

## Appendix A

The following are some of the recent appeal decisions, the determination of which has rested upon an area's 5 year housing land supply position

Many of the following appeal decisions refer to the Hunston case (which underlines that the Objectively Assessed Need (OAN) should be applied in the absence on an up to date plan target).

Nearly all of them state that it is not up to a Planning appeal to determine what the OAN (OAN) figure is – but Council do need to identify whether or not a 5 year supply exists.

<b>Appeal Reference:</b>	<b>Location:</b>	<b>Summary:</b>	<b>Decision:</b>	<b>Decision Issued:</b>
<a href="#">2213318</a>	Land South of Cirencester Road, Fairford	<ul style="list-style-type: none"> <li>• Pre-NPPF Local Plan that only covered period up to 2011</li> <li>• The Council contested that it had a 5 year supply when measured against the old RSS target</li> <li>• Council didn't have an up to date OAN, and therefore 'a clear understanding of housing needs in their area'</li> <li>• Council's view was that the 2008 household projections presented the top of what the OAN range might be. 2011 projection were lower.</li> <li>• This top range figure pushed the council below a 5 year supply (incl. 20% buffer).</li> <li>• Both sides agreed that 2008 and 2011 projections need to be considered.</li> <li>• Appellants used POPGROUP model to take in to account economic trends – this suggested growth towards top level required.</li> <li>• The Inspector agreed that the higher level more likely reflected the OAN and therefore identified that the Council could not demonstrate a 5 year supply.</li> </ul>	Allowed	22/09/2014
<a href="#">3003534</a>	28 and 32 Oval Way, Gerrards Cross	<ul style="list-style-type: none"> <li>• Council contended an 8.4 to 9.9 year's supply when measured against the Core Strategy target – adopted in 2011 but based on RSS figures.</li> <li>• The Inspector took the view that the Council was unable to demonstrate a 5 year supply, simply because it didn't have an OAN.</li> </ul>	Dismissed	04/06/2015

Appeal Reference:	Location:	Summary:	Decision:	Decision Issued:
		<ul style="list-style-type: none"> <li>• The appeal was for C2 accommodation – there was no evidence of need for this type of accommodation presented, however the Inspector attached great weight to the contribution that it could make to local housing supply.</li> <li>• The reason for dismissal was the significant harm caused to a conservation area and adjacent residents. The Inspector ruled that these adverse impacts outweighed the benefits of the proposal to housing land supply.</li> </ul>		
<a href="#">2218863</a>	Land to the north of Skegby Lane, Mansfield	<ul style="list-style-type: none"> <li>• Council had pre-NPPF local plan, but had commissioned modelling work in 2011 which took account of the 2008 household projections.</li> <li>• The Council opted for a mid-point between the lower end ‘natural change’ and the higher end ‘employment-led’ scenarios of this modelling work – this mid-range figure was broadly in line with the core (unmodelled) 2008-household projection figures.</li> <li>• The Inspector ruled that as this modelling work had not been undertaken as part of a SHMA and had not been independently tested, then it could not constitute an OAN.</li> <li>• Despite this, the Inspector was obliged to use this figure in the absence of any other evidence to suggest what the OAN might be.</li> <li>• With a 20% buffer applied, the Council could not demonstrate enough supply to meet this requirement and therefore the Inspector ruled that a 5 year supply could not be demonstrated.</li> </ul>	Allowed	05/02/2015
<a href="#">2210864</a>	Land off Chapel Drive, Aston Clinton, Buckinghamshire	<ul style="list-style-type: none"> <li>• No up to date plan target or OAN. The Council adopted the 2011-based interim household projections to calculate its requirement.</li> <li>• The appellants argued that the 2008-based household projections should also be included in the calculation to take account of a future upturn in household formation rates. The Inspector dismissed this as “largely speculation”, deeming that the “2011-based projections are the latest available” and that there is no certainty as to which direction demographic trends will take in the future.</li> <li>• The Council maintained that significant weight should be given to the 2011-based household projections “simply because no more</li> </ul>	Allowed	21/10/2014

Appeal Reference:	Location:	Summary:	Decision:	Decision Issued:
		<p>authoritative figures are currently available”.</p> <ul style="list-style-type: none"> <li>• The Inspector’s view was that “a calculation which measures the supply against anything other than the FOAN (or against a policy requirement derived from FOAN), will not serve that purpose”.</li> <li>• Also; “It follows that, even if the Council’s calculations succeeded in proving a 5-year land supply against the requirement figure in the Position Statement, that would not demonstrate that a satisfactory supply exists in terms of the NPPF’s aims”.</li> <li>• “Consequently, irrespective of any view that I might take on the matters that now follow, I conclude that the Council’s 5-year supply calculations should carry only limited weight”</li> <li>• On balance, he ruled that the benefits of the proposal outweighed any adverse impacts.</li> </ul>		
<a href="#">2213924</a>	Land to the east of Little Horwood Road, Winslow, Buckinghamshire	<ul style="list-style-type: none"> <li>• There was no OAN, but a slightly adjusted household projection figure was used and this demonstrated 5.6 year’s supply.</li> <li>• The appellants presented their own analysis of 2008 and 2011 based household projections, supplemented by Census data, mid-year population estimates, Experian and Oxford economic forecasting. They also took account of market signals and the needs of adjoining areas (in effect they undertook a mini-OAN). Their work identified that there wasn’t a 5 year supply.</li> <li>• The Inspector viewed the Council’s calculation as a material consideration and should carry some weight. However, even though this demonstrates a 5 year supply, it “would not demonstrate that a satisfactory supply exists”. He concludes that the Council’s calculation should carry only limited weight.</li> <li>• The Inspector declined to give a view on the appellants evidence, as “issues of this kind should be debated in the context of a local plan, rather than in an appeal situation”.</li> </ul>	Dismissed (SoS decision)	25/02/2015