

Addendum Proof Of Evidence on Housing Need

Evidence of Neil Tiley:

In Respect of Land North West of Goring Station, Goring by Sea

On behalf of Persimmon Homes

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Appeal Ref: APP/M3835/21/3281813 | LPA Ref: AWDM/1264/20

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Appendix 1 – Detailed assessment of the deliverable supply



1. Executive Summary

1.1 This Addendum Proof of Evidence addresses the newly arising material considerations which have arisen since the preparation of the Proof of Evidence (PoE1) to the previous sitting of this inquiry. It is to be read alongside PoE1.

1.2 Having taken account of the newly arising material considerations, the housing need and supply position remains largely unchanged and if anything, there is now a greater need for housing and affordable housing. In particular:

1. The most important policies of the WLP are out-of-date owing to the record of substantial under-delivery recorded by the HDT results; and also owing to the absence of a 5YLS against the adopted housing requirement based on my analysis.
2. Accordingly, planning permission should be granted unless footnote 7 policies provide a clear reason for refusal or the adverse effects of doing so would significantly and demonstrably outweigh the benefits in accordance with paragraph 11d of the NPPF.
3. Furthermore, the Development Plan now contains Policy SP1(b) such that if footnote 7 policies do not provide a clear reason for refusal and the adverse effects of granting planning permission do not significantly and demonstrably outweigh the benefits, then the proposed development accords with the statutory Development Plan and should be approved without delay.
4. The only Inspector to have considered the benefits arising from the proposed development is the previous Inspector.
5. However, there are a number of additional material considerations, each of which lend further support to the conclusions of the previous Inspector such that as a minimum the housing arising from the proposed development should still be afforded very significant weight at the uppermost end of the spectrum and the provision of affordable housing should also be afforded very significant weight, including:
 - a. Assuming the adopted housing requirement is met, there would remain an “exceptionally high” need for additional housing in the Borough with only 26% of



needs proposed to be addressed with a shortfall of 10,488 homes¹. In addition, there is a substantial unmet need for housing across the sub-region, and there is now no prospect of either of these being remedied through an emerging Local Plan that can be afforded any weight.

- b. The only proposed plan-led mechanism which could possibly address this is not intended to address needs until at least 2030. There is therefore not even proposed to be a plan-led mechanism which can address the needs of many tens of thousands of households for the forthcoming 7 years.
- c. Across the plan period to date, it is now evident that there has been an insufficient supply of housing even to meet the substantially constrained housing requirement, and an under-delivery of 2,032 homes relative to housing needs in just two years.
- d. There is now an exceptionally high 5YLS shortfall of either 3,521 or 4,360 homes relative to need.
- e. The policies of the WLP have already proved to be insufficient to meet even the minimum adopted housing requirement or the objectives of the Development Plan, as is evident from the fact that once national policy is correctly applied the LPA is able to demonstrate only a 4.18 year land supply.
- f. There has similarly already been a chronic under-delivery of affordable housing with a shortfall of 1,372 affordable homes to meet the needs of some of the most vulnerable in society just in the last two years.
- g. Some of the significant adverse effects of the continuing chronic under-supply of housing are already evident including the closure of schools, the growing disparity between the need for and provision of care, the worsening affordability of housing, the increasing need for affordable housing, the increasing number of households living in unsuitable accommodation, and those businesses for whom it is possible already having to adopt less desirable working practices.
- h. The available evidence also suggests that as a result of the chronic under-supply of housing there will be a greater demand for healthcare but a lower number of

¹ It should be noted that the Council has since identified an additional supply of 449 homes over the plan period, which if delivered would still only provide for 29% of the minimum housing need of Worthing Borough.



healthcare workers, a reduction of workers which will compromise the ability of some businesses and services to remain operational, a reduction in disposable income which will also compromise the viability of businesses and services, a worsening of health and wellbeing amongst the population, and the potential for the Council's debts to increase yet further.

6. These numerous and multifaceted significant adverse effects can only be addressed through the provision of additional housing (including affordable housing) such as that proposed.
7. In the context of these powerful material considerations, it would be expected that if anything the weights afforded to the provision of housing and affordable housing would be at least equivalent to those identified by the previous Inspector.



2. Background

- 2.1 My name is Neil Tiley. I am an associate member of the Royal Town Planning Institute and have worked in the private sector for over nine years. I currently hold the position of Senior Director having previously been a Director, an Associate Director and before that a Principal Planner at Pegasus Group.
- 2.2 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.
- 2.3 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 was also responsible for assessing the housing need and housing requirement and represented the Council on these matters at the examination of the Wiltshire Core Strategy. I have continued to regularly act as an expert witness dealing with housing need and supply matters for Pegasus Group.
- 2.4 I prepared evidence and participated at the original sitting of this appeal.
- 2.5 The evidence which I have prepared and provide for this appeal (APP/Y3835/21/3281813) 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.

3. Introduction

- 3.1 This Addendum 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.
- 3.2 The appeal was heard by way of an inquiry in January and February 2022 and the appeal decision was allowed in February 2022 (CDL1). The decision was then overturned in a High Court Judgment (CDL2) on two grounds, one of which was sustained by a subsequent Court of Appeal Judgement (CDL3). As a result, the appeal falls to be re-determined.
- 3.3 In accordance with paragraph 20.8.6 of the Procedural Guide on Planning Appeals, all of the evidence from the original appeal will still be before the reconvened inquiry. The vast majority of the points raised in the Proof of Evidence on Housing Need submitted to the previous sitting of this appeal (PoE1) (CDC5E1) remain material. However, there have been significant changes in a number of regards and this Addendum Proof of Evidence has been prepared to address these newly arising considerations including:
1. The subsequently quashed appeal decision (CDL1).
 2. The Inspector's Final Report on the examination of the Worthing Local Plan (WLP) published in October 2022 (CDE37).
 3. The adoption of the WLP in March 2023.
 4. The updated NPPF which was published in December 2023.
 5. The publication of the Annual Monitoring Reports (AMR) in January 2023 (CDE39) and January 2024 (CE41).
 6. The real world effects.
- 3.4 This Addendum firstly addresses the quashed appeal decision, but thereafter is structured in accordance with PoE1, focussing on any changes which have occurred in the interim.

4. The quashed appeal decision

The materiality of the previous decision

4.1 The materiality of the previously quashed decision is usefully set out in paragraph 56 of the High Court Judgment of *R (aoa Matthew Davison) vs Elmbridge Borough Council* [2019] EWHC 1409 (Admin) (CDJ76) which states:

“Accordingly, from the cases above, I draw the following principles which seem to me to be relevant to the present case:

i) The principle of consistency is not limited to the formal decision but extends to the reasoning underlying the decision (North Wilts v Secretary of State; Dunster; Baroness Cumberledge; Fox Stategic and Vallis).

ii) Of itself, a decision quashed by the Courts is incapable of having any legal effect on the rights and duties of the parties. In the planning context, the subsequent decision maker is not bound by the quashed decision and starts afresh taking into account the development plan and other material considerations (Hoffman La Roche; and Kingswood).

iii) However, the previously quashed decision is capable in law of being a material consideration. Whether, and to what extent, the decision maker is required to take the previously quashed decision into account is a matter for the judgment of the decision maker reviewable on public law grounds. A failure to take into account a previously quashed decision will be unlawful if no reasonable authority could have failed to take it into account (DLA Delivery Ltd v Baroness Cumberledge of Newark)

iv) The decision maker may need to analyse the basis on which the previous decision was quashed and take into account the parts of the decision unaffected by the quashing (Fox and Vallis). Difficulties with identifying what has been quashed and what has been left could be a reason not to take the previous decision into account (as with the cases of Arun and West Lancashire).

v) The greater the apparent inconsistency between the decisions the more the need for an explanation of the position (JJ Gallagher).”

4.2 In this High Court Judgment, the previous decision related to materially the same development of the same site as set out in paragraph 58. In the current appeal, the previous decision relates to the same development on the same site. In accordance with the principles established in this Judgment, it would therefore be expected that there would be consistency with those findings of the previous decision that were not quashed, unless newly arising material considerations indicate otherwise.

The findings of the previous decision

4.3 In the previous decision (CDL1), the Inspector recognised and acknowledged that:

1. It was agreed² that there was an exceptionally high unmet need for housing and a substantial unmet need for affordable housing (paragraphs 17, 30, 34, 87 and 88) – there has been no change to this.
2. It was agreed³ that there was a substantial unmet need in neighbouring areas and across the wider sub-region and no identified solution to address this (paragraph 19) – there has been no change to this.
3. It was agreed⁴ that the Council was unable to demonstrate a 5YLS against housing needs (paragraph 20) and that there would remain an exceptionally high need for housing post-adoption⁵ – as set out in section 9 below this remains the case.
4. It was agreed⁶ that there was a record of substantial under-delivery according to the Housing Delivery Test results (paragraph 20) – this remains the case as addressed in section 8 below.
5. The real-life consequences that flow from such an under-supply of housing should not be taken lightly (paragraphs 21, 34 and 88) – this remains the case as addressed in section 9 of PoE1 prepared on behalf of the Appellant and updated where appropriate in section 11 of this Addendum.
6. In this context, the provision of housing should be afforded very significant weight at the uppermost end of the spectrum (paragraph 87)⁷ and the provision of affordable housing should also be afforded very significant weight (paragraph 88) – whilst this is

² See paragraph 2.24 of the Statement of Common Ground on Housing Need agreed on 23rd December 2021 (CDC5E2).

³ See paragraph 2.21 of the Statement of Common Ground on Housing Need agreed on 23rd December 2021 (CDC5E2).

⁴ See paragraph 2.23 of the Statement of Common Ground on Housing Need agreed on 23rd December 2021 (CDC5E2).

⁵ See paragraph 58 of the Council's closing submissions (CDK23).

⁶ See paragraphs 2.27 and 2.28 of the Statement of Common Ground on Housing Need agreed on 23rd December 2021 (CDC5E2), albeit that updated results were published in the week preceding the appeal and these were known and addressed by the Inspector in footnote 9 of the quashed appeal decision (CDL1).

⁷ Indeed, Mr Peck on behalf of the Council accepted that the weight afforded to the provision of housing should be at the top end of the spectrum during the inquiry and this was carried through in to paragraph 58 of the Council's closing submissions (CDK23).



a matter of planning judgement no identified considerations indicate anything other than a consistent approach should now be taken. Indeed, if anything those material considerations now suggest that even greater weight should be afforded as explained throughout this Addendum.

7. Paragraph 11d is engaged (paragraph 91) – this remains the case owing to the Housing Delivery Test result and other issues addressed throughout this Addendum. Providing no footnote 7 policies provide a clear reason for refusal⁸, and providing any adverse effects of the proposed development do not significantly and demonstrably outweigh the benefits the appeal proposals are now supported by Policy SP1 the statutory Development Plan.

⁸ This is addressed in the Proof of Evidence of Mr Hutchison.

5. Policy Context

National Policy and Guidance

- 5.1 The PPG remains unchanged insofar as housing need and supply are concerned. As such paragraph 3.8 of PoE1 remains up to date.
- 5.2 The NPPF has however been updated since the previous sitting of this inquiry albeit that insofar as housing need and supply are concerned, these changes have no material effect for the purposes of this appeal. As such paragraphs 3.1 to 3.7 of the PoE1 remain broadly up to date, although these are updated to provide the appropriate references below.
- 5.3 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.
- 5.4 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.
- 5.5 In order to ensure this is achieved through the plan-making system:
1. paragraph 11a of the NPPF requires that plans seek to meet the development needs of their area;
 2. paragraph 11b requires that strategic policies should as a minimum provide for the objectively assessed need for housing unless certain criteria are met;
 3. paragraph 15 requires that up-to-date plans provide a framework for addressing housing needs;
 4. 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;

5. 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 development⁹;
6. paragraph 63 requires that the housing needs of different groups are reflected in planning policies; and
7. paragraph 123 requires that planning policies promote the effective use of land to meet housing needs.

5.6 In instances where housing requirements are constrained, such that they do not address housing needs¹⁰, 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.

5.7 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 183a¹¹.

5.8 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 77 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.

5.9 Where a Council is unable to demonstrate such a five-year land supply¹², 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:

1. The application of policies in the NPPF that protect areas or assets of particular importance, provide a clear reason for refusal; or

⁹ Clearly, if it does not achieve sustainable development then these needs should be met beyond the neighbouring areas.

¹⁰ 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)* (CDJ25).

¹¹ See also paragraphs 123, 125, 126b, 127, 128a, and 154g.

¹² When determining a planning application or appeal that was submitted prior to the publication of the NPPF on 19th December 2023, footnote 79 disengages paragraph 76 which would otherwise suggest that paragraph 11d would not be engaged in the absence of a five-year land supply.

2. The adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Worthing Core Strategy

- 5.10 The Worthing Core Strategy (WCS) has now been replaced by the Worthing Local Plan (WLP) and as such paragraphs 3.9 to 3.10 of PoE1 are no longer relevant.

The Worthing Local Plan

- 5.11 The examining Inspector found the WLP to be sound subject to modifications in October 2022 and it was subsequently adopted in March 2023. It therefore now forms part of the statutory Development Plan, rather than being an emerging Local Plan. Accordingly, planning applications and appeals should now be determined in accordance with the WLP unless material considerations indicate otherwise, and as such paragraphs 3.11 to 3.24 of PoE1 are no longer relevant.

- 5.12 However, the examining Inspector's Final Report and the adopted WLP will now both be material to the determination of this appeal and as such these are considered below.

Examining Inspectors Final Report on the WLP

- 5.13 The LPA may seek to infer that the examining Inspector considered the appeal proposals and found that the harms arising significantly and demonstrably outweighed the benefits. However, this would be misplaced as set out below.

The consideration of omission sites

- 5.14 As set out in paragraph 13 of the Inspector's Examination Guidance Note (CDE16), there were no hearing sessions on omission sites, such as the appeal site. Consequently, the examining Inspector did not invite representations on individual site-specific proposals such as the appeal proposals and the merits of individual sites were not discussed during the examination.

- 5.15 Instead, as set out in paragraph 14, the Inspector considered the site selection process to determine whether this was reasonable, rather than considering the detailed harms and benefits arising from individual omission sites. In light of this clear steer from the Inspector,

the detailed information in support of the appeal site was not provided to the Inspector throughout the examination for him to consider¹³.

5.16 Indeed, this is again evident from the Final Report (CDE37) where the Inspector's conclusions focus upon the methodology of the site selection process rather than the merits and harms associated with any individual omission site.

5.17 Where reference is made to 'omission sites', as it is in paragraph 87 of the Final Report, it is important to note that these omission sites were those identified in the Strategic Housing Land Availability Assessment (SHLAA)¹⁴ (CDE34). The appeal site was not one of these 'omission sites' but rather formed part of a much larger 'omission site' namely WBO8152. Accordingly, even had the examining Inspector considered the omission sites identified in the evidence base to the examination, he would not have considered the comparative benefits and harms arising from the proposal before this inquiry, which occupies only a proportion of WBO8152.

5.18 Additionally, I am informed that many of the concerns raised in the site selection process either do not relate to the appeal proposals, have been found to not exist or have been satisfactorily resolved in the interim, as addressed by Mr Hutchison.

5.19 Furthermore, and perhaps most importantly, the examining Inspector did not have or take account of the level of detail provided to the previous s78 appeal Inspector on this particular site and did not have the benefit of detailed cross-examination of witnesses on each of the respective topics.

5.20 In summary, the examining Inspector undertook a different exercise than that undertaken in the quashed appeal decision and required by this s78 appeal because:

1. The Inspector did not consider omission sites, including the appeal site, but rather considered the soundness of the site selection process.

¹³ It should be noted that some of the supporting information had previously been provided to the Council in support of Regulation 19 representations and these will have been made available to the Inspector but given that the Inspector subsequently indicated that he was not going to consider omission sites as part of the examination, the Inspector clearly did not take account of this information throughout the examination.

¹⁴ As explained in response to Q22 of the Response to ILO1 – Initial Letter from the Inspector (WBC-E-02) (CDE14) which is referenced in footnote 23 of the Final Report.

2. The site selection process did not consider the appeal proposals in isolation, but rather a wider site with differing effects.
3. The site selection process identified harms which do not relate to the appeal proposals or which it is agreed can be satisfactorily addressed as addressed by Mr Hutchison.
4. The site selection process and examining Inspector did not have the benefit of the detailed and comprehensive evidence provided to the current appeal which relates specifically to the appeal proposals.

5.21 Therefore, the exercise undertaken by the examining Inspector is distinct from that required by this s78 appeal.

The application of paragraph 11b

5.22 Paragraph 11b of the NPPF requires that strategic policies should as a minimum provide for the full objectively assessed need for housing unless either the application of policies in footnote 7 of the NPPF provide a strong reason for restricting development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.23 The examining Inspector identified a need for 14,160 homes over the plan period in paragraph 78 of the Final Report (CDE37). The Inspector nevertheless found that the LPAs proposed minimum housing requirement of only 3,672 homes was reasonable in paragraph 96.

5.24 In reaching this conclusion, the Inspector was informed that the Council had identified all sustainable development opportunities, and this provided for a supply of 3,672 homes at the bottom of the Council's note to the Inspector on Extending the time period of the Plan from Adoption (CDE21). Given that the examining Inspector did not consider omission sites as set out previously, the Inspector was not in a position to conclude otherwise.

5.25 However, it has since become apparent that the Council had not identified all sustainable development opportunities as the Council now includes 449 homes¹⁵ in the deliverable supply which were not identified during the site selection process of the Council to the examination. It is therefore already apparent that within 10 months of adoption there is capacity to sustainably deliver a significant number of additional homes compared to the maximum identified by the Council to the examining Inspector. The current evidence of the Council therefore demonstrates that there is capacity for a significantly greater number of

¹⁵ As set out in the Appendix to this Proof.

homes which should have been taken into account when applying paragraph 11b of the NPPF in support of the then emerging Local Plan.

- 5.26 Nevertheless, working on the now demonstrably incomplete evidence provided to him, the Inspector identified in paragraph 85 that in some instances some of the policies identified in footnote 7 may provide a strong reason for restricting growth. The Inspector then recognises in paragraph 91 that there are remaining opportunities for housing development in Worthing Borough for which no footnote 7 policies provide a strong reason for restricting growth. In this regard, the evidence base of the Council to the examination aligns with their position to the previous sitting of this inquiry which suggested that footnote 7 policies do not provide a reason for restricting growth at WB08152. However, I now understand that the Council claim that footnote 7 policies may provide a clear reason for resisting the proposed development contrary to their position to the examination, the findings of the examining Inspector and their position to the previous sitting of this appeal.
- 5.27 The examining Inspector goes on to identify in paragraph 91 that the LPAs justification for the constrained housing requirement was that the harms of setting a greater housing requirement would significantly and demonstrably outweigh the benefits through paragraph 11b(ii) rather than 11b(i).
- 5.28 As set out in paragraph 95 of the Final Report, the LPA did not set out how they had applied paragraph 11b(ii). As such the only record of how this balance has been undertaken is within paragraphs 85 to 97 of the Inspector's Final Report.
- 5.29 The constraints and consequent harms are firstly outlined in paragraphs 85 and 88 but do not specifically relate to the appeal site.
- 5.30 The Inspector then summarises the benefits identified by the LPA to be weighed on the other side of the balance in paragraph 89. It is identified that every house delivered is important and substantial weight should be given to delivering as much housing as possible. Within this section however, the Inspector does not indicate that any account is taken of the other benefits that may arise from the delivery of a greater number of homes including the delivery of desperately needed affordable homes, supporting the local economy, supporting local services and facilities, providing additional infrastructure, and providing opportunities for biodiversity net gain to name but a few.
- 5.31 The starting point is that it is not possible to identify how or if numerous benefits were taken into account when applying the planning balance required by paragraph 11b.

5.32 The Inspector then summarises the overall planning balance required by paragraph 11b in paragraph 91 of the Final Report which states:

“The Council has concluded that identifying the last few remaining opportunities for housing would result in a degree of harm to the overarching spatial strategy and character of the Borough which would significantly and demonstrably outweigh the relatively limited additional benefits. This is a judgement the Council is entitled to make, and I have found nothing unreasonable or irrational in how they reached this conclusion.” (emphasis added)

5.33 Given that the Inspector had already supported the LPAs conclusion that the provision of every additional home alone should be afforded substantial weight, it seems inconsistent that when weighing these and other benefits in the planning balance the Inspector appears to suggest that the benefits are relatively limited. This inconsistency is especially stark in the context of an unmet need for 10,488 homes within the Borough and an additional substantial shortfall across the wider sub-region, combined with the substantial shortfall in affordable housing provision and the numerous other benefits arising.

5.34 Thankfully, for the purposes of this appeal, the Council has subsequently agreed that the provision of housing and affordable housing should each be afforded weight at the uppermost end of the spectrum. It is therefore clear that both parties recognise that the benefits arising from the provision of housing within the proposed development alone are very significantly greater than those assumed by the examining Inspector.

5.35 The starting point for the current appeal is that the Inspector will exercise her own planning judgment, but when doing so it would be expected that the principle of consistency would apply and that weight at the uppermost end of the spectrum should be afforded to the provision of housing and affordable housing in accordance with the position of both parties to and the findings of the Inspector in the quashed appeal decision. However, it is not possible for the current Inspector to seek to be consistent with the approach of the examining Inspector even if the examining Inspector had assessed the appeal proposals in isolation, owing to the fact that the weight afforded to the relative harms and benefits are unknown. Furthermore, the examining Inspector reached a finding on the benefits which is not now supported by either party.

Summary of the relevance of the exercise undertaken by the examining Inspector

5.36 As set out above, the examining Inspector did not engage in the planning balance required for the purposes of this s78 appeal. In particular, the Inspector:

1. Did not consider the harms and benefits arising from any individual omission site.
2. Did not consider the appeal site or proposals in isolation.
3. Found the unknown weightings afforded by the Council to the other benefits and harms to be reasonable but as these are unknown it would not be possible to be consistent with these.
4. Suggested that the benefits arising from additional development are relatively limited, which is a position not supported by either party to the quashed appeal decision or now.

5.37 Accordingly, the weightings and planning balance undertaken by the examining Inspector are distinct from those which should be applied for the purposes of this appeal and cannot be replicated in any event. It is therefore necessary to set out all of the material considerations which may inform the necessary planning balance in respect of this appeal, including those set out in PoEI as supplemented by the remainder of this Addendum and those identified by Mr Hutchison in his Proof of Evidence.

5.38 Furthermore, as a result of the fact that the Council demonstrably had not identified all opportunities for sustainable development at the time of the examination:

1. The adopted housing requirement has been found sound on a demonstrably false premise and should have been significantly greater than it is. Indeed, the justification for the housing requirement has now fallen away.
2. There are other development opportunities to those identified at the examination, which should be considered on their individual merits including those subsequently concluded to be sustainable by the Council and the appeal proposals.
3. Owing to the fact that the Inspector did not consider omission sites, the Inspector did not conclude that the adverse impacts of any omission site significantly and demonstrably outweighed the benefits of delivering these as has been the case on the sites subsequently identified by the Council.
4. The 5YLS is being assessed against a housing requirement which is demonstrably unjustifiably too low, which will have the perverse effect of inflating the 5YLS position of the Council as a direct consequence of the Council's failure to robustly and comprehensively assess the sustainable capacity of the Borough.

The adopted WLP

5.39 In light of the findings of the examining Inspector, the adopted Development Plan has changed since the inquiry previously sat with the adoption of the WLP. The relevant aspects of the WLP to housing need are briefly summarised below.

5.40 **Policy SP1** embeds the presumption in favour of sustainable development within the Development Plan. Accordingly, where as in this case, the most important policies are out-of-date, the statutory Development Plan requires that planning permission is granted unless:

“the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.”

5.41 This Policy implicitly allows for developments that are not identified by the WLP to be brought forward in accordance with the WLP where the policies are out-of-date as they currently are owing to the Housing Delivery Test and other reasons set out within this Addendum. In this context, the WLP defers the consideration of such proposals to the Development Management process, such as at this appeal.

5.42 **Policy SS2** identifies a minimum housing requirement for 3,672 homes over the period 2020–36. By setting a minimum, this clearly provides the opportunity for other sustainable development sites to be delivered as is evident from the fact that the Council has now identified a significantly greater supply than they contended existed to the examination.

5.43 As set out in paragraph 8 of the NPPF there are three overarching objectives to sustainable development which are to be pursued in mutually supportive rather than mutually exclusive ways. These include a social objective to provide a sufficient number and range of homes to meet the needs of present and future generations. The WLP patently does not secure this and so does not provide for sustainable development as defined by the NPPF. Until such time as the unmet need for housing is addressed through the Development Plan¹⁶, it will therefore remain necessary to approve additional developments through the Development

¹⁶ Either within Worthing Borough or through the duty to cooperate.



Management process in order to contribute to sustainable development. This is supported through the application of Policy SP1 in the WLP.

- 5.44 **Policy DM3** sets differential requirements for affordable housing on sites of 10 or more units with either 20% or 30% being sought on previously developed sites and 40% on greenfield sites.



6. The Housing Need

6.1 The evidence contained in section 4 of PoE1 remains up to date and material.

7. The Plan Period Supply

7.1 The evidence which has become available since I prepared PoE1 re-affirms and if anything strengthens the fact that there is an exceptionally high unmet need for housing across the plan period, and no solution to address this, as briefly set out below.

The shortfall

7.2 The WLP has now been adopted and accordingly, it is possible to identify the shortfall in housing supply against a known and adopted housing requirement.

7.3 The examining Inspector correctly recognises throughout the Final Report (CDE37) that there is a pressing need for additional housing to that provided for by the WLP stating for example in paragraph 14 that¹⁷:

“Meeting housing needs, not only in Worthing but across the West Sussex Coastal authorities as a whole, is unarguably the most important and pressing of all strategic issues facing the Councils...As discussed later, the Plan falls some way short of meeting Worthing’s full housing or employment needs. It is clear that this is a long-standing issue...”

7.4 Indeed, the adopted minimum housing requirement for 3,672 homes provides for **only 26% of the minimum housing need with a shortfall of 10,488 homes** compared to that needed in Worthing Borough alone as set out in paragraph 3.27 of the WLP. In addition, there is an unmet need for tens of thousands more homes across the wider sub-region as explained in paragraph 4.10 of PoE1.

Addressing the shortfall

7.5 The examining Inspector recognised that the Councils collectively are preparing Version 3 of the Local Strategic Statement (LSS3) in paragraph 15 of the Final Report (CDE37), which intends to develop a long-term strategy including exploring meeting unmet needs over the period 2030-50.

7.6 In this context, there is no mechanism or proposed mechanism to address the ‘exceptionally high’ housing shortfalls until at least 2030. Whilst it is proposed that LSS3 will be prepared to address needs thereafter, this has not yet even been drafted and as such not only is there

¹⁷ See also paragraph 84.

no proposal to address the unmet needs for the next 7 years, no weight can be afforded to the ways in which subsequent unmet needs will be addressed.

7.7 Furthermore, it does not appear that progress is being made as envisaged towards LSS3. According to paragraph 4.4 of the Duty to Co-operate Addendum prepared by the LPA in June 2021 (CDE36), the Councils were in the process of preparing a Statement of Common Ground which would identify the work programme for taking LSS3 forward, but this has yet to see the light of day over 2 years later and there does not appear to have been any work undertaken in support of LSS3.

7.8 Accordingly, as recognised by the examining Inspector in paragraphs 16 and 93, there is no solution to address the current exceptionally high unmet need for housing. The only way to provide the housing desperately needed by households is therefore through the Development Management process, and there are very limited opportunities to do so which would be expected to increase the weight afforded to the housing arising from any individual proposal.

8. The Record of Delivery

8.1 The LPA published an updated AMR in January 2024 (CE41) which updates the position from that considered by the examining Inspector. This evidence strengthens the position set out in PoE1 namely that the under-delivery of housing relative to need has become even more pronounced, with the consequence that the most important policies of the now adopted WLP are out-of-date, as briefly explained below.

Housing completions

8.2 Table 3 of the AMR (CDE41) identifies that across the plan period to date a total of 623 homes have been delivered. The resultant record of delivery compared with the minimum housing requirement for 230 homes per annum and the need for 885 homes per annum identified in the Inspector’s Final Report is assessed in Table 8.1 below.

Table 8.1 – the record of delivery

	Completions	Minimum housing requirement	Surplus/ shortfall against min req	Need	Surplus/ shortfall against need
2020/21	107	230	-123	885	-778
2021/22	247	230	+17	885	-638
2022/23	269	230	+39	885	-616
Total	623	690	-67	2,65	-2,032

8.3 This demonstrates that not only have 67 fewer homes been delivered than required as a minimum by the WLP, in reality **2,032 fewer homes have been provided than are needed** by households. In other words, in the last two years, some 2,032 households have not been provided the opportunity to access the housing they need and are therefore likely to have remained in unsuitable accommodation¹⁸ with all the social and economic adverse consequences that brings, or to have concluded that they have no option but to migrate out of Worthing and West Sussex¹⁹ with resultant adverse consequences on familial, social and economic relationships.

¹⁸ Including overcrowded housing, shared housing, concealed families within housing (including those having to remain at a parental home), sofa-surfing, and homeless households.

¹⁹ Where there is similarly a chronic under-supply of housing.

Housing Delivery Test

The current position

- 8.4 The 202 HDT results were published in the week preceding the first sitting of this inquiry and as predicted in Table 6.1 of PoE1, these identify a result of 35% compared to the minimum local housing need of the standard method. This yet again highlights quite how acute the need for housing is in Worthing.
- 8.5 The preceding Inspector was informed of this worsening position, but it is not in evidence before the current inquiry. In simple terms, the position had worsened significantly between the 2020 HDT results and the 2021 results with:
1. The result reducing from 52% to 35%.
 2. Worthing having had the 3rd lowest result of all 310 LPAs for which results were published as compared to previously having the 16th lowest result of the 320 LPAs for which results were previously available.
- 8.6 Since this time the 2022 HDT results have been published on 19th December 2023. These now identify a result of 33%, the sixth lowest of the 303 LPAs for which a result is available.
- 8.7 Paragraph 80 of the NPPF identifies that these latest published HDT results must be used for the purposes of footnote 8 of the NPPF. Given that these identify a record of substantial under-delivery, as explained in paragraph 6.2 of PoE1 the most important policies of the Development Plan are out-of-date and paragraph 11d of the NPPF is engaged.

9. Five Year Housing Land Supply

9.1 As with the preceding sections, the evidence which has subsequently become available re-affirms the exceptional shortfall in housing supply including over the current five-year period, as briefly explained below.

The examining Inspectors Final Report

9.2 In paragraphs 174 to 178 of the Final Report (CDE37), the examining Inspector considers whether there is a “reasonable prospect” of there being a 5YLS at the point of adoption in the future. Given that the 5YLS position is ever-changing, examining Inspectors are only able to consider the likelihood that a 5YLS will be able to be demonstrated when the WLP is adopted, rather than providing a definitive finding on whether a 5YLS does in fact exist at that point in time.

9.3 In this context, rather than considering the deliverability of the individual components of the supply, the Inspector instead found comfort in the fact that the supply identified by the Council provided sufficient headroom to be reasonably confident that there would be a 5YLS at the point of adoption in paragraph 176. Accordingly, the Inspector did not assess the deliverability of individual sites.

9.4 In any event, the LPA has subsequently published updated assessments of the 5YLS position in the AMR of January 2023 (CDE39) and of January 2024 (CDE41) and accordingly any findings reached by the examining Inspector have been superseded by events.

9.5 In overview, the Inspector did not consider the deliverability of individual sites and in any event the position considered has been superseded by events. As such, the findings of the examining Inspector are of little assistance when considering the current 5YLS position.

The current 5YLS position

Context

9.6 Owing to the fact that the WLP has been adopted within the last five years, paragraph 76 of the NPPF suggests that the LPA is not required to demonstrate a five-year land supply. However, footnote 79 then identifies that owing to the fact that the current planning application was submitted prior to the publication of the new NPPF on 19th December 2023, paragraph 76 does not apply, with the effect that this appeal is one of the other circumstances set out in paragraph 77.

9.7 Paragraph 77 requires that the 5YLS position is assessed relative to the adopted housing requirement for the purposes of determining whether footnote 8 and paragraph 11d of the NPPF are engaged notwithstanding the fact that the adopted housing requirement is already demonstrably entirely reliant upon a premise which is now demonstrably false. It is therefore also material to consider the 5YLS position against the housing requirement which would have been applicable had the Council unturned every stone in support of the examination of the Local Plan.

9.8 As explained in paragraph 7.64 of PoE1 (CDC5E1), the 5YLS position relative to the adopted housing requirement provides some gauge of the extent to which the objectives of the Development Plan are being fulfilled. However, where, as is the case in Worthing, the adopted housing requirement does not reflect the need for housing, the resultant 5YLS calculation provides absolutely no gauge of the need for additional housing²⁰. Accordingly, in order to provide some gauge of the need for additional housing in the current five-year period it is also appropriate to consider the 5YLS position relative to housing needs, as whilst this would not engage footnote 8, it will clearly be material to the weight afforded to the provision of housing.

The 5YLS position relative to the adopted housing requirement

9.9 In Table 9 of the AMR (CDE41), the LPA identify a surplus of 599 homes against the adopted housing requirement over the next five years (2023–28). This equates to a 7.05 year land supply.

9.10 However, the supply identified by the LPA does not accord with national policy and the findings of s78 Inspectors in numerous regards. Accordingly, the detailed components of the supply are considered in Appendix 1 to this Addendum, which identify that the LPA is in fact able to demonstrate a **4.18 year land supply with a shortfall of 240 homes** against the adopted housing requirement once national policy is correctly applied as set out in Table 7.1 of Appendix 1.

APPENDIX 1 – DETAILED ASSESSMENT OF THE DELIVERABLE SUPPLY

²⁰ Recognising that the need for housing and the housing requirement are distinct concepts that should not be confused 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) (CDJ25).

- 9.11 This indicates that the policies of the Development Plan are already proving to be insufficient to address the unjustifiably constrained housing requirement of the WLP.
- 9.12 Furthermore, whilst this assessment is appropriate for the purposes of paragraph 77 and footnote 8 of the NPPF, it has been calculated against the adopted housing requirement which is no longer justifiable. Indeed, had the Council unturned every stone when preparing the Local Plan as required by paragraph 11b of the NPPF, the 5YLS position would be materially lower with a 3.54 year land supply and a shortfall of 505 homes based on my assessment of the deliverable supply as set out in Table 7.1 of Appendix 1.
- 9.13 However, as explained above, this provides absolutely no gauge of the number of households that will not be provided the housing they need within the five-year period.

The 5YLS position relative to housing needs

- 9.14 The PPG (2a-007) explains that:
- “The cap reduces the minimum number generated by the standard method, but does not reduce housing need itself.”***
- 9.15 Accordingly, when identifying the minimum need for housing in order to determine the need for additional homes, it is appropriate to use the uncapped results of the standard method rather than the capped results.
- 9.16 At the base-date of the five-year land supply assessment, namely 1st April 2023²¹, the standard method identified a minimum uncapped need for 930 homes per annum. On this basis, there was therefore a need for 4,650 homes over the period 2023–28, which with an additional 20% buffer, sets a requirement for 5,580 homes over the period 2023–28.
- 9.17 Based on the supply of 2,059 homes identified by the LPA, this would provide for a **1.84 year land supply with a shortfall of 3,521 homes** to meet housing needs. Alternatively, based on the supply of 1,302 homes which arises from a correct application of national policy as set out in Appendix 1, there is a **1.09 year land supply with a shortfall of 4,360 homes**.
- 9.18 The 1.09 to 1.84 year land supply with a shortfall of 3,521 to 4,360 homes relative to housing needs is materially worse than the 2.21 year land supply with a shortfall of 2,854 homes which

²¹ Which is the appropriate result against which the 5YLS should be considered for the period from 1st April 2022 as set out in paragraphs 24 to 32 of the appeal decision at Land at North Lodge, Hallow (CDJ77) and in paragraphs 36 to 41 of the appeal decision at Land At (OS 8579 4905), South of Post Office Lane, Kempsey (CDJ78).



I predicted against the minimum local housing need in paragraph 7.61 of PoE1. There is therefore a materially greater unmet need for housing in the immediate future than considered by the previous Inspector.

- 9.19 It is therefore apparent that not only is there an exceptionally high shortfall of housing over the plan period relative to housing needs, but this is also true in the current five-year period. There is therefore now concrete evidence of the position I anticipated would occur and accepted by the previous s78 Inspector in paragraph 20 of the quashed appeal decision, namely that there is an exceptional shortfall relative to housing needs post-adoption.

The weight to be afforded to the provision of housing

- 9.20 The evidence presented in paragraphs 7.65 to 7.72 of PoE1 remains up-to-date and material, as does the recommendation that the provision of additional housing should be afforded very substantial weight given the circumstances that exist. Indeed, this has been reinforced by the fact that the previous s78 Inspector afforded very significant weight at the uppermost end of the spectrum to the provision of housing.

The weight to be afforded to Development Plan policies

- 9.21 The policies of the now adopted WLP are not only out-of-date, but they also provide no scope to address the exceptionally high unmet need for housing in Worthing or contribute to the additional substantial unmet need for housing in the wider sub-region, and do not therefore provide for sustainable development as defined by paragraphs 7 and 8 of the NPPF. Furthermore, they have already proved to be insufficient to fulfil the objectives of the WLP. The weight afforded to these policies should be viewed in this context.

10. The Need for and Supply of Affordable Housing

10.1 The evidence set out in paragraphs 8.1 to 8.5 of PoE1 remains up-to-date and material. However, a number of other material considerations have come to light which re-affirm the fact that there is a substantial unmet need for affordable housing as briefly explained below.

The Final Report of the examining Inspector

10.2 In paragraph 199 of the Final Report (CDE37), the examining Inspector endorses the need for 490 affordable homes per annum. Accordingly, given that the WLP provides for only 230 homes per annum in total, there will clearly be a substantial shortfall in the delivery of affordable housing. The examining Inspector describes this as an unfortunate reality, recognising that there is no solution to this.

Affordable housing completions

10.3 Under indicator SO4-2 on page 17 of the AMR (CDE41) it is identified that 40 affordable homes were delivered during 2022/23. The previous AMRs indicated that 47 affordable homes were delivered in 2021/22 and 11 in 2020/21, meaning that across the plan period to date a total of 98 affordable homes have been delivered according to the LPA. This is compared with the need for 490 affordable homes per annum identified by the WLP in Table 10.1 below.

Table 10.1 – the record of delivery of affordable housing

	Completions	Need	Surplus/ shortfall against need
2020/21	11	490	-479
2021/22	47	490	-443
2022/23	40	490	-450
Total	98	1,470	-1,372

10.4 Therefore, according to the LPA, some **1,372 fewer affordable homes** have been provided in just two years than are needed to meet the needs of some of the most vulnerable in society.

11. The Real World Effects

11.1 The evidence provided in section 9 of PoE1 remains up-to-date and material. However, where further evidence has become available, I briefly set this out below.

School places

11.2 In the first bullet point of paragraph 9.3 of PoE1 I identified that owing to the exceptionally high under-provision of housing the viability of schools may be jeopardised, as there will be increasingly fewer children to occupy school places. Unfortunately, this has already proven to be correct. The LEA announced in November 2022 that owing to the fact that 1,700 primary school places were currently unoccupied, they are planning to reduce the number of school places by 943, including by closing Lyndhurst Infant School. Because there continues to be a substantial undersupply of homes being built it is likely that further schools will need to be closed in the future. Clearly the closure of any school provides less choice and will require a proportion of children to travel further than they otherwise would have, with adverse effects on the carbon footprint, congestion, air quality, and to the amount of time spent travelling by those pupils as well as causing disruption to those pupils who need to change schools as a consequence.

Provision of unpaid care

11.3 In the fourth bullet point of paragraph 9.3 of PoE1 I identified that owing to the under-provision of housing the number of people in need of care was likely to increase far more acutely than the number of people providing unpaid care. The 2021 Census results which have since been published demonstrate that this is has already proved to be the case.

11.4 Indeed, according to the Census of 2011, 20,276 people had a long-term health problem or disability in Worthing and there were 10,879 people providing unpaid care. This means that there were on average 0.54 people providing unpaid care for every person with a long-term health problem or disability.

11.5 The 2021 Census results now suggest that the number of people with a disability has increased to 21,303 (a rise of 5%) whilst the number of people providing unpaid care has reduced to 9,721 (a drop of 11%). This means that there are now on average 0.46 people providing unpaid care for every person with a disability (a drop of 15%).

11.6 This provides a strong indication that the long-standing record of under-delivery of housing has already had significant detrimental effects on the provision of care, and it would be

expected that this will only get worse whilst there continues to be an exceptionally high level of unmet need with no solution identified to address this.

Affordability of housing

- 11.7 As recognised in paragraph 5.43 of the WLP, housing was already desperately unaffordable with around half of newly forming households unable to access market housing. This position has only worsened in the intervening period.
- 11.8 At the time the WLP was prepared a household earning a median income in Worthing needed to spend 10.89 times those earnings to access a median priced house²². However, by 2022 this has already risen to an affordability ratio of 11.26.
- 11.9 The decreasing affordability of housing is not unique to Worthing, but the change here is notable, and this is likely to be explained by the prolonged record of under-delivery. For example, over the preceding decade (2012–22), the affordability of housing has worsened by 45% in Worthing which is the 67th greatest rate of increase of all 308 LPAs for which such information is available. By way of reference, across England the affordability of housing worsened by 22%, across the South East by 35% and across West Sussex by 36%. In reality, this means that a household would need to earn 45% more in real terms in Worthing than they would have a decade ago to access the same house. This change will inevitably have resulted in a greater proportion of households being unable to access the housing market in Worthing with the resulting adverse impacts set out in paragraph 9.6 of PoE1.
- 11.10 As a result of the planned exceptionally high level of unmet need, it is likely that this position will continue to worsen with significant adverse effects on communities and particularly younger households. The consequence of this is that an even greater number of households will fall into affordable housing need but with no prospect of their needs being addressed.

The need for affordable housing

- 11.11 In this context, it is perhaps unsurprising that:
1. The number of households registered in need of affordable housing in Worthing has continued to increase with some 1,551 households registered in need in 2022 according to the DLUHC's Live Table 600.

²² As set out in Appendix 1 of the Housing Implementation Strategy of June 2021.

2. The number of concealed families has increased from 382 to 529 in the intercensal period according to the 2021 Census.
3. The number of shared dwellings has increased from 92 to 109 in the intercensal period according to the 2021 Census, with Worthing having the second highest incidence of shared dwellings of all 296 current LPAs nationally.
4. The number of people living in overcrowded households in terms of bedrooms has increased from 6,068 to 6,621 in the intercensal period according to the 2021 Census.
5. The number of people living in overcrowded households in terms of overall rooms has increased from 9,574 to 10,217 in the intercensal period.

11.12 It is therefore evident that the chronic under-supply of housing is having significant adverse social effects. It should also be noted that these figures only represent those households that have remained in the Borough notwithstanding the deleterious housing land supply position. In reality, many households will have moved to other LPAs and other sub-regions with consequent harms to social cohesion, and familial, social and economic relationships.

Supporting businesses

11.13 In PoE1, I identified the potential for the number of jobs able to be supported in the local economy to reduce as a result of the planned exceptionally high under-provision of housing. Whilst this was always predicted to occur in the longer-term, it appears that companies are already responding to this.

11.14 Research undertaken by Indeed and Zoom, as reported in Personnel Today²³, identifies that Worthing has seen the greatest growth in the number of jobs offering remote working of all of the towns in Europe. The number of roles able to be undertaken remotely in Worthing grew by 715% from February 2020 to September 2022, with the next nearest comparator being a growth of 668% in Brest in France.

11.15 This indicates that local businesses are having to respond to the fact that there are very limited opportunities for their workforce to access housing in Worthing or even in the wider sub-region, and so are having to adopt more innovative solutions to ensure that they can continue to operate. Accordingly, many of those businesses that are able to operate remotely in Worthing may be able to adapt to accommodate the exceptionally high under-

²³ <https://www.personneltoday.com/hr/worthing-remote-working-roles-zoom-indeed/> (CDI7)

delivery of housing, albeit that this is likely to come at the expense of the opportunities for mentorship of new starters and team morale. This compromised position is also likely to make Worthing less attractive for inward investment.

- 11.16 The position is also entirely different for those businesses and services that cannot operate remotely including health and social care providers, retail outlets, waste collection services, emergency services, teachers and childcare providers, to name but a few, as without a local workforce the ability of these to operate is likely to be severely compromised or increasingly reliant upon employees travelling a long distance to work.

Financial viability of the Council

- 11.17 It has recently come to light that Worthing Borough Council is in significant debt. Indeed, a report by the Guardian has indicated that Worthing has the fifth highest level of debt in proportional terms of all 300+ Council's nationally. The Council has recognised this perilous situation in recent committees with a forecast overspend of an additional £1.8M in 2023/24. In response, the cabinet member for resources has identified in an article in the Sussex Express dated 9th October 2023 (CDI6) that:

"Homelessness has increased as a result of the cost of living crisis. More people coming to us presenting themselves as homeless. We have to house them as a statutory duty requirement."

"The cost per case has gone up as well. We have to house them in emergency and temporary accommodation that we normally wouldn't want to use."

"It's crucial that we generate more emergency and temporary accommodation of our own and not just paying for people to stay in Travelodges."

"Millions can be saved if we can acquire our own accommodation. Homelessness situation isn't going to get any better – it's only going to get worse. We have to be ready for that."

- 11.18 The cabinet member proceeded to identify solutions to this stating:

"If we can't present a balanced budget, then yes [we would be bankrupt]. We believe we are not at that stage yet. We don't want to be at that stage."

"We are not in a position we are close to declaring ourselves bankrupt. We have the opportunity to turn things around and reduce that deficit."

"Council tax is our main source of income and we can help that by building more housing. There are housing developments in the pipeline which will boost council tax."



11.19 Therefore, additional housing such as that proposed is not only needed to provide for sustainable development including by meeting the needs of the population, supporting the economy and the range of other benefits highlighted above and in PoE1, it is also needed to support the continued operation of the Council. This should not be underplayed especially as we have a recent example of where a Council has been unable to avoid bankruptcy in the case of Birmingham City Council.



12. The effects of the Proposed Development

12.1 The evidence contained in section 10 of PoE1 remains up to date and material.

13. Conclusions

13.1 The preceding evidence and that set out in PoE1 indicate that:

1. The most important policies of the WLP are out-of-date owing to the record of substantial under-delivery recorded by the HDT results; and also owing to the absence of a 5YLS against the adopted housing requirement based on my analysis.
2. Accordingly, planning permission should be granted unless footnote 7 policies provide a clear reason for refusal or the adverse effects of doing so would significantly and demonstrably outweigh the benefits in accordance with Policy SP1(b) of the WLP.
3. The only Inspector to have considered the benefits arising from the proposed development is the previous Inspector and it would be expected that as a minimum the same weightings would be afforded given that this did not form part of the grounds upon which the previous decision was quashed.
4. However, there are a number of additional material considerations, each of which lend further support to the conclusions of the previous Inspector such that as a minimum the housing arising from the proposed development should still be afforded weight at the uppermost end of the spectrum and the provision of affordable housing should be afforded weight in the topmost category, including:
 - a. Assuming the adopted housing requirement is met, there would remain an “exceptionally high” need for additional housing in the Borough with only 26% of needs proposed to be addressed with a shortfall of 10,488 homes²⁴. In addition, there is a substantial unmet need for housing across the sub-region, and there is now no prospect of either of these being remedied through an emerging Local Plan that can be afforded any weight.
 - b. The only proposed plan-led mechanism which could possibly address this is not intended to address needs until at least 2030. There is therefore not even proposed to be a plan-led mechanism which can address the needs of many tens of thousands of households for the forthcoming 7 years.

²⁴ It should be noted that the Council has since identified an additional supply of 449 homes over the plan period, which if delivered would still only provide for 29% of the minimum housing need of Worthing Borough.

- c. Across the plan period to date, there has been an insufficient supply of housing even to meet the substantially constrained housing requirement, and an under-delivery of 2,032 homes relative to housing needs in just two years.
 - d. There is an exceptionally high 5YLS shortfall of either 3,521 or 4,360 homes relative to need.
 - e. The policies of the WLP have already proved to be insufficient to meet even the minimum adopted housing requirement or the objectives of the Development Plan, as is evident from the fact that once national policy is correctly applied the LPA is able to demonstrate only a 4.18 year land supply.
 - f. There has similarly already been a chronic under-delivery of affordable housing with a shortfall of 1,372 affordable homes to meet the needs of some of the most vulnerable in society just in the last two years.
 - g. Some of the significant adverse effects of the continuing chronic under-supply of housing are already evident including the closure of schools, the growing disparity between the need for and provision of care, the worsening affordability of housing, the increasing need for affordable housing, the increasing number of households living in unsuitable accommodation, and those businesses for whom it is possible already having to adopt less desirable working practices.
 - h. The available evidence also suggests that as a result of the chronic under-supply of housing there will be a greater demand for healthcare but a lower number of healthcare workers, a reduction of workers which will compromise the ability of some businesses and services to remain operational, a reduction in disposable income which will also compromise the viability of businesses and services, a worsening of health and wellbeing amongst the population, and the potential for the Council's debts to increase yet further.
5. These numerous and multifaceted significant adverse effects can only be addressed through the provision of additional housing (including affordable housing) such as that proposed.
 6. In the context of these powerful material considerations, it would be expected that if anything the weights afforded to the provision of housing and affordable housing would be at least equivalent to those identified by the previous Inspector.



Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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