

## Matter 10

**Issue 10: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the delivery of housing.**

### Housing Land Supply - Delivery

**1. What evidence is there that the minimum housing requirement of 194 dwellings per annum will be achieved bearing in mind past delivery rates?**

1.1. The HBF considers that this is a question for the Council. However, the HBF considers that if the Council allocates deliverable sites for housing development, has a Local Plan with supportive policies that take into consideration the viability of development, and works proactively with the home building industry this housing figure will be achievable.

**2. The housing supply 2021-2040 is made up of a number of components as set out in Table 7 of HBC8.001.**

**a) Is there compelling evidence that small sites (windfalls) will be a reliable source of supply amounting to 280 dwellings?**

**b) What evidence is there to support the figure of 170 new dwellings (10 dwellings per annum), from housing in town centres/permitted development allowance?**

**c) Is it appropriate for a lapse rate/non implementation rate to be applied to sites with planning permission?**

**d) Is a buffer of 7% appropriate and justified to provide choice and competition in the market and make an allowance for the non-implementation of sites?**

2.1. The Council propose to include a small sites allowance of 20 dwellings per annum from year 4 of the Plan, totalling 280 dwellings over the Plan period. The Council considers small sites as those that deliver less than 5 dwellings, the monitoring information shown in table 5 shows that in the period 2013 to 2023 201 small sites have come forward, giving an average of 20 dwellings per annum. The Council suggests that this trend will continue into the future. The NPPF<sup>1</sup> is clear that where an allowance is to be made for windfall sites there should be compelling evidence that they will provide a reliable source of supply, and the allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.

2.2. Whilst the HBF don't necessarily disagree with the evidence provided by the Council, the HBF is concerned that the historical evidence may be at least in part due to the dated nature of the Planning policy in the area, and the lack of recent allocations, limiting the availability of larger sites for development. The current statutory Development Plan for Hyndburn includes the Hyndburn Core Strategy (adopted 2012); the Accrington Area Action Plan (adopted 2012); the Hyndburn Development Management (DM) DPD (adopted 2018); and saved policies from the Hyndburn Local Plan (adopted 1996).

2.3. The Council propose to include a town centre allowance for 10 dwellings per annum, equating to 170 dwellings over the Plan period. The Council have based this on the sites

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<sup>1</sup> NPPF Sept 2023 paragraph 71

identified in the Accrington Area Action Plan (adopted in 2012) and the changes to pd rights including the new Use Class E. The Council have also suggested that this allowance does not include sites of less than five dwellings to avoid double counting. The HBF is concerned that this allowance is not fully evidenced, and is considers that if sites have not come forward from the AAAP that was adopted in 2012, it is likely because there are issues with the deliverability of the sites. Unless the Council have compelling evidence that these obstacles are being addressed the HBF recommends that this allowance is deleted.

- 2.4. The HBF recommends that a lapse rate is included within the supply for non-delivery from extant planning permissions or allocations. It is not unusual for the capacity of a site to change from original allocation to permission to completion, or for some sites not to come forward within the timescales expected, or for some sites not to come forward at all. This may be due to changes in policy, in viability, or in availability, a recent example could be the introduction of BNG which may have seen the capacity of sites reduced as onsite BNG is provided.
  - 2.5. The HBF does not consider that there is currently sufficient flexibility in the supply, and that it could only take the non-delivery of a small number of sites, or a slow down in the delivery of a few sites or a slowdown in the delivery of the Huncoat Garden Village, for the Council struggle to deliver the homes they need. The HBF recommends that the Council seek to include further allocations within their supply.
- 3. *Policy SP10 recognises the important contribution of Huncoat Garden Village to housing supply. It contributes around 1500 homes out of a Plan requirement of 3,686 dwellings. Is there over reliance on the delivery of this site? If the development of the site is delayed and it cannot provide the anticipated number of dwellings in the Plan period, are contingency measures required in the Plan?***
- 3.1. The HBF generally supports the Council in looking to deliver Huncoat Garden Village, and in recognising its significant contribution to the overall housing provision. However, the HBF is concerned that this does create an over reliance on the delivery of the site. The HBF recommends that the Council seek to include further allocations within their supply. The HBF also considers that it is important that the Council considers further contingency measures within the Plan to ensure that they are able to maintain a five year housing land supply.
- 4. *What assumptions have been made to inform the trajectory for the delivery of housing sites, in terms of lead in times for grant of full planning permission, outline and reserved matters, and conditions discharge; site opening up and preparation; dwelling build out rates; phasing; and number of sales outlets?***
- 4.1. The HBF considers that this is a question for the Council, but would expect the Council to ensure that they have the appropriate evidence to justify the build out rates and lead in times for each site.

#### **Affordable Housing**

5. ***For clarity for decision-makers, developers and local communities should the need for affordable housing over the plan period be clearly set out in the Plan?***

5.1. The HBF does not consider that the policy needs to set out the level of need for affordable housing need over the Plan period. However, the HBF does consider that it is useful to set out the level of affordable housing need in the justification as identified in paragraph 6.8. This could have included the overall need for affordable housing.

**6. What are the past trends in affordable housing delivery in terms of completions and housing type and tenure? How is this likely to change in the future?**

6.1. Table 1011<sup>2</sup> of the Government Live Tables sets out the additional affordable housing supply broken down by local authority, a summary of the information for Hyndburn is provided below in Table 1. It suggests that on average 34.5 affordable homes have been provided each year over the last 10 years, with the majority of these being provided as affordable rent.

	2014 / 15	2015 / 16	2016 / 17	2017 / 18	2018 / 19	2019 / 20	2020 / 21	2021 / 22	2022 / 23	2023 / 24	Total	Average
Social Rent	0	0	0	0	0	0	0	0	0	0	0	0
Affordable Rent	41	16	20	14	5	2	0	63	71	29	261	26.1
Intermediate Rent	0	0	0	0	0	0	0	5	10	2	17	1.7
Shared Ownership	0	0	0	0	0	12	4	5	37	0	58	5.8
Affordable Home Ownership	3	0	0	0	0	0	0	6	0	0	9	0.9
<b>Grand Total</b>	<b>44</b>	<b>16</b>	<b>20</b>	<b>14</b>	<b>5</b>	<b>14</b>	<b>4</b>	<b>79</b>	<b>118</b>	<b>31</b>	<b>345</b>	<b>34.5</b>

**7. Part 2 of the policy states that a mix of affordable housing units should be provided in accordance with the most up to date assessment of need. Does the Plan provide clarity on what this is referring to and where this is available? Could a developer prepare their own assessment ?**

7.1. This policy seeks to maximise the opportunities for the delivery of affordable housing where viable. It requires new housing developments of 10 or more dwellings or with a site area of 0.5ha or more to provide 20% affordable housing unless it can be demonstrated that this would not be viable. It also looks for a mix of affordable housing in accordance with the most up to date assessment of need, ensuring that a minimum of 25% of all affordable housing units secured through developer contributions are First Homes.

7.2. The HBF does not consider that the first sentence of part 2, which seeks ‘to maximise the opportunities for the delivery of affordable housing’ is necessary, it is an aspiration rather than a policy and could be interpreted to be more onerous than the remainder of part 2 of the policy.

7.3. The HBF notes that most up to date assessment of need at present is the 2018 Housing and Economic Need Assessment, and in relation to the housing mix it provides a snapshot in

<sup>2</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

time, the HBF considers that this is already out of date. The HBF considers that it would be beneficial if the policy allowed for more up to date evidence to be provided by the applicant, to support an alternative mix.

**8. *The Local Plan Economic Viability Assessment recommends in paragraph 12.85 a) that the affordable housing requirement on brownfield sites should be reduced to 10%. It is also stated that greenfield sites in lower value areas to the east of the Borough are not viable with 20% affordable housing. Is the requirement in Policy SP10 for 20% affordable housing on all sites of 10 or more dwellings justified by the evidence?***

- 8.1. The HBF is concerned that the Council have set a policy that states that all new housing developments of 10 or more dwellings should meet the 20% affordable housing requirement, as paragraph 12.85 of the Viability Assessment clearly states that '*residential development on brownfield sites is generally shown as being unviable even without affordable housing*' and that '*the greenfield sites in lower value area . . . are not shown as viable with 20% affordable housing*'. It also goes on to state that '*generally viability and the scope for additional policy requirements are limited. The Council should be cautious in seeking higher policy requirements as this is likely to impact on delivery*'. As such the HBF considers that the Council should amend this affordable housing requirement to better reflect their own evidence, this is likely to mean reducing the requirement or to incorporating a range of requirements dependent on-site type and location. The HBF considers this would be more in line with the NPPF<sup>3</sup> which states that contributions expected from development including the levels and types of affordable housing provision should not undermine the deliverability of the plan.
- 8.2. The NPPF<sup>4</sup> is also clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. The HBF is concerned that the proposed policy will not deliver this requirement, if this is to be the case the HBF recommends that the Council provide the appropriate evidence.

**9. *Is it clear from the supporting text what the relationship is between Strategic Policy SP10 and Policy DM12 of the DM DPD and how they will be used in the consideration of planning applications?***

- 9.1. The HBF notes that Policy DM12 and SP10 are no longer consistent, particularly part 1 of Policy DM12. The HBF does not consider that the justification text is entirely clear how the two policies would be used in the consideration of a planning application, and further amendments may be needed.

### **Custom and Self Build Homes**

**10. *Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including for those who wish to commission or build their own homes. The Plan states that due to the low level of demand, suitable planning permissions for***

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<sup>3</sup> NPPF Sept 2023 Paragraph 34

<sup>4</sup> NPPF Sept 2023 Paragraph 65

***custom and self build homes can be provided through the Development Management function. What evidence is the to support this approach? Is the Plan consistent with the Framework in regard to custom and self build homes?***

10.1. The HBF considers that this is a question for the Council.

**Density**

***11. Are the density requirements in part 3 of Policy SP10 appropriate and justified? Is the policy sufficiently flexible to take account of the character and existing pattern of development in different parts of the Borough?***

11.1. Part 3 of the policy sets out the density requirements, seeking provision of at least 40 dwellings per hectare (dph) in town centres and other locations well served by public transport or at least 30dph elsewhere unless specific circumstances exist to justify an alternate.

11.2. The HBF supports the efficient use of land and understands the inclusion of a density policy. The HBF considers that the inclusion of a level of flexibility to take account of specific circumstances is appropriate.

**Five-year housing land supply**

***12. Is the Council able to demonstrate a 5-year supply of deliverable housing sites on adoption of the Plan and a rolling 5-year supply throughout the Plan period?***

12.1. The HBF considers that it is important that the Council is able to demonstrate a five-year housing land supply upon adoption of the Plan and throughout the Plan period. The PPG<sup>5</sup> is clear that in plan-making, strategic policies should identify a five-year housing land supply from the intended date of adoption of the Plan. Currently, Background Paper 1: Housing Land Requirement and Supply Position sets out the housing land supply in five-year periods, however, the first of these runs from the year 2023/24 to 2027/28, and the second from 2028/29 to 2032/22. Neither of these periods coincides with the likely adoption date of the Plan.

12.2. The Housing Trajectory provided within the same document does provide a summary of the supply by year, so this could allow for the five-year supply to be calculated but makes it difficult to interrogate the detail of the supply. Assuming that the Plan is adopted in 2026, the five year supply is likely to run from 2026/27 to 2030/31, using the housing trajectory, the Council's proposed supply for this period would deliver 1,024 dwellings. The HBF is concerned that given the Council's Housing Land Requirement and Supply Background Paper is based on an earlier period, it is highly likely that a number of dwellings included in the trajectory in the five year period from the adoption of the Plan are actually on sites that are considered 'developable' rather than 'deliverable' and this is likely to need to be amended.

12.3. Using a five percent buffer and the 194 dwellings per annum the five-year housing land supply requirement would be 1,019 dwellings. The HBF is concerned that it would only take

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<sup>5</sup> ID: 68-004-20241212

one site to be deemed developable rather than deliverable for the Council to no longer be able to achieve the five-year housing land supply.

12.4. The HBF however, also notes that in relation to the buffer the NPPF 2024<sup>6</sup> states that from 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method. Whilst this may only apply for decision making purposes, and would not prevent the Plan from being adopted, it does mean that the 20% buffer will apply for decision making as soon as the Plan is adopted. The current standard method identifies a local housing need for Hyndburn of 303dpa, the proposed Local Plan housing requirement of 194dpa is only 64% of this local housing need.

12.5. A 20% buffer on the 194dpa housing requirement would give a five-year housing land supply requirement of 1,164 dwellings. Given the limited supply of housing land supply currently identified this is likely to mean that the Council will not be able to identify a five-year housing land supply for decision-making, and would subsequently mean for determining planning applications involving the provision of housing the Plan would be considered out of date.

**13. *Has the appropriate buffer been applied in accordance with paragraph 74 of the Framework?***

13.1. The Housing Delivery Test score for 2023 was not below 85% of the housing requirement, therefore in line with paragraph 74, the Council does not need to include a 20% buffer. However, as set out above, the HBF has concerned about how the Plan will be used based on the current NPPF, and the HBF recommends that it would be much more sensible to address this issue now, rather than adopt a Plan only for it to be out of date in relation to housing, as soon as is it adopted.

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<sup>6</sup> NPPF 2024 paragraph 78(c)

