

Examination of the Welwyn Hatfield Local Plan 2013-2032

Inspector: Melvyn Middleton BA(Econ) DipTP DipMgmt MRTPI

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Ms. Sue Tiley,
Planning Policy & Implementation Manager,
Welwyn Hatfield Borough Council,
Welwyn Garden City,
Hertfordshire AL8 6AE.

June 2021

By email only

Dear Ms Tiley

Welwyn-Hatfield Local Plan Examination

Housing Supply-Windfalls

1. In November 2020 you submitted a document (Local Plan Windfall Allowance Update) for consultation. Having read and considered your paper and all of the representations made in response to that document, I held a Hearing on 24 February 2021 to discuss the most contentious issues and to further clarify certain matters. You subsequently sent me more detailed information on the sources of "other-use" windfalls.
2. I am satisfied that there is compelling evidence to suggest that windfall sites, as defined in the 2012 National Planning Policy Framework, have consistently come forward during the period since 2005 and that they will continue to provide a reliable source of housing supply. The remaining issue before me is the determination of an appropriate number going forward and, in that context, whether or not the methodology used by you to arrive at a figure is sound.
3. Your updated assessment is based on the level and consistency of historic windfall delivery by former land use across the period 2005/08-2018/19.
4. There was broad, if not unanimous, agreement that the proposed annual allowances for new dwellings from residential building (26 dwellings per annum) d.p.a.) and agricultural /rural dwellings (4 d.p.a.) were reasonable estimates, those from property currently in business/office use less so.

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5. There was a significant supply of new dwellings from this source during the period going forward from 2014, when changes to permitted development rights in 2013 increased the ability of this route to contribute to the overall supply. This was initially through change of use and conversion but latterly through redevelopment as well. The scale has seen an upward growth trend. This was no doubt influenced by the changing nature of permitted development in this use area. However, the constrained supply of new dwellings from allocated sites, which became almost non-existent post 2014, would probably also have had an influence in recent years.
6. Being concerned at the loss of employment sites to housing, the Council introduced an Article 4 direction¹ across the Borough's major employment areas, to remove these permitted development rights, in October 2020. These have been the principal locations for new dwellings from this source in the recent past. There should only, therefore, be a limited number of new dwellings from this source henceforth. It is difficult to predict how much supply there will be from this source moving forward but the use of the figure (21 d.p.a) suggested by the Council and being the average number since 2013/14 but excluding permitted development, seems to be a reasonable estimate.
7. Given that the ability to create dwellings from this source will be heavily constrained by the Article 4 Direction, it is not necessary to make an allowance for further dwellings that could have been derived from this source, pre-October 2020 in the years 2023-25, as the Council suggests. Such dwellings that have not already been completed but will be in the short term, should be known to the Council through the permitted development process and should be included in the commitments or completions schedules as appropriate.
8. The Council has considered the remaining sources of windfall dwellings together and under the description "other uses", pointing out that the supply from individual uses considered under this categorisation is somewhat less consistent. It also points out that the supply from this source has shown an increase towards the end of the plan period.
9. However, the Council's failure to deliver a replacement Development Plan to follow on from the previous one could well be a contributory factor towards this phenomenon and as under the current Regulations, Councils are required to review their Development Plans every five

¹ Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015

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years and update them where appropriate, such circumstances may not occur in the future.

10. Nevertheless, there have clearly been dwellings provided from these sources historically, whether or not there has been an up to date and adopted Development Plan and there is no evidence to suggest that dwellings will not be provided from these sources going forward. The derivation of an annual number of dwellings from other uses is not easy to derive because the circumstances that have affected the delivery of windfalls, since the adoption of the last Local Plan in 2005, have not been consistent.
11. A period of high housing delivery, including windfalls (2005-9) following the former Local Plan's adoption, was followed by the recession (2009-12) when all housing delivery in the Borough was at a low ebb. Following that, the local plan was time expired but not all of its allocations had been developed out. Nevertheless, there followed a period (2012-16) when increasingly windfalls, boosted by the ramifications of the absence of allocated sites for housing development, became the dominant supply of new housing. Finally, from 2016 onwards there was a period when, following the exhaustion of opportunities for housing development on allocated sites and the Council's failure to demonstrate a five year supply of housing land, almost all (90%+) of housing development was as a result of windfalls. This situation is unlikely to be repeated given the requirement to review the need to up-date Local Plans every five years.
12. However, the above does not negate the fact that windfall development from "other uses" has happened on a continuous, if irregular, basis in the past and will continue to do so going forward. The data set includes years, such as 2008/9, when unusually large numbers came from the development of a single large site or coincidentally a number of medium sized sites, that were not allocated in the adopted Local Plan. Again, such occurrences are likely in the future and their inclusion in the derivation of an average is valid.
13. Whilst beyond 2014 the numbers are likely to have been affected by the changes to housing land supply discussed above, 83 d.p.a. were derived from other uses in the first five years of the newly adopted plan. Consequently, an allowance for other uses based on the average experienced 2005-19, which is not dissimilar seems reasonable to me. An allowance of 88 d.p.a. from this source going forward from 2023 should be included.

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14. Taken together with the reductions in the allowance for additional dwellings from business-offices in the years 2023-25, the application of a constant allowance of 88 d.p.a. for that supplied by other uses throughout the plan period from 2023 gives a revised windfall allowance of 1809 dwellings (139p.a.)².

Yours Sincerely

M Middleton

Inspector

June 2021

² That is, 26 from residential building + 4 from agricultural / rural dwellings + 21 from business / office uses + 88 from other uses