,160 homes over the period 2020-26⁸ or 15,045 homes over the period 2020-37⁹. On either basis, this equates to between 24% and 26% of housing needs being responded to in the emerging WLP or a shortfall of 10,548 homes over the period 2020-36 or 11,366 over the period 2020-37.

3.22 The WLP therefore proposes to deliver only a fraction of the homes needed, on the basis of a proposed housing requirement which falls foul of national policy and the necessary regulations in numerous regards including:

- I have been informed that it became apparent at the hearing sessions that the constrained requirement had not been justified in accordance with paragraph 11b of the NPPF¹⁰ as would be required;
- The supply led proposed housing requirement of 3,672 homes does not even accord with the evidence base of the Council which identifies a supply of 3,760 homes over the plan period in Appendix 1 to their Hearing Statement to Matter 3¹¹ (CDE22). The Council's own evidence therefore

⁷ And presumably the housing requirement if the Council's position that no other development could be sustainably accommodated is accepted.

⁸ As set out in paragraph 3.13 of the draft WLP (CDE2).

⁹ As set out in the Extending the Time Period of the Plan from Adoption Note (CDE21).

¹⁰ As no assessment has been undertaken as to whether the application of policies in the NPPF provide a strong reason for restricting the overall scale of development, or whether any adverse impacts of better responding to housing needs would significantly and demonstrably outweigh the benefits.

¹¹ = 3,653 homes from 2021-36 and 107 homes in 2020/21.

demonstrates that a greater proportion of the objectively assessed need can be sustainably met than proposed by the housing requirement directly contrary to paragraph 11b of the NPPF;

- Even if this assessment was to be retrospectively undertaken and it concluded that meeting only c.25% of housing need was sound, the Council has not identified any mechanism for how the unmet need for housing is to be met. It is therefore not even proposing to defer meeting these needs, which itself would not be sound according to paragraph 35c of the NPPF; and
- The fact that the proposed housing requirement has not been informed by Sustainability Appraisal that accords with the regulatory requirements.

3.23 As identified by the examining Inspector (paragraph 5), the DIIA assessed the sustainability effects of delivering 4,232 homes. It concluded that this would result in less significant negative impacts notwithstanding the exceptional unmet housing needs that would arise. However, the WLP now proposes a housing requirement of only 3,672 homes, which it is anticipated will be reduced to 3,612 homes once the fact that the Inspector has indicated that the proposed allocation at Titnore Lane (A13) is unsound is taken into account. Therefore, there remains scope for an additional 560 homes, or potentially 620 homes, within the preferred option of the DIIA. The development of the appeal site could therefore be achieved in accordance with the preferred option of the DIIA.

3.24 In light of all of the above, the draft WLP unsurprisingly remains subject to very substantial objections in relation to both procedural matters and issues of soundness. Many of these have been supported by the Inspector in his post-hearing note.

4. THE HOUSING NEED

The minimum local housing need

- 4.1 Paragraph 61 of the NPPF identifies that strategic policies should be informed by the minimum local housing need as determined by the standard method, unless exceptional circumstances justify an alternative approach. There is no such evidence of an exceptional circumstance in Worthing and as such for the purposes of plan-making and decision-taking there is a need for at least as many homes as identified by the standard method.
- 4.2 Paragraph 3.13 of the submission draft WLP (CDE2) identifies that in 2020 the standard method produced a minimum local housing need for **885 homes per annum**.

The actual local housing need

- 4.3 National policy and guidance are clear that other factors may indicate that the local housing need is greater than the minimum provided by the standard method including for example in:
- The PPG (67-001) and paragraph 62 of the NPPF which identify that the needs of particular groups (including those in need of affordable housing) may well exceed the figure calculated using the standard method and that these should be reflected in planning policies;
 - The PPG (2a-024) which identifies that it may be necessary to exceed the minimum to meet affordable housing needs;
 - Paragraph 82c of the NPPF which identifies that potential barriers to economic growth including inadequate housing should be addressed; and
 - The PPG (2a-010), and paragraphs 11b, 35a and 35c of the NPPF which identify that unmet cross-boundary needs may result in a greater need.

Affordable housing need

- 4.4 The draft WLP identifies a need for 490 affordable homes per annum on page 18. Emerging Policy DM3 proposes that on sites of 10 or more units somewhere

between 20% and 40% of homes should be provided as affordable homes¹². This would mean that even if all development was on sites of 10 or more homes, there would be a need for between **1,225 and 2,450 homes per annum** to meet the affordable housing needs in full.

Economic need

- 4.5 According to paragraph 5.142, the WLP seeks to accommodate at least 32,560 sqm of employment floorspace. This figure is based on the labour demand forecasts of the Employment Land Review Focused Update of September 2020 (ELR) which suggest in Table 2.1 that this would accommodate an additional 7,500 jobs in Worthing Borough.
- 4.6 The Strategic Housing Market Assessment of May 2020 (SHMA) (CDE12) identifies in Table 4.17 that the delivery of 246 homes per annum would support 2,047 fewer jobs than currently exist. In order to facilitate the employment land requirement proposed in the WLP, it will be necessary to provide a sufficient amount of housing to support 9,547 more jobs than would be supported by the delivery of 246 homes per annum. There is therefore an economic need for far more than 246 homes per annum¹³. By way of a crude estimation, if it is assumed that the relationship between the housing delivered and the jobs supported is linear, there would be an economic need for at least **c.706 homes per annum** to support the aspirations of the WLP.

Unmet need from the sub-region

- 4.7 Worthing Borough Council alongside the local authorities of Adur, Arun, Chichester, Horsham, Mid-Sussex, Crawley, Brighton and Hove, Lewes and the South Downs National Park are represented on the Coastal West Sussex and Greater Brighton Strategic Planning Board (SPB) whose remit is to facilitate joint work on strategic planning priorities across the area.
- 4.8 The 'Defining the HMA and FEMA' document of February 2017 was commissioned by the SPB. This suggests that Worthing Borough sits within:
- a Coastal Urban HMA comprising of Worthing, Adur and Brighton and Hove, and parts of Arun, Horsham, Mid Sussex and Lewes; and

¹² Depending on their site typology.

¹³ Although less than 880 homes per annum according to Table 4.17 of the SHMA.

- a Coastal Urban FEMA comprising of Worthing, Adur and Brighton and Hove, and parts of Horsham, Mid Sussex and Lewes.

4.9 Within these areas, many LPAs have adopted or are proposing Local Plans which do not meet housing needs, such that in addition to the needs of Worthing Borough itself there is an additional unmet need for housing across the FEMA, HMA and SPB, including from:

- Adur has an adopted housing requirement for 177 homes per annum in response to an identified objectively assessed need for 325 homes per annum or a minimum local housing need for 248, giving rise to an additional unmet need for 71 or 148 homes per annum in the FEMA, HMA and SPB;
- Arun has an adopted housing requirement for 1,000 homes per annum which was more than sufficient to meet the objectively assessed needs of the previous NPPF but is insufficient to meet the minimum local housing need for 1,304 homes per annum identified by the standard method, such that there is an additional unmet need for 304 homes per annum in the HMA and SPB;
- Chichester is proposing a housing requirement for 650 homes per annum, but the standard method identifies a minimum local housing need for 759, giving rise to an additional unmet need for 109 homes per annum in the SPB;
- Mid-Sussex has an adopted housing requirement for 964 homes per annum which was more than sufficient to meet the objectively assessed needs of the previous NPPF but is insufficient to meet the minimum local housing need for 1,093 homes per annum identified by the standard method, such that there is an additional unmet need for 129 homes per annum in the FEMA, HMA and SPB;
- Crawley is proposing a housing requirement for 333 homes per annum in response to the minimum local housing need for 718, giving rise to an additional unmet need for 386 homes per annum in the SPB;
- Brighton and Hove has an adopted housing requirement for 660 homes per annum in response to an identified objectively assessed need for 1,506

homes per annum or a minimum local housing need for 2,311, giving rise to an additional unmet need for 846 or 1,651 homes per annum in the FEMA, HMA and SPB;

- Lewes has an adopted housing requirement for 345 homes per annum in response to an identified objectively assessed need for 520 homes per annum or a minimum local housing need for 385, giving rise to an additional unmet need for 40 or 175 homes per annum in the FEMA, HMA and SPB.

4.10 Whilst Horsham is planning to exceed the objectively assessed and minimum local housing need by up to 503 homes per annum, as a result of the above, there remains or is proposed to remain an unmet need of:

- 1,638 homes per annum against objectively assessed need or 2,810 against the minimum local housing needs across the SPB, which would equate to an **unmet need for between 32,760 and 56,200 homes over a 20 year period;**
- 1,220 homes per annum against objectively assessed need or 2,315 against the minimum local housing needs across the HMA (including the entirety of LPAs that are partly within the HMA), which would equate to an **unmet need for between 24,410 and 46,310 homes over a 20 year period;** and
- 1,301 homes per annum against objectively assessed need or 2,011 against the minimum local housing needs across the FEMA (including the entirety of LPAs that are partly within the FEMA), which would equate to an **unmet need for between 26,030 and 40,230 homes over a 20 year period.**

4.11 By any measure there is a substantial unmet housing need across the sub-region which will exacerbate the housing needs within Worthing Borough.

4.12 As with Worthing, these unmet needs exist now and require an immediate response as is evident from the fact that Adur, Arun, Chichester, Horsham, Brighton and Hove, and Lewes all currently accept that they are similarly unable to demonstrate a five year land supply.

4.13 In summary, the need for housing is likely to be substantially greater than the minimum identified by the standard method both as a result of the need for affordable housing and the unmet needs arising within the sub-region. Nevertheless, for the purposes of this Proof of Evidence, the need is conservatively taken as being the minimum identified by the standard method.

5. THE EMERGING PLAN PERIOD SUPPLY

- 5.1 The draft WLP (CDE2) proposes a housing requirement for 3,672 homes over the period 2020-36 which equates to an average of 230 homes per annum, or if the plan period is extended to 2020-37 the Council suggested that there will be a housing requirement for 3,739 homes over the period 2020-37 (CDE21) which equates to an average of 220 homes per annum. However, as the Inspector has indicated that the proposed allocation for 60 homes at A13 is unsound, it is anticipated that the Council will seek to further constrain the housing requirement to 3,612 homes over the period 2020-36 which equates to an average of 226 homes per annum, or 3,679 homes over the period 2020-37 which equates to an average of 216 homes per annum.
- 5.2 These proposed supply figures compare to the average of 302 homes per annum built over the last decade or 325 homes per annum over the last five years¹⁴. It is therefore evident that the WLP does not provide for, and actively undermines, the significant boost to housing supply required by paragraph 60 of the NPPF.
- 5.3 The draft WLP (CDE2) identifies a minimum need for 14,160 homes over the period 2020-36 in paragraph 3.27, or the Council identify a minimum need for 15,045 homes over the period 2020-37 (CDE21). As identified above it is anticipated that the Council will now propose a housing requirement of 3,612 homes over the period 2020-36 or 3,679 homes over the period 2020-37. Therefore, assuming that the WLP is found to be sound and legally compliant, there will be **a shortfall of 10,548 homes** against the minimum local housing need over the period 2020-36 or **a shortfall of 11,366 homes** against the minimum local housing need over the period 2020-37. The Council has accepted that a shortfall of 10,488 homes as originally proposed in the submitted WLP represents an exceptionally high need for housing¹⁵.
- 5.4 Paragraph 11b of the NPPF identifies that as a minimum, Local Plans should meet the objectively assessed needs unless either the application of specific policies in the NPPF provide a strong reason for not doing so, or the adverse impacts of doing so significantly and demonstrably outweigh the benefits. I understand from colleagues that during the hearing sessions the Inspector acknowledged that the Council has not applied these required tests of national policy to the emerging

¹⁴ As agreed in the Statement of Common Ground.

¹⁵ In paragraph 4.15 of the Council's Response to IL01 (CDE14).

WLP and as such the constrained housing requirement is not justified and is not consistent with national policy.

- 5.5 Through the examination of the WLP, it will be necessary to apply these tests to determine whether the housing requirement should be greater.
- 5.6 Furthermore, the Inspector has correctly identified that the proposed housing requirement has not even been subject to Sustainability Appraisal which meets the regulatory requirements. This is a significant legal failing of the submitted WLP. Even if this is capable of being retrospectively addressed, it may demonstrate that a greater housing requirement is appropriate in Worthing Borough.
- 5.7 However, regardless of the housing requirement, it is likely that whilst the objectively assessed need will be able to be better responded to, it will not be able to be met in full. In such circumstances, in order for the WLP to be found sound, paragraph 35c of the NPPF requires that the unmet needs are dealt with through effective joint working rather than being deferred.
- 5.8 The WLP however does not address the housing needs and does not even propose to defer meeting these needs, which in itself would be unsound. The consequences of this are that:
- There remains an unmet need for at least 10,548 homes to be weighed in the planning balance, which represents an exceptional shortfall of housing for the next 15 years¹⁶ and should be afforded weight accordingly;
 - The policies of the adopted and emerging Development Plan directly conflict with the Government's stated objective in paragraph 60 of the NPPF such that they should be afforded reduced weight;
 - The policies of the adopted and emerging Development Plan provide no scope to address the unmet need either within the Borough or beyond such that they should be afforded reduced weight; and
 - The housing requirement of the emerging Development Plan has not been prepared in a way which is lawful or sound and as such the weight afforded should be reduced.

¹⁶ As acknowledged in paragraph 4.15 of the Council's Response to IL01 (CDE14).

6. THE RECORD OF DELIVERY

- 6.1 The latest Housing Delivery Test (HDT) results of January 2021 identify that only 52% of the minimum number of homes required have been delivered in Worthing Borough. As set out in footnote 8 of the NPPF, an LPA is considered to have a record of substantial under-delivery where the delivery of housing has been below 75% of that required.
- 6.2 The record of substantial under-delivery in the Borough has the effect of rendering the most important policies for determining the appeal out-of-date such that planning permission should be granted unless either of the conditions of paragraph 11d of the NPPF are met. It is also indicative of the fact that the policies of the adopted Development Plan have been ineffective in meeting housing needs such that the weight afforded to these should be reduced accordingly.
- 6.3 The HDT result in Worthing is also the joint 16th lowest of all 320 LPAs for which a HDT result is available¹⁷. It is therefore towards the extreme, which indicates that the Development Plan policies in Worthing have been significantly less effective in responding to housing needs than respective policies have elsewhere, and that in consequence the need for additional housing to respond will be particularly acute.
- 6.4 The data is now available to calculate the HDT results for 2021. It has been proposed that the number of homes required by the HDT will be reduced significantly to reflect the effects of the pandemic. Without this adjustment Worthing Borough will have a HDT result of only 30%, but even with this proposed adjustment, the HDT result **will be 35%**. It is therefore evident that the position is rapidly worsening in Worthing Borough from an already very poor position.
- 6.5 Assuming the WLP is adopted with a housing requirement for somewhere between 216 and 230 homes per annum¹⁸, in collaboration with DLUHC, this new housing requirement could be used to recalculate the HDT results for 2021. In such

¹⁷ Some LPAs do not have a HDT result owing to the standard method identifying a minimum local housing need for zero homes.

¹⁸ Noting that the currently proposed housing requirement is for 230 homes per annum but this could decrease to 226 homes per annum if the housing requirement is reduced to take account of the likely removal of Titnore Lane (A13) from the WLP, or to 219 homes per annum if the plan period is extended, or to 216 homes per annum if the plan period is extended and the housing requirement is reduced to take account of the likely removal of Titnore Lane (A13).

circumstances, the new housing requirement will be applied from the start of the plan period (2020). Even in this event, the HDT result will only be 40% without the proposed adjustments or **43%** with the proposed adjustments. The full calculations are set out in Table 6.1 below.

Table 6.1 – future HDT results

Area Name	Number of homes required				Number of homes delivered				Housing Delivery Test: 2021 measurement
	2018-19	2019-20	2020-21	Total	2018-19	2019-20	2020-21	Total	
Pre-adoption without adjustments to take account of Covid	873	880	885	2,638	300	396	88 ¹⁹	784	30%
Pre-adoption with proposed adjustments to take account of Covid	873	806	589	2,268	300	396	88	784	35%
Post-adoption (assuming 230dpa) without adjustments to take account of Covid	873	880	230	1,982	300	396	88	784	40%
Post-adoption (assuming 230dpa) with proposed adjustments to take account of Covid	873	806	153	1,831	300	396	88	784	43%
Post-adoption (assuming 216dpa) without adjustments to take account of Covid	873	880	216	1,969	300	396	88	784	40%
Post-adoption (assuming 216dpa) with proposed adjustments to take account of Covid	873	806	144	1,822	300	396	88	784	43%

6.6 It will therefore still be the case that following the adoption of the WLP, the Council will remain subject to a record of substantial under-delivery with a HDT of **at most 43%** compared to the requirement for 75%. As such the policies of the Development Plan (the WLP) will remain out-of-date and paragraph 11d will still be engaged.

¹⁹ These 88 completions are calculated from the 107 dwelling completions and the loss of 35 residential bedspaces which equates to a loss of the equivalent of 19 homes, in accordance with the Housing Delivery Test Measurement Rule Book (CDD5).

7. FIVE YEAR HOUSING LAND SUPPLY

The current five-year land supply position

- 7.1 The Council also accepts that it is unable to demonstrate a five year land supply as required as a minimum by national policy, such that footnote 8 and paragraph 11d indicate that for yet another reason, the most important policies for determining this appeal should be considered to be out-of-date and that planning permission should be granted unless either of the conditions of paragraph 11d are met.
- 7.2 Furthermore, as set out in paragraphs 51 and 52 of the Court of Appeal Judgment of *Hallam Land Management Ltd vs the Secretary of State for Communities and Local Government et al [2018] EWCA Civ 1808 (CDJ58)*, the extent of any shortfall in the 5YLS and the length of time this is likely to persist is likely to be material to the weight afforded to the provision of housing and to Development Plan policies.
- 7.3 The Council has provided their current assessment of the five year land supply during the preparation of the Statement of Common Ground. This identifies a deliverable supply of 2,423 homes over the period 2021-26 and a requirement for 6,244 homes over the same period, which provides for a **1.93 year land supply** with a **shortfall of 3,821 homes** over the period 2020-25.
- 7.4 However, both the requirement and the supply have not been calculated in accordance with national policy, guidance or the findings of s78 Inspectors in numerous regards as set out below.

Five-year requirement

- 7.5 The requirement for 6,244 homes identified by the Council has been calculated from the minimum local housing need arising from the standard method for 885 homes per annum from 2020 onwards²⁰.
- 7.6 The Council then adjust the standard method for 2020 to take account of a shortfall of 778 homes which occurred in 2020/21 to identify the minimum local housing need for 2021. This does not accord with the PPG, which requires that the local housing need is calculated based on the 10 consecutive years from the base-

²⁰ As reflected in paragraph 3.13 of the WLP.

date²¹ and that no adjustment is made for under-delivery as this is already accounted for by the standard method²².

- 7.7 As a result, the standard method should be calculated from 2021 without any adjustment for under-delivery. This would result in a minimum annual need for 853 homes per annum.
- 7.8 In addition, paragraph 74 and footnote 41 of the NPPF require that a 20% buffer is applied where the latest Housing Delivery Test result is below 85% to improve the prospect of achieving the planned supply. The latest Housing Delivery Test result in Worthing is 52%; one of the lowest of any LPA nationally. This necessitates the application of a 20% buffer.
- 7.9 The minimum local housing need with the appropriate buffer provides for a five year requirement for 5,119 homes rather than the 6,244 homes identified by the Council.
- 7.10 As a result, based on the supply of 2,423 homes identified by the Council, there would be a **2.37 year land supply** with a **shortfall of 2,696 homes**.

The deliverable supply

- 7.11 The supply of 2,423 homes identified by the Council comprises:
- 992 homes from commitments;
 - 1,297 homes from SHLAA sites including proposed allocations in the WLP; and
 - A windfall allowance of 134 homes.

Errors and corrections

- 7.12 From an analysis of the evidence provided by the Council in their Response to IL06 (CDE20), it is immediately obvious that this position has been miscalculated and is incorrect in numerous regards as follows:

²¹ See the PPG (2a-004).

²² See the PPG (68-031).

- Draft Appendix 2 of this document identifies a supply of 1,297 homes arising from emerging allocations and SHLAA sites, but the figures in the table only sum to 1,152 homes (an over-statement of 145 homes);
- Draft Appendix 2 includes a number of SHLAA sites which are subject to planning applications or planning permissions but for which the capacity has been misrecorded and overinflated by 1 home at 22 Clifton Road and by 9 homes at 1-3 Wincelsea Road (a cumulative over-statement of 10 homes);
- Draft Appendix 3 identifies a net supply of 878 homes arising from sites with planning permission for 5+ units when the figures in the table including sites of less than 5 units only sum to 875 homes (an over-statement of 3 homes).

7.13 Furthermore, the Council has not provided a list of the additional specific (presumably small permitted) sites which they consider address the difference between the supply of 878 homes on committed sites identified in Draft Appendix 3 and the supply of 992 homes on committed sites provided by the Council during the preparation of the Statement of Common Ground. This does not accord with paragraph 74 of the NPPF which requires a supply of specific deliverable sites.

7.14 I have advised the Council of these omissions and mathematical errors and anticipate that these will be addressed and corrected prior to the inquiry. The effect of the corrections is to reduce the deliverable supply by 158 homes²³ to 2,265 homes, which would provide for a:

- **1.81 year land supply with a shortfall of 3,979 homes** against the incorrectly calculated five year requirement of the Council for 6,244 homes; or
- **2.21 year land supply with a shortfall of 2,854 homes** against the correctly calculated five year requirement for 5,119 homes.

7.15 Shortly before the exchange of evidence the Council has recognised these errors, although in so doing has introduced another error as they now identify a supply of 104 homes at Columbia House when this site only has prior approval for 102

²³ And potentially further reductions depending upon the contribution from small permitted sites.

homes. This serves to over-inflate the supply by 2 homes such that the Council now identify a supply of 2,267 homes which equates to a:

- **1.81 year land supply with a shortfall of 3,977 homes** against the incorrectly calculated five year requirement of the Council for 6,244 homes.

7.16 There remains no list of specific small permitted sites contrary to paragraph 74 of the NPPF, such that the contribution from this source of supply cannot be validated. For the purposes of the remainder of this Proof of Evidence, I however assume that this has been calculated accurately and there is a realistic prospect of the number alluded to by the Council being delivered²⁴.

7.17 As a result of the above, the information presented to the examining Inspector has been accepted to be factually incorrect. I trust that the Council will alert the Inspector to this fact and that the corrected figures will be made available for consultation throughout the remainder of the examination.

7.18 The supply identified by the Council remains contrary to national policy, guidance and the findings of s78 Inspectors in numerous regards. In particular, the supply of the Council:

- Does not take count housing provided for older people including residential institutions in the deliverable supply contrary to the PPG (68-035);
- Includes sites upon which permission has expired contrary to the NPPF's definition of a deliverable site or upon which there is an extensive record of non-implementation contrary to the PPG (3-019);
- Includes sites which post-date the base date contrary to the findings of literally every appeal decision of which I am aware, of which there are many;
- Includes emerging allocations contrary to the NPPF, PPG (68-007) and the findings of literally every appeal decision of which I am aware, of which there are many;

²⁴ As I assume that the Council has applied a reasonable non-implementation or lapse rate to ensure that the contributions from this source of supply is realistic.

- Includes SHLAA sites contrary to the NPPF, PPG (68-007) and the findings of literally every appeal decision of which I am aware;
- Provides no clear evidence that many of the unpermitted allocated sites will achieve completions within five years contrary to the NPPF; and
- Includes sites which have planning applications which are subject to objections but provides no significant site specific evidence that these offer suitable locations and are achievable contrary to paragraph 34iv of the High Court Judgment of *Wainhomes (South West) Holdings Ltd vs the Secretary of State et al [2013] EWHC 597 (Admin)*.

7.19 Rather than address each site in turn, I address the relevant sites based on each of the preceding issues.

Housing provided for older people including residential institutions

7.20 The PPG (68-035) identifies that LPAs will need to count housing provided for older people including residential institutions as part of their housing supply.

7.21 The contribution of such accommodation is to be calculated based on the average number of adults living in households using the Census data according to the PPG (63-016a). In Worthing Borough, this data identifies that there were an average of 1.73 adults living in households.

7.22 Two of the sites included in the deliverable supply of the Council have planning permission for the conversion of care homes to housing, with the loss of 13 bedspaces at Roshni, 19 Reigate Road and the loss of 16 bedspaces at 151 Rowlands Road. These equates to the loss of 7 and 9 homes respectively based on the Census data. The Council however do not account for these losses within the deliverable supply contrary to the PPG (68-035).

7.23 The respective positions on these sites is set out in Table 7.1 below.

Table 7.1 – taking account of residential institutions

	The Council's position	The Appellant's position
Roshni, 19 Reigate Road	6	-1
151 Rowlands Road	19	10
TOTAL	25	9

Expired or unimplemented planning permissions

- 7.24 The NPPF identifies that sites which do not involve major development and have planning permission and all sites with detail planning permission should be considered deliverable until permission expires.
- 7.25 The Council nevertheless include four sites upon which planning permission appears to have expired contrary to the NPPF. Even if planning permission has not expired as a result of a technical commencement, in the very lengthy absence of progress on these sites, the site should no longer be considered available as set out in the PPG (3-019). Indeed, it would be far from prudent to rely upon the delivery of such homes to meet the needs of households given their extensive record of non-implementation.
- 7.26 The site at 37-39 Chesswood Road gained planning permission in July 2009 for 7 net additional dwellings. There was some work towards discharging conditions in 2012 to 2014 but no progress has been made in the subsequent 7 years. Whilst that it appears that a technical commencement may have been achieved, this site has an extensive record of non-implementation and so I consider that this should not be considered available and should not be relied upon to meet the needs of households.
- 7.27 The site at 7 Oxford Road gained planning permission in February 2005 for 4 net additional dwellings. There is no evidence of a technical commencement such that it appears that planning permission has expired, but even if this is not the case there has been no progress in 16 years.
- 7.28 The site at 40-42 South Street gained planning permission in May 2017 for 8 net additional dwellings. There is no evidence of a technical commencement, and it appears that planning permission has expired.
- 7.29 The site at 7 The Steyne gained planning permission in September 2018 for 9 net additional dwellings. There is no evidence of a technical commencement, and it appears that planning permission has expired.
- 7.30 The respective positions on these sites is set out in Table 7.2 below.

Table 7.2 – expired or unimplemented permissions

	The Council's position	The Appellant's position
37-39 Chesswood Road	7	0
7 Oxford Road	4	0
40-42 South Street	8	0
7 The Steyne	9	0
TOTAL	28	0

Sites which post-date the base date

- 7.31 The Council has included numerous sites which gained planning permission or have been subject to a planning application since the base date of the assessment, namely 1st April 2021.
- 7.32 The deliverable supply represents a snapshot in time, namely that which existed at the base-date. Accordingly, where the NPPF requires that a site is available or suitable now, this indicates that a site was required to have been available or suitable at the base-date, namely 1st April 2010. Similarly, where the NPPF requires that there is a realistic prospect of completions within five-years, this is the five-year period which runs from the base-date of 1st April 2021.
- 7.33 Any sites which subsequently became suitable or available, or which are capable of delivering within five-years of the subsequent determination of a planning application will respond to a different five-year requirement and cannot be taken into account. To do so would necessitate consideration of the number of completions which had occurred in the interim (which no longer stand a realistic prospect of delivery as they have already been delivered), and the backlog which has accrued in the intervening period. This information has not been provided by the Council, and so it is not currently possible to adjust the base-date and take account of any planning permissions which have subsequently been granted (unless these were allocated or subject to outline planning permission at the base date and thereby the suitability of these sites had already been established). The fact that sites which subsequently became available or achievable should not be included in the deliverable supply is consistent with the findings of every appeal decision with which I am familiar including (but not limited to):
- Paragraph 101 of the 97 (and Land Adjacent to) Barbrook Lane, Colchester appeal decision (CDJ59);

- Paragraph 79 of the Land South of Westleaze, Charminster appeal decision (CDJ30);
- Paragraph 58 of the Land at Windacres Farm, Rudgwick appeal decision (CDJ1);
- Paragraph 326 of the Inspectors recommendation to the Secretary of State in the recovered Farleigh Fields, Backwell appeal decision in North Somerset (CDJ60), which was accepted by the Secretary of State in paragraph 18 of the decision letter;
- Paragraph 47 of the Land off Bakers Lane, Colchester appeal decision (CDJ61);
- Paragraph 67 of the Land on East Side of Green Road, Woolpit appeal decision (CDJ27);
- Paragraph 31 of the Entech House, London Road, Woolmer Green appeal decision (CDJ26);
- Paragraph 62 of the Land off Colchester Road, Bures Hamlet appeal decision (CDJ28);
- Paragraphs 12.10 of the Inspectors recommendation to the Secretary of State in the recovered Land to the East of Newport Road and to the East and West of Cranfield Road, Woburn Sands (CDJ62), which was accepted by the Secretary of State in paragraph 12 of the decision letter.

7.34 The respective positions on sites which post-date the base-date are set out in Table 7.3 below.

Table 7.3 – sites which post-date the base-date

	The Council's position	The Appellant's position
Development Site at 31 to 35 Montague Street	14	0
22 Lyndhurst Road	30	0
Jubilee Hall & 10 Greenland Road	14	0
100-108 Montague Street	8	0
22 Clifton Road	12	0
Garage Site South of Heene School	6	0
1-3 Wincelsea Road	4	0
TOTAL	88	0

Emerging allocations and SHLAA sites

7.35 The NPPF identifies that in order for a site to be considered deliverable it must be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered within five years. It then proceeds to identify two tests to apply to specified sources of supply namely:

- Category A sites comprising those which do not involve major development and have planning permission, and sites with detailed planning permission which benefit from a presumption of deliverability²⁵;
- Category B sites comprising those where a site has outline planning permission for major development, those allocated in the Development Plan, those with a grant of permission in principle and those identified on a brownfield register which should only be considered deliverable where there is clear evidence that completions will begin on site within five years.

7.36 The NPPF is therefore clear that only sites which fall within these categories can be considered deliverable and provides no framework for assessing the deliverability of other sources of supply. Indeed, this is explicit in the PPG (68-007) which states that:

“As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

Have outline planning permission for major development;

Are allocated in a development plan;

²⁵ As set out in the PPG (68-007).

Have a grant of permission in principle; or

Are identified on a brownfield register.” (emphasis added)

7.37 The fact that the definition provides a closed list of the sources of supply eligible for inclusion in the deliverable supply is consistent with the findings of the overwhelming majority of s78 appeals²⁶. The only decisions of which I am aware that have not treated the definition as providing a closed list have accepted that this does not accord with either the NPPF or the PPG²⁷. Whilst the Secretary of State had indicated to the courts that the definition does not provide a closed list²⁸, the Secretary of State and other Inspectors have subsequently continued to apply the definition as providing a closed list²⁹, presumably in acknowledgement that the Secretary of State’s position was in error.

7.38 Even if the definition does not provide a closed list *per se*, emerging allocations and SHLAA sites cannot be considered deliverable as their suitability for development has not been determined through either the development management or plan-making processes taking account of the detailed evidence necessary to conclude that they do offer a suitable location for development³⁰. Indeed:

- many of the proposed allocations would not accord with the adopted Development Plan and cannot be considered to be suitable unless it is accepted that the weight afforded to the policies of the adopted Development Plan are reduced sufficiently and the appeal proposals are considered in the same context;

²⁶ Including for example, in paragraphs 30, 31 and 33 of the Woolmer Green appeal decision (3190821) (CDJ26); in paragraphs 65 and 67 of the Woolpit appeal decision (3194926) (CDJ27); in paragraph 65 of the Bures Hamlet appeal decision (3207509) (CDJ28); in paragraph 46 of the West Bergholt appeal decision (3207626) (CDJ29); and in paragraph 18 of the recovered Winsford appeal decision (2212671) (CDJ29).

²⁷ Including in paragraph 80 of the Charminster appeal decision (3206269) (CDJ30) where the Inspector acknowledged that her interpretation conflicted with the PPG; and in paragraph 22 of the Tiptree appeal decision (3248038) (CDJ31) where the Inspector adjusted his interpretation of the NPPF to include sites that “otherwise” met the requirements of the NPPF.

²⁸ In response to a challenge to an appeal decision in East Northamptonshire.

²⁹ Including for example, in the recovered appeal decision at Land at Hawthorns, Farnham (3211033) (CDJ33) where the Secretary of State relied upon the findings of two previous Inspectors that the definition did provide a closed list; and in paragraphs 81 and 82 of the Clacton on Sea appeal decision (3256190) (CDJ34).

³⁰ The same applies to those sites which post-date the base-date and which do not yet benefit from planning permission which have been considered previously.

- such an approach would include the emerging allocations in the five year land supply without including the corresponding proposed housing requirement on the other side of the equation³¹ which would provide for an unbalanced assessment;
- the proposed allocations remain subject to objections and/or proposed modifications which remain to be resolved through the remainder of the examination and cannot be considered to be suitable unless and until this has been achieved³².

7.39 As such, these cannot be considered to offer a suitable location for development now.

7.40 The fact that such sources of supply do not meet the definition of a deliverable site is consistent with the findings of Inspectors and the Secretary of State in numerous appeal decisions including (but not limited to):

- paragraph 33 of the Woolmer Green appeal decision (CDJ26) in which the Inspector found that in principle emerging allocations are not available or suitable;
- paragraph 18 of the recovered Winsford appeal decision (CDJ4) in which the Secretary of State concludes that sites outside of category a or b within the NPPF definition are not to be considered deliverable where they don't have legal agreements or agreements as to the timescale for reserved matters approvals;
- paragraphs 66 to 67 of the Windacres Farm appeal decision (CDJ1)³³ in which the Inspector found that emerging allocations were not deliverable, and in paragraph 62 where the Inspector noted that sites included within a SHLAA should not be considered deliverable;
- paragraph 185 of the Inspectors recommendation to the recovered appeal at Land at Hawthorns, Bells Piece, Farham (CDJ2) in which the Inspector recommended that SHLAA sites should not be considered deliverable; and

³¹ Which is explicitly precluded by paragraph 74 of the NPPF.

³² To do so would treat the remainder of the examination as a tick-box exercise.

³³ As accepted by the Secretary of State in the Hawthorns appeal decision.

- paragraphs 22 and 23 of the Land to the South of Cox Green Road, Rudgwick appeal decision (CDJ63) in which the Inspector found that all emerging allocations and SHLAA sites were not deliverable.

7.41 Even if contrary to the NPPF and the findings of other Inspectors and the Secretary of State such sites were eligible for inclusion in the deliverable supply, the Council has provided absolutely no evidence, let alone clear evidence that completions will be achieved within five years and as such they would not meet the definition of a deliverable site even if they were allocated or permitted.

7.42 The Council even include a site at the Former Canteen, Northbrook College on which a planning application has been recently refused. This highlights the fact that emerging allocations and SHLAA sites may not offer a suitable location for the development that will eventually be proposed on these sites.

7.43 Indeed, on at least the majority of these sites, not only is there no clear evidence, it is unlikely that completions will be achieved within the five year period, by 31st March 2026 (i.e. in 4 years and 3 months) unless planning applications are submitted imminently, as Figure 4 of the Start to Finish report (CDI3) indicates that it takes on average 4 years from the submission of such an application until the first completion.

7.44 The Council provided a trajectory for some of the individual proposed allocations to the examination (CDE20)³⁴ which is wholly unrealistic including because:

- It assumes that Fulbeck Avenue will achieve the first completions in the year 2022/23. This site only gained planning permission in July 2021. It would be unrealistically optimistic to assume that the first completions will be achieved within a year;
- It assumes that Upper Brighton Road will deliver the first completions in 2024/25. This site doesn't even benefit from a planning application currently and there is therefore no prospect, let alone clear evidence, that this site could contribute to the supply so rapidly, i.e. 1³/₄ years more quickly than the average for a site of this size even if a planning application was submitted immediately.

³⁴ For some reason this excluded Beeches Avenue.

- 7.45 The Council’s position on these sites is therefore contrary to the NPPF, the PPG and the findings of every s78 appeal Inspector of which I am aware in principle, it is also unsupported by any evidence let alone clear evidence even if this were the appropriate test, and the trajectories where they are available are not realistic.
- 7.46 The respective positions on the supply arising from emerging allocations and SHLAA sites (where not addressed previously) are set out in Table 7.4 below.

Table 7.4 – emerging allocations and SHLAA sites (where not included previously)

	The Council’s position	The Appellant’s position
Beeches Avenue	45	0
Fulbeck Avenue	120	0
Upper Brighton Road	123	0
Former Canteen, Northbrook Road	20	0
TOTAL	308	0

Clear evidence and objections

- 7.47 The Council includes a number of existing allocations in the deliverable supply. Such sites can only be considered deliverable where there is clear evidence that completions will begin on site within five years according to the NPPF.
- 7.48 The Council has however provided no evidence, let alone clear evidence, and I have therefore undertaken to collect the available evidence to determine the deliverability of these sites myself.
- 7.49 The Council assumes that the Grafton site will deliver the entirety of completions in 2025/26 notwithstanding the fact that this is a complex mixed use development which does not benefit from a planning application, and which would be expected to take longer than average to deliver and so would not contribute at all to the deliverable supply. I have been unable to identify any evidence, as would be necessary, to demonstrate that such an unrealistically short lead-in time for a site of this complexity could be achieved and as such I do not consider this site to be deliverable.
- 7.50 The Lyndhurst Road site is currently subject to a full application which remains subject to objections or concerns in relation to its effects on the National Park, highways and flood risk. Paragraph 34iv of the High Court Judgment of *Wainhomes* (CDJ66) requires that such sites should only be considered deliverable

where there is significant site specific evidence that these objections will be overcome and that completions will still be achieved within five years. There is no such evidence, such that if the definition of a deliverable site is rigidly applied this site should not be considered deliverable. However, for the purposes of this inquiry, I accept that there is a remote but realistic prospect of the Council’s trajectory being achieved and that the submission of a full planning application goes some way to providing evidence of deliverability, such that for the purposes of this inquiry alone, I do not intend to contest the deliverability of this site.

- 7.51 The Teville Gate site falls in exactly the same category as the Lyndhurst Road site, namely being subject to a full planning application which remains subject to objections. As above, for the purposes of this inquiry alone, I do not intend to contest the deliverability of this site although note that if the NPPF is applied rigidly this site would not be capable of being included in the deliverable supply on the basis of the available evidence.
- 7.52 The Council assumes that Union Place site will deliver the first completions in 2024/25. This site benefits from an undetermined planning application currently and there is no clear evidence that this will be approved, that developers have been engaged, or more importantly that this site will achieve completions within five years. The proposed mixed-use scheme includes commercial floor space, a hotel, cinema and associated car parking and will be complex to deliver, such that it is unlikely to be able to deliver rapidly.
- 7.53 In light of the preceding analysis, the respective positions on the deliverable supply from existing allocations are set out in Table 7.5 below.

Table 7.5 – clear evidence and objections

	The Council’s position	The Appellant’s position
Grafton Site	150	0
Lyndhurst Road	150	150
Teville Gate	160	160
Union Place	150	0
TOTAL	610	310

Conclusions on the deliverable supply

- 7.54 The respective positions on the overall deliverable supply are set out in Table 7.6 below.

Table 7.6 – respective positions on the deliverable supply

	The Council's corrected position	The Appellant's position	Notes
Category A sites which should be considered deliverable until permission expires unless there is clear evidence that homes will not be delivered within five years			
Small permitted sites	114	114	Estimated but awaiting the necessary detail from the Council.
Large permitted sites	1,027	967	
Roshni, 19 Reigate Road	6	-1	Including losses of residential bedspaces
151 Rowlands Road	19	10	
37-39 Chesswood Road	7	0	Expired permissions and/or those with a significant record of non-implementation
7 Oxford Road	4	0	
40-42 South Street	8	0	
7 The Steyne	9	0	
Development Site at 31 to 35 Montague Street	14	0	Undeliverable in principle. Post-dates the base-date
Columbia House	104	102	Incorrect capacity.
Other uncontested sites ³⁵	856	856	
Category B sites which should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years			
Adopted allocations	610	310	
Grafton Site	150	0	No clear evidence, Unrealistic.
Union Place	150	0	No clear evidence, Unrealistic.
Other uncontested sites	310	310	
Sites outside of Category A or B which are not deliverable according to the PPG (68 007) and the majority of s78 Inspectors and the Secretary of State			
Emerging allocations	288	0	
Beeches Avenue	45	0	Undeliverable in principle. No clear evidence. Unrealistic.
Fulbeck Avenue	120	0	
Upper Brighton Road	123	0	
SHLAA sites	94	0	
22 Lyndhurst Road	30	0	Undeliverable in principle. Post-dates the base-date. No clear evidence.
100-108 Montague Street	8	0	
Garage Site South of Heene School	6	0	
1-3 Wincelsea Road	4	0	
Jubilee Hall & 10 Greenland Road	14	0	Undeliverable in principle. Post-dates the base-date. Does not benefit from planning permission. No clear evidence.
22 Clifton Street	12	0	
Former Canteen, Northbrook College	20	0	Undeliverable in principle. No clear evidence. Refused by the Council.
Windfall allowance			
Windfall allowance	134	134	
TOTAL	2,267	1,525	

³⁵ Including HMRC.

The five year land supply position

7.55 Based on the preceding analysis the resultant five year land supply positions that arise from the Council’s corrected deliverable supply and that identified by myself, and from the five year requirements identified by myself and the Council are set out in Table 7.7 below.

Table 7.7 – respective positions on the five year land supply (with shortfalls)

		Five year requirement	
		According to the Council (6,244)	According to the Appellant (5,119)
Deliverable supply	According to the Council (2,267)	1.81 years (-3,977)	2.21 years (-2,852)
	According to the Appellant (1,525)	1.22 years (-4,719)	1.49 years (-3,594)

7.56 On any of these bases regardless of whether the Council’s position is adopted with a 1.81 year land supply and a shortfall of 3,977 homes or the Appellant’s position is adopted with a 1.49 year land supply and a shortfall of 3,594 homes, there is an exceptional shortfall. Indeed, in my 14 years of specialising in five year land supply analysis, I can’t recall ever having experienced such an exceptionally low position. It is therefore apparent that not only is there an exceptional need for additional housing³⁶, but there is also an exceptional need within five years, both of which are to be weighed in the planning balance. It is also apparent that the adopted Development Plan policies have been wholly ineffective in responding to housing needs such that the weight afforded to these should be reduced accordingly.

The future five-year land supply position

7.57 Paragraph 74 of the NPPF requires that LPAs update the five year land supply assessment annually. Such updates will reflect that fact that:

- The minimum local housing need may change;
- The buffer may change as a result of the publication of new Housing Delivery Test results³⁷;

³⁶ As recognised in paragraph 4.15 of the Council’s Response to IL01.

³⁷ In accordance with footnote 41 of the NPPF.

- As sites are implemented or permissions lapse, they will no longer form part of the supply;
- As new planning permissions are granted, they may form part of the supply;
- Following adoption of a Local Plan, the five year land supply will then be assessed against the newly adopted housing requirement³⁸;
- Following adoption, sites allocated in a Local or Neighbourhood Plan may form part of the supply.

7.58 The Council has submitted the WLP for examination which, if found sound and adopted, will have implications for the five year land supply position in the future.

7.59 As set out previously, the WLP has been found to be unsound and not legally compliant in a number of regards, and I consider that it is unlikely that the WLP will be able to proceed to adoption as a result, and that even if it is concluded otherwise, the modifications required to make the WLP sound will be so extensive as to result in a fundamentally different plan and/or that these will take a significant amount of time and additional work to resolve. Nevertheless, even working on the optimistic assumption that the WLP is capable of being found sound, the Council has acknowledged that modifications will be required and that these have yet to be subject to consultation. It is also possible that additional hearing sessions may be required. Accordingly, it is unlikely that the WLP would be adopted until late next year even if this is capable of being found sound.

The position post adoption of the WLP

7.60 The supply will clearly be supplemented by emerging allocations once these are adopted. The Council published an aggregated trajectory in Appendix 1 of their Hearing Statement to Matter 3 (CDE22). It is likely that this trajectory is subject to the same errors and flaws which arise in the Council's latest assessment of the deliverable supply. Indeed, it is immediately apparent that the trajectory identifies 107 net completions in 2020/21 which does not take account of the loss of 35 residential bedspace in this year.

³⁸ Adjusted to take account of any under-supply in accordance with the PPG (68-031).

- 7.61 Nevertheless even working on the basis of this flawed trajectory, post-adoption the Council suggest that there will be a supply of 2,423 homes in the period 2021-26³⁹ or 2,265 once this is corrected as above. As identified previously this would provide for a 2.21 year land supply with a shortfall of 2,854 homes against the minimum local housing need.
- 7.62 It is therefore evident that notwithstanding the potential adoption of the WLP, there will remain an exceptional need for additional housing in Worthing even against the minimum local housing need identified by national policy.
- 7.63 The WLP proposes to address this exceptional need for housing not by identifying additional sites to better respond to the needs⁴⁰, as would be required to provide for sustainable development⁴¹, but instead by seeking to constrain the housing requirement and prevent any necessary response to addressing the need for housing through the introduction of restrictive policies such as Policy SS4, SS5 and SS6.
- 7.64 If the WLP is found to be sound on this basis, future five year land supply assessments will only provide a gauge as to the effectiveness of the WLP policies (including in constraining the ability to meet housing needs) but will provide no gauge as to the need for housing. It would therefore be appropriate, and indeed necessary, to consider the actual need for housing as a separate material consideration⁴². As set out above, even if the WLP was found to be sound and a five year land supply was able to be demonstrated against a constrained housing requirement as a result, there would remain an exceptional need for additional housing to be weighed in the planning balance.

³⁹ Which has been miscalculated as set out previously.

⁴⁰ Either within Worthing Borough or under the duty to cooperate.

⁴¹ Which is defined in paragraph 7 of the NPPF as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The proposal of the WLP actively prevents the needs of the present from being met and in addition prevents the needs of the future from being met.

⁴² This distinction is consistent with the approach adopted by the Inspector towards the bottom of page 18 of the recent Coombe Hill appeal decision (CDJ35) where the Inspector concluded upon the five year land supply position but then went on to identify that this position should not blind one to the pressing need for housing as a separate material consideration.

The weight to be afforded to the provision of housing

- 7.65 Mr Hutchison assesses the weight to be afforded to any harms and benefits arising from the proposed development. However, I set out some contextual matters to inform that assessment below.
- 7.66 The maintenance of a minimum five year land supply against the minimum local housing need ensures that the supply of housing is significantly boosted in accordance with the Government's stated objective in paragraph 60 of the NPPF.
- 7.67 In this context, the Secretary of State has consistently⁴³ afforded at least significant weight to the provision of housing even where an LPA is able to demonstrate a five year land supply⁴⁴.
- 7.68 In the absence of at least a five year land supply, the policies of the Development Plan are clearly not supportive of, and actively undermine, the achievement of the Government's objective to significantly boost the supply of housing. In order to rectify this, it will be necessary to significantly boost supply to an even greater extent in the absence of a five year land supply. The weight to be afforded to the provision of housing will clearly increase as the shortfall increases.
- 7.69 In the circumstances where the Secretary of State has considered a supply of less than 3 years:
- very significant weight was afforded to the provision of housing in the recovered appeal decision at 160 Stanley Road (3205559) (CDJ64) in the context of a 2.8 year land supply; and
 - very substantial weight was afforded in the called-in decision at Land to the West of Burley-in-Wharfedale (3208020) (CDJ65) in the context of a less than 2.06 year land supply.

⁴³ The single exception at Land at Burgess Business Park (3225548) wherein the Secretary of State afforded only moderate weight owing to the less than exemplary nature of the accommodation proposed.

⁴⁴ Including in the recovered or called-in appeal decisions at Land West of Knights Village (3237042), Wheatley Campus (3230827), Land at Love Lane (3233519), Land at VIP Trading Estate (3233585), Land to the East of Newport Road and to the East and West of Cranfield Road (3169314), Land off Station Road (3214377), Anglia Square (3225505), Land off Audlem Road/Broad Lane (2197532).

- 7.70 It would therefore be anticipated that very substantial weight would be afforded to the provision of housing regardless of whether it is concluded that there is a 1.49 or 1.81 year land supply.
- 7.71 Indeed, it would be expected that in the absence of any scope to provide the housing needed as a minimum by 3,594 or 3,977 households, the provision of housing would be afforded very substantial weight.
- 7.72 This is re-enforced by the fact that the Council is not proposing to identify anywhere near a sufficient additional supply to respond to this need, and as such there will remain an exceptional shortfall of housing relative to need for the foreseeable future.

The weight to be afforded to Development Plan policies

- 7.73 The policies of the WCS provide no scope to address the exceptional shortfalls. These policies have clearly been wholly ineffective in maintaining a sufficient supply of housing to meet housing needs and the weight to be afforded to these should be determined accordingly.
- 7.74 The emerging WLP similarly provides no scope to address the exceptional shortfalls as evidenced by the fact that a five year land supply will not be able to be demonstrated against the local housing need post-adoption. The emerging WLP not only fails to respond to housing needs, but it even proposes policies that further constrain any opportunities to respond to these needs including Policies SS4, SS5 and SS6. The weight to be afforded to such emerging policies should be determined with this in mind.

Summary

- 7.75 The absence of a five year land supply and the extent of the shortfall has three implications for the determination of the appeal.
- 7.76 Firstly, in the absence of a minimum five year land supply, footnote 7 and paragraph 11d of the NPPF indicate that all of the most important policies for determining residential planning applications are to be considered out-of-date and that planning permission should be granted unless either:
- The application of specific policies in the NPPF provide a clear reason for refusal, or

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

7.77 Secondly, given the acknowledged exceptional shortfall of housing supply in Worthing Borough and in the absence of any proposal to respond to this, it would be expected that very substantial weight should be afforded to the provision of housing.

7.78 Thirdly, the adopted and emerging Development Plan policies have been wholly ineffective in responding to housing needs and provide no scope to do so. The weight afforded to these policies should be determined in this context.

8. THE NEED FOR AND SUPPLY OF AFFORDABLE HOUSING

- 8.1 Paragraph 5.44 of the WLP recognises that there is a “substantial” need for affordable housing, namely for 490 affordable homes per annum. The need for affordable housing is therefore more than twice as great as the total number of 230 homes per annum (including both affordable and market) proposed in the WLP⁴⁵.
- 8.2 Policy DM3 of the WLP proposes that on sites of 10 or more units somewhere between 20% and 40% of homes should be provided as affordable homes. The table on page 51 of the WLP suggests that 871 homes will be delivered on small windfall sites with 2,801 homes arising from other sources of supply. Even assuming that all of these other sources of supply are on sites of 10 or more units⁴⁶ and assuming that they all deliver a policy compliant level of affordable housing, they would provide for at most somewhere between 35 and 70 affordable homes per annum in response to the need for 490. This provides for a shortfall of somewhere between at least 420 and 455 affordable homes per annum, or across the 16-year plan period, **a shortfall of somewhere between at least 6,720 and 7,280 affordable homes.**
- 8.3 The provision of somewhere between 35 and 70 affordable homes per annum, would not even be sufficient to meet the newly arising need for 409 rented affordable homes per annum as identified in Table 5.13 of the SHMA (CDE12). As newly arising needs will not be met, the need for affordable housing will increase over the plan period from the substantial need which currently exists.
- 8.4 It is therefore apparent that not only is there a substantial need for affordable housing currently⁴⁷, but this will worsen over the plan period owing to an imbalance between need and supply. This is yet another powerful consideration to be weighed in the planning balance.
- 8.5 The need for affordable housing is expanded upon in the Proof of Evidence of Mr Stacey and I defer to him on this matter.

⁴⁵ Noting that this could reduce to 216 homes per annum if the plan period is extended and the housing requirement is revised to reflect the likely removal of Titnore Lane (A13).

⁴⁶ Notwithstanding that a proportion of commitments will inevitably be on small sites.

⁴⁷ As accepted in paragraph 5.44 of the WLP.

9. THE REAL WORLD EFFECTS

9.1 The WLP proposes not to address the exceptional need for housing either within the Borough or beyond. This approach has a series of social, economic and environmental implications which, in the absence of the necessary policy making response, can only be responded to through the decision making process including by affording appropriate weight to each of these in the appropriate planning balance. I therefore summarise some of these implications to inform the planning balance undertaken by Mr Hutchison.

9.2 The Strategic Housing Market Assessment (SHMA) (CDE12) assesses the implications of the delivery of 246 homes per annum (rather than the 230 homes proposed in the WLP) and as such it is therefore likely that implications of the constrained housing requirement will be under-stated by the SHMA. The SHMA also assesses the implications of the delivery of a sufficient amount of housing to meet the minimum local housing need. This evidence is used to outline the implications of the approach proposed in the WLP.

Demographic implications

9.3 The respective age profiles of the population in 2019 and that which would arise in 2039 from the delivery of 246 homes per annum are set out in Table A3.7 of the SHMA (CDE12) and presented graphically in Figure 9.1 below. This demonstrates that as a result of the proposed housing requirement:

- there will be significantly fewer children than currently exist (2,776 fewer children aged 5-14), which may jeopardise the viability of existing schools⁴⁸ such that some may be required close to the significant disbenefit of existing pupils or if they are able to be maintained they will operate less efficiently to the disbenefit of the tax-payer;
- there will be significantly fewer people of working age than currently exist (7,285 fewer people aged 15-64), which is likely to result in:
 - a lower number of workers to support the economy including in local retail and facilities – indeed, as highlighted previously, Table 4.17 of the

⁴⁸ The reducing number of pupils are confirmed on page 109 of the Planning School Places 2021 of West Sussex County Council (CDE15) which indicates that from 2020-25 there will already be between 428 and 607 fewer primary school pupils and that from 2020-31 there will already be between 487 and 306 fewer secondary school pupils.

SHMA indicates that 2,047 fewer jobs will be able to be supported than currently exist as a direct result of the delivery of 246 homes per annum (rather than 230 homes per annum proposed);

➤ as part of the above, a lower number of key workers to support society;

- there will be significantly fewer people aged 30-64 than currently exist and given that these statistically have the greatest levels of disposable income⁴⁹ (6,363 fewer) it is likely that there will be a materially lower disposable income available to support the local economy including in local shops, services and facilities;
- the number of people in their 50's and 60's who are most likely to provide informal care will slightly increase (1,271 more people aged 50-69) but at a far lower rate than the number of people aged 75 or over who are most likely to require care (8,433 more people aged 75+) to the significant detriment of those in need of care;
- this significant increase in the number of older people than currently exist (8,433 more people aged 75+) is likely to result in an additional demand on health services⁵⁰ at a time when the number of key workers including NHS staff is likely to be reduced owing to the lack of housing, such that the services which are able to remain operational will be increasingly dependent upon staff commuting from outside the Borough and potentially outside of the sub-region. The shortfall in housing would therefore be likely to either compromise the ability of existing healthcare to be resourced and operate efficiently contrary to paragraph 82c of the NPPF, or increase the need to travel contrary to paragraph 105 of the NPPF; and

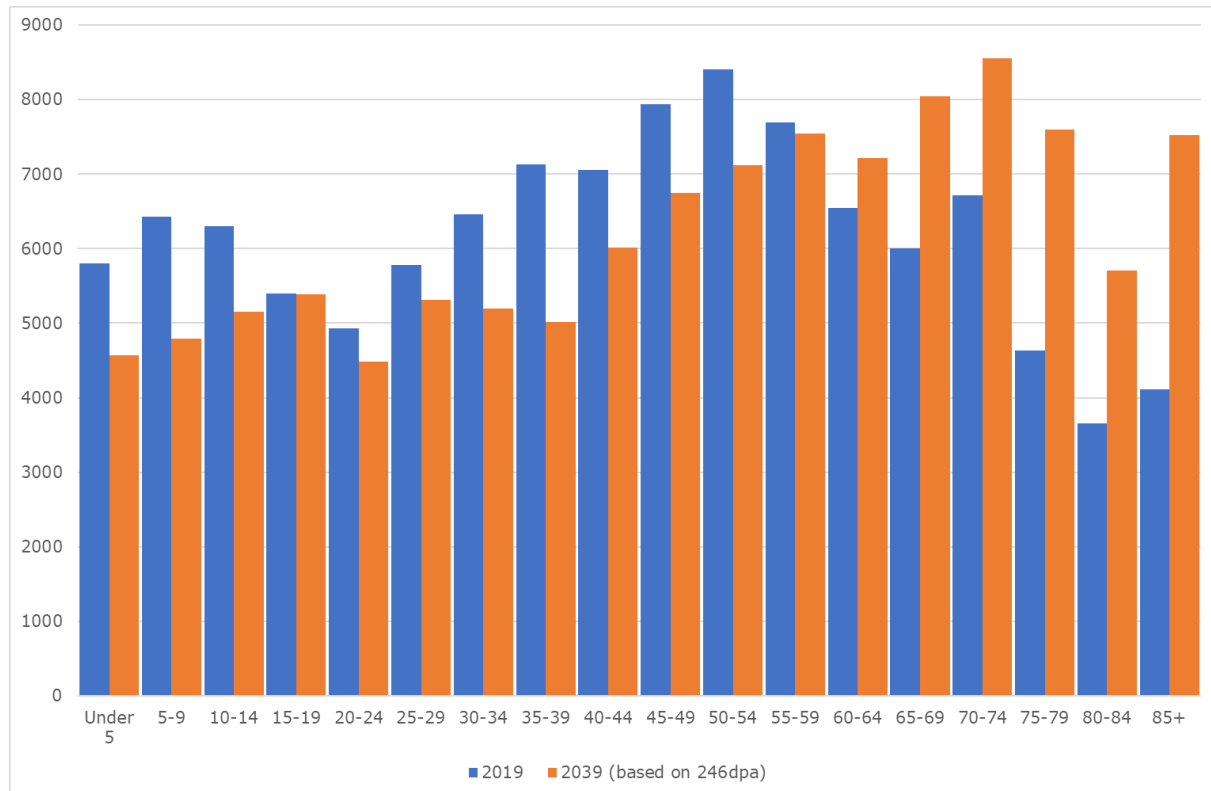
9.4 By comparison, it can be calculated from Table A3.5 of the SHMA that as a result of the delivery of a sufficient number of homes to meet the minimum local housing need, the number of children and working-age people would increase and provide support for existing facilities and for the older population, and the proportion of the population aged 75+ (16.7%) would be significantly lower than that which arises from the delivery of 246 homes per annum (18.6%).

⁴⁹ According to the ONS (CDI5).

⁵⁰ Given that older people tend to have greater healthcare requirements than younger people.

9.5 The significant adverse effects can therefore demonstrably be limited and potentially addressed by supporting development in excess of that proposed by the constrained housing requirement, including for example by the approval of the appeal scheme.

Figure 9.1 – the comparative age profiles



Affordability of housing

9.6 As a result of supply and demand, a constrained supply of housing will necessarily inflate house prices such that the housing market will be less affordable and accessible to those in need of housing than it otherwise would be⁵¹. This will compromise the ability of households to access the housing market as set out in paragraph 5.44 of the WLP which identifies that around half of newly forming households will be unable to access the market in the absence of a sufficient supply. The greater number of households that are unable to access the market as a direct result of the constrained housing requirement will either:

⁵¹ As reflected in the PPG (68-031).

- Remain in their current accommodation, including overcrowded, concealed, shared or otherwise unsuitable or undesirable accommodation⁵² which in itself is a significant adverse effect, but is also compounded by the fact that these households will not get a foothold on the housing ladder and will not be investing in property to the detriment of their long-term economic wellbeing and to the detriment of the wider economy⁵³; or
- Fall into affordable housing need owing to their inability to access suitable market accommodation, thereby amplifying the already substantial need for affordable housing; or
- Relocate to another LPA with adverse effects on community cohesion, the local economy as a result of the consequent reduction in the available workforce, disposable income, and patronage, and increasing the need to travel to maintain social, economic and familial relationships.

9.7 Once again, these significant adverse effects can be reduced and potentially addressed by supporting development in excess of that proposed by the constrained housing requirement, including for example by the approval of the appeal scheme.

The need for affordable housing

9.8 As identified previously, the Council accept that there is already a substantial need for affordable housing.

9.9 As set out above, the evidence demonstrates that the existing need for affordable housing will worsen over the plan period. This evidence however pays no regard to the additional households that are likely to fall into affordable housing need owing to the worsening affordability of housing that will arise from the constrained housing requirement. The constrained housing requirement is therefore likely to exacerbate the already substantial and increasing need for affordable housing.

9.10 The substantial and increasing number of households in affordable housing need by definition have limited options for finding the accommodation they need. As a

⁵² Including for example remaining in the family home.

⁵³ Given that house-building acts as a stimulus to the wider economy, including through new households accessing the market expending money on services.

result of the constrained housing requirement, these options will be further constrained, and there will be a substantial and increasing number of households for which no provision is made.

9.11 The likelihood is that as a direct result of the constrained housing requirement, a proportion of:

- Existing homeless households will not be provided the accommodation they need;
- Additional households will become homeless in the absence of a sufficient supply of affordable housing;
- Existing concealed households will not be provided the accommodation they need;
- Additional households will become concealed in the absence of a sufficient supply of affordable housing or other housing options;
- Existing overcrowded households will remain in their existing overcrowded homes;
- Additional households will find it necessary to live in overcrowded accommodation in the absence of a sufficient and accessible supply of housing; and
- Households that are unable to find the housing they need will relocate to other LPAs.

9.12 All of these represent significant adverse effects, which can be reduced and potentially addressed by facilitating additional development to that proposed in the WLP, including for example by the approval of the appeal scheme.

Health impacts

9.13 Section 8 of the NPPF is devoted to promoting healthy and safe communities. One of the key determinants of the health and well-being of a population is the ability of the population to access suitable housing. This link between the health and wellbeing of the population and the accessibility of housing is correctly recognised in paragraph 2.24 of the WLP.

9.14 The link between the availability of suitable housing and the health and well-being of the population is documented in an array of documents. In particular, Chance of a Lifetime prepared by Shelter (CDI4) considers the relationship between the health and well-being of children and their access to suitable housing. This records that children in unsuitable housing:

- Are up to 10 times more likely to contract meningitis which can be life threatening and which can have long-term effects including deafness, blindness and behavioural problems,
- Are more likely to suffer from TB which can lead to serious medical problems and is sometimes fatal,
- Are more likely to experience respiratory problems which may lead to the loss of sleep, restricted physical activity and missing school,
- Are more likely to experience slow growth in childhood which is associated with an increased risk of coronary heart disease in later life,
- Are more likely to experience domestic fires,
- Are more likely to suffer mental health issues,
- Are more likely to miss school more frequently due to illnesses and infections,
- Are more likely to suffer from delayed cognitive development,
- Are more likely to have long-term health problems and low educational attainment, with an increased likelihood of unemployment or working in low-paid jobs in adulthood,
- Are more likely to become offenders.

9.15 These significant adverse impacts can be limited or potentially addressed by facilitating additional housing development in response to housing needs, which will provide the opportunity for a proportion of such children to access suitable housing.

The economic need

- 9.16 Paragraph 81 of the NPPF identifies that significant weight should be afforded to the need to support economic growth.
- 9.17 The Council's Response to IL01 from the examining Inspector identifies in paragraph 4.17 (CDE14) that it is necessary to accommodate at least 32,560 sqm of employment floorspace to ensure that business growth is not constrained. It also identifies that the effects of delivering only 246 homes per annum would not accord with the NPPF in economic terms. Indeed, the delivery of only 246 homes per annum (rather than the 230 proposed in the WLP) would not only constrain economic growth it would result in economic decline as evidenced in Table 4.17 of the SHMA which identifies that as a result the workforce would be able to support 2,047 fewer jobs than currently exist in Worthing. Therefore, the evidence of the Council clearly demonstrates that in the absence of additional housing beyond that proposed in the WLP, there will be an economic decline contrary to national policy.
- 9.18 This economic decline and the reduced workforce may threaten the viability of existing businesses or may stimulate existing businesses to relocate to other LPAs with a sufficient workforce. The closure or relocation of such businesses will cause significant harm to those local residents who as a result find it necessary to seek alternative employment or to relocate. The reduction in the workforce will also reduce the attractiveness of Worthing as a place to invest. All of the above are yet more significant adverse effects which will arise in the absence of additional housing.
- 9.19 If, notwithstanding the constraint on the workforce in Worthing that arises from the proposed constrained housing requirement, the proposed 32,560 sqm of additional employment floorspace is able to be delivered and some economic growth facilitated, this will be reliant upon additional in-commuting from beyond the Borough (and potentially beyond the sub-region).
- 9.20 Table 2.1 of the Worthing Employment Land Review Focused Update Report (CDE24) identifies that if the proposed 32,560 sqm of employment floorspace is provided it will accommodate an additional 7,500 workers. As the evidence demonstrates that the indigenous workforce will be able to accommodate 2,047 fewer jobs if 246 homes per annum are delivered (rather than the 230 proposed),

it would therefore be necessary for an additional 9,547 net in-commuting trips per day to provide for economic growth. This would clearly be contrary to paragraph 105 of the NPPF and would result in significant adverse effects in relation to traffic congestion, climate change, air quality, the work-life balance of individuals⁵⁴, and the finances of individuals⁵⁵.

9.21 The constrained housing requirement would therefore have significant adverse effects including an economic decline and/or a significant increase in traffic flows with consequent environmental and social effects. These can once again be limited or potentially addressed by increasing housing delivery including from the appeal proposals.

The need to support local shops, facilities and services

9.22 Paragraph 86 of the NPPF requires that planning policies and decisions should support the role of town centres and recognise that residential development often plays an important role in ensuring the vitality of centres. Paragraph 93 similarly requires that planning policies and decisions:

- guard against the unnecessary loss of services particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that shops, facilities and services are retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing and community facilities and services.

9.23 As identified previously, the constrained housing requirement is likely to:

- Reduce the workforce available to support shops, facilities and services; and
- Reduce the disposable income available to support shops, facilities and services from that which currently exists.

⁵⁴ Who would be required to spend a greater proportion of their day travelling longer distances to work in Worthing rather than being provided the housing they need in Worthing close to their place of work.

⁵⁵ Who would be required to spend a greater amount on travelling longer distances whether in terms of fuel costs or public transport costs.

- 9.24 These effects would not only be contrary to national policy, but they may also result in the closure of some establishments to the significant disbenefit of employees, patrons and the local community, or where such establishments are able to remain open, they are likely to be less viable.
- 9.25 Again, these significant adverse effects can be limited or potentially addressed by supporting housing development in excess of that proposed by the Council, including at the appeal site.

10. THE EFFECTS OF THE PROPOSED DEVELOPMENT

The additional supply of housing

- 10.1 The proposed development of up to 475 homes will address the housing needs of up to 475 households whose needs will otherwise not be addressed.
- 10.2 In so doing, it will reduce the plan period shortfall from at least 10,548 homes to at least 10,073 homes and thereby reduce the shortfall by 5% over the period 2020-36. Whilst this is relatively modest in proportional terms given the extent of the unmet needs, the proposed development will still make a meaningful contribution to addressing the housing needs of the Borough.
- 10.3 The proposed development will also contribute to the deliverable land supply and therefore address the existing needs of households in the short-term which would otherwise not be addressed.

The additional supply of affordable housing

- 10.4 The development proposes to provide 40% affordable housing, or up to 190 affordable homes which will address the needs of up to 190 households whose affordable housing needs would not otherwise be met.

The demographic implications

- 10.5 The proposed development will provide up to 475 additional homes which will enable some younger people to remain in the Borough who otherwise may have considered it necessary to relocate elsewhere. This is particularly true of new build developments that are generally more attractive to younger households⁵⁶. As a result, the proposed development will limit the extent to which the age profile of the population will increase, and thereby compared to the situation that would arise in the absence of the proposed development it will:
- increase the number of school aged children supporting the continued viability of existing schools;
 - increase the working age population and thereby support the economy of the Borough;

⁵⁶ As set out in paragraph 34 of the DfE's Securing Developer Contributions for Education.

- increase the disposable income available to be spent in the local economy, both as a result of the additional number of households and the younger age profile arising;
- increase the population and thereby provide additional potential patrons to support local shops, services and facilities;
- increase the number of key workers available to support the ageing population; and
- increase the number of potential carers available to support the ageing population.

The accessibility of housing

- 10.6 The proposed development will provide up to 475 additional homes which will clearly provide the opportunity for up to 475 households to find the accommodation they require. This will also alleviate the demand for property across Worthing, such that on average house prices rises should be constrained⁵⁷, with beneficial effects on the accessibility of housing compared to that which would arise in the absence of the proposed development.
- 10.7 As identified above this will provide the opportunity, for younger households particularly, to remain in the area with clear social and economic benefits to those households, and to wider society in terms of social cohesion and the effects on the economy.
- 10.8 The provision of such housing will also reduce the number of households that would otherwise find themselves in concealed, shared, overcrowded or otherwise unsuitable or undesirable market accommodation, and it will reduce the number of households that may otherwise have fallen into affordable housing need by providing an accessible market home.
- 10.9 The provision of affordable housing within the proposed development will also provide the opportunity to accommodate existing homeless households, or existing households living in concealed, overcrowded or otherwise unsuitable accommodation, as well as providing the opportunity to accommodate households

⁵⁷ Although still greater than in any LPA in which housing needs are being met owing to the principles of supply and demand.

that will fall into affordable housing need in the future including as a result of the affordability effects of the constrained housing requirement.

The health implications

10.10 The provision of up to 475 homes will provide suitable accommodation for up to 475 households that would not otherwise have been provided. This will provide the opportunity for these households, and their children particularly, to avoid some of the adverse health and wellbeing implications of residing in unsuitable housing.

The economic implications

10.11 The economic implications are addressed specifically in the Proof of Evidence of Mr Hutchison. However, as a general principle, the provision of up to 475 homes will accommodate an economically active population that would not otherwise have been able to find suitable accommodation, which will provide a workforce to support existing businesses, as well as providing an additional disposable income available to be spent in local shops, facilities and services and providing patronage that would otherwise not have been available.

11. CONCLUSIONS

11.1 The preceding evidence demonstrates that:

- i. The Council acknowledges that there is an “exceptionally high” need for additional housing in the Borough;
- ii. There is an additional substantial unmet housing need across the sub-region which will further compromise the ability of households in Worthing to access the housing they need;
- iii. The WLP, if found sound and adopted, proposes to address only 26% of the housing needs of the Borough such that the policies of the WLP will be wholly ineffective in meeting housing needs, and there will remain an exceptionally high need for additional housing, unless additional housing sites such as the appeal site are brought forward;
- iv. The record of delivery in the Borough has been extremely low compared to the overwhelming majority of other LPAs, with the consequence that paragraph 11d is engaged and the most important policies for determining the appeal are to be considered out-of-date;
- v. The Council will continue to have an extremely low record of delivery even assuming the WLP is able to be adopted such that the policies in the WLP would immediately be out-of-date;
- vi. The Council acknowledges that it is unable to demonstrate a five year land supply, with the consequence that paragraph 11d is engaged and the most important policies for determining the appeal are to be considered out-of-date for another reason;
- vii. For both of the preceding reasons, it is apparent that:
 - the policies of the adopted and emerging Development Plan have been ineffective in responding to housing needs and that they should accordingly be afforded reduced weight; and
 - there is an immediate need for additional housing;
- viii. The extent of the five year land supply shortfall is truly exceptional;

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- ix. The Secretary of State has afforded very substantial weight to the provision of housing even where a greater land supply has been able to be demonstrated;
 - x. The WLP, if found sound and adopted, does not address the housing need such that there will remain an exceptional shortfall in housing supply relative to housing need for at least the foreseeable future;
 - xi. The Council acknowledges that there is currently a “substantial need for additional affordable housing”;
 - xii. The WLP, if found sound and adopted, will not provide a sufficient number of affordable homes to come anywhere near meeting even the newly arising need for affordable housing, such that the need for affordable housing will increase over the plan period, unless additional housing sites such as the appeal site are brought forward;
 - xiii. The adopted and emerging policies of the Council which prevent housing needs from being addressed will have a range of significant adverse effects, including:
 - The population of the Borough will become more aged than it would with a sufficient supply of housing as demonstrated by the evidence of the Council such that:
 - a) the viability of schools may be undermined such that some may close to the detriment of existing pupils;
 - b) there is likely to be a greater demand for healthcare but a lower number of economically active residents including key workers to provide healthcare services;
 - c) there is likely to be a significant increase in the demand for informal care and a comparatively low growth in the number of people of an age to provide that care;
 - d) there will be a lower workforce as demonstrated by the evidence of the Council which will compromise the attractiveness of Worthing as a place to invest, may result in businesses needing to close or

- relocate, and will constrain economic growth as demonstrated by the evidence of the Council; and
- e) there will almost certainly be a reduction in the disposable income available to support local shops, facilities and services such that some may need to close or at least will operate less viably.
- The accessibility of the housing market will be compromised as a consequence of supply and demand such that:
- f) around half of newly forming households will be unable to access market housing according to the evidence of the Council;
 - g) the number of households living in overcrowded, concealed, shared, or otherwise unsuitable or undesirable accommodation will almost certainly increase;
 - h) the ability of households, and particularly younger households, to gain a foothold on the housing ladder will be compromised with consequent long-term economic impacts for those individuals;
 - i) the number of households that will fall into affordable housing need will almost certainly be greater as their needs will not be met by the market; and
 - j) a proportion of households may consider it necessary to relocate to other LPAs to access appropriate accommodation with consequent harms to community cohesion, to the economy owing to the resultant reduced workforce, disposable income and patronage, and to increasing the need to travel to maintain social, economic and familial relationships.
- The balance between the supply of and need for affordable housing will be adversely affected such that in addition to the above:
- k) a proportion of existing homeless households or households in concealed, overcrowded or otherwise unsuitable accommodation are unlikely to be provided the housing they need.

- The health and wellbeing of a proportion of the population will be adversely affected, particularly so for children whose physical, mental, educational and societal wellbeing and prospects are compromised as a result of living in unsuitable housing; and
 - The evidence of the Council demonstrates that there will be economic decline with a lower number of jobs being able to be supported than is currently the case, such that a proportion of existing businesses may close or relocate to the detriment of existing employees, or at least they will operate less viably; or alternatively, if in the unlikely event that economic growth is able to be achieved, this will only be able to be achieved as a result of a significant increase in the number of people in-commuting to Worthing with consequent adverse effects on traffic congestion, distance travelled, air quality, climate change, the work-life balance of individuals and the travel costs incurred by individuals.
- xiv. Each and every one of these adverse effects can only be limited or potentially addressed through the provision of additional housing to that facilitated by the adopted and emerging policies of the Development Plan, including at the appeal site. The scale of the appeal site is such that it will make a meaningful contribution to limiting these adverse effects.
- xv. These are all powerful material considerations which inform the weight to be afforded to the adopted and emerging policies and the weight to be afforded to some of the key benefits arising from the appeal scheme.