

## **Adroddiad ar gyd- astudiaethau argaeledd tir ar gyfer tai**

## **Report on Joint Housing Land Availability Study**

gan R.M. Poppleton DipTP, DMS, MRTPI, JP by R.M. Poppleton DipTP, DMS, MRTPI, JP  
Arolygydd a benodir gan Weinidogion Cymru an Inspector appointed by the Welsh Ministers  
Dyddiad: 17/07/2014 Date: 17/07/2014

**Ref: JHLAS/13/N6845/515967**  
**Local Planning Authority: Pembrokeshire County Council**

- This report concerns the Pembrokeshire County Council Joint Housing Land Availability Study (JHLAS) 2013.
- The matters in dispute are set out in the JHLAS Statement of Common Ground (SoCG) submitted to the Welsh Government in March 2014.

### **Recommendation**

1. That the 2013 JHLAS housing land supply figure for the Pembrokeshire County Council area be determined as 4.9 years.

### **Context of the Recommendation**

2. Local Planning Authorities have a duty to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing<sup>1</sup>. The purpose of preparing a JHLAS is to:
  - Monitor the provision of market and affordable housing;
  - Provide an agreed statement of residential land availability for development planning and control purposes; and
  - Set out the need for action in situations where an insufficient supply is identified<sup>2</sup>.
3. The scope of this report is to recommend an appropriate housing land supply figure in respect of the Pembrokeshire County Council area, in the light of the matters in dispute concerning the calculation of such a figure and the available evidence.

### **Main Issues**

4. The Pembrokeshire County Council Local Development Plan (LDP) was adopted on 28 February 2013 and was therefore in place at the base date of this study period. The SoCG confirms that the Study Group agrees that in line with TAN 1 the correct methodology for determining the 5 year land supply is the residual method. However, there is disagreement over the status of 19 sites. The main issue therefore is whether,

<sup>1</sup> PPW Edition 6 paragraph 9.2.3

<sup>2</sup> TAN 1: Joint Housing Land Availability Studies (June 2006) paragraph 2.1

at the base date of the study, the 19 disputed sites should be counted as contributing to the 5-year housing land supply.

## Reasons

5. The Local Planning Authority (LPA) contends that the number of units in the land supply should be taken as 3,877. The SoCG confirms that the 19 disputed sites represent 886 units within the 5 year study period. However, on examination of the comments from all parties for each disputed site in the SoCG only 686 of these units are in dispute.
6. TAN 1 provides advice on the criteria to be applied in considering whether sites may be regarded as genuinely available within a five year period. The TAN also provides advice on sites that have remained in the land supply for periods well in excess of five years. I have considered the disputed sites in line with the advice in the TAN and the WG Guidance, and on the basis of the available evidence in the SoCG and appendices.
7. I note that for some sites Persimmon raise the fact that due to the small nature of the sites they are not considered viable for volume house builders. The LPA respond to this general point with the observation that such sites are expected to be delivered by smaller, local developers. I do not disagree.
8. 001/00008: ENC 9222, Penrhiw, Abercych (16 units in dispute): The site first entered the land supply in 1999. There is an implemented planning permission on the site, yet it has remained undeveloped for nearly 15 years, and therefore meets the terms of the presumption to reclassify to Category 3i outlined in Para 7.4.1 of TAN 1. I note that in last year's JHLAS Report the Inspector found that the implemented permission constituted sufficient explanation as to why the site should resist reclassification. However, another year has passed, and the latest stated intention from the landowner / developer is to wait until the economy starts to improve. The fact that the site meets the presumption in the TAN, the lack of certainty over when development is likely to start, and the fact that the sloping nature of the site and a need to ensure adequate foul and surface water disposal are listed as constraints to development indicate that the the site should be moved to Category 3i for this year's study. I therefore find that these 16 disputed units should not be counted towards the 5 year land supply figure.
9. 006/00029: Frondeg. Blaenffos (8 units in dispute): The SoCG indicates that this site first entered the land supply in 2009. A full planning permission for 6 units was granted in 2008. I have no information before me which explains why the LPA have identified this site as delivering 8 units in the study period rather than the 6 units relating to the existing permission. I note that the current developer is trying to sell the land, and that a condition on the existing permission requires multiple actions relating to highway safety before development can commence. However, in the absence of any more detailed information about how this may affect the viability of the development, and given that the site does not yet meet the presumption to reclassify to Category 3i, I do not find it unreasonable to retain the units for which permission has been granted within the land supply. I therefore find that 6 of the disputed units should be counted towards the 5 year land supply figure.
10. 000/01202: Sporadic Wolfsdale Hall, Camrose (6 units in dispute): This site benefits from an implemented planning permission for 7 units. The Home Builders' Federation (HBF) claim that the site has been in the supply since 2007 with no development, but the site schedule submitted as an appendix to the SoCG, which was

amended following consultation with the Study Group, shows that one unit has been completed since the last study. I have no information before me which indicates that there is any constraint to the remaining 6 units being brought forward in the study period. I therefore find that these 6 disputed units should be counted towards the 5 year land supply figure.

11. 015/00024: National Park Caravan Site, Carew / Sageston (15 units in dispute):  
The SoCG confirms that this site was an allocated site in the Joint Unitary Development Plan. However, as that plan was superseded by the adopted LDP before the base date of this study, that information is not relevant to this Report. The SoCG also confirms that there is an outline permission for the site, but gives no details about what that permission is for or when it was granted or is due to expire. The site is stated to be capable of accompanying 75 units in total, but existing sewage treatment conditions can only accommodate 15 units, and following an exchange of comments between Study Group members it is this number of 15 that the LPA wish to include in the land supply. The site has been in the supply since 2001 and therefore meets the terms of the presumption to reclassify to Category 3i. However, I note that Pembrokeshire Coast National Park Authority, the landowners, make reference to a S106 agreement being finalised for the site. Para 7.1.3 of TAN 1 makes it clear that sites subject to a S106 should only be included in a study if allocated in an adopted development plan. I have no evidence before me that this site is an allocated site in the adopted LDP. I am therefore unable to include it in the land supply for this study period. I find that these 15 disputed units should not be counted towards the 5 year land supply figure.
12. 022/00012: West of Ash Grove, Clarbeston Road (21 units in dispute): This site is allocated in the adopted LDP, and at the base date of the study benefitted from an outline permission for 15 units. As the LDP was adopted in February 2013, I find no reason to discount any of the units from the land supply. I therefore find that these 21 disputed units should be counted towards the 5 year land supply figure.
13. 029/00017: Cardigan Slade, Crundale (15 units in dispute): This allocated LDP site is subject to an outline planning permission and first appeared in the land supply in 2007. The site was assessed in the LPA's Site Deliverability Study (2012) and estimated for delivery between 2013 and 2015. The site has a capacity of 55 units, which the LPA forecast as all being delivered within the study period, in line with the Deliverability Study. Persimmon suggests that 15 units should be categorised as 3i and also raises the fact that the Deliverability Study highlighted that there are 3<sup>rd</sup> party land ownership considerations which affect access to the site. However, this access information was part of that Study, and it was still found that the appropriate estimate for delivery was 2013 – 2015. Persimmon also raises the issue of viability; as of autumn 2013 an ongoing Section 73 application to remove / vary conditions on the existing outline permission has been before the LPA, subject to viability appraisal in relation to the affordable housing element of the scheme. I do not consider this to be a reason to remove units on this site, allocated in the recently adopted LDP, from the land supply. As the site has been evaluated as deliverable by 2015, even allowing some time for the issues raised by Persimmon to be resolved, I do not consider it unreasonable to forecast that these units can be delivered before the end of this study period.. I find that these 15 disputed units should be counted towards the 5 year land supply figure.
14. 034/00226: Adjacent the Laurels, Plasyfron, Fishguard (5 units in dispute): This site was previously granted full planning permission for 5 dwellings. It appears from

information in the SoCG that this permission has been secured, but that the current owner now intends to bring forward 2 dwellings on part of the site and sell the remainder. This is supported by the fact that the owner was granted full planning permission for two units on the site more recently. In the absence of any information indicating constraints on the site, I do not consider it unreasonable to expect that the owner will bring forward 2 units in the study period, nor to expect that it will be possible to sell the other part of the site so as to bring forward the other 3 units. I therefore consider that the extant permission for 5 units and the interest shown by the owner in progressing the site to be sufficient explanation as to why the site should resist reclassification to Category 3i, despite being in the land supply since 2007. I find that these 5 disputed units should be counted towards the 5 year land supply figure.

15. 034/00257: Old Frenchmans Hotel, Fishguard (8 units in dispute): This site is subject to a full planning permission for 10 units, and the LPA confirm that the permission has been implemented with 2 units under construction. However, there has been no development on site since the site entered the land supply in 2007. The landowner / developer has not responded to requests for an update as to their intentions. In the absence of such an update, I do not consider that there is an explanation as to why the site should resist the presumption to reclassify to Category 3i from TAN 1. I therefore find that these 8 disputed units should not be counted toward the 5 year land supply.
16. 034/00215: Maesgwynne Farm, Fishguard (50 units in dispute): This site is allocated for 399 units in the LDP. The LPA forecast 80 units being delivered within the study period, whereas Persimmon considers that 30 units is the more appropriate figure. The LPA confirm that the forecasted number of units are those which form part of a Reserved Matters permission which has been granted, and that the Deliverability Study (2012) identified 2013 – 2015 as the appropriate timetable for the site. I note concerns that there are pre-commencement conditions relating to access associated with the planning permission. However, this is not a valid reason to remove units from an adopted LDP site from the land supply. I note that the site has remained in the land supply since 2001, but I consider that the fact that the site is allocated in the recently adopted LDP and has a delivery timetable of 2013 – 2015 in the Deliverability Study to be sufficient explanation as to why it should not be reclassified to Category 3i. I find that these 50 disputed units should be counted towards the 5 year land supply figure.
17. 034/LDP/01: Old Infants School, Fishguard (21 units in dispute): This site is owned by the Council, and is an allocated site in the LDP with a delivery timetable of 2013 – 2015 in the LPA's Deliverability Study (2012). There is some question over whether there is an extant outline permission for the site, or whether it has lapsed. In any case, I consider the fact that it is an allocated site and the stated intention of the landowner to market the site in the near future provides an explanation as to why the site should be included in the supply for this study period. I find that these 21 disputed units should be counted towards the land supply figure.
18. 040/00273: Slade Lane North, Haverfordwest (115 units in dispute): The Study Group members appear to be treating this site and the following one (040/00274, Slade Lane South) as one site. This appears to be informed by the fact that an outline application for 729 units and associated infrastructure which incorporates both sites was approved by the LPA's Committee in September 2013. However, this post-dates

the base date for this study period, so I shall consider these sites separately, on their basis as allocated sites in the LDP.

19. The LPA forecast 160 units coming forward on this (Slade Lane North) site in the study period. They note that 569 units should be placed in 3i, giving a total of 729 units, which comprises the total number relating to the outline application which comprises both this site and Slade Lane South. The LPA however also wish to include 280 units from the Slade Lane South site in the supply and 232 units in 3i, giving a total of 512 units, which appears to match the total allocation for Slade Lane South in the LDP. That would give a combined total of 1,241 units across both sites; this is much higher than the combined figure in the LDP of 971 units or than the 729 units in the outline application, and would indicate a form of double counting of the units relating to the outline planning permission.
20. The LDP allocation indicates that Slade Lane North is expected to deliver 48 units in the plan period, with 489 units noted for delivery outside the plan period. This would appear to reflect the constraints relating to Waste Water Treatment Works (WWTW) capacity, which mean that development will have to be strategically phased with contributions helping to offset the capacity limitations. It is therefore unrealistic to expect this part of the site to deliver the LPA's proposed 160 units in the study period. The LPA's failure to address the concerns raised by the other study group members as to their accounting for the units across both of these sites undermines their assertion that 160 units will be delivered on this part of the site and 280 units will be delivered on Slade Lane South during the study period.
21. Persimmon state that 90 units combined across both sites is a realistic maxima, allowing for lead in time. HBF consider that 100 units is the appropriate combined figure to be included across both sites. As it will have no effect on the overall recommended number of the disputed units to be included in the land supply figure, for simplicity I will treat these recommendations as being for 45 units in Slade Lane North and 45 units in Slade Lane South by Persimmon, and 50 units in Slade Lane North and 50 units in Slade Lane South by HBF.
22. In the absence of any details relating to phasing or the WWTW constraints, it is difficult to estimate delivery rates accurately. However, HBF's proposed forecast allows a suitable lead in period and then reflects a realistic rate of development for a major site. I consider that HBF's forecast of 100 units in total for both sites is the most appropriate; as stated, I will treat this as an expected delivery of 50 units for Slade Lane North. I therefore find that 5 of the disputed units should be counted towards the 5 year land supply figure.
23. 040/00274: Slade Lane South, Haverfordwest (235 units in dispute): As outlined in the reasoning for Slade Lane North, the LPA's forecast for this site is overly optimistic, and there appears to be double counting of the overall number of units across both sites. I have treated the suggested delivery rates for this site as 45 units in the study period by Persimmon and 50 units by HBF. As explained in Paragraph 21 of this Report, I find that HBF's proposed delivery rate is the most appropriate. I therefore find that for Slade Lane South 5 of the disputed units should be counted towards the 5 year land supply figure.
24. 095/00153: Adjacent to Monkton Swifts, Pembroke (40 units in dispute):  
Persimmon query the inclusion of the site as there is no extant planning permission, but Para 7.1.2 of TAN 1 makes it clear that a site may be included in a JHLAS if it is either subject to a planning permission or identified for residential purposes in an

adopted development plan. This is an allocated site for 118 units in the adopted LDP and therefore is not excluded from the JHLAS. I note that there has been no response from the landowner / developer regarding an update as to their current intentions for the site. I also note that the site first featured in the land supply in 2001, and therefore meets the terms of the presumption to reclassify from TAN 1. The LPA propose including 80 units in the supply, with first completions in year 4 of the study period. Persimmon raises the fact that the LPA's Deliverability Study (2012) identifies constraints for this site, including sewerage and infrastructure issues and significant access issues. Persimmon suggests that delivery of 40 units, all in the final year of the study period, is the most appropriate forecast. The LPA state that their forecast of 40 units per annum in the final two years is based on the Deliverability Study, and therefore takes into account the identified constraints. Without any detailed information about the level of constraint faced by the site, I have no reason to believe that the LPA's forecast, based on their Deliverability Study, is unrealistic. I therefore find that the disputed 40 units should be counted towards the 5 year land supply figure.

25. 095/00180: Long Mains, Monkton (20 units in dispute): At the base date of the study this site benefitted from full planning permission for 30 units. The LPA forecast 20 units coming forward within the study period, with the remaining 10 in Category 3i. Persimmon queries the inclusion of any units from this site on the basis that the permission was due to expire on 21 October 2013. As planning permission was in place at the base date of the study, I find that the 20 disputed units should be counted towards the 5 year land supply figure.
26. 096/00330: Commodore Hotel, Admiralty, Pembroke Dock (31 units in dispute): Persimmon query the inclusion of the site on the basis that the relevant planning permission was due to expire on 6 July 2013. However, the fact remains that at the base date of the study this site benefitted from full planning permission for 31 units. I note that the site was sold to new owners in August of 2013, but again this took place after the base date of the study. As the site first entered the supply in 2009, I do not consider that there is a valid basis to remove the site from the land supply. I therefore find that these 31 disputed units should be counted towards the 5 year land supply figure.
27. 096/00253: Former Coal Yard, King William Street, Pembroke Dock (8 units in dispute): This site is another where there was a full planning permission in place at the base date of the study, but Persimmon query its inclusion as the permission was due to expire after the base date. As the site first entered the supply in 2009, and there was a live planning permission at the base date of the study, I find no reason to exclude it from the supply. I therefore find that these 8 disputed units should be counted towards the 5 year land supply figure.
28. 096/00238: North of Pembroke Road, Pembroke Dock (40 units in dispute): This is an allocated site for 98 units in the adopted LDP. Persimmon query the inclusion of any units with the five year land supply, as the landowner, Pembrokeshire County Council, confirms that the site is not on the market and unlikely to come forward quickly. Persimmon also point out that there are some constraints identified in the LPA's Deliverability Study (2012). The LPA however confirm that their forecast takes account of these factors, and the timetable for the site in the Deliverability Study indicates delivery between 2016 and 2021. In the absence of any specific information regarding the level of constraints on site, I have no reason to believe that the LPA's

forecast is unrealistic. I therefore find that these 40 disputed units should be counted towards the 5 year land supply figure.

29. 110/00015: Land at Maes Elwyn John, Reynalton (6 units in dispute): HBF state that they raised concerns over this site's inclusion in the 2012 study. However, it does not feature as a disputed site in the Inspector's report. This site first entered the land supply in 2007, and therefore now meets the terms of the presumption to reclassify to Category 3i. There is an extant outline planning permission on the site, for which a S106 was signed in March 2011. The LPA have confirmed that the deadline for submission of Reserved Matters has been extended to 13 October 2014, and that therefore the outline permission was live at the base date of the study. The LPA indicate that the owner is seeking to dispose of the site with a developer. I do not consider that the existence of the outline planning permission is sufficient explanation as to why this site should resist reclassification to category 3i for this year's study. The owners stated intention to dispose of the site does not add any confidence to the prospect of the site being delivered within the study period. I therefore find that these 6 disputed units should not be counted towards the 5 year land supply figure.
30. 132/00030: Land South of the B4315, Templeton (26 units in dispute): HBF raises the issue of the length of time that the site has remained in the supply with no development. The site has been in the land supply since 2005 and therefore meets the terms of the presumption to reclassify to category 3i from TAN 1. I note that the site is allocated in the adopted LDP and that there are phased outline permissions in place. I also note that a S106 has been signed for one of the outline permissions. The Deliverability Study (2012) identifies the delivery timetable as 2013 – 2015. These facts strongly suggest that it is likely that the site is capable of delivering all 26 units within the study period. I consider that this provides sufficient explanation as to why the site should resist reclassification to Category 3i for this year's study. I find that these 26 disputed units should be counted towards the 5 year land supply figure.
31. For the foregoing reasons I find that 387 units should be subtracted from the LPA's proposed 3,877 units, and therefore the total number of units to be included in the 5 year land supply is 3,490.

## **Conclusion**

32. Based on the foregoing analysis and utilising the residual method in line with paragraph 7.5.2 of TAN 1, I conclude that the housing land supply for the Pembrokeshire County Council planning area as at 1 April 2013 is 4.9 years.

*R.M. Poppleton*

**Inspector**