

Proof of Evidence

In Respect of Welwyn Hatfield Borough Council's Housing Mix & Five Year Housing Land Supply

PINS Reference APP

Appeal Site: Bio Park

Evidence of Alex Roberts
Prepared on behalf of
HG Group
June 2022

CONTENTS PAGE

Table of Contents

1 - EXPERIENCE AND SCOPE OF EVIDENCE.....	3
2 - INTRODUCTION	5
3 – HOUSING NEED, MIX AND FIVE YEAR HOUSING LAND SUPPLY NATIONAL POLICY AND GUIDANCE	10
4 – REVIEW OF WELWYN HATFIELD LOCAL POLICY AND EVIDENCE BASE	17
5 – REVIEW OF LOCAL HOUSING DEMAND IN WELWYN HATFIELD	32
6 – VIABILITY CONSIDERATIONS AND OTHER FACTORS	42
7 – FIVE YEAR HOUSING LAND SUPPLY IN WELWYN HATFIELD	43
8 – SUMMARY AND CONCLUSIONS.....	48

1.0 Experience and Scope of Evidence

1.1 Experience

- 1.1.1 My name is Alex Roberts; I have a Joint Honours Degree in Urban and Regional Planning and Geography and am an Associate Member of the Royal Town Planning Institute. I am a Director of Lambert Smith Hampton's (LSH), Planning, Regeneration + Infrastructure division, leading the Economics and Planning Policy team. My work specialises in undertaking planning evidence base projects including the assessment of housing need and mix and the assessment of 5 year housing land supply. I undertake this work for both private and public sector clients.
- 1.1.2 I have a wide range of experience and have held various positions within the private consultancy and local government. Prior to joining LSH I was a Planning Director at a national planning consultancy for 6 years, prior to this I held the post of Development Plan Manager at Tamworth Borough Council.
- 1.1.3 Between 2004 and 2006, I worked at Swansea University. Whilst at the university I undertook research into and assessments of the 2001 Census and in particular changes to urban populations since 1991. Through this work I wrote articles and papers with colleagues. I also taught undergraduate courses on the use of statistical analysis and geographic information systems (GIS) in research.
- 1.1.4 In 2006, I took up the position of Planner within the Cassidy Group. I undertook work identifying development opportunities across England and promoted the development of sites through the development plan process.
- 1.1.5 In 2007, I began working with Wakefield Council as a Senior Planner, within the Spatial Policy department. Whilst at the Council I assisted regional colleagues on the preparation of the Yorkshire and Humber Regional Strategy, in respect of housing and employment need. I prepared and gave evidence regarding housing need and supply at the examination of the Council's Core Strategy, Area Action Plan and Site Allocations DPD.
- 1.1.6 In 2012, I joined Tamworth Borough Council as Development Plan Manager, a post which I held for 3 years. Within that time, I prepared and represented the Council at the examination of the Tamworth Local Plan. I also represented the Council at a sub-regional and regional level on strategic planning issues, with particular focus on housing, employment, and transport.
- 1.1.7 I have previously given evidence at a public inquiry on housing land supply and housing need matters in Welwyn Hatfield, in 2018, where the Inspector concluded the scale of supply fell considerably well short of 5 years. The Inspector accepted my evidence on the housing requirement and housing land supply matters. The appeal was at Entech House, Woolmer Green, reference APP/C1950/W/17/3190821(CD 17)

1.2 Scope of this Evidence

1.2.1 I have been instructed by the Appellant to prepare a proof of evidence which sets out the Appellant's position on housing land supply and the evidence which supports the housing mix of the appeal site.

1.2.2 I confirm that this evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I also confirm that the opinions expressed are my true and professional opinions.

A square box containing a handwritten signature in dark ink. The signature is written in a cursive style and appears to read 'A Roberts'.

Signed:

Alex Roberts, Director, Lambert Smith Hampton

9 June 2022

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2.0 Introduction

2.1 Overview

- 2.1.1 The appeal is made by HG Group Ltd (the Appellant') against Welwyn Hatfield Council's refusal application 6/2020/3420/MAK; the demolition of existing buildings and construction of 289 residential units and community hub, with public realm and open space, landscaping, access, associated car and cycle parking, refuse and recycling storage and supporting infrastructure.
- 2.1.2 I have been instructed by HG Group Ltd to give evidence on the issue of the scheme's proposed Housing Mix and Five-year housing land supply in Welwyn Hatfield.

Housing Mix

- 2.1.3 The Council's extant development plan, is the Welwyn Hatfield District Plan, adopted in 2005, with certain policies saved by the Secretary of State in April 2008. Policy H8 – Dwelling Type and Tenure, was **not** saved in 2008. The policy was not saved as it's aims were covered within PPS3 – Housing. The then relevant national policy statement on housing. No other extant policies of the WHDP have regard to housing mix.
- 2.1.4 The Council's emerging Local Plan was submitted in May 2017 and was prepared under the 2012 NPPF, it is therefore subject to the transition arrangements, as set out in the subsequent 2018, 2019 and 2021 versions of the NPPF. The Plan is still under examination.
- 2.1.5 Through this examination period the Council have responded to the publication of several household projections, which may have a meaningful impact on the calculation of housing need. The June 2021 letter from the Local Plan inspector Melvyn Middleton, to the Council (CD 16) summarises the change in evidence base over the (then) 4-year period of examination. In the Inspector's conclusions, he resolved that the housing requirement figures should be amended to 15,200 for the plan period 2016 to 2036, which equates to an average of 760 dwellings per annum. The Council's evidence, which the Inspector drew these conclusions from is the August 2020 report - The implications of the 2018-based SNPP and SNHP on the Welwyn Hatfield OAN (CD 20) which recommended a range for the housing requirement of between 715 - 800 dwellings per annum. It is important to note that this report does not contain recommendations for housing mix in Welwyn Hatfield. However, through the course of preparing the SoCG for this inquiry, a note has been prepared by the Council, at the request of the appellant.
- 2.1.6 As I will set out in more detail, emerging policy SP7 concerns housing mix. The policy is currently under examination and has unresolved objections, which have led to suggested changes. These changes are yet to be consulted on through a Main Modification consultation.
- 2.1.7 The most recent, published housing need assessment, which contains the Council's evidence on housing mix is the 2019 SHMA update (CD 19). This document was prepared to support the Council in the on-going examination of the submission draft Local Plan for Welwyn Hatfield. The preceding SHMAs were the evidence base documents, the Council was reliant on in the preparation of policy SP7 on housing mix.

2.1.8 The Local Housing Need (LHN) figure used in the 5YHLS assessment is from 2021/22, which gives a total of 878 dwellings per annum. The LHN figure for 2022 going forward is 888 dpa.

Housing Land Supply

2.1.9 The most recent, published housing land supply position is 1st April 2021 (CD 10). This should be based upon policy and guidance from the 2021 Framework and associated Planning Practice Guidance.

2.1.10 Whilst covering a 5-year period that started over a year ago, the base date is agreed to be appropriate for assessing the Council's supply of sites for the purposes of this inquiry.

2.1.11 The Appellant's areas of dispute on the Council's 5 Year Housing Land Supply, are set out in summary within the Housing Mix & Housing Land Supply Statement of Common Ground (SoCG), and in detail within a later section of this proof of evidence.

2.1.12 The areas of dispute between the Council and the Appellant for this appeal, are:

1. The Council's Windfall Allowance of 278 dwellings, in years 4 and 5 of the assessment period (or 139 dwellings per annum). Should be **reduced** by 218 down to 60 dwellings (30 dwellings per year).
2. Broadwater Road West SPD Site – 616 dwellings, should be **reduced** by 188, to 428 dwellings in the 5-year period
3. Link Drive for 80 dwellings should be **removed** from the supply
4. Garages at Hollyfield for 13 dwellings should be **removed** from the supply
5. 29 Broadwater Road for 128 dwellings should be **removed** from the supply
6. Norton Building, Bridge Road East for 122 dwellings should be **removed** from the supply

2.1.13 The cumulative impact of removing, or reducing components of the Council's supply, is a **reduction of 749 dwellings** in the assessment period. This reduces the Council's supply from 2,594 to 1,845 dwellings. This results in a 5YHLS land supply of **1.75 years**. It should be noted that this level of supply is similar to that I previously identified in 2018 at the Entech House appeal. The lack of improvement to the land supply position is not surprising given the protracted examination process of the Local Plan.

2.1.14 It is agreed between the Appellant and the Council, that for the purposes of this inquiry, the matter of housing land supply will not be tested through the cross examination of evidence, nor through an Inspector led roundtable discussion. Both parties have invited the Inspector to determine the appeal based on a range and not a specific figure.

2.1.15 The Appellant's position on Welwyn Hatfield's 5 Year Housing Land Supply is that the Council can only demonstrate a land supply of 1.65 Years. The Council's position is 2.46 Years. The difference between this is 856 dwellings, this difference is substantial and equates to almost 1 year of housing need, as calculated using the standard method (878 dwellings in the AMR), this is a very substantial shortfall.

2.2 The Council's Case

2.2.1 The Council's case is set out in their Statement of Case. Of relevance to my proof of evidence, are paragraphs 5.6 (pages 9 to 10), which sets out the Council's reason for refusal related to Housing Mix and then paragraphs 6.7 to 6.44 (pages 17 to 23) which present the Council's case on this specific matter..

2.2.2 With regards to housing mix, from the SoC I understand the Council's case to be as follows:

1. The proposed mix fails to contribute effectively towards meeting the areas of greatest housing need.
2. The proposed development would be contrary to the requirements in draft Policy SP7 of the emerging Local Plan.
3. The Council acknowledge that the modified version of submission draft policy SP7 advocates a less prescriptive approach to the mix of tenure, type and size.
4. The Council considers that the Appellant has absolved their responsibility to demonstrate why the proposed mix is appropriate
5. The Council considers that policy SP7 has two parts, or as they describe it two 'tests'. The first is for an applicant to demonstrate the appropriateness of the proposed mix and that regard has been had to the latest evidence of housing need and market demand. The second, is whether the proposal would contribute toward meeting the varied needs of different households.
6. The Council considers that the proposed mix of dwellings is a significant departure from the need for each type of dwellings identified in the Technical OAN Paper.
7. The Council considers that the evidence provided by the appellant, to the point of the submission of the appeal, does not provide sufficiently robust justification for the extent of the departure from the implied mix of dwelling sizes.
8. The Council is reliant upon the Technical OAN paper for the most recent evidence on 'housing need'.
9. The Council has no evidence on market demand for housing, nor did the Technical OAN paper consider this specific issue.
10. The Council acknowledge that it is not expected that the mix in each and every major development would be expected to precisely reflect the mix as set out in the OAN.
11. The Council accept 'to a degree' and it is acknowledged that the provision of smaller homes does represent a benefit of the proposed development, particularly in the context of shortfall in housing land supply.
12. The Council assumes that the Appellant's case is that centrally located sites should be exempt from providing a suitable mix of dwellings.
13. The Appellant does not explain why the site is not capable of providing a greater portion of 3 and 4 bed properties.
14. The Council acknowledge that to achieve a broader mix of house types, a wide range of housing allocations would need to be brought forward in Green Belt locations, through the Local Plan.

15. The Council consider that the proposed scheme is a departure from a policy-compliant mix
16. The Council considers that the proposed mix would not provide the types of facilities which facilitate occupation by families, or those with particular access needs.
17. The Council has concerns about the provision of access to or from the proposed dwellings by parents with children, they are also concerned about the level and access and secure storage of prams and pushchairs. The Council considers the appellant has failed to to have sufficient regard to this.
18. The Council considers that the site is a strategic development site and therefore it should make provision for housing which meets the needs of older people.

2.2.3 In summary, my response to the Council's case on the specific matter of housing mix is that:

1. Emerging Policy SP7 is still at examination and alterations have been suggested through the examination process, but it has not been subject to a Main Modification consultation. There is a great deal of uncertainty over the progress of the emerging Local Plan. The Plan has been at examination for approximately 5 years. Furthermore, the plan is being examined under the 2012 NPPF, which has been superseded twice, most recently in 2021, with a wider and more substantial changes to the planning system on the horizon.
2. Emerging Policy SP7 does not form part of the statutory development plan for Welwyn Hatfield, furthermore the text the Council relies upon, is not within proposed policy, it is supportive text and is reliant on evidence which they acknowledge will change over time and which has not considered market demands.
3. The submission version of Policy SP 7, is split into two sections. It has both a strategic element and a site specific, or development management element. I do not agree with the Council's position that the policy contains two tests.
4. Firstly, the strategic element quite clearly sets out that:
 - i. ***In order to deliver a choice** of homes and help create sustainable, inclusive and mixed communities, provision will be made for a **range of housing** [sites?] to support the needs and requirements of different households. [My emphasis added].*
 - ii. The Council acknowledge that a range of sites will be needed to deliver choice. Therefore, it should be inferred that the Council do not expect each site to provide a full range, or choice, and that such choice will be brought forward by a range of housing sites.
5. The second element, which is site specific, does not set out any specific housing mix for proposal of over 11 dwellings. The proposed policy states that proposals should contribute towards meeting the varied needs of different households including single persons, couples, families with children, older people and people with disabilities and those wishing to build their own home. The proposed policy does not specify that each of these identified groups should be catered for in each proposal. The proposed policy is flexible.

6. The Council incorrectly refer to the site as a Strategic Development Site in their SoC. The appeal site is not listed within draft policy SP7. Most sites within this list are significantly larger than the appeal site, with the smallest site listed being 725 units. It is important to note that part of the Council's proposed Main Modifications to the Local Plan, include proposing BioPark for residential use, but this does not include identifying it as an SDS. Therefore, the proposed policy's requirement for a percentage of new dwellings to be for older persons would not apply.
7. **All properties** within the proposed development will be built to either M4(2) or M4(3) levels. This greatly exceeds proposed policy requirement in SP7, which asks for at least 20% of new dwellings to meet M4 (2) standards.
8. At paragraph 9.3 of the submission draft Local Plan (CD 2) it states that:
 - i. *A mix of housing will therefore need to be provided over the plan period to reflect demographic trends and the needs of different groups in the community.*
 - ii. The Council acknowledge that housing delivery, to meet needs will happen over a long period of time. This clearly acknowledges that collectively, a range of sites will be needed to meet housing need.

2.3 The Appellant's Case

- 2.3.1 The Appellant's case, specific to housing mix is set out in the appendix to their Statement of Case.
- 2.3.2 I consider that the mix of the appeal site **does meet** housing needs and that it is reflective of the Council's evidence (SHMA) and also takes into account the Council's evidence on housing mix and the latest information on housing demand in the area and has regard to design, townscape and viability issues.
- 2.3.3 The proposal will meet the needs of a range of groups, as identified within paragraph 62 of the NPPF. These groups would include households who require affordable housing, families with children, older persons, and persons with disabilities, as well as other non-specified households.
- 2.3.4 There is no requirement for the proposal to meet the Council's preferred mix on a site by site basis and the Council are treating the submission Local Plan policy, as if it were part of the extant development plan. Even if it were, there is no specific mix requirement within the proposed policy and the policy written to be flexible. The Council already acknowledge this. Furthermore, they acknowledge that it will require a range of housing sites to meet the overall housing need and desired mix of Welwyn Hatfield over the whole plan period.
- 2.3.5 The most recent AMR published by the Council shows that housing delivery has been slow over many years and that based on the Council's implied mix for all property types, not enough have been cumulatively delivered and needs have failed to be met.

3.0 Housing Need, Mix and Five-Year Housing Land Supply National Policy and Guidance

3.1.1 This chapter begins by setting out the applicable National Planning Policy Framework and Planning Practice Guidance paragraphs, before turning to address the relevant appeal decisions in Welwyn Hatfield.

3.2 National Planning Policy Framework and Guidance

3.2.1 Local Housing Need (LHN)

3.2.2 The latest version of the National Planning Policy Framework (NPPF) was published in 2021 and came into force with immediate effect. Chapter 5 of the Framework covers the delivery of a sufficient supply of homes.

3.2.3 Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.

3.2.4 Paragraph 61 states that the Local Housing Need (LHN) is to be calculated using the standard methodology unless exceptional circumstances justify an alternative approach. In addition to the housing need figure calculated by the standard methodology, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

3.2.5 Paragraph 62 of the NPPF states that *"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies"*.

3.2.6 There is no specific guidance on how the needs of different groups, apart from affordable housing, older persons and gypsies and travellers, should be calculated.

3.2.7 Paragraph 68 establishes that authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment which should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. In particular it requires planning policies to identify a supply of specific, deliverable sites for years one to five of the plan period. Footnote 32 of the Framework outlines that such sites should be accompanied by an appropriate buffer, as set out further within paragraph 73 of the Framework.

3.2.8 Paragraph 73 specifies that policies should identify a trajectory illustrating the expected rate of housing delivery over the plan period and consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning authorities should also identify, and update annually, a supply of specific deliverable sites sufficient to provide for a minimum of five years' worth of housing against their housing requirement set out in adopted policy, or against their LHN where the strategic policies are more than five years old.

3.2.9 In the context of paragraph 73, the LHN is defined by reference to Annex 2 page 68 which states that this is the number of homes identified by the standard method or a justified alternative approach in the case of the preparation of development plans. The definition is:

- 3.2.10 “The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 60 of this Framework).”
- 3.2.11 Paragraph 015 (Ref ID: 2a-015-20190220) of the Planning Practice Guidance (as well as Paragraph 60 of the Framework) highlights that in the context of Local Plan preparation (and not development management), there will need to be exceptional circumstances to justify an LHN requirement lower than the Standard Method. This paragraph of the PPG also confirms the use of the 2016 household projections is no longer appropriate when calculating LHN via the Standard Method.
- 3.2.12 While Paragraph 010 of the Guidance (Ref ID: 2a-010-20190220) states that the Standard Method is the starting point it does not (and cannot) override the Framework and paragraph 73. In the context of what may be a justified alternative approach paragraph 010 (Ref ID: 2a-010-20190229) of the Guidance highlights a number of examples, including: where growth strategies are in place, where infrastructure improvements are planned to support additional housing, and where there is agreement to meet unmet need from other areas. Again, exceptional circumstances, for a justified alternative, are for local plan preparation and plan-making, not development management decisions.
- 3.2.13 The Guidance (Paragraph 004, ID: 2A-004-20190220) sets out the 3 step process for calculating Local Housing Need, using the Standard Method.
- 3.2.14 **The Buffer**
- 3.2.15 Footnote 39 of Framework paragraph 73 states that the HDT assessment will only be applied after November 2018. This has now been published and is used to determine the appropriate buffer. For Welwyn Hatfield the appropriate buffer is 20%.
- 3.2.16 The Housing Delivery Test is an annual measurement of housing delivery in a local authority. The HDT compares the net homes delivered over the previous three years, to the homes required over that period. The Housing Delivery Test is published annually, with the most recent version being the 2021 HDT covering the period 2018/19, 2019/20, and 2020/21.

3.2.17 As set out below, the housing delivery test result, for 2021 is 66% and therefore a 20% buffer is required, plus the automatic in presumption is applied. Housing delivery as remained fairly consistent at around 1,450 to 1,490 dwellings within the 3 year assessment periods. For the Council to come out of the 20% buffer and automatic presumption category, a substantial increase in completions is necessary. This would have to happen over several years. To achieve this increase in delivery, it would be necessary to substantial increase the Council’s housing supply.

Table 1 – Housing Delivery Test Results for Welwyn Hatfield 2018 to 2021

Year	Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	HDT: 2021 measurement
	1	2	3		1	2	3		
2021 HDT	867	795	583	2,244	463	673	352	1,488	66%
2020 HDT	623	867	795	2,285	314	463	673	1,450	63%
2019 HDT	544	623	867	2,034	671	314	463	1,448	71%
2018 HDT	535	544	623	1,701	507	671	314	1,493	88%

Source: Housing Delivery Test Results

3.2.18 The Definition of ‘Deliverable’

3.2.19 It is important to note that in the context of assessing what constitutes a “deliverable” site the 2021 Framework defines “deliverable” in the Glossary as follows (page 66):

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- i. *A) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).[Category A Sites]*
- ii. *B) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered*

deliverable where there is clear evidence that housing completions will begin on site within five years.”

[Category B Sites]

3.2.20 Sites which fall within part A) are typically referred to as Category A sites, and those within part B) are typically referred to as Category B sites. As I set out later in this section, a deliverable site should have a realistic prospect that housing will be delivered on site within 5 years. For sites which fall within Category A, they should be considered as deliverable. For sites which fall within Category B, they should be considered as deliverable should clear evidence demonstrate the site to be available, suitable, and achievable with a realistic prospect of delivery in 5 years.

3.2.21 Paragraph 003 Ref ID: 68-002-20190722 of the PPG asks the question, What is the purpose of the 5-year housing land supply?

The purpose of the 5-year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement set out in adopted strategic policies for the next 5 years. Where strategic policies are more than 5 years old, or have been reviewed and found in need of updating, local housing need calculated using the standard method should be used in place of the housing requirement.

3.2.22 Paragraph 004 Ref ID: 68-002-20190722, then goes on to state How can an authority demonstrate a 5-year supply of deliverable housing sites?

In plan-making, strategic policies should identify a 5-year housing land supply from the intended date of adoption of the plan.

For decision-taking purposes, an authority will need to be able to demonstrate a 5-year housing land supply when dealing with applications and appeals. They can do this in one of two ways:

using the latest available evidence such as a Strategic Housing Land Availability Assessment (SHLAA), Housing and Economic Land Availability Assessment (HELAA), or an Authority Monitoring Report (AMR).

‘confirming’ the 5-year land supply using a recently adopted plan or through a subsequent annual position statement (as set out in paragraph 74 of the National Planning Policy Framework).

3.2.23 Paragraph 007 Ref ID: 68-002-20190722 What constitutes a ‘deliverable’ housing site in the context of plan-making and decision taking?

In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. 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.*
- *have a grant of permission in principle; or*
- *are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.

3.2.24 To reach a conclusion on whether a site is deliverable or not, it is important to understand if a site is available, suitable and achievable. The PPG identifies what factors should be considered when assessing a sites availability, suitability, and achievability.

3.2.25 The PPG states that for sites to be considered suitable, regard should be had to the following factors (Paragraph: 018 Reference ID: 3-018-20190722):

“A site or broad location can be considered suitable if it would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated.

When considering constraints, plan-makers may wish to consider the information collected as part of the initial site survey, as well as other relevant information, such as:

- *national policy;*
- *appropriateness and likely market attractiveness for the type of development proposed;*
- *contribution to regeneration priority areas;*
- *potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation.*

Plan-makers need to assess the suitability of identified sites or broad locations for different forms of development where appropriate, taking into account the range of needs for housing, economic and other uses.

When assessing sites against the adopted development plan, plan-makers will need to take account of how up to date the plan policies are and consider the relevance of identified constraints on sites / broad locations and whether such constraints may be overcome. When using the emerging plan to assess suitability, plan-makers will need to account for potential policy changes or other factors which could impact the suitability of the site / broad location. For example, an emerging site allocation may enable development to come forward. This will have to be reflected in the assessment of achievability.”

3.2.26 The PPG states that the following factors should be considered when assessing the availability of sites (Paragraph: 019 Reference ID: 3-019-20190722):

“A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.”

3.2.27 With regard to achievability, the PPG identifies the following factors that should be considered when assessing the achievability of sites (Paragraph: 020 Reference ID: 3-020-20190722):

“A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period.”

3.3 Planning Appeal Decisions

3.3.1 The appeal at Entech House, Woolmer Green (CD 17) in Welwyn Hatfield is of relevance, as it dealt with 5 Year Housing Land Supply issues several years ago. The issues identified by Inspector Baird in 2018 remain with the Council’s evidence base to support the inclusion of several sites within the land supply. Notably at paragraphs 32 and 33, the Inspector provided the Council ample time and opportunity to provide more information through the inquiry. The Council are reliant on their AMR 2021/22 to provide the necessary clear evidence for Category B sites, which is the same approach they took in 2018. At paragraph 32 the Inspector considered that: *...the information from these sources falls well short of the clear evidence required by the Framework to justify inclusion of these sites within the HLS*

3.3.2 Therefore, the Council’s reliance on a similar approach to that taken in 2018 should still not be accepted.

3.4 Conclusion

3.4.1 In summary, local planning authorities are required to ensure that the needs of different groups with specific housing requirements are assessed and met through planning policies. Apart from the need to prepare evidence and subsequent planning policies, there is no specific guidance on how these needs should be assessed, there is no specific paragraph within the NPPF which sets out how matters of housing mix should be

dealt with by a decision maker, there is no nationally prescribed housing mix and such matters should be dealt with through a Local Plan.

- 3.4.2 Clear evidence is required to demonstrate that sites have a reasonable prospect of delivery in the assessment period. This issue was considered at the 2018 public inquiry at Entech House and the Inspector did not support the Council's approach then. That approach has not changed, and the necessary clear evidence is still not provided.

4.0 Review of Welwyn Hatfield Local Policy and Evidence Base

4.1 Extant Development Plan

4.1.1 The Council's extant development plan, is the Welwyn Hatfield District Plan, adopted in 2005, with certain policies saved by the Secretary of State in April 2008. Policy H8 – Dwelling Type and Tenure, was **not** saved in 2008. The policy was not saved as it's aims were covered within PPS3 – Housing, which was the relevant national policy statement on housing at the time. No other extant policies of the WHDP have regard to housing mix.

4.2 Emerging Local Plan

4.2.1 The Council's emerging Local Plan was submitted in May 2017 and was prepared under the 2012 NPPF, it is therefore subject to the transition arrangements, as set out in the subsequent 2018, 2019 and 2021 versions of the NPPF. The Plan is still under examination, it therefore does not form part of the development plan for Welwyn Hatfield and it's proposed, or otherwise modified policies should only be afforded limited weight when taking decisions.

4.2.2 Emerging Policy SP7 proposed the Council's approach to delivering a mix of dwelling types and tenures across the proposed plan period. The submission policy has been redrafted following earlier hearing sessions to the Local Plan. The proposed text is set out within the schedule of proposed main modifications to the plan from January 2020 (which is replicated in the SoCG), these modifications have **not** been subject to a public consultation, or further hearing session by the Local Plan inspector. Therefore, as with the emerging plan overall, limited weight should be afforded to this policy and it should be recognised that the policy is subject to objections made to the plan and that the Inspector considers a change is necessary.

4.2.3 The submission version of policy SP7 reads:

In order to deliver a choice of homes and help create sustainable, inclusive and mixed communities, provision will be made for a range of housing to support the needs and requirements of different households.

Housing mix: Proposals for 11 or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households including single person households, couples, families with children, older people, people with disabilities and people wishing to build their own homes. For larger sites, there should be a greater opportunity to deliver a broader mix.

4.2.4 The re-drafted version of submission policy SP7 reads:

In order to deliver a choice of homes and help create sustainable, inclusive and mixed communities, provision will be made for a range of housing to support the needs and requirements of different households.

*Proposals for **10 or more** new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites **has had regard** to the council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households including single person households, couples, families with children, older people, people with disabilities and people wishing to build their own homes. For larger sites, there should be a greater opportunity to deliver a broader mix. [my emphasis added]*

- 4.2.5 The change between the two versions corrects that the policy is applicable to all major planning applications (10+) and the change of the words *will reflect*, to *has had regard*, is intended to recognise evidence can change, that mix is not prescriptive and that other factors in arriving at a final mix for a proposal need to be considered.
- 4.2.6 Regardless of which version of the submission policy is read, the supporting text remains the same, which is important to understand the context and justification for the policy. I have referenced the relevant paragraphs below. Some paragraphs have been intentionally left out as they deal specialist housing needs and are not relevant to this inquiry.

[9.1] The development plan should include fair, realistic and inclusive policies which help to create sustainable, inclusive, mixed communities in both urban and rural areas. The Plan seeks to ensure that over the plan period a range of housing options, in terms of price, tenure, type and size, to meet the needs and requirements of different households such as families with children, couples, single person households, older people, students, Gypsies and Travellers and Travelling Showpeople will be provided.

[9.3] Housing mix: *Local Plans should seek to deliver a wide choice of homes and help create inclusive and mixed communities, identifying the size, type and tenure of housing that is likely to be required. A mix of housing will therefore need to be provided over the plan period to reflect demographic trends and the needs of different groups in the community.*

[9.17] Housing Mix: *Applicants will need to demonstrate how they have taken into account the Council's latest evidence of need in terms of tenure, type and size of dwelling so that a range of housing is delivered to meet the needs of different groups in the community including families with children. The following tables are not intended to perform as a prescriptive policy requirement (they may be subject to review over time⁽⁴⁷⁾) but such indicators should be taken into account when submitting a planning application and in decision making.*

Table 2: replicated from submission Local Plan Table 4 - Estimated size and type of all new housing required

Studio / small 1 bed flat	2 bed flat / small house	2 Bed or small 3 bed family house	3 bed or small 4 bed family house	Larger 4 bed + family house
11%	26%	30%	14%	20%

- 4.2.7 From the submission and redrafted policy, plus the supporting text, I consider that it is clear the policy has two distinct parts to it. The first part is there is a recognition that a range of housing options – price, tenure, type and size are needed and that they will come forward over the plan period. This is within paragraphs 9.1 and 9.3 and the first paragraph of the policy itself. It is therefore implicit that to achieve this objective it will require a diverse range of housing sites (land) to bring forward different types of housing to meet needs and demand.
- 4.2.8 The second part is that the housing options (price, tenure, type, size) for these sites is not prescribed by a policy and that there needs to be flexibility with what comes forward on each site. The flexibility should take into consideration evidence on housing need and market demand. Whilst not specifically referenced in the policy, I consider that the flexibility of a housing mix will also need to take account for a sites viability and design (both context and of the proposal), which are two other main drivers in arriving at a housing mix for a proposal. This is cited in the recommendations of the SHMA, plus a reasonable expectation when the draft plan is read as a whole, for example alongside design policies.
- 4.2.9 Finally, with the inclusion of table 4, the council recognise that it does not perform as a prescriptive requirement (it cannot do, as it is not in policy and it relies on a document which is not part of the statutory development plan) and that it could change over time. Indeed, over the course of the examination, there have been two further updates to the Council’s SHMA/OAN which utilised 2016-based and 2018-based household projections, which may alter table 4. Nevertheless which ever version is used, it is important to recognise that this table should not be viewed as a ‘starting point’ in what a housing mix should be, nor an indicator to measure how closely aligned a proposal is to a relatively flexible and non-prescriptive proposed development management policy. The policy wording for proposed SP7 does not ask the decision maker to perform such a task. The housing mix outputs of the various reports, should be used for monitoring the delivery of homes across the plan period, as advised by the Council’s consultants.
- 4.2.10 Turning to the Council’s Statement of Case (paragraphs 6.7 to 6.44) for the 1st reason for refusal, with regards to the policy itself, I will deal with the evidence later. The Council is incorrect that the proposed scheme is not in accordance with the implied mix of housing (para 6.7) as there is no policy basis for it to be in accordance, there is no development plan policy with a specific requirement and the submission policy does not contain a specific requirement either. Furthermore, at paragraph 6.8, it therefore does not fail to meet a requirement.
- 4.2.11 The Council’s view is that the policy is split into two tests (6.11). The first being that the applicant must demonstrate how a mix of dwellings would be appropriate and that it has had regard to the latest evidence of housing need and market demand. The second being that proposals contribute towards meeting the varied

needs of different households. At 6.36 to 6.38 and 6.39 to 6.44 the Council consider whether these two tests have been satisfied or not. In short, the Council consider neither has been met.

- 4.2.12 I do not agree the proposed policy is effectively two tests for an applicant/appellant to make, or a decision maker to consider. I do not agree with paragraph 6.38 and I will return to this later in my proof.
- 4.2.13 The proposed development contains a mixture of M4(3) and M4(2) compliant properties. There are 29 units, or 10% built to M4(3) standards, with the rest of properties built to M4(2). This demonstrates properties will be accessible to specific groups in housing need, as identified in the NPPF. This is contrary to the Council's assertion that they will not be.

Conclusions on Submission Policy SP7

- 4.2.14 Submission policy SP7 is still an emerging policy and is subject to unresolved objections raised through the examination process. Whilst a change to the policy has been drafted, this has not been subject to further public consultation. Therefore, the policy should be only afforded limited weight in this appeal.
- 4.2.15 The policy is written to be flexible and recognises that a range of sites will be needed to deliver a range of housing options across the plan area over the plan period. The policy does not expect each site to deliver a specific mix and the policy recognises some sites could make greater contributions to one or another specific group referenced in the text.
- 4.2.16 In addition to housing demand and the market, the other key drivers influencing a final mix would include design, viability.
- 4.2.17 The proposed policy should not be used as a starting point or indicator to measure alignment of a proposed scheme to the Council's table 4 (or subsequent versions of) as the policy clearly recognises that a range of sites are needed; therefore individual sites will provide different mixes in line with site characteristics, and that the Council's evidence base may ultimately change over the years.

4.3 Emerging Local Plan Evidence Base documents

- 4.3.1 As I set out in section 2 there have been multiple updates to the original evidence which supported the submission Local Plan's Objectively Assessed Need for Housing.
- 4.3.2 The Inspector's letter (CD 16) provides a succinct commentary on this and what the Inspector thinks the Council's housing requirement should be. It is not necessary to go into the detail of how each of these evidence base updates changed the position of the Council's overall housing requirement, because the housing requirement for this S.78 appeal is set by calculating the Local Housing Need, using the Standard Methodology. The evidence base documents are however important to understand how the Council has arrived at its view on housing mix and what factors have been taken into consideration. The main documents relied on by the Council through the plan's preparation and the examination process, to understand housing needs in Welwyn Hatfield have been:

- The 2014 SHMA – recommended an OAN of 625 dwellings per annum
- The 2015 SHMA, partial update – recommended an OAN of 664 to 707 dwellings per annum
- The 2016 SHMA, partial update addendum, recommendations stayed the same as 2015.
- The 2017 SHMA update – recommended an OAN of 800 dwellings per annum. **Does provide housing mix evidence**
- The 2019 Implications of the 2016-based SNPP and SNHP on the Welwyn Hatfield OAN – ‘Technical OAN paper’ – recommended an OAN of 800 dwellings per annum. Council **does provide housing mix evidence**
- The 2020 Implications of the 2018-based SNPP and SNHP on the Welwyn Hatfield OAN – recommendation is a range of between 715 and 800 dwellings per annum. **No housing mix evidence provided by the Council specifically in this report.** However, it is referred in the latest AMR published, that an exercise has been carried out by the Council to calculate what the mix would be, utilising the 2018-based projects. This information has now been made available by the Council and will be included as a Core Document.

4.3.3 Therefore, I will look in further details at the 2017 SHMA update and the 2019 Technical OAN paper. To aid the efficiency, for the purposes of this inquiry process only, I will set out areas in the assessments I do not agree with, how recommendations have been taken forward by the Council, or areas where there is a deficiency in the evidence.

Strategic Housing Market Assessment Update 2017 (CD 20)

4.3.4 This SHMA was prepared to provide a single reference point and inform the pre-submission version of the Local Plan. I do not dispute the OAN of 800 dwellings, arrived at in this SHMA.

4.3.5 Reference should be made to paragraph 24, bullet point 1 which states
This indicative mix should only be used for guidance in its translation into policy and for the monitoring purposes of future development.

4.3.6 In terms of providing a housing mix profile for Welwyn Hatfield, paragraph 2.43 onwards ‘Type and Mix of Housing Need’ identifies the data used in the original SHMA 2014. Most of this is various forms of demographic data and projections, provided by ONS / Government and Edge Analytics, principally based in 2012 projections.

Table 3: Extracted Table 2.5 (page 16) provides a summary of the size and type recommendations:

	2014 SHMA	2016 based (SNPP 2012)
1 bed flat	15-16%	11%
2 bed flat	27-28%	26%
2 or 3 bed house	29%	30%
3 or 4 bed house or small 4 bed	12-13%	14%
4+ bed house	15-16%	20%

- 4.3.7 From this information it does not appear any housing market information has been taken into consideration
- 4.3.8 Section 4 of the SHMA (page 23) at paragraph 4.6 lists all the relevant demographic information used in the update all of which is demographic data.
- 4.3.9 At paragraph 4.72, information on surpassed household formation rates is given and identifies, at paragraph 4.74, that the 2015 SHMA required adjustments to the household formation rates of younger people (20-29) as they had fallen since 2001. This coincided with a period of worsening market conditions on affordability and overcrowding.
- 4.3.10 At paragraph 4.80 it references that in the 2016 Act 26% of people aged 20 to 34 were still living with their parents in 2014, and more likely to be sharing their parents home more so than any time since 1996. Reference is also made to the Redfearn Review is that these younger households cannot afford to move out of the family home and form their own new household. These are general points and not specific to Welwyn Hatfield but given the higher affordability (worse) ratios than England, it can be inferred this issue was more prevalent in the area.
- 4.3.11 To account for this, the SHMA makes an adjustment to headship rates for the relevant age groups (paragraph 4.83). It should be noted that this adjustment increases the demographic baseline for household growth and an assumption would have to be made that these persons who previously could not form a new household can afford to form a household.
- 4.3.12 Paragraph 4.97 onwards covers Economic Drivers of Need, this is concerned with ensuring household growth does not become a 'brake' on economic growth, and also growth to occur, i.e. the number of jobs expected to be created over the plan period, can be filled by a new population without increasing inward commuting patterns to unsustainable levels Such an effect is likely to also increase house prices, as it would create higher levels of demand if new housing growth is curtailed.
- 4.3.13 Paragraph 4.111 onwards covers Market signals and looks at lower quartile house prices, lower quartile private rents, the affordability ratio and the change in overcrowded households between 2001 and 2011 and the change in concealed families between 2001 and 2011.
- 4.3.14 Section 5 of the SHMA covers Housing Type and Mix and looks at two sets of data, firstly the changes in household profiles, based on the 2014-SNHP with a headship rate adjustment. This shows that One person households at set to grow by approximately 4,400 households between 2013 and 2032, this is the 2nd highest increase of age groups. The highest is households with dependant children, at just over 5,000 increase between 2013 and 2032. The next highest is families without children at just over 2,000 household increase (figure 5.1, page 65 CD 20). This shows that smaller households of between 1 and 2 people are set to increase the most of this period.

4.3.15 Considering the 2011 census household types by bedroom size, at table 5.2(page 66) an implied size of housing required between 2013 and 2032 is made, as replicated below.

Table 4: Replicated Table 5.2

	1 bed	2 bed	3 beds	4+ beds
Proportion of Households	13%	22%	41%	23%

4.3.16 Importantly at paragraph 5.19 to 5.20 *interpreting the Evidence*, it is recommended that:
The analysis presented above should therefore only be used for guidance in its translation into policy and for the monitoring of future development. While this evidence provides a valuable overall indication of the broad mix of housing which may be required, it is recommended that policies are not overly prescriptive in directly basing requirements for individual sites on the illustrative mix presented above. The individual mix of housing provided on a site-by-site basis will need to take account of local market evidence and viability considerations, which will have an important influence on the appropriate mix.

4.3.17 The final recommendations at table 6.3, make no adjustments to the table replicated above. Therefore, the recommendation is based on demographic evidence alone, which in some parts has been adjusted to take market signals into consideration. These adjustments however are there to uplift the overall housing figure and not to make adjustments to the types of housing. Turley’s are clear in their recommendation cited above, that local market evidence and viability considerations will have an important influence on the appropriate mix for proposed development.

2019 Technical OAN paper.

4.3.18 In short, this paper recommends that no adjustment to the OAN is necessary and that the 800 dwellings per annum figure should remain.

4.3.19 Appendix 1 of the paper, looks at size and type of housing need and as with the previous report, the two highest growth household groups between 2013 and 2032 are one person households (over 4,200) and households with dependant children (just over 5,000). This is from a 2016-based projection, with household formation rates adjusted to those used in the 2014-based projection. This shows similar levels of growth to the previous 2017 SHMA. It does not provide any further information to arrive at the following recommendations, contained within table 6.2 (page 23).

Table 5: replicated table 6.2

	1 bed	2 beds	3 beds	4+ beds
2016-based	14%	23%	41%	22%

4.3.20 This shows a 1% increase for 1 bed and 2 bed properties from the 2017 SHMA update recommendations.

AMR 2021 - 2018-based household mix

4.3.21 This information has been taken from the Council’s AMR. The note which supports this, prepared by the Council was published whilst preparing the SoCG. It is not necessary at this stage to comment on that report, as I am unsure how the Council intend to use it during this inquiry, if necessary I will deal with it in a rebuttal proof. Regardless, a summary is provided below.

Table 6: AMR 2021 Housing Mix Summary

	1 bed	2 beds	3 beds	4+ beds
2018-based	15%	23%	41%	21%

4.3.22 Looking back to the 2016-based recommendations, from the 2019 Technical OAN paper, there is once again a 1% increase in 1-bedroom properties

Summary of all 3 recommendations mixes used by the Council

Table 7 Summary of the 3 recommended mixes

	1 bed	2 bed	3 beds	4+ beds
2017 SHMA	13%	22%	41%	23%
2019 Technical Paper	14%	23%	41%	22%
AMR 2021	15%	23%	41%	21%

4.3.23 Over time, the recommendations which are formed from a demographic basis are fairly consistent, however there has been a 2% increase in the need for 1-bedroom properties and a 2% reduction in the need for 4+ bed properties.

4.3.24 Each set of recommendations on housing mix is purely based on demographics and does not make an adjustment in response to the local housing market. In the 2017 SHMA and 2019 Technical paper, the recommendations are heavily caveated, that they should not be used to form overly prescriptive policies and that local market information and viability will be important.

Delivery of housing in recent years

4.3.25 The Council monitor the completions by property type (house/flat and bedroom size). This is usually found within Indicator H04 – Size and type of new dwellings of the AMR, and effectively monitors the type of C3 dwellings completed on an annual basis. The Council have until recently been monitoring the period 2013 to 2032, however the most recent AMR covers the period 2016 to 2036, identifying completions from 2016 to 2021. The Council’s expert witness provided me with annual completions from 2013 to 2020/21. The table below shows actual completions and in the final column the cumulative percentage for each type in the monitoring period.

Table 8: Total completions per year, by dwelling type.

	2013/ 14	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	Tot al	Cumulative %
1 bedroom studio	1	29	0	34	8	43	246	5	366	11%
1 bedroom flat	47	29	56	77	41	101	143	142	636	20%
2 bedroom flat	90	88	139	119	63	233	254	162	1148	35%
2 bedroom house	26	40	43	12	18	22	9	14	184	6%
3 bedroom house	42	73	36	61	61	43	15	19	350	11%
4 bedroom house	30	61	31	36	42	30	4	51	285	9%
Other	18	36	33	31	81	33	26	28	286	9%
Total	254	356	338	370	314	505	697	421	3255	

4.3.26 In 2019/20 there were a large number of studio flats completed. The Council acknowledge this was from student accommodation. Whilst I have accepted their inclusion in the SoCG and are therefore included within analysis below, I do not accept that the permission related¹ to these completions is for a C3 use class development and therefore do not meet identified housing needs. As I do not know the numbers completed each year from this specific development, it has not been possible to remove them from the analysis tables. Therefore, when considering the overall number of new 1 bedroom dwellings, it should be noted that 308 are from this particular development – i.e. a reduction from 366 down to 58.

4.3.27 Whilst it is a useful indicator to show the total number of dwellings built and the percentage of those from the different house types, it does not tell us the percentage of each type built on an annual basis, compared the

¹ Permission 6/2016/1739/MAJ – “...Erection of 7,253.7sqm Student Accommodation (SUI GENERIS)...” This is identified as six blocks of development for 308 students.

total number of completions. Nor does it tell us the percentage of each type built on annual basis compared to what the housing requirement should have been. For this exercise, I have used the most recent OAN figure of 760 dwellings per annum. It is also the lowest figure and therefore it can be easily assumed that if a higher figure is used, the percentage of each dwelling type would decrease.

Table 9: Annual completions. Annual Dwelling type percentage compared to total completions

	2013/14	2013/14	2014/15	2014/15	2015/16	2015/16	2016/17	2016/17	2017/18	2017/18	2018/19	2018/19	2019/20	2019/20	2020/21	2020/21
1 bedroom studio	1	0%	29	8%	0	0%	34	9%	8	3%	43	9%	246	35%	5	1%
1 bedroom flat	47	19%	29	8%	56	17%	77	21%	41	13%	101	20%	143	21%	142	34%
2 bedroom flat	90	35%	88	25%	139	41%	119	32%	63	20%	233	46%	254	36%	162	38%
2 bedroom house	26	10%	40	11%	43	13%	12	3%	18	6%	22	4%	9	1%	14	3%
3 bedroom house	42	17%	73	21%	36	11%	61	16%	61	19%	43	9%	15	2%	19	5%
4 bedroom house	30	12%	61	17%	31	9%	36	10%	42	13%	30	6%	4	1%	51	12%
Other	18	7%	36	10%	33	10%	31	8%	81	26%	33	7%	26	4%	28	7%
Total	254		356		338		370		314		505		697		421	

4.3.28 The table above shows the delivery of flats and smaller houses since 2013/14 to 2020/21 has been consistent both as a total figure and as a percentage of total completions. 19/20 shows a big increase for 1 bed studio properties. The Council state this is because of the delivery of a large student accommodation development and that they were individual flats, and not communal dwellings. Despite them being individual flats, as I set out above, I do question how this relates to meeting housing need and consider it should be recorded separately. As I expect this development will be restricted to students and will not be available for the general market.

4.3.29 The table below shows that all types of dwelling have relatively low build rates compared to the OAN of 760, however there have been more smaller properties built over this monitoring period. Comparing this table, to the summary of the SHMA/technical paper recommendations for housing mix, of between 13-15% for 1 bed properties and 22-23% for 2 bed properties. It would appear that in only a few years (one of which had the student development) has the mix of 13-15% 1 bed properties been achieved – 2018/19, 2019/20 and 2020/21. Similarly for 2 bed properties it is only in 4 years that the mix of 22-23% has been achieved – 2015/16, 2018/19, 2019/20 and 2020/21.

Table 10: Annual completions. Annual Dwelling type percentage compared to OAN of 760 dwellings per annum

	2013/14	2013/14	2014/15	2014/15	2015/16	2015/16	2016/17	2016/17	2017/18	2017/18	2018/19	2018/19	2019/20	2019/20	2020/21	2020/21
1 bedroom studio	1	0%	29	4%	0	0%	34	4%	8	1%	43	6%	246	32%	5	1%
1 bedroom flat	47	6%	29	4%	56	7%	77	10%	41	5%	101	13%	143	19%	142	19%
2 bedroom flat	90	12%	88	12%	139	18%	119	16%	63	8%	233	31%	254	33%	162	21%
2 bedroom house	26	3%	40	5%	43	6%	12	2%	18	2%	22	3%	9	1%	14	2%
3 bedroom house	42	6%	73	10%	36	5%	61	8%	61	8%	43	6%	15	2%	19	3%
4 bedroom house	30	4%	61	8%	31	4%	36	5%	42	6%	30	4%	4	1%	51	7%
Other	18	2%	36	5%	33	4%	31	4%	81	11%	33	4%	26	3%	28	4%
Total	760															

4.3.30 This analysis highlights several key points. Firstly, that in no single year has the level of completions reached the OAN of 760dpa, recommended by the Inspector for the Local Plan, since 2013. This means that for each dwelling not completed a household has not been able to form within Welwyn Hatfield. This has real world consequences, as highlighted in previous sections, such consequences are likely to lead to a decrease in household formation rates, an increase in ‘other’ types of household being formed and an increase in the number of young people living at home. It could also mean that households move out of the area to find suitable accommodation, and travel back into the area to work and also that new workers to the area will continue to commute from outside the area. None of these consequences can be considered as sustainable.

4.3.31 Finally there are still households that could form if more residential development is brought forward and that those at the lower rungs of the housing ladder, or 1st time buyers, who typically look for smaller and lower cost housing, could enter the market. As I set out later in my proof, it is the new build market in Welwyn Garden City which is providing comparatively less expensive housing opportunities than the second hand market across Welwyn Hatfield

Future Supply of Housing

- 4.3.32 The Council’s position on 5YHLS from 2021/22 to 2025/26, set out in the latest AMR (CD 10). This shows a total of 2,341 dwellings coming forward in the next 5 years. To understand the type of development permitted in the area, we have reviewed the relevant planning applications to ascertain the dwelling mix. The Council have not identified the small sites in each of the sub areas, so I have not been able to do this exercise on those sites, nor have I sought to estimate the mix on sites, where nothing has been indicated, or where no information is available – such as those on a brownfield register and even some sites with a permission. Some sites in the supply are care homes and therefore will not provide a mix of dwellings meeting identified need within the 760dpa from the OAN. For the larger sites which build out beyond the 5-year period, I have proportionally applied the overall mix to the dwellings the Council expects to complete within the 5 year period. It is also not possible to account for what housing mix windfall development might bring forward.
- 4.3.33 Therefore, because of the above caveats, the analysis does not add up to 2,341, and instead adds up to 1,921 dwellings.
- 4.3.34 The table below looks at the total number of dwelling types coming forward in the next 5 years and compares each type to the total number.

Table 11: Dwelling types in the next 5 years

Houses				Flats				Total
1-bed	2-bed	3-bed	4+-bed	1-bed	2-bed	3-bed	4+-bed	
65	140	126	106	675	758	50	1	1921
3%	7%	7%	6%	35%	39%	3%	0%	

- 4.3.35 This shows that there are a higher number of flats coming forward than houses, and that overall there is a low number of 3 or 4 bed properties in the supply
- 4.3.36 When looking at the same dwelling types coming forward, but compared to the next 5 years housing requirement, which is the Local Housing Need, calculated by the SM – 5,268 dwellings. It shows that 1 bed properties are just about within the range identified within the various Council evidence base documents and that for all other dwelling types they are far away from the range identified.
- 4.3.37 When taking into account the points of dispute I have with the Council’s 5YHLS, if these sites are reduced and removed, all aspects of the supply would reduce, including the proportion of 1 bed properties, to below the identified range.

Table 12: Dwelling types in the next 5 years compared to requirement

Houses				Flats				Total
1-bed	2-bed	3-bed	4+-bed	1-bed	2-bed	3-bed	4+-bed	
65	140	126	106	675	758	50	1	5268
1%	3%	2%	2%	13%	14%	1%	0%	

4.3.38 Applying the most recent implied housing mix range, to the LHN of 5268, gives the following amounts for each property type below.

Table 13: Implied Mix applied to LHN

All properties				Total
1-bed	2-bed	3-bed	4+-bed	
790	1212	2160	1106	5268
15%	23%	41%	21%	

Summary and Conclusions

- 4.3.39 The Council have no extant development plan policy for housing mix and the emerging policy SP7 is still under examination. The policy has been re-drafted but has not been subject to any further consultation. I consider that the policy is flexible and does not prescribe a mix to proposals and that the figures within the submission plan, or later updates, should not be used as a ‘starting point’ or benchmark to assess proposals with. Therefore, there is no policy requirement to bring forward a specific mix, or within a specific range within Welwyn Hatfield and the proposed policy should be only afforded very limited weight.
- 4.3.40 The evidence base supporting the submission plan’s position on housing need and housing mix has been updated several times through the examination. For the purposes of this inquiry, it is not necessary to go through this in detail. However, it is important to highlight two points. Firstly, the evidence base authors were explicit in the following paragraph:

The analysis presented above should therefore only be used for guidance in its translation into policy and for the monitoring of future development. While this evidence provides a valuable overall indication of the broad mix of housing which may be required, it is recommended that policies are not overly prescriptive in directly basing requirements for individual sites on the illustrative mix presented above. The individual mix of housing provided on a site-by-site basis will need to take account of local market evidence and viability considerations, which will have an important influence on the appropriate mix.

4.3.41 Secondly, the range of mixes recommended were all based on demographic evidence. Any adjustments to the overall housing need figure were made to increase the total requirement and do not have an explicit impact on the types of dwellings required. I do not consider that housing market information has influenced the recommended mixes.

Table 13: Summary of the 3 mixes

	1 bed	2 bed	3 beds	4+ beds
2017 SHMA	13%	22%	41%	23%
2019 Technical Paper	14%	23%	41%	22%
AMR	15%	23%	41%	21%

4.3.42 When looking at past housing delivery, there have been in total more smaller properties built, however in only up to 4 years have totals of 1 and 2 bed properties achieved reaching the implied housing mix, when set against an OAN of 760dpa. Looking at the future supply against the next 5 years requirement, it is only 1 bed properties which just about achieve reaching the implied housing mix, when set against an LHN of 5,268 dwellings. When taking into consideration my concerns over the Council’s 5YHLS and making downward adjustments to the supply, the overall position is worse, and 1 bed properties did not reach the implied housing mix.

4.3.43 It is clear that neither past completions, nor the current future supply have been meeting housing needs at all and the implied mix has not been consistently met for any property type. As I set out above, this will undoubtedly have real world consequences for Welwyn Hatfield and those who wish to form new households.

4.3.44 Therefore, when considering these points alone, without looking at local market data, there is already compelling justification for the schemes proposed mix, as it will go some way to addressing past shortfalls of property types and, or meeting future needs. Applying the most recent implied mix to the LHN shows each property type has not been catered for in full, more so for the larger properties. Presently there are only approximately 107 4 bed properties in the future supply, the proposal will deliver 8 additional and there are only 176 3 bed properties in the supply, the proposal will bring forward a further 26. Presently there are only approximately 898 2 bed properties in the future supply, the proposal will deliver 126 additional and there are only 740 1 bed properties in the supply, the proposal will bring forward a further 129. Whilst it would not be appropriate to carry out a land supply assessment on specific property types, similar to that of a 5YHLS, the contribution the proposal can make to bringing forward properties which meet the needs of different groups, identified in the Council’s evidence and within the NPPF is evident, particular when there is a lack of future supply and in previous years needs have gone unmet.

Table 14: Housing Mix of Proposed Development

Size	Dwellings	Percentage
1-bed	129	44%
2-bed	126	44%
3-bed	26	9%
4-bed	8	3%
Total	289	100%

5.0 Review of Local Housing Demand in Welwyn Hatfield

5.1 Overview

5.1.1 The previous section of my proof looked at the Council’s implied housing mixes, which were taken from various SHMAs and technical reports, prepared to support the examination or preparation of the emerging Local Plan. The recommendation from the Council’s consultants was that

The analysis presented above should therefore only be used for guidance in its translation into policy and for the monitoring of future development. While this evidence provides a valuable overall indication of the broad mix of housing which may be required, it is recommended that policies are not overly prescriptive in directly basing requirements for individual sites on the illustrative mix presented above. The individual mix of housing provided on a site-by-site basis will need to take account of local market evidence and viability considerations, which will have an important influence on the appropriate mix.

5.1.2 The assessments were based on demographic information alone, and for the purposes of this inquiry I don’t dispute those findings. The 3 SHMA and technical reports which had housing mix out puts, are summarised in the table below.

Table 15: Summary of the 3 mixes

	1 bed	2 bed	3 beds	4+ beds
2017 SHMA	13%	22%	41%	23%
2019 Technical Paper	14%	23%	41%	22%
AMR	15%	23%	41%	21%

5.1.3 My conclusions in chapter 4 was that, based on this demographic implied mix, there is sufficient justification for the scheme’s proposed mix, before considering any local market evidence, viability, or other relevant factors.

5.1.4 The section below sets out local housing market evidence and contextual information. I am not aware of any local evidence the Council has produced. The Council has not indicated what it considers to be appropriate local market evidence in their proposed policy SP7.

5.2 Contextual information

5.2.1 The Council’s latest AMR 2021 provides general context to the current housing market in Welwyn Hatfield. This is set out within Indicator H07, page 34 onwards. This shows, as I also set out later in this section, that house prices in Welwyn Hatfield have continued to rise since 2006, with the rate of increase accelerating from 2013. Whilst at the same time housing delivery has been patchy and never reaching similar levels as recorded in 2006.

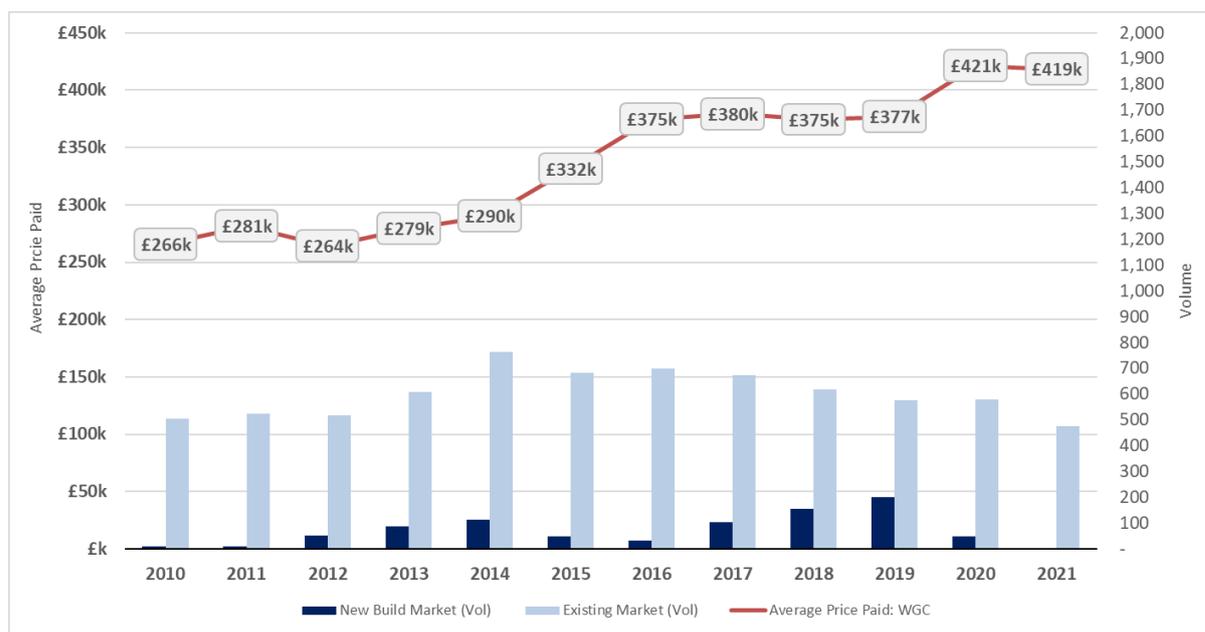
5.2.2 Average house prices are comparable to the rest of Hertfordshire, however they remain much higher than the East of England and the UK as a whole, by at least £100,000. Unsurprisingly, the affordability ratio in Welwyn Hatfield is much higher than the ration for England, which means homes for residence are less affordable here than most places in England.

5.3 Local Market Evidence

5.3.1 I have looked at information for Welwyn Garden City, Hatfield and Welwyn (village), and focused on WGC.

5.3.2 The chart below, shows that transactions have been dominated by second-hand transactions, and the new build market is comparatively very small. The lack of supply coming forward since 2010 has been a factor in the significant rise in the average price paid in Welwyn Garden City. Since 2010 for WGC, the new homes proportion versus total transactions was 11%. Since 2010 for Hatfield, the new homes proportion versus total transactions was 28%. This demonstrates that there has been a concentration of new build development outside of WGC, compared to other parts of the area.

Chart 1: Welwyn Garden City: Average price paid, volumes of new builds and second-hand transactions since 2010



5.3.3 I have looked at the proportion of transactions for a three-year period to 31st Oct 21 across the three markets, Welwyn Garden City (WGC), Welwyn (village) and Hatfield.

5.3.4 The average price paid across Welwyn Garden City, Welwyn and Hatfield was £399,000, £547,000, and £439,000 respectively. Showing that despite a comparatively low level of new build transactions, it doesn't have the highest average price paid – it is still however a high average, compared nationally.

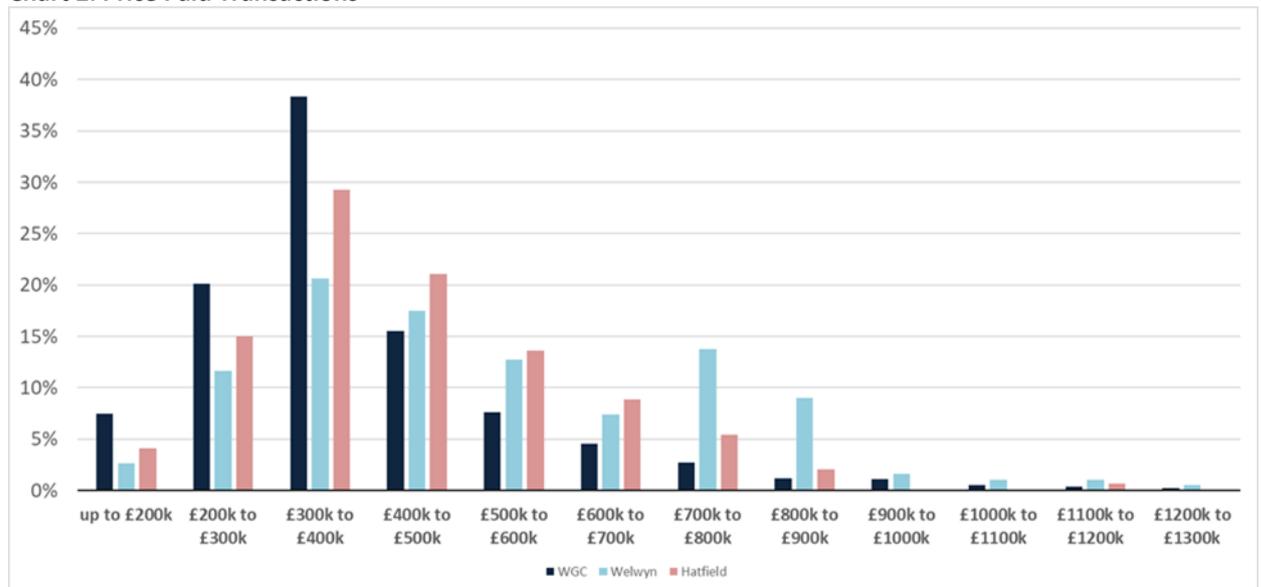
5.3.5 Between the price brackets £200k to £700k, WGC represented 86% of transactions, Welwyn presented 70% of transactions and across Hatfield, transactions were presented by 88% of transactions. This demonstrates that

there have been very few transactions, or houses with a value of less than £200,000, in the 3 areas considered. It is however noticeable that of the 3 areas, WGC has the highest proportion of transactions under £200,000, and the lowest proportions of £400,000 and above. This suggests that WGC is a relatively less expensive place to buy property than in Hatfield, or in Welwyn.

5.3.6 Looking at WGC in more detail, and at the price paid transactions across the area, the below thematic map shows the spread of transactions across the area. The average price paid for the three years to Oct 21 was £399,000. The map shows the spread of these with the colour red presenting dearer properties and the blues presenting prices paid less than the average. The average price paid for the three years to Oct 21 was calculated from a total of 2,057 property transactions. Of these transactions:

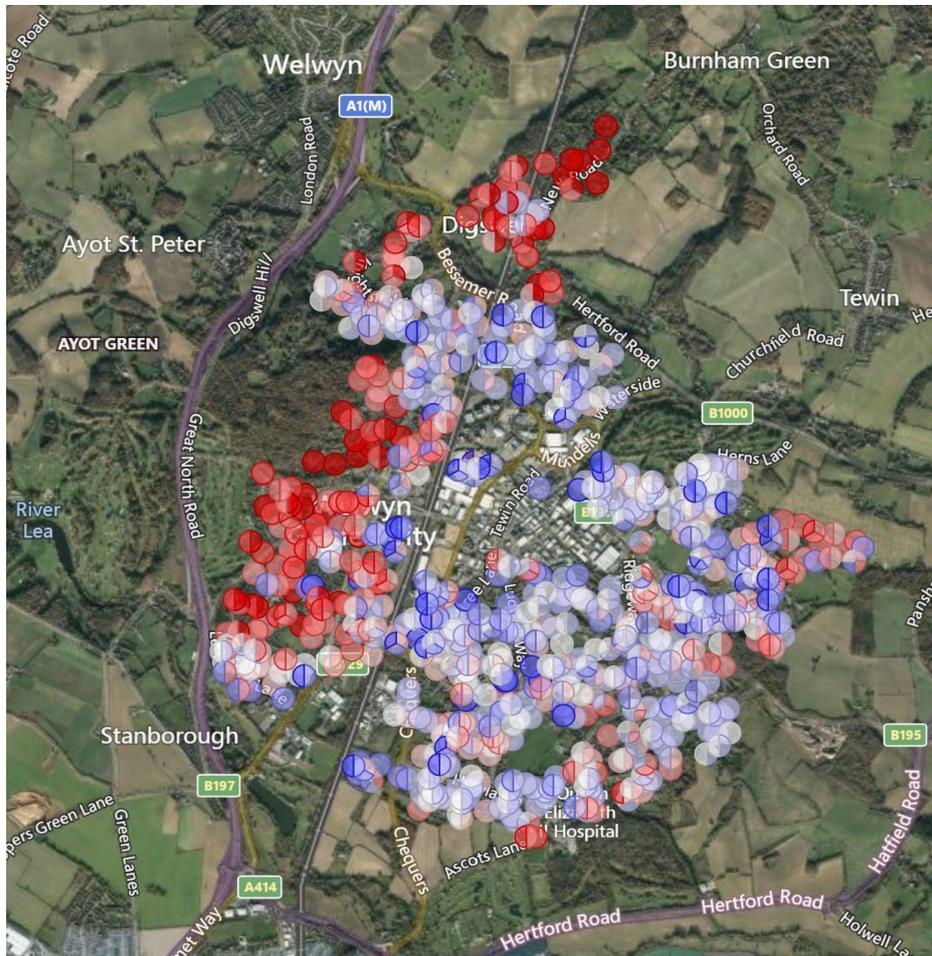
- 12% of transactions were between £379k and £419k.
- 32% of transactions were between £299k and £379k. It can see from the heat map, many of the properties less than the average were in terraced / flatted areas of the town which accounted for 38% of all transactions.

Chart 2: Price Paid Transactions



5.3.7 Detached property transactions were largely concentrated to the North, East and West of Welwyn Garden City, towards more rural areas of the district, and away from more industrial areas of the town. The average price paid for a detached property was £705k.

Map 1: Price paid heat map of all property transactions for the three years to 31st Oct. 21



Key

Average price paid across Welwyn Garden City (three years to Oct 2021)

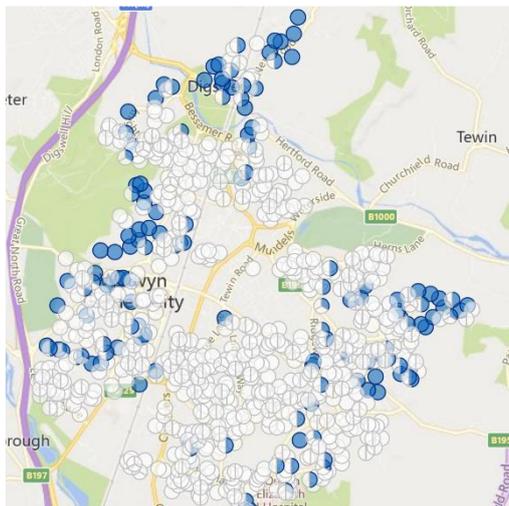
£399k

Proportion variance	-75% to -100%	-50% to -75%	-25% to -50%	-5% to -25%	£399k	5% to 25%	25% to 50%	50% to 75%	75% to 100%	Greater than 100%
% of Properties in bandings	0%	7%	19%	32%	12%	11%	7%	5%	3%	4%

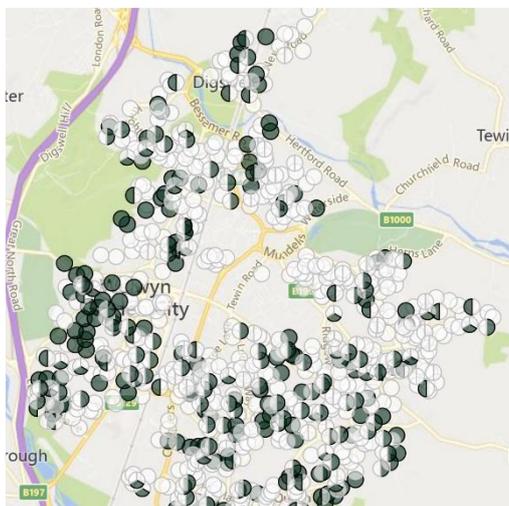
5.3.8 As expected, detached properties would be dearest property type as they offer, they greatest square foot. The maps below shows where the four property types of transactions have occurred over the three years along with the proportion of all transactions and the average price paid. It is not possible to break down transactions by bedroom size as this data is not recorded in transactions.

5.3.9 Below are 4 maps of where each of the four property type transactions have occurred across Welwyn Garden City:

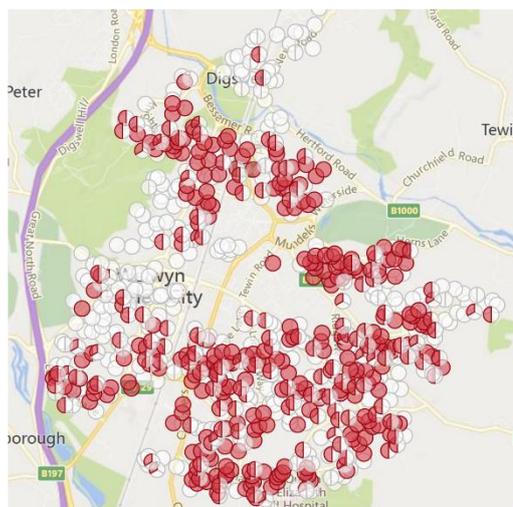
- Detached = 11 % of transactions with an average price paid of £705,000.



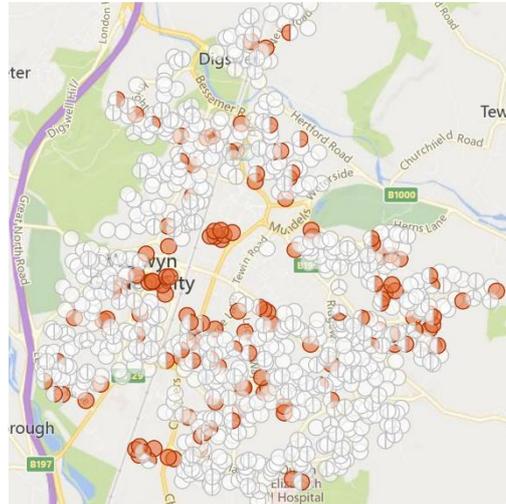
- Semi detached = 18 % of transactions with an average price paid of £483,000.



- Terraced = 38 % of transactions with an average price paid of £379,000.

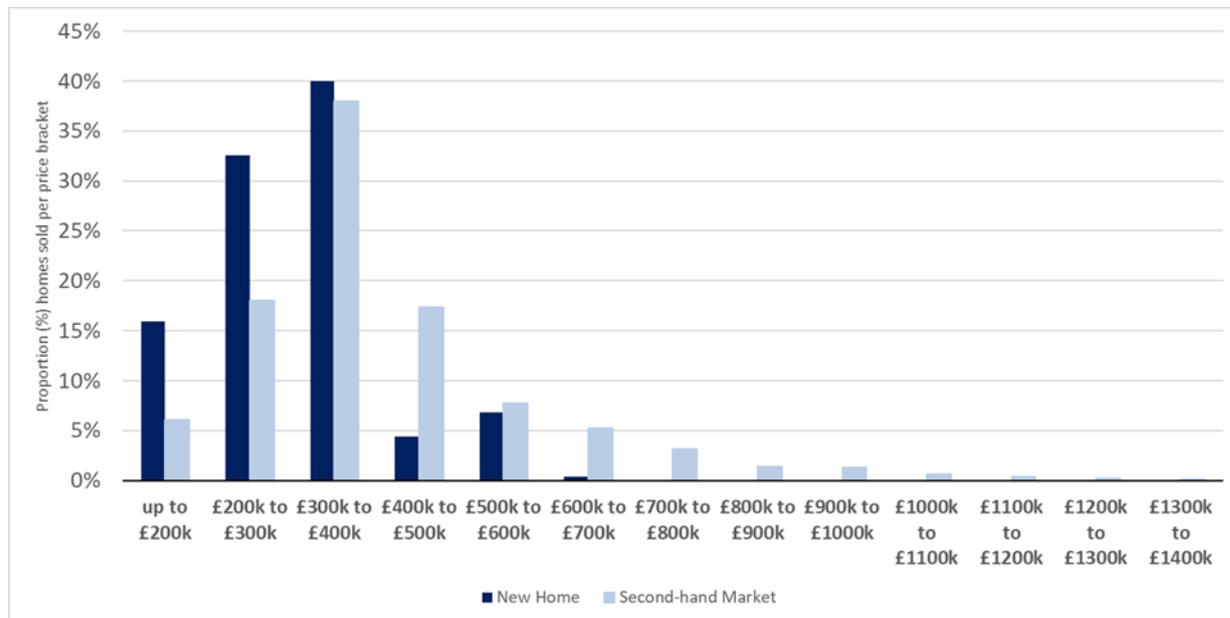


- Flat = 32 % of transactions with an average price paid of £267,000.



- 5.3.10 These maps emphasise that flatted and terraced development (likely to be smaller bedroom properties) occurs in the more central areas of WGC and that detached transactions occur towards the urban edge, mostly to the west of the centre. From this we can infer that the majority of housing stock of these types is also in these locations. Semi-detached properties are across the town, however mostly towards the east and west and not in more central locations.
- 5.3.11 Focussing on new build and second-hand transactions within Welwyn Garden City, it can be observed that from a total of 2057 transactions, 14% (295) were new build properties, the remainder 86% were second-hand property sales.
- 5.3.12 New builds have been concentrated up to £400k price point where 88% of new build transactions has occurred. Conversely, 73% of second-hand transactions have occurred between the £200k to £500k price bracket. This would suggest that in general the 2nd hand market can be more expensive than new builds. This is an important consideration, given the rising average transaction prices in WGC and worsening affordability in the district.
- 5.3.13 Most of the new build sales have been flats, representing 90% of the 295 new build sales.

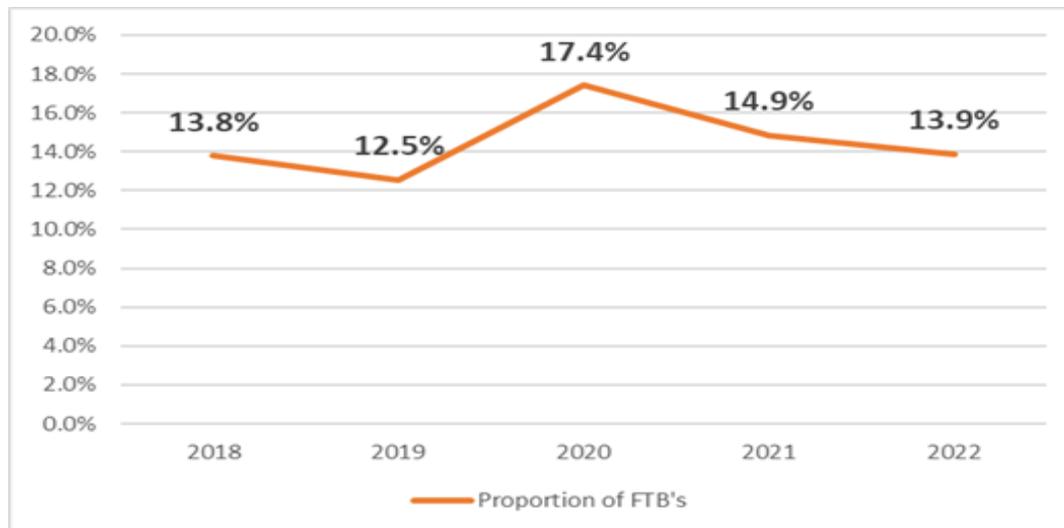
Chart 3: Proportion of transactions distinguishing new build and second-hand sales by price band across Welwyn Garden City



First Time Buyers

- 5.3.14 The proportion of First Time Buyers registered across WGC is decreasing in recent years, likely impacted by COVID-19, and now also with the increase in cost of living, these issues, plus the lack of new build properties is making it harder for FTB’s to get on to the property ladder.
- 5.3.15 We can see that the FTB proportion of applicants (across WGC) was highest in 2020 (and increased from 2019) – thus showing signs of stronger demand in the area, from previous years. But has since started to drop off again. The demand from FTB can be strengthened by introducing smaller, therefore lower cost, properties to the market

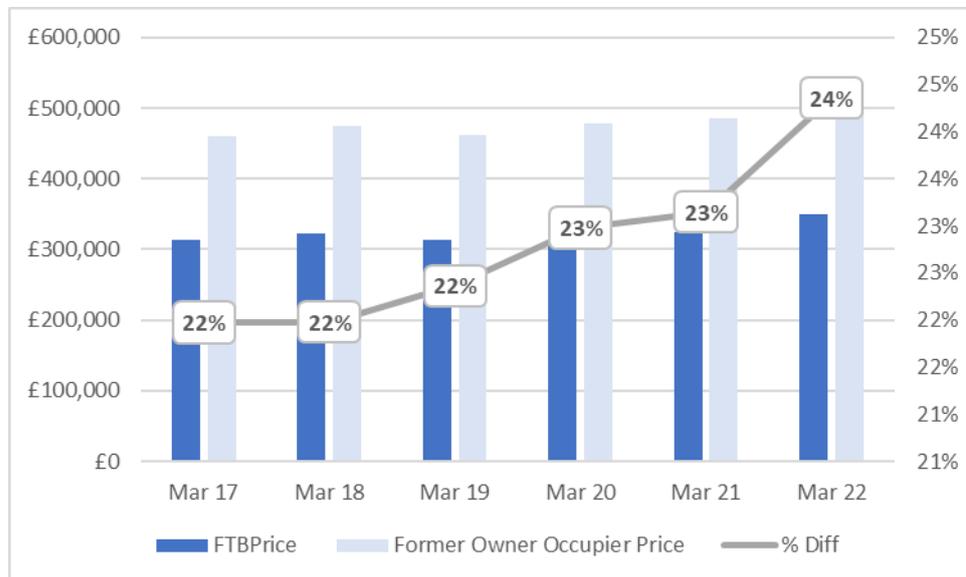
Chart 4: Proportion of First Time Buyers



Price Growth

- 5.3.16 Whilst average property price continues to rise, albeit currently at a slower pace, FTB average price stands at an average of £349,000 in Mar 22 (an increase of 11% from £314,000 in Mar 2017). It is notable that the former owner occupier price has increased by 16% over the same period to £532,000 (from £460,000) – again exasperated by the pandemic where buyers have been looking for more space.
- 5.3.17 Buyers have typically moved from London, Welwyn Garden City, St. Albans, and Hatfield – whilst this does not represent FTB's explicitly it demonstrates buyers looking for larger properties as the average property price sought across these buyers was £625,000.
- 5.3.18 This again supports the need for smaller houses that are affordable across WGC and allow FTB's to get on to the property ladder.

Chart 5: FTB Price paid compared to rest of market



Conclusions

- 5.3.19 From the analysis of transaction data over the most recent 3-year period and looking at the longer-term transaction of houses in the district, it can be summarised that; residential property across Welwyn Hatfield is comparatively more expensive than across England, and is one of the most expensive places to buy property in Hertfordshire. Affordability has worsened across the district, on all metrics and it is likely the low level of new builds in the areas has exacerbated this trend, this will be caused by fewer new properties coming onto the market, which reduces supply coupled with a continual demand for property (as evidence in the SHMA/technical papers). Despite an uptick in new build transactions in recent years, the average price paid in WGC has still increased and only recently stabilised.
- 5.3.20 Compared to other parts of the district, WGC is comparatively cheaper and has higher proportions of less expensive housing stock than Hatfield and Welwyn, with the greatest proportion of properties under £400,000 by some margin.
- 5.3.21 Looking into transactions in more detail across WGC it can be seen the most expensive properties are towards the fringes of the town, with the cheaper transactions taking place in the centre and towards the east. Looking at the transactions based on property type, this is explained by most transactions in the lower value area are flats and terraced houses.
- 5.3.22 From the local market information, it can be concluded that new development coming forward in WGC, particularly in central locations would not command a premium prices as seen in Hatfield and Welwyn. Therefore, new development would need to be aimed at markets of under £400,000. The types of property transactions, in the central and eastern locations, where the appeal site is located, are flatted developments and terraced properties which are cheaper than semi and detached properties in WGC. It is relatively un-tested

that there is any market demand for larger properties within these locations, the transaction data strongly suggests that there is a demand for smaller property types in this appeal site's location and that it is possible new builds are in some instances cheaper than second hand transactions, the likely reason for this is that they are mostly flatted developments.

- 5.3.23 Data shows that first time buyers are a small proportion of the market in the area and that it is likely more would be able to come into the housing market if more new build properties were built, as in Welwyn Garden City, these are often cheaper than those from the 2nd hand market. These types of properties are typically in the more central location and are flats.
- 5.3.24 Therefore, local market data for Welwyn Garden City, and in particular the central location shows that there is a strong demand for smaller bedroom properties and that the demand for larger properties in central locations is un-tested. It should be recognised that the demand for larger properties is experienced on the fringes of the town. Most new developments in WGC have been flatted, however it is important to note that these transactions are often lower than the 2nd hand average in WGC, this is an important consideration. The proposed mix for the appeal site, based on market evidence, should be aimed towards lower cost properties and given its location and the strong demand for flats, the development should be predominantly flatted.

6.0 Viability Considerations and other factors

- 6.1.1 The evidence base supporting the Council's position, is the SHMA, or various technical reports. The recommendations for housing mix in these reports, in short, state that viability and other factors need to be considered when arriving at a final mix for a scheme.
- 6.1.2 I agree that the mix of properties for a proposed development will be arrived at through the consideration of information and judgments from several areas. For this particular appeal, these include the design of the scheme, townscape and heritage, viability, the Council's demographic assessment and local housing market information.
- 6.1.3 The proposed mix of the appeal site has taken these factors into consideration and in particular has been driven by a scheme that is viable, that will be attractive to the housing market and that meets design criteria.
- 6.1.4 The proposed height and scale of the scheme responds to the historic precedent of large, industrial buildings to the west of the railway, smaller domestic scale development would dilute the experience of a clear differentiation of character. The industrial built form in this part of WGC has left a legacy of larger footprint buildings. The design of the scheme has taken this into consideration of which one of the outcomes is flatted development. For the development to be viable it has necessitated for a certain amount of floorspace to be delivered, within properties that are attractive to the local housing market. My proof of evidence supports the proposed mix; it meets demographic needs and is responsive to the local housing market.

7.0 Five Year Housing Land Supply in Welwyn Hatfield

7.1 Overview

7.1.1 The Council's Five Year Housing Land Supply position statement is included as part of their Annual Monitoring Report which has a base date of September each year and is typically updated in January. Therefore, it is possible a new position will emerge from the Council on their land supply, during the course of the appeal. We therefore request the Council inform our client of any changes to their position as soon as possible.

7.1.2 We have carried out a review of the Council's land supply position. This has been divided into Category A sites (small sites with permission and large sites with detailed permission), Category B sites (large sites with outline permission, allocations, sites with permission in principle, and brownfield register sites), and windfall allowance in accordance with the NPPF's definition of deliverable.

7.1.3 For the purposes of this appeal, the housing requirement and the assessment period are agreed.

7.1.4 For the supply there remain several points of dispute between the Council and the Appellant for this appeal. These cover:

1. The Council's Windfall Allowance of 278 dwellings, in years 4 and 5 of the assessment period (or 139 dwellings per annum). Should be **reduced** by 218 down to 60 dwellings (30 dwellings per year).
2. Broadwater Road West SPD Site – 616 dwellings, should be **reduced** by 188, to 428 dwellings in the 5-year period
3. Link Drive for 80 dwellings should be **removed** from the supply
4. Garages at Hollyfield for 13 dwellings should be **removed** from the supply
5. 29 Broadwater Road for 128 dwellings should be **removed** from the supply
6. Norton Building, Bridge Road East for 122 dwellings should be **removed** from the supply

7.1.5 The cumulative impact of removing, or reducing components of the Council's supply, is a **reduction of 749 dwellings** in the assessment period. This reduces the Council's supply from 2,594 to 1,845 dwellings. This results in a 5YHLS land supply of **1.75 years**.

7.2 Sites in Dispute

i) Category A Sites

7.2.1 As defined in Annex 2 of the NPPF, Category A sites are small sites with permission or large sites with detailed permission.

7.2.2 Whilst they should be considered deliverable unless there is clear evidence against this, the lead in times and delivery rates of the sites should still be realistic and supported by robust evidence.

7.2.3 **Broadwater Road West SPD / Shredded Wheat Quarter** appears to have overly optimistic lead in times and build out rates which has inflated their contribution to the supply. Here, whilst it may be demonstrable that the site is deliverable; we would at least seek to demonstrate that the levels of delivery anticipated by the Council are overly optimistic.

7.2.4 The site has detailed planning permission (6/2018/0171/MAJ) for up to 1,340 dwellings (including 414 affordable homes, 114 extra care comes), as well as 14,531m² of commercial/community space in a range of flexible uses, including A1/A2/A3/A4/B1/B8/D1/D2. Permission was granted on the 15th February 2019.

7.2.5 The Council’s trajectory for this site is as follows:

Table 16: Site Trajectory for Broadwater Road West SPD

Site	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Broadwater Road West SPD	0	107	101	128	280	616

7.2.6 There is also an application (6/2021/0671/MAJ) on the south side of the former Shredded Wheat Factory for full planning of 317 dwellings (Class C3) and outline planning for up to 404 dwellings (Class C3). The application was submitted on 1/3/2021 by Metropolitan Thames Valley Housing and is currently awaiting decision.

7.2.7 There is a hybrid application (6/2021/0181/MAJ) on the north side of the former Shredded Wheat Factory for 399 Private Rented Sector (PRS) dwellings and 153 dwellings (Class C3), 250 units of residential care accommodation for the elderly (Use Class C2) with associated communal facilities, 15,247m² of community and commercial hub (Use Classes E and F1); and Outline Planning Application for up to 418 dwellings (Class C3) with all matters reserved except access. This application was submitted 20/1/2012 by John West from the Wheat Quarter Ltd and is currently awaiting decision.

7.2.8 Whilst the sites have extant permissions and we concur with the Council that they are deliverable, the delivery rate assumed by the council does not appear realistic.

7.2.9 The council has not published any information supporting this assumed delivery rate, or any information on general local lead in times and delivery rates.

7.2.10 Consequently, we have applied nationally based assumptions published in the 2021 NLP report *Start to Finish* – using lead-in times and build-out rates to ascertain a more realistic trajectory.

7.2.11 Given that the site is now under construction, we have assumed the Council’s start year for the purposes of this assessment, we however do not agree with the total amounts and apply the 107dpa for each year.

7.2.12 Therefore, the altered trajectory is as shown below:

Table 17: Council’s and Appellants Site Trajectory for Broadwater Road West SPD

	Site	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Welwyn Hatfield’s	Broadwater Road West SPD	0	107	101	128	280	616
Appellant’s	Broadwater Road West SPD	0	107	107	107	107	428
Difference							- 188

ii) Category B Sites

- 7.2.13 As detailed in the guidance and policy outlined above, category B sites requires clear evidence to form part of the published land supply assessment by the Council to confirm their deliverability.
- 7.2.14 The following sites fall into category B, however, no additional evidence has been provided to justify their inclusion into the supply. Therefore, the sites we consider should be removed are as follows:

Table 18: Category B Sites to be removed from Supply

Potential Category B Sites to remove from supply	Capacity
Hat148 (HE17) Link Drive Car Park C3 6/2019/2431/MAJ N/A BLR/RG 8	80
Hat101b (HC100b) 1-9 Town Centre C 3 6/2019/2430/MAJ N/A BLR/RG	70
Hat113 (HS31) Garages at Hollyfield C 3 N/A N/A BLR	13
WGC149 29 Broadwater Road C 3 6/2019/3024/MAJ N/A BLR/RG	128
WGC148 Norton Building, Bridge Road East C 3 N/A N/A BLR	122
Total to remove	413

iii) Windfall

- 7.2.15 The council have included a windfall allowance of 278 dwellings, equating to 139dpa for years 4 and 5 of the 5-year period.
- 7.2.16 As per paragraph 71 of the guidance outlined above, there has to be compelling evidence that the windfall will provide a reliable source of supply, having regard to future trends. The windfall assessment is detailed in the 2020 Windfall Update Paper (CD 18) and the following Inspector’s letter (CD 19).
- 7.2.17 Firstly, whilst the windfall assessment has been carried out under the 2012 NPPF, and not the 2021 NPPF, the relevant paragraphs in each are very similar and for this windfall assessment it is likely to make little difference.
- 7.2.18 Whilst the inclusion of a windfall allowance in Welwyn Hatfield is appropriate, the Council’s windfall calculation is significantly reliant upon the continuation of the loss of employment land to residential. This is shown in the table below whereby the council have included an allowance of 171 dwellings for windfall allowance on office conversions in year 4 and 5. This accounts for 74% of the windfall allowance.
- 7.2.19 The Council’s windfall allowance in the AMR is 278 dwellings, yet the 2020 paper shows a windfall allowance of 231 dwellings. I note the Insepctor’s letter following this evidence, I however do not agree with the conclusions reached as there is no evidence support those conclusions – in particular the need to demonstrate that the future trend will continue. Furthermore, the purpose of that windfall assessment was to support the examination of the Local Plan and considers a longer time horizon. The windfall assessment in the 5YHLS should be focused on what windfall development may occur within the 5 year period, and not apply an average used over a much longer period of time.

7.2.20 In the four years since 2016, the average windfall completions on office sites has been 103dpa, however, prior to the introduction of permitted development rights temporarily in 2013 and permanently in 2016, the average windfall completions on office land was 9dpa. I

Table 19: Windfall Assessment

Previous land use source	Council's Windfall Assessment (dwellings)
Residential	26dpa
Agriculture and Rural Buildings	4dpa
Business - Offices	101 (2024/25) + 70 (2025/26)
Total 2023/24-2024/25	231

7.2.21 At the time of the assessment, an Article 4 Direction was being proposed to remove these Permitted Development Rights in four of the key employment areas in the borough. This would mean that planning permission would again be required for change of use from B1 office to C3 residential. The assessment states that:

“It would be expected that this would have a significant impact on windfall from office use, with permitted development applications remaining high or even increasing in the months leading up to the implementation of the Article 4 Direction. As applications are usually valid for three years, and usually take between 2-3 years to complete, a higher level of windfall would be expected early on as these applications progress to completion.”

7.2.22 Therefore, the council has made a windfall allowance for 103dwellings in 2023/24 in line with historic annual rates, 101 dwellings, then 70 dwellings and then 21 dwellings beyond 2025/26 which is the average supply from offices where planning applications have been submitted since 2013/14 (table below)

7.2.23 As such, the council have adopted the following windfall allowance from offices:

Table 20: Welwyn Hatfield windfall allowance from offices

Year	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	beyond
Dwellings	0	0	0	103	101	70	21 per annum

7.2.24 However, the windfall allowance included does not sufficiently account for the the Article 4 Direction which came into place in February 2022 which will prevent office to residential conversions happening under permitted development.

7.2.25 As such, it is likely that any future office to residential conversions under permitted development rights will have already submitted plans and will be known to the Council, thereby not constituting windfall.

7.2.26 As a result, it is likely that the windfall completions on previous office uses will be significantly reduced

Table 21: Council’s and Appellant’s windfall assessment comparison

Previous land use source	Council’s Windfall Assessment (dwellings)	Appellant’s Windfall Assessment (dwellings)
Residential	26dpa	26dpa
Agriculture and Rural Buildings	4dpa	4dpa
Business - Offices	101 + 70	52dpa
Total 2023/24-2024/25	231	164
Difference		-67

7.2.27 Therefore, as the Council’s windfall assessment has failed to adequately address the Article 4 directive in place on employment land across the district, it is considered that 67 dwellings can be removed from the windfall allowance

iv) Summary and conclusions on AMR 2020/21

7.2.28 The steps outlined above have assessed Category A sites, Category B sites, as well as the windfall allowance. These reductions result in the Council’s supply being reduced to 1.75 years as shown in the table below.

Table 22: Comparison of council’s and appellants land supply assessments

Element of supply /requirement	Council’s supply	Adjusted Supply
Local Housing Need (875)	4390	4390
Addition of buffer (20%)	5268	5268
Supply 2021/22 to 2025/26	2341	1,706
Windfall assumption	278	164
Non implementation rate	-25	-25
Five year supply	2,594	1,845
Years supply	2.46	1.75

7.2.29 To conclude, the Council’s current published land supply position is 2.46 years, thereby falling far below the five years as required by the Framework. Further to this, our assessment of the sites has found that this position can be reduced to 1.75 years, thereby demonstrating that there is an extreme and significant deficiency of land for housing and that the only way to reduce this gap further is by permitting development such as the appeal site.

8.0 Summary and Conclusions

- 8.1.1 I have been instructed by the Appellant to present evidence on housing mix and 5 Year Housing Land Supply for this appeal.
- 8.1.2 The proposed development does provide a mix of property types which meet housing need in Welwyn Hatfield and takes into consideration local housing market, viability, townscape, heritage and design considerations. The proposal is reflective of the Council's SHMA.
- 8.1.3 The proposal will bring forward a mixture of properties which meet M4(2) or M4(3) building standards and will provide housing, for a range of groups, in an area which has a substantial shortfall in new housing coming forward and has over recent years failed to keep up with housing demand. This is evidence in the Council's performance based on the HDT results and when looking at my assessment of the 5YHLS or the Council's own position.
- 8.1.4 The Council's case is reliant on a submission local plan policy, which is still subject to outstanding and unresolved objections, has had changes drafted, but is still yet to be consulted as a Main Modification to the Plan. The examination of the Local Plan is still on-going, and the outcome remains uncertain. The examination process has been on-going now for many years. In turn this relies on evidence, which only takes into consideration demographic data and has no consideration of the local housing market. Furthermore, the Council's housing need consultant is very clear that the evidence should not be prescriptive or act as a target to aim for, which the Council are attempting to do through it's application in the refusal of the original application. The purpose of that element of the SHMA evidence was to monitor development in the area and not act as a target or restrictive development management policy.
- 8.1.5 The Council's housing need evidence shows that there is a need for larger properties in Welywn Hatfield, however one of the households experiencing the largest growth is single and two person households. Housing delivery has been very poor in Welwyn Hatfield, whilst most new properties coming to market have been 1 or 2 bedroom flats, the quantum delivered has still not met needs in recent years, based on the Council's on metrics alone. Looking forward there is still a need to be met for these types of properties.
- 8.1.6 The Council's latest AMR 2021 provides general context to the current housing market in Welwyn Hatfield. This is set out within Indicator H07, page 34 onwards. This shows, that house prices in Welwyn Hatfield have continued to rise since 2006, with the rate of increase accelerating from 2013. Whilst at the same time housing delivery has been patchy and never reaching similar levels as recorded in 2006.
- 8.1.7 Average house prices are comparable to the rest of Hertfordshire, however they remain much higher than the East of England and the UK as a whole, by at least £100,000. Unsurprisingly, the affordability ratio in Welwyn Hatfield is much higher than the ratio for England, which means homes for residence are less affordable here than most places in England.
- 8.1.8 From the analysis of transaction data over the most recent 3-year period and looking at the longer-term transaction of houses in the district, it can be summarised that; residential property across Welwyn Hatfield is

comparatively more expensive than across England, and is one of the most expensive places to buy property in Hertfordshire. Affordability has worsened across the district, on all metrics and it is likely the low level of new builds in the areas has exacerbated this trend, this will be caused by fewer new properties coming onto the market, which reduces supply coupled with a continual demand for property (as evidence in the SHMA/technical papers). Despite an uptick in new build transactions in recent years, the average price paid in WGC has still increased and only recently stabilised.

- 8.1.9 Compared to other parts of the district, WGC is comparatively cheaper and has higher proportions of less expensive housing stock than Hatfield and Welwyn, with the greatest proportion of properties under £400,000 by some margin.
- 8.1.10 Looking into transactions in more detail across WGC it can be seen the most expensive properties are towards the fringes of the town, with the cheaper transactions taking place in the centre and towards the east. Looking at the transactions based on property type, this is explained by most transactions in the lower value area are flats and terraced houses.
- 8.1.11 From the local market information it can be concluded that new development coming forward in WGC, particularly in central locations would not command a premium prices as seen in Hatfield and Welwyn. Therefore, new development would need to be aimed at markets of under £400,000. The types of property transactions, in the central and eastern locations, where the appeal site is located, are flatted developments and terraced properties which are cheaper than semi and detached properties in WGC. It is relatively un-tested that there is any market demand for larger properties within these locations, the transaction data strongly suggests that there is a demand for smaller property types in this appeal site's location and that it is possible new builds are in some instances cheaper than second hand transactions, the likely reason for this is that they are mostly flatted developments.
- 8.1.12 Data shows that first time buyers are a small proportion of the market in the area and that it is likely more would be able to come into the housing market if more new build properties were built, as in Welwyn Garden City, these are often cheaper than those from the 2nd hand market. These types of properties are typically in the more central location and are flats.
- 8.1.13 Therefore, local market data for Welwyn Garden City, and in particular the central location shows that there is a strong demand for smaller bedroom properties and that the demand for larger properties is un-tested. It should be recognised that the demand for larger properties is experienced on the fringes of the town. Most new developments in WGC have been flatted, however it is important to note that these transactions are often lower than the 2nd hand average in WGC, this is an important consideration. The proposed mix for the appeal site, based on market evidence, should be skewed towards lower cost properties and given its location and the strong demand for flats, the development should be predominantly flatted.
- 8.1.14 The demographic evidence prepared by the Council and local housing market evidence identified within my proof of evidence shows that there is a need for smaller properties and that there is a demand for these

properties, in the market. Delivery of these types of properties is likely to assist 1st time buyers enter the property market, which are likely to be within the groups (1 and 2 person households) identified by the Council, projected to have strong levels of growth. Without the delivery of these types of properties, the trends identified in WGC and Welwyn Hatfield, which are potentially creating barriers to home ownership will remain or be exacerbated.

