

**Proof of Evidence of Martin
Taylor
BSc (Hons) MSc MRTPI MIED
Land at Chichele Road, Oxted**

Appellant: CALA Group Ltd

Planning Inspectorate Appeal No.:

APP/M3645/W/24/3345915

Tandridge District Council Application No. TA/2023/1345

29 August 2024

LICHFIELDS

66538/01/SSL/IB
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Declaration

The evidence which I have prepared and provide for this appeal (reference APP/M3645/W/24/3345915) in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

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1.0 Introduction

Qualifications and Experience

- 1.1 My name is Martin Taylor. I am a Planning Director at Lichfields, joining the company in 2007 and having over 17 years' experience as a town planner. I hold a Bachelor of Science degree in Land Management and a Master of Science degree in Urban Planning and Development, both from the University of Reading. I am a Member of the Royal Town Planning Institute (MRTPI) and of the Institute of Economic Development (MIED).
- 1.2 I have extensive experience of advising on planning for housing, including preparing housing need assessments, housing market analysis (for both market and affordable housing) and housing supply assessments. I have advised Local Planning Authorities on housing matters to inform their plan making processes, including undertaking Strategic Housing Market Assessments (SHMAs), Strategic Housing Land Availability Assessments (SHLAAs) and providing advice on plan strategies and policies. I have also advised developers on matters related to housing needs, land supply and the requirements for housing at a local level.
- 1.3 I have provided expert evidence on planning and housing matters to many s.78 appeals, and I have participated in many development plan examinations. In 2023 I gave evidence in the Land West of Limpsfield Road, Warlingham Appeal, within Tandridge. I also appeared on behalf of the Tandridge Housing Forum (a consortium of 10 developer and housebuilder interests) at the Tandridge Local Plan Examination hearing sessions in 2019.

Scope of Evidence

1.4 I am instructed by CALA Homes (South Home Counties) Ltd, (the “Appellant”) to provide evidence to this Inquiry in respect of the refusal of a full planning application by Tandridge District Council (“TDC” or “the Council”) for residential development at Land at Chichele Road, Oxted, Tandridge (“the appeal site”).

1.5 The scope of my evidence relates to: housing needs (both general and specific affordable housing needs); housing land supply in Tandridge including the five-year housing land supply (‘5YHLS’) position; the self-build/custom-build housing needs within Tandridge; and the benefits of housing provision both generally and as part of the Very Special Circumstances case. My evidence builds on and updates the analysis contained within the Planning Statement for the application (CD1.1) prepared by Lichfields, which provided a summary of the acute affordable housing situation and severe shortfall in housing supply and delivery in Tandridge. In this case, I also consider the potential implications of the draft National Planning Policy Framework (NPPF) (July 2024) (CD8.3) which, while in draft now, may be in final form before the determination of the appeal and in any case is a material consideration.

1.6 Within its Statement of Case (CD12.1, Section 7), the Council proclaims that it now has a clear delivery pipeline of new housing, and that it is pro-actively seeking to build affordable homes on its land and in other ways. My proof of evidence addresses the Council’s position contained within its Statement of Case.

1.7 The scope of my evidence does not address matters of planning balance, whether the scheme accords with Development Plan policy overall, matters of overall harm, nor the weight that should be attached to any material considerations. Those matters are addressed in the Proof of Evidence of Mr

Simon Slatford, which my evidence should be read alongside. Thus, my evidence is focussed on the evidence of housing need and housing supply (with reference to the policy position) which should frame and inform the consideration of the Appeal Scheme.

Structure of Evidence

1.8 My evidence is therefore set out as follows:

- **Section 2.0** sets out an overview of the appeal site and scheme and relevant planning policy;
- **Section 3.0** provides context on affordable housing needs and considers local evidence of housing need and delivery;
- **Section 4.0** sets out an overview of relevant policy and guidance associated with reviewing 5YHLS and provides my review of the Council's latest position;
- **Section 5.0** addresses the implications of the draft NPPF 2024 of relevance to housing need and supply; and
- **Section 6.0** sets out my conclusions and can be read as a **summary of this proof of evidence.**

1.9 My proof of evidence refers throughout to documents within the Core Documents bundle. It is further supported by several appendices, separately bound.

2.0 Context

Appeal Site and Scheme

- 2.1 A detailed description of the site is provided within the application documentation, as well as the Statement of Common and Uncommon Ground (SoCUG) (CD11.13) and the Proof of Evidence of Mr Simon Slatford (CD11.2). While I do not repeat the detail of this at length here, there are several characteristics important to the assessment of housing provision at the site, and within the wider District, relevant to the scope of my evidence.
- 2.2 The appeal site is located approximately 450m to the north of the centre of Oxted. Oxted train station lies c.600m south of the site, and existing bus stops are located on Chichele Road and Bluehouse Lane. Oxted (including Hurst Green and Limpsfield) is identified in the Adopted Core Strategy (CD4.1) as a Category 1 settlement and is one of the three main towns/built up areas in the District. The site is in a highly accessible and sustainable location for the provision of housing, where future residents/visitors will have a realistic opportunity to utilise sustainable modes of travel for meeting day-to-day needs.
- 2.3 The application seeks full planning permission for 116 new homes, including 70 market homes and 46 affordable homes (40% affordable housing provision, as a minimum and subject to final agreement within the s106), alongside associated landscaping, open space, parking, and infrastructure.
- 2.4 The proposed mix of homes range from smaller (one and two-bedroom) apartments to larger (four and five-bedroom) detached houses, as well as the ability to deliver two custom build plots. The housing mix plan (CD7.2) and affordable housing plan (CD7.3) show that:

- The overall housing mix comprises 18 one-bedroom homes (15%), 39 two-bedroom homes (34%), 36 three-bedroom homes (31%), 13 four-bedroom homes (11%) and 10 five-bedroom homes (9%). The custom build homes consist of one four-bedroom plot (no. 110) and one five-bedroom plot (no. 109).
- The affordable housing provision comprises 18 one-bedroom homes (39%), 19 two-bedroom homes (41%) and 9 three-bedroom homes (20%). The proposed affordable housing tenure comprises 9 shared ownership homes, 12 First Homes, and 25 affordable rent homes.

2.5 The Officer Report accompanying the refusal of the appeal scheme notes that *“The affordable housing offer in this application is considered to be in excess of policy compliance and to meet the Council’s current requirements with regard to tenure.”* and that *“The housing mix is considered policy compliant.”* (CD3.1, paras 94-95). I agree and consider the appeal scheme will provide a range of larger detached and semi-detached family properties, as well as smaller homes for first-time buyers, movers, and young families – both within the open market and for affordable tenures – which responds to both the policy requirements and the housing challenges in the District.

Relevant Policy

The Development Plan

2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 identifies that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the statutory Development Plan relevant for the purpose of determining this appeal comprises:

- The Core Strategy Policies (‘CSP’) adopted in October 2008; and

- The Local Plan Part 2 Detailed Policies ('DP') adopted in July 2014.

2.7 The SoCUG (CD11.13) sets out the Development Plan policies most important for determining this appeal and these are agreed between the Appellant and TDC. Importantly, this includes: Core Strategy Policy 2 (Housing Provision) which sets a requirement for the delivery of 2,500 homes over the 2006-2026 plan period; Core Strategy Policy 4 (Affordable Housing) which requires up to 34% of new homes to be affordable; and Core Strategy Policy 7 (Housing Balance) which requires housing developments to contain an appropriate mix of dwelling sizes in accordance with current identified needs.

2.8 It is agreed – as confirmed in the SoCUG (CD11.13, para 4.9) as well as the Council's Statement of Case (CD12.1, para 4.2) – that the development plan policies relating to housing provision (Core Strategy Policy 2) are out of date, as they do not make provision for an up-to-date assessment of development needs. The weight to be given to policies in the development plan is fully addressed in the Proof of Evidence of Mr Simon Slatford (CD11.2).

The NPPF

2.9 In this context, I also consider that the NPPF (2023) (CD8.1) contains several policies that are significant in the context of the housing provision of the proposed scheme. This includes paragraph 11(d) which makes clear that for applications involving the provision of housing, development plan policies which are most important for determining the application are considered to be out-of-date where the Council cannot demonstrate a 5YHLS, or where the Housing Delivery Test ('HDT') result was lower than 75% over the previous three years.

2.10 TDC fails against both of these criteria; the Council's stated position on housing land supply is set out in the Annual Monitoring Report 2023/24 (AMR) published May 2024 (CD8.7) which considers the Council can only

demonstrate a 1.92 year supply (albeit I contend that it is even less than this, which I shall explain further below), and the HDT results show that the Council has delivered well below its required housing and that this has not improved. The most recent 2022 HDT results published in December 2023 shows the Council had only delivered 38% of the required level of provision over the preceding three years (c.f. 50% in 2020, and 38% in 2021).

- 2.11 The NPPF makes clear that the significantly boosting the supply of homes is a priority. This is made even clearer within the consultation on a revised NPPF published on 30 July 2024. While I will consider the relevant implications of the emerging NPPF for the appeal scheme further below, it is highly important to note that the proposed changes to the current NPPF are significant in relation to the delivery and supply of new homes.

Withdrawn Tandridge Local Plan

- 2.12 Tandridge District Council's Submission Local Plan, 'Our Local Plan 2033' (CD5.1) was withdrawn from examination in April 2024 having been found unsound (over five years after its submission to the Secretary of State for Examination in January 2019). The Council is now starting work on a new Local Plan, the adoption of which will be several further years away.

- 2.13 At a headline level, the emerging Local Plan sought to provide 6,056 new homes over the Plan period 2013-2033 (303 homes per annum) within a spatial strategy where in the short-to-medium term development was to be directed to the most sustainable urban (Tier 1, including Oxted) and semi-rural service settlements (Tier 2). This included making provision for 20 housing allocations, many of which were sites proposed to be removed from the Green Belt.

2.14 This growth strategy was put forward in the context that Tandridge’s own evidence estimated that the objectively assessed housing need (OAN) was 470 dwellings per annum (dpa), later revised to 398 dpa (CD5.3), but that the constraints in the District justified pursuing a lower housing requirement. The Inspector’s preliminary view was that the OAN should be in the region of 450-495 homes per annum, and in his Final Report (CD5.2, para 90), the Inspector confirmed that:

“I cannot establish the OAN and the housing requirement is not justified either because this is based on supply which is uncertain/out of date. Therefore, Policy TLP01: Spatial Strategy which sets out housing delivery target of 6,056 dwellings (303 dpa) is not justified, effective, consistent with national planning policy or positively prepared. [para 80] However, even if the Council is right about the 2018 household projections, the OAN is considerably higher than the housing requirement set out in the Tandridge Core Strategy of 125 dwellings per annum (based on the former South East Plan).”

2.15 In my view, this – the ongoing failure to progress a new Local Plan to adoption combined with the ongoing failure to meet housing needs – is a highly important material consideration having regard to relevant national planning policy. I turn to discuss these considerations more fully within the remainder of my proof.

3.0 The Need for Housing

3.1 My evidence on local affordable housing needs should be seen in the wider context of an acute national housing crisis. There is a significant body of evidence – including a variety of independent and Government commissioned research – that shows the UK is in the throes of a national housing crisis, and that this is most acute in areas where affordability is worst, such as Tandridge. Successive reviews since the Barker Review of Housing Supply in 2004 have indicated that nationally the Country needs to be delivering many more homes (with estimates variously ranging from 260,000 p.a. up to 340,000 p.a.), and more affordable homes, to meet housing needs and moderate continually worsening affordability.

3.2 To address this, Government has repeatedly reaffirmed a commitment to significantly boost the supply of housing to meet needs, first aired within the 2012 NPPF. Since, Government has continued to target the delivery of 300,000 homes a year by the mid-2020's, with this most recently reaffirmed in the consultation on proposed reforms to national planning policy published on 30 July 2024 (CD8.2). This sets out (at Chapter 1, Paragraph 3) specific changes that “*are vital to deliver the Government’s commitments to achieve economic growth and build 1.5 million new homes [over the next five years]*”.

3.3 Despite this very clear acknowledgement, need has not been matched by supply.

3.4 On a national level, delivery has remained significantly below 300,000 homes (as shown in Table 3.1 overleaf) and this figure has not once been achieved in the last 50 years. This continued under-delivery of housing has led to a significant accumulative shortfall in housing provision nationally over many years. Utilising the widely accepted 300,000 homes per year figure, Table 3.1

suggests that in just the last five years alone, the shortfall amounts to nearly 320,000 homes.

Table 3.1 – Net Housing Delivery in England

2018/19	2019/20	2020/21	2021/22	2022/23	Total
247,766	248,591	217,754	234,462	234,397	1,182,970
-52,234	-51,409	-82,246	-65,538	-65,603	317,030

Source: MHCLG Housing supply: net additional dwellings, England: 2022 to 2023
Published 29 November 2023

3.5 In every scenario, the extent of shortfall in housing delivery compared to housing needs in England is catastrophic and continues to compound the acute affordability problems the country is facing. It is clear that significantly boosting the supply of housing, and particularly affordable housing, is absolutely necessary if the nation is to address the housing crisis and prevent it from worsening further.

3.6 At a local level within Tandridge, since the introduction of the NPPF over 12 years ago (and the objective that the planning system would support a significant boost in housing delivery), the District has not seen housing needs met nor seen sustained increases in housing delivery. Against an OAN of 450-495dpa and a standard method need of 634dpa, average housing delivery in Tandridge since April 2012 has been 242 homes per annum (see HDTAP CD8.8 Table 4). During that 12-year period since the original NPPF, TDC has failed to adopt a new Local Plan to begin to address the issue.

Tandridge Affordable Housing Needs

3.7 Tandridge has consistently failed to build enough new homes, in particular affordable homes, to meet needs. This continued under-delivery of housing has led to acute affordability pressures and a high need for affordable housing across the District.

Context

3.8 The acute need for housing in Tandridge – particularly affordable housing – is confirmed by a range of key housing affordability indicators. This includes:

- 1 As of March 2023, lower quartile (i.e. the most affordable) house prices in Tandridge were £370,000, almost double the national equivalent of £190,000 and markedly higher than the regional equivalent of £280,000. This represents an increase of 61% over the last ten years (c.f. 52% nationally) and Tandridge has the 15th highest lower quartile house price of all 298 local authorities outside of London.
- 2 The lower quartile (entry level) private monthly rent recorded between 1 October 2022 and 30 September 2023 in Tandridge was £1,070. This is significantly higher than the regional average (£850) and the national average (£650). Again, this also represents the 10th highest lower quartile private monthly rent of all local authorities outside of London.
- 3 The 2023 median affordability ratio – average house prices to average earnings – for Tandridge (12.38, c.f. 8.26 England and 10.39 South East) places the District within the 10% least affordable local authorities outside of London to live in the entire country. It means that average full-time employees in Tandridge can typically expect to spend at least 12 times their earnings on purchasing a home in the District.
- 4 The Council’s housing waiting list (see Appendix 1 to my proof) (CD11.5) confirms that as of July 2024, there were 1,841 households registered on the waiting list across the District (a number that has been broadly consistent over the last five years). Of this number, 39 households were registered as being in urgent housing need (Band A), with a further 381 in high need (Band B) – 23% of all households on the waiting list are

therefore in an urgent or high housing need. Further, the *average* waiting time for households on the housing waiting list includes 2.2 years for those registered in high need (Band B) for two-bedroom homes and 3.8 years for those registered in high need (Band B) for three-bedroom homes.

- 3.9 These each illustrate an acute affordability and housing availability challenge in Tandridge, which is being created and exacerbated by the persistent undersupply of new homes against needs in the District.

Overall Housing Need

- 3.10 As I note above, the adopted Local Plan (Core Strategy Policy CSP 2) seeks to provide at least 2,500 new homes over the plan period 2006-2026, equating to 125 homes per year. However, the Core Strategy was adopted in 2008 and drew its housing requirement from the now revoked South East Plan (2009).

- 3.11 More recently, the withdrawn Local Plan (CD5.1) proposed an average overall housing requirement of 303 dpa across the 20-year plan period from 2013-33, while the Council's latest evidence on housing need published in December 2018 (CD5.3) indicated that the OAN for Tandridge is 398 homes a year over the period 2013-33, and the Examination Inspector's preliminary view was that it should be 450-495 dpa.

- 3.12 While the Inspector was clear that, in principle, the emerging plan could be sound in not meeting the OAN in full due to the environmental constraints that exist in the area, until such a time as a new Local Plan is adopted the NPPF (CD8.1, para 61) makes clear that assessing housing need should be conducted using the standard method. For Tandridge, the standard method figure is currently 634 homes per year. This is considerably higher than the – out-of-date – housing requirement currently set in Policy and which the Council has previously sought to plan for, though the standard method would form the starting point for any future plan-making activity (I address the

potential implications of the draft NPPF in Section 5.0 of this proof). As referenced within the Inspector’s final report (CD5.2, para 45), in not meeting the OAN in full, this would continue to give rise to significant unmet housing need.

- 3.13 The acute and pressing need for *affordable* homes within Tandridge is also confirmed by the evidence underpinning the withdrawn Local Plan. The Council’s updated SHMA Affordable Housing Needs Assessment (June 2018) (CD5.4) identifies an annual need of 391 affordable homes per year in the short term (first five years, comprising backlog and newly arising need), before reducing to 310 homes per year in the longer term (remaining plan period, newly arising need only) – a figure that is higher than the *overall* housing target set out in either the adopted or withdrawn plans. Clearly, the Council is unable to meet the identified scale of affordable housing need in full, and this was acknowledged within the withdrawn plan (CD5.1, para 18.12).

Delivery

- 3.14 As I indicate above, Tandridge has failed – and continues to fail – to deliver sufficient homes and the District therefore has a significant shortfall in housing delivery.

- 3.15 First and foremost, the latest HDT result (2022 measurement, published December 2023) confirms the exceptionally poor position, with the Council having delivered just 38% of its required housing over the past three years. As a result, it is currently the 8th worst performing local authority in England, out of a total 317 areas measured for the HDT. In previous years, the Council’s delivery record has not fared much better, with the Council delivering well below its required housing (38% in 2021, 50% in 2020, and 50% in 2019).

- 3.16 In terms of affordable housing delivery, Table 4 in the Council’s latest Authority Monitoring Report (‘AMR’) (May 2024) (CD8.8) indicates that an

average of just 68 affordable homes have been completed annually in Tandridge since 2006 (the start of the Core Strategy period). This represents just 25% of the overall housing delivery over this period.

3.17 Delivery in more recent years has fared no better; over the last five years an average of 65 affordable homes have been completed annually from 2019/20 to 2023/24. This is significantly short of meeting the identified need for 310 affordable homes per year during this period, but is unsurprising given the adopted policy target is for just 50 affordable homes per year (CD4.1, para 8.4).

3.18 Table 3.2 provides an assessment of the full identified affordable housing need against gross affordable housing delivery over the period assessed by the Council's latest evidence on housing need. This indicates that, since 2013 to the last monitoring year ending March 2024, the total housing shortfall in the supply of affordable homes to meet need amounts to c. **3,400 affordable homes**. The scale of the shortfall is therefore evident, and this will only worsen affordability in the area.

3.19 I also note that this is based on *gross* affordable housing completions as opposed to net completions, and the Council has confirmed (see FOI request, Appendix 1 to my proof) (CD11.5) that over the three-year period from 2017/18 to 2021/22 alone, there was a loss of 40 affordable homes in the District due to demolition or refurbishment. The shortfall I identify above is therefore likely to be markedly higher.

Table 3.2 – Affordable housing need and completions (2013 to now)

Monitoring Year (April – March)	Delivery (Gross Affordable Completions)	Identified Affordable Housing Need	Shortfall
2012/13	47	391	-344
2013/14	57	391	-334
2014/15	56	391	-335
2015/16	12	391	-379
2016/17	85	391	-306
2017/18	91	310	-219
2018/19	55	310	-255
2019/20	127	310	-183
2020/21	9	310	-301
2021/22	51	310	-259
2022/23	60	310	-250
2023/24	77	310	-233
			-3,398

Source: TDC Affordable Housing Needs Assessment (June 2018); TDC Authority Monitoring Report (May 2024)

Future Supply

3.20 With regards to the future supply of affordable housing, the AMR (CD8.7) notes that the Council itself has an obligation to maximise the level of affordable housing within the District, including by bringing forward sites in the Council’s ownership or via funding. The Council indicate that it is bringing forward 121 affordable housing units spread over 10 separate application sites, which are either under construction or that have gained planning permission and are expected to be completed ‘over the coming years’.

3.21 In addition, if the adopted affordable housing policy requirement of 34% (Core Strategy Policy CSP 4) was applied to the outstanding capacity for other permitted sites or sites under construction of 10 or more units identified within the Council’s supply (CD8.7, see Appendix 1 Housing Supply: Schedule of Deliverable Sites) – a generous position given this assumes that all sites are fully policy compliant and that the threshold increases to 15 units on sites

within the built up areas – this would amount to the provision of just 113 affordable homes.

3.22 In total, this suggests that the future supply of affordable housing over the next few years totals 234 units at best. Against the identified shortfall of approximately 3,400 affordable homes and the identified ongoing need for 310-391 affordable homes per year across the District, the Council therefore have very little in the supply pipeline to meet and address the scale of need – indeed, 234 units does not even represent one years’ worth of housing need under any of the estimates considered above, and insufficient numbers of new homes are coming forward to help rectify significant past under supply in the future. It would also do little to ameliorate the full scale of the housing waiting list, with 1,130 households in Bands A-C corresponding with urgent, high and moderate needs, all with a connection to the District.

3.23 Further, in September 2022, the Council adopted an Interim Policy Statement for the Housing Delivery (IPSHD) (CD8.9) to enable increased housing delivery and boost housing supply in the District in the short and medium term. This interim criteria-based policy supports the delivery of proposed allocations on brownfield and Green Belt sites in the withdrawn Local Plan where the Examining Inspector did not raise concerns, and it remains part of the Council’s Housing Delivery Test Action Plan (HDTAP) (May 2024) (CD8.8). The HDTAP, at tables 7 and 8, sets out the sites that have the potential for delivery as a result of the IPSHD. I summarise these sites in Table 3.3 overleaf.

3.24 In total, this shows that there is the potential for 1,002 units to be delivered on these sites; notwithstanding that 69 units have already been completed, 241 units have permission (and are therefore already included within the Council’s supply), and 150 units are subject to S106 negotiations. While the remaining sites amount to 452 units, this is again only representative of under one years’

worth of housing need (against the standard method figure for 634 homes per year) and it is clear there are very limited alternative sites identified by the Council for housing development.

Table 3.3 – IPSHD Sites

Site	Parish	Green Belt	Capacity	Planning Status	Status
156-180 Whyteleafe Road	Caterham / Whyteleafe	No	90	Permission for 90 homes	21 units left
West of Limpsfield Road	Warlingham	Yes	190	Permission for 100 homes on part	Not started
North of Plough Road	Burstow	Yes	120	Permission for 120 homes	Not started
Former Shelton Sports Ground	Warlingham	Yes	150	Resolution to grant, awaiting S106	Not started
Plough Road and Redehall Road	Burstow	Yes	160	None	n/a
West of Red Lane	Oxted	Yes	60	None	n/a
Warren Lane Depot	Oxted	No (PDL)	50	None	n/a
Green Hill Lane / Alexandra Avenue	Warlingham	Yes	50	None	n/a
Farleigh Road	Warlingham	Yes	50	None	n/a
North Tandridge: One Public Estate	Various	No (PDL)	82	None	n/a

Source: Tandridge Housing Delivery Test Action Plan (May 2024); Tandridge Annual Monitoring Report (May 2024); Tandridge Planning Register

3.25 In my view, the adoption of the IPSHD is an explicit recognition that within Tandridge there is no plan-led route to meeting housing needs at the current time. It also demonstrates that there are few brownfield sites identified in Oxted with the potential for re-development – limited to the Warren Lane Depot site only – and that the Council remains of the view there is wholly insufficient urban (i.e. non-Green Belt) capacity to meet housing needs in the District.

3.26 Clearly, twelve years after the introduction of the NPPF in 2012, Tandridge has still not begun to address the issue of boosting the supply of (affordable)

homes, and this is compounded by its continued inability to adopt an up-to-date Local Plan with sufficient identified sites to meet – or at least make good steps towards meeting – housing needs. Neighbouring authorities are also characterised by difficulties in progressing their local plans, largely due to the issue of meeting housing needs in the context of Green Belt constraints, meaning there is no agreement that needs can be met elsewhere. There is, therefore, no policy framework that will deliver housing to meet need, and the lack of potential housing supply solutions will contribute to worsening affordability in the area.

3.27 In my view, this will create significant planning harm, with real adverse housing consequences for those households, families and local workers that need housing within the District. They would be less able to access housing, would continue to see worsening affordability, and/or may need accept undesirable locational choices for their housing such as needing to travel further distances for their work, school or family ties, with consequent negative social impacts.

Local Affordable Housing Need and Delivery in Oxted

3.28 The Council's housing waiting list (Appendix 1 to my proof) also confirms that there are currently 208 households on the waiting list for homes in Oxted alone (RH8 postcode representing Oxted and its immediate hinterlands); this represents over 11% of all households registered on the waiting list across the District, suggesting there is a particularly high need for affordable homes in Oxted. Of the 208 households, almost half (48%) are in need of one-bedroom homes, 31% are in need of two-bedroom homes, and 19% are in need of three-bedroom homes. There are also 75 households registered as being in an urgent or high housing need (Band A or B) and 82 households in moderate need (Band C).

3.29 In addition, the Council's updated SHMA Affordable Housing Needs Assessment (June 2018) (CD5.4) sets out a calculation of the affordable housing need by individual parishes. This concludes (at Table 3.6) that the net affordable housing need in Oxted is for 40 homes per year. This accounts for one of the highest proportions (10%) of the District's total affordable housing need (391 affordable homes per year).

3.30 The Council's monitoring data does not specify *affordable* housing completions by parish, however a high-level review of the residential completions set out within the most recent annual monitoring reports indicates that over the last three years (2021/2022 to 2023/2024), 109 net homes have been built in Oxted (around 36 dpa). However, all but one of these homes are associated with the short-term delivery of a single site at the Former Oxted Gasholder Site & Johnsdale Carpark, which does not include any affordable housing provision due to high demolition and remediation costs (planning application reference 2018/729). This reflects the Council's confirmation that no affordable homes have been completed in Oxted (parish) over the last five years (see Appendix 1 to my proof, CD11.5), and only 13 affordable homes within the adjoining area of Hurst Green (which is also part of the wider Oxted settlement area). This is considerably short of the identified need for 40 affordable homes per year.

3.31 Further, a high-level review of future supply identified by the Council – based on the outstanding capacity in the schedule of deliverable sites in the latest AMR (CD8.7, Appendix 1) – does not suggest that there are any sites of a significant scale coming forward in Oxted in the short term. Indeed, the schedule suggests there are just 43 units included within the identified five-year supply within the Oxted parish, spread across 26 different sites. Due to the small scale of these sites, they are highly unlikely to deliver or contribute to affordable housing needs. Whilst the Warren Land Depot site is potentially

identified to bring forward some affordable housing (22 units), it would in total meet very little of the existing and ongoing affordable housing need.

3.32 While the need for affordable housing across Tandridge as a whole is severely acute, it is also clear that there is a high and immediate need for affordable homes within Oxted alone which – without a step-change in housing delivery at a level which exceeds recent trends – will continue to go unmet.

Custom Build Housing

3.33 In addition to general and affordable housing needs, the Council's latest AMR (CD8.7) sets out the level of demand for self-build and custom housebuilding in the District. In total and as of October 2023, there were 32 entries (individuals) on the Tandridge Self and Custom Housebuilding Register, with 23 entries meeting the Council's local connection/eligibility tests and 13 entries meeting the national criteria for eligibility. Within the last year, seven additional individuals were registered – a 28% increase – and all seven wish to commission or build a detached house for owner-occupation. Notably, to remain on the register year-on-year, applicants must now pay an annual fee – meaning the number of entries varies.

3.34 The AMR (CD8.7) suggests that the number of self-build CIL exemptions granted on planning permissions for new dwellings exceeds the demand on the register. However, the register also suggests that there is a consistent new annual demand for custom and self-build plots, and it is acknowledged that individuals' desired locations vary throughout the District. As a site in a highly accessible and sustainable location (e.g. proximity to the town and station), the appeal scheme's potential to deliver two custom build plots – proposed as one detached four-bedroom unit and one detached five-bedroom unit where the occupier can specify internal layouts and build features – will contribute to this ongoing and varied demand within the District.

Summary

3.35 As I have explained, the Council is failing and has failed for many years to achieve the central objective of significantly boosting the supply of housing as set out in the NPPF since 2012. In the meantime, the housing needs of its population go almost entirely unmet. This is causing significant affordability issues within the District; housing is already significantly less affordable than in the wider area and nationally, and there is a known acute shortage of affordable housing. Combined with the persistent under-delivery of affordable housing, this presents a critical situation which requires urgent action.

3.36 The evidence presented above shows that it is unlikely that this will be addressed in the near future, and the emerging plan was recently withdrawn (and even then, did not seek to provide for the identified annual affordable housing need which is higher than the total annual requirement). The April 2023 appeal decision for ‘Land West of Limpsfield Road, Warlingham’ (CD6.1) explicitly refers to the *‘ongoing acute and continuing extremely bleak outlook for local affordable housing provision’* (para 72) and confirms:

“There is a persistent trend of a significant number of people being unable to access their own affordable home in the District unless suitable, technically unconstrained, well located housing sites which are capable of meeting those needs, are brought forward.” (para 69)

3.37 The appeal scheme would deliver 116 new homes including 46 high-quality affordable homes for rented and intermediate tenures. Given the Council’s poor historic delivery of housing compared with the level of current and future needs, the provision of up to 46 affordable homes (40% and over and above the adopted Policy CSP4 requirement of 34%) presents a very significant and timely opportunity to deliver much needed affordable homes in a sustainable location. The scheme would also bring with it important benefits that

affordable housing brings to creating mixed, balanced and healthy communities (see Appendix 2 to the Planning Statement, CD1.1).

3.38 As I set out earlier, the NPPF affords great weight to boosting the supply of homes and meeting affordable housing need, particularly in the context of a national housing crisis, and I strongly consider that the delivery of affordable housing at the appeal site should be seen as a significant benefit to Tandridge. In coming to that conclusion, I am acutely mindful that all of the statistics presented throughout my evidence relates to real people and families and their housing prospects and outcomes within the District.

4.0 **Housing Land Supply**

4.1 This section of my evidence provides a review of the current five-year housing land supply position in Tandridge District. It is common ground that Tandridge District Council cannot demonstrate a 5YHLS as required by NPPF Para 77. Notwithstanding, the precise scale of that shortfall, the context for that shortfall and, therefore, implications of that shortfall (including in relation to the weight that should be attributed to housing provision) is different between the parties.

The Council's Latest 5YHLS Position

4.2 The Council is required to demonstrate a five-year supply of housing land (NPPF para 77). TDC does not have an adopted plan that is less than five years old such that it is absolved of the need to demonstrate a 5YHLS (NPPF para 76), and also does not have an emerging local plan containing policies and allocations which has reached Reg 18, Reg 19 or examination stages, such that it only needs to demonstrate a minimum four years' worth of supply (NPPF para 77/para 226). The LPA continues to need to demonstrate a full five-year supply of housing land.

4.3 The Appellant's Statement of Case (CD11.1) identified that the Council considered it could only demonstrate a housing land supply of 1.57 years with a base date of 01 April 2022. The Council has since published a new position within its Authority Monitoring Report 2023-2024 (CD8.7, Section 3, page 30) with a base date of 01 April 2024, and now contends that it can demonstrate a housing land supply of 1.92 years. This is equivalent to a shortfall of 2,341 homes. The Council's calculated position is reproduced in a summary form in Table 4.1 below:

Table 4.1 – Tandridge 5 Year Housing Land Supply Position

Component	Output
Requirement	
Standard Method Annual Requirement (homes per annum)	634
Annual requirement +20% (buffer from HDT)	761
Five-year requirement (inc. buffer)	3,805
Supply	
Sites with full planning (size: 9 or fewer)	357
Sites with full planning (size: 10 or greater)	273
Sites under construction (size: 9 or fewer)	150
Sites under construction (size: 10 or greater)	51
Outline permissions (size: 10 or greater)	34
C2/Communal accommodation	131
Windfall (234 per annum in years 4 and 5)	468
Total Supply	1,464
Over / Under Provision	-2,341
Total Years Supply	1.92

Source: Tandridge Authority Monitoring Report 2023-2024 Table 15 and 16

- 4.4 The Council sets out in Appendix 1 of the AMR a table providing an overview of the Council's deliverable land supply.
- 4.5 I note that the Council within its Statement of Case (CD12.1 para 7.1) anticipates this position will not markedly change prior to this appeal inquiry, but points to new resolutions to grant at several sites (para 7.2) as comprising a clear delivery pipeline of new housing and also points to constraints which may reduce any future housing requirement from that housing need identified by the standard method (634 dpa). In my view, the 5YHLS correctly excludes resolutions to grant as they do not meet the definition of 'deliverable'. It is also correct to adopt the standard method assessment of housing need. In my view, neither of these factors serve to soften, ameliorate or reduce the severity of the 5YHLS shortfall that the Council puts forward at 1.92 years.

My Review of the Council's 5YHLS Position

4.6 I set out as follows my review of this position and the Council's purported supply of housing land. I set out firstly my interpretation of how the definition of 'deliverable' within the NPPF applies, including the need for 'clear evidence', applying this against the Council's identified sites which form its five-year housing land supply. I conclude that the Council can only demonstrate around a **1.8 year supply** of housing, following reductions I make in respect of several sites.

4.7 To aid the inquiry, in conjunction with the Council I will prepare a schedule of sites in dispute and seek to agree and reduce those sites in dispute with the Council by the time of the inquiry and/or agree with the Council how the degree of shortfall should be addressed through the appeal given the reasonably small difference in concluded supply. Notwithstanding, I consider the context for that shortfall – and therefore the conclusions on housing land supply which should be brought through into the overall planning balance – remains highly relevant.

The Appropriate Housing Requirement

4.8 As set out previously, the adopted Tandridge District Core Strategy (2008) identifies a housing requirement in Policy CSP2 of 2,500 homes over the period 2006-2026 (125 dwelling per annum) drawn from the then requirement within the South East Plan. The Core Strategy is out of date and (significantly) more than five years old, with the NPPF (2023) requiring Tandridge District Council to identify a supply of specific deliverable sites sufficient to provide a minimum five years' worth of housing against local housing need calculated using the standard method, which is 634 dwellings per annum, plus a 20% buffer where there has been significant under delivery

of housing over the previous three years as measured by the HDT (NPPF para 77).

4.9 The NPPF does not provide LPAs the opportunity to use other housing requirements within the 5YHLS calculation. The Council in its Statement of Case (CD12.1, para 7.3) indicate that a lower future housing requirement can be “reasonably expected” citing the Inspector’s findings on the Local Plan and using wording that is – curiously – near identical to that also contained within the Rule 6 parties’ Statement of Case (CD13.1 at para 48b). The Tandridge District Plan was being examined against the NPPF 2012 under transitional arrangements, and therefore it was incumbent upon the Council to assess and identify its housing needs. The Inspector’s final report (CD5.2) draws no conclusion on what the objectively assessed need and housing requirement for Tandridge should have been (see for example CD5.2 para 80; *“I cannot establish the OAN and the housing requirement is not justified either...”*) and in any case was assessing housing numbers against the backdrop of a different NPPF and set of circumstances to the current direction of travel for national policy (as I set out to follow in Section 5.0). I do not consider the Council’s (and by extension Rule 6 party’s) contentions regarding the five-year land supply being – rightly – measured against the standard method has any bearing on the calculation, the interpretation nor the consequences (including in terms of weight) of the 5YHLS shortfall identified.

4.10 The Council set out the appropriate housing requirement for 5YHLS purposes as 634 homes per annum, drawn from Government’s standard method. To this they add a 20% buffer, reflecting their HDT result (published December 2023) which indicates in the past three years, the District has delivered just 38% of its homes required to be delivered (AMR CD8.7 Table 13). This totals a requirement for 3,805 homes over the five-year period, which I adopt to assess the deliverable supply against.

Policy and Guidance on 'Deliverability'

4.11 To 'demonstrate' a 5YHLS, NPPF Paragraph 76 requires LPAs to identify a supply of specific 'deliverable' sites sufficient to meet five-years' worth of housing. The NPPF defines a 'deliverable' site as (Annex 2, page 69):

"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:

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).

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." (my emphasis)

4.12 In applying the above, there are two key factors for considering sites that are deliverable:

- The definition of deliverable (set out above) is not exhaustive on what types of site can be deliverable. Sites not specifically listed in the definition of deliverable can be found to be 'deliverable' where that site can be shown to 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.

- The PPG (ID: 68-007) sets out further guidance on what constitutes a 'deliverable' site in the context of decision-taking and the types of evidence required to demonstrate deliverability (i.e. 'clear evidence'). However, again this is not an exhaustive list.

4.13 In respect of how I apply this, and my interpretation of policy and guidance, in summary terms, I consider:

- 1 **'Category A'** sites are those listed in the (a) paragraph of the definition of 'deliverable' and either involve non-major development or have a detailed planning permission. In accordance with the PPG (ID: 68-007) these are sites that are 'in principle' deliverable. It is only when these permissions expire, or a party presents 'clear evidence' that these sites will not deliver within the five-year period that they should not be considered deliverable (i.e. to overturn the presumption that they are 'deliverable').
- 2 **'Category B'** sites are – in effect – any site that does not have a detailed permission (including those types of sites not specifically listed in the definition). It is for a LPA to demonstrate these sites are deliverable with published 'clear evidence' that housing completions will begin on site within five-years. The test is not whether or not the Council's assumptions on any one site are unrealistic, it is that they have to be shown to be clearly realistic¹.
- 3 Given there is no exhaustive definition of 'clear evidence', it is ultimately a matter of planning judgement as to whether clear evidence is provided. From a review of appeal precedent, I consider the below to be the key points of reference for reviewing any 'clear evidence' provided:

¹ Halstead Hall Appeal ref. 3236460 (IR65-68) (Appendix 2)

- a **Deliverability is determined by reference to the content and value of the evidence: not simply the fact that evidence itself has been provided.**

As confirmed by the ‘Popes Lane’ decision², it is the evidential value of the evidence gathered that demonstrates that a development’s prospects of delivery are realistic; forming ‘clear evidence’. The value of any site-specific evidence is itself dependant on the site’s context and the specific circumstances of that site³.

- b **While there is no minimum criterion for clear evidence⁴, the type and form of ‘clear evidence’ for Category B sites will vary depending on circumstances of the site (e.g. its size or how quickly it is expected to deliver).**

By way of example, the type and form of evidence that could be considered robust to demonstrate a ‘realistic prospect’ for a hypothetical Category (B) site that has outline permission for 50 units and has a reserved matters application pending consideration with an assumed output in line with local lead-in times/build rates will be markedly different to that required for either a large-scale strategic site for 1,500 units that has an allocation but no extant outline permission, or a site that is assumed to be building out sooner and/or more quickly than has typically been the case for comparable sites in the District or elsewhere.

Evidence can also take account of information gathered after the base date (in this case 1st April 2024) as long as it is used to support sites identified as deliverable as of the base date⁵. However, to ensure consistency in the approach to assessing a five-year supply new sites

² Popes Lane Appeal ref. 3216104 (IR 23) (Appendix 3)

³ Confirmed in both the ‘Popes Lane’ (ref. 3216104 - IR 23) (Appendix 3) and ‘Rectory Farm’ (ref. 3234204 - IR 32) (Appendix 4) decisions

⁴ Land to the South of Williamsfield Road (ref. 3207411 - IR 27) (Appendix 5)

⁵ As the Secretary of State confirmed in the ‘Woburn Sands’ decision (ref. 3169314 - DL 12) (Appendix 6) and again in the ‘Land at Mitchelswood Farm’ decision (ref. 3119171 - IR9.61-9.62) (Appendix 7)

should not be added into the supply of an existing position; instead, new sites should only be added once a new position with an updated base date is published.

c Local Planning Authorities should undertake a critical analysis of whatever evidence is gathered from developers.

In the ‘Rectory Farm’ decision⁶ the Inspector noted that the Council did not simply accept the proforma returns from developers on face-value. Where the Council thought the rates overly ambitious, the rates were altered. This demonstration of critical judgement appeared to give additional weight to the Council’s findings. Another Inspector in the earlier ‘Land to the south of Williamsfield Road’ decision⁷ echoed these comments.

4.14 Overall, it is incumbent upon the LPA to demonstrate the five-year land supply position and to do that with sufficient clarity and evidence to support any assessment made of whether, when and how quickly any site will reasonably deliver new homes.

Reviewing the Council’s deliverable housing land supply

4.15 To determine which sites meet the NPPF definition of deliverable, I have reviewed each of the sites contained within the Appendix 1 to the Council’s ‘Authority Monitoring Report 2023-2024’ (CD8.7) against my above interpretation of policy and guidance. The purpose of this is to determine whether sites are ‘deliverable’ and the realistic number of homes those sites would deliver within the five-year period.

4.16 At the outset, I note that the evidence that the Council has provided to support its projections of future delivery is wholly contained within the Appendix 1

⁶ Rectory Farm Appeal ref. 3234204 (IR 32) (Appendix 4)

⁷ Williamsfield Road Appeal ref. 3207411 (IR 27) (Appendix 5)

schedule and specifically the information in columns around the relevant planning permission (“PP App”, “PP Year”, “PP Date” and “Expire”) and the description column (“Description”). In my view and review of these tables, they generally:

- 1 Are very limited in scope with only sparse information provided;
- 2 Are not at all transparent as to the circumstances of each site, with many sites shown as ‘not under construction’ having dates within the ‘Expire’ column which pre-date the base date of assessment (01 April 2024), suggesting they have expired without implementation or construction commencing, are mis-categorised and/or should no-longer be included; and
- 3 Are not supported by **any** provided evidence, where necessary. For example, none of the outline permissions are supported by the types of ‘clear evidence’ referenced at PPG ID: 68-007 such as: agreements which set out timescales for approvals; written agreements between the LPA and developers confirming intentions, anticipated start and build-out rates; or details on firm progress.

4.17 I review specific components as follows, with any amends to the supply figures I make shown in brackets.

Small Sites with planning permission/under construction

4.18 AMR Appendix 1 Table 20 shows ‘sites with full planning permission that are equal or fewer than 9 dwellings’ but where construction has seemingly not been identified as started (which are shown in Table 22). In total 65 net dwellings across 31 sites are on planning permissions that the table indicates expired before the 01 April 2024 base date. A check of some of these clearly indicates several related to permissions that have lapsed before the base date

of the 5YHLS, and therefore do not benefit from planning permission, but appear to have not been removed from the Council's monitoring. These include:

- 16 Westway, Caterham CR3 5TP (PP 2019/1268) – The planning permission expired on 23 January 2023. Google streetview imaging shows as of July 2023 (i.e. after the date of expiry) that no construction or implementation of the Planning Permission had been visibly commenced. (-1 dwelling)
- 248 Hillbury Road, Warlingham CR6 9TP (PP 2019/1267) – The planning permission for five flats (net four dwellings following demolition of existing bungalow) expired on 6 May 2023. Google streetview imaging shows as of July 2023 that the planning permission had not been visibly commenced, pre-commencement conditions were never discharged and no CIL commencement notices were registered. Furthermore, on 6 July 2023 the Council approved a separate new planning application (ref: 2023/431) to substantially extend the bungalow as a single dwelling (with the same applicant and agent listed) providing clear evidence that the owners did not intend to pursue the redevelopment option. (-4 dwellings)
- Oakhurst Nursery, Water Lane, South Godstone, RH9 8JX (PP 2019/2077) – The planning permission for demolition of existing bungalow and erection of 3 x 5 bed dwellings (net 2 dwellings) expired on 07 May 2023. The decision notice included seven pre-commencement conditions, which were to be discharged prior to commencement. The Council's online system shows that no discharge of condition applications were ever made, and no CIL commencement notices were registered, and as such the permission expired in May 2023, prior to the base date of the 5YHLS assessment. (-2 dwellings)

- Kennels, Birchwood Lodge, Woldingham Road, Woldingham, CR3 7LR (PP 2020/132) – The planning permission for demolition of all existing buildings and erection of two bungalows expired on 23 April 2023. The pre-commencement condition (condition 4 relating to a preliminary ecology survey) was not discharged and the Kennels (for which a condition required all of the existing kennel buildings to be demolished as a first stage of the implementation of the permission) is still fully operational as a business. The permission has therefore lapsed prior to the base date. (-2 dwellings)
- Land to the South of Keepers Cottage, Copthorne, Horley RH6 9RR (PP 2020/1472) – The planning permission for demolition of existing buildings and erection of a single dwelling had an expiry date of 18 October 2023. There was a single pre-commencement condition (Condition 11) relating to approval of a Construction Transport Management plan, which the Council’s online system does not show was ever discharged, and as such the permission will have lapsed. (-1 dwellings)

4.19

I have been unable to verify the position on all such ‘expired’ sites relied upon by the Council, but the above misreporting in the monitoring data may be more extensive (and as such the supply seems likely to be lower still). I have identified at least 10 dwellings that should be removed from the supply, but it may be the majority of the 65 dwellings within this category (i.e. not categorised as ‘under construction’ by the Council but with an expiry date that pre-dated the base date of the 5YHLS assessment) face similar issues. I note that in the Housing Delivery Test Action Plan (CD8.8) the Council at paragraph 39 and Table 6 provide an analysis of lapse rates. This notes that for the 2023/24 there were no recorded lapsed units; despite there consistently being lapses in previous years (e.g. 47 in 2020/21, 39 in 2021/22, 22 in 2022/23). This intuitively seems incorrect and supports my contention and

conclusion above that there is significant misreporting in the monitoring data for 2023/24 and that permissions which lapsed/expired in 2023/24 have not actually been removed from the monitoring, but have been – incorrectly – retained in the forward looking 5YHLS as extant deliverable permissions.

4.20 Separately, I further note that in AMR Table 22 showing small sites under construction, there are several sites which achieved planning permission some years ago, but are logged as still under construction. These include permissions going back between 5 and 10+ years but which have still not been completed. Again, spot checking these (using historic and current google earth aerial photography/street view photography) indicates that some have been completed in previous years, but have not been removed from the monitoring, for example:

- 74 Chalkpit Lane, Oxted RH8 0QN – dwelling was complete by 2023. (-1 dwelling)
- 29 Ninehams Road, Caterham CR3 5LL – dwelling was completed in 2021. (-1 dwelling)
- Land Adjacent to 25 Homefield Road, Warlingham CR6 9JA – dwelling was completed in 2020. (-1 dwelling)

4.21 Small sites with planning permission benefit from a presumption of being ‘deliverable’ within the definition of the NPPF, with it necessary to show clear evidence as to why they will not deliver in order to exclude them. Whilst I do not have clear evidence on all sites to rebut this presumption, I highlight the above to illustrate that I believe errors in the Council’s monitoring data is serving to inflate the deliverable supply within the 5YHLS from this component of supply, at least by several tens of dwellings.

Sites with outline planning permission

4.22 There are several Category B sites where outline permission has been granted, but the ‘clear evidence’ to support their deliverability is entirely absent within the Council’s schedule. In my view these sites cannot, therefore, meet the definition of deliverable. These include:

- 79 Farleigh Road, Warlingham, Surrey, CR6 9EJ (PP 2023/1385) – Outline permission for 14 units was approved in March 2024 but no ‘clear evidence’ is provided to support the site being deliverable. No reserved matters have been submitted at the time of writing. (-14 dwellings)
- Orchard Court, 33 East Grinstead Road, Lingfield, Surrey, RH7 6ET (Ref 2024/47) – This was an outline planning application submitted to Surrey County Council for redevelopment of its own property; Tandridge District Council was only a consultee and objected to the development. The outline application was submitted 11 January 2024 and was not determined until after the 5YHLS base date on 7 June 2024. At the base date of the 5YHLS period the site did not benefit from any planning permission. No clear evidence has been provided as to justify the site as deliverable as at the base date, indeed Tandridge District Council went on to object to the application in April 2024 (so at the base date was likely considering the scheme could not be deliverable). I consider the site was not deliverable at the base date, and that there is no clear evidence (e.g. timescales for reserve matters, confirmations of delivery intentions from the developer, relevant County Council sign-offs to proceed with redevelopment, agreed pro-formas etc.) to support the sites deliverability now. (-30 dwellings)

Irrespective of deliverability, the scheme also involves the demolition of an existing Care Home building. The existing Care Home building (Use Class C2) accommodated up to 63 residents (rooms), the proposed development

provides 54 rooms in the form of one-bedroomed apartments (Use Class C2). Whilst the proposed development seeks to improve the quality of accommodation, it does not actually seek to increase the quantity of accommodation provided. I consider the Council is in error to account for the 54 rooms as wholly net additional (with a contribution of 30 units to housing supply using the conversion ratio in the PPG/HDT). This should in fact be a net gain of 0 (or potentially even a net loss).

4.23 There are other sites listed in Table 24 as ‘outline permissions’ but ‘5 Queens Park Road’ has subsequently been granted reserved matters at appeal, such that it is now a Category A site and ‘Dippen Hall’ similarly is not an outline permission but a prior approval for a permitted change of use.

HMOs

4.24 I note the Council also includes within its supply of communal accommodation (AMR Table 25) conversion of several existing buildings to houses in multiple occupation (HMOs) and does so on a gross basis (i.e. not taking account the loss of accommodation from the existing use within the calculation). In my experience HMOs should only be counted on a ‘net additional’ basis (i.e. accounting for any accommodation they replace) and even then should relate to how they function as a unit, with small HMO’s (up to 6 bedrooms) functioning as conventional supply (e.g. a 5-bed HMO functioning like a single unit, would count as one conventional unit).⁸ Specifically:

⁸ For example, this is how Ealing Borough Council apply HMOs through their monitoring of supply. *“Conventional Supply/Accommodation - These are new homes created from new build, conversions (i.e. larger units being subdivided), or through a change of use. The latter category also includes units created under permitted development (including prior approvals). Temporary permissions are captured in these figures. This definition only includes dwellings that are fully self-contained; meaning that they have kitchen and bathroom facilities behind their own lockable door. For the purpose of this exercise small Houses in Multiple Occupation (HMOs) (comprising between 1-6 bedrooms) are included in the conventional total. As these are recorded in terms of bedrooms rather than as a unit in the LDD, to add them to the conventional total small HMO bedrooms are converted to units based on an interpretation of physical building/planning unit, rather than applying a ratio conversion. For example a 4 bed HMO which functions like a single unit, would count as one conventional unit.”* – Source: https://www.ealing.gov.uk/download/downloads/id/19541/position_statement_and_housing_trajectory.pdf

- 164 Godstone Road and 66 High Street, involves the loss of one dwelling and reprovision of one small HMO dwelling (5 rooms and 4 rooms respectively), which should count as a single unit of conventional supply, meaning no net additional provision. (-4 dwellings)
- Rosetta, 2 Queens Park Road, involves the change of use of residential care home for 12 adults with learning difficulties (Use Class C2) to a HMO including two self-contained flats for 8 adults with learning difficulties. Adopting the conversion ratio (1.8) as the Council does, the scheme actually involves no net gain in supply and actually results in a net loss of two dwellings of supply, rather than a net gain of 4 dwellings of supply. (-6 dwellings)

Windfall Allowance

4.25 The Council includes a windfall allowance of 234 dwellings per annum applied to years 4 and 5 to avoid double counting with existing windfall permissions (468 dwellings total). This is based on analysis within the AMR looking at past windfall delivery from all sources of supply (which in reality has been almost all delivery, due to the absence of a Local Plan and allocations). I do not dispute the numerical inclusion of this component, but I draw attention to two factors and conclusions that inevitably flow from this:

- 1 The windfall allowance in the AMR 2023/24 at 468 dwellings is almost three times the size of the windfall allowance of 160 dwellings adopted for the previous 5YHLS position within the AMR 2021/22 (which concluded 1.57 years supply). Thus, insofar as the position on 5YHLS in Tandridge has improved (from 1.57 to 1.92 on the Council's figures) it has done so not because the Council has sought proactively to bring forward additional identified supply and sites, but simply because the Council has recalculated its windfall allowance of unidentified sites which it is now seeking to rely more heavily upon; and

2 The increased reliance on a windfall allowance (which draws on analysis of completions from both large and small unallocated sites) highlights how the Council will need to continue to find and approve housing supply on both large and small unallocated sites in order to both fulfil that element of supply, but also in order to reduce the shortfall going forward.

4.26 In this context, the Council's own windfall analysis highlights how future continued reliance on the past level of windfall delivery (especially relying on those small windfalls within the urban area) will be wholly insufficient to address the future housing needs of the District. There is a fundamental need to address the degree of housing shortfall through greater delivery of larger windfall sites, including those outside of the urban areas (such as the Appeal site), which have not been a significant feature of recent past delivery in Tandridge.

Concluded 5YHLS Position

4.27 Based on the above and my assessment of deliverability, I identify specifically that at least 67 homes should be removed from the Council's deliverable supply, but that due to errors in the monitoring data this is likely to represent a best case position and that upon proper review of its monitoring data the Council may be required to remove more; 55 further dwellings appear to be on sites where planning permission has expired without construction commencing based on the Council's information provided within the AMR. Those 67 homes would reduce the supply from the Council's position of 1,464 deliverable homes to a concluded deliverable supply of 1,397. However, if a further 55 dwelling reduction were made (as suggested by the Council's data and totalling a reduction of 122 to account for all those permissions seemingly lapsed) this would reduce the deliverable supply further to 1,342. This gives an overall 5YHLS calculation as follows.

Table 4.2 – Amended 5YHLS Position

Component	TDC	Appellant	
Requirement: Five-year requirement (inc. buffer)	3,805	3,805	
Supply: Total Supply	1,464	1,397 (-67)	1,342 (-122)
Over / Under Provision	-2,341	-2,408	-2,463
Total Years Supply	1.92	1.84	1.76

Source: Lichfields based on TDC Monitoring Data

4.28 I conclude based on the above review that the 5-year land supply position is around 1.8 years (being the rounded position of both my two precise figures above). This is not dissimilar to the position of the Council at 1.92 years supply, albeit that I consider the Council to be overstating the true 5YHLS position.

The Shortfall

4.29 The housing land supply shortfall arising from a 5YHLS position in Tandridge of around 1.8-1.9 years is exceptionally severe. It represents a shortfall against the housing needs that exist in the District of around 2,400 homes over the next five years. What is clear from the analysis above is that by any measure, the scale of the shortfall in Tandridge is very significant indeed, and that there is an urgent need to bring forward new housing land supply.

4.30 It is a well-established principle that the greater the degree of the housing shortfall, the greater weight the shortfall must be given in the planning balancing exercise, and the shortfall in Tandridge is acute. This was reflected in the appeal decision at Land West of Limpsfield Road, Warlingham (CD6.1) where the Inspector noted in the context of a housing land supply at that point of between 1.38-1.57 years that:

“the evidence before me conveys at this particular moment in time the continuation of what is already an acute deficiency and shortfall in the local housing supply and delivery. The capability of the appeal proposal to contribute significantly to addressing the identified extremely serious housing land supply and delivery deficits weighs significantly in favour of this appeal.” (para 67)

4.31 I acknowledge that the 5YHLS has marginally improved since the previous monitoring period. However:

- 1 The improvement is minimal, and the shortfall remains an extremely serious deficit;
- 2 Some of that improvement arises because of the Council’s recalculation of a windfall allowance, rather than actually bringing forward new identified specific sites and thus any new deliverable supply;
- 3 The remainder of that improvement relates to the grant of planning permission, both locally and on appeal, of housing delivery on Green Belt sites. 100 homes are now included in the supply from the above Land West of Limpsfield Road appeal decision, which is a Green Belt site. A contribution 84 units in the 5YHLS are related the local approval in February 2024 of a 152 unit residential care community at St Piers Land, Lingfield (ref. 2022/116), also within the Green Belt. Insofar as the position has improved, it has only done so because of the necessity to release Green Belt sites under Very Special Circumstances, demonstrating the fundamental necessity to release Green Belt sites to address the degree of shortfall in the housing land supply.

4.32 The Council in its Statement of Case (CD11.1 para 7.2) points to permissions or resolutions to grant at several further sites as indicating the Council now has a

“Clear delivery pipeline of new housing”. It also refers to the Council’s Interim Policy Statement for Housing Delivery (IPSHD) as a material consideration in the Council’s approach to improving housing delivery. The Housing Delivery Test Action Plan (CD8.8 Tables 7 and 8, reproduced at Table 3.3 above) set out that in addition to the delivery above already within the 5YHLS, two sites totalling 270 homes (Land North of Plough Road, Small Field for 120 homes and Shelton Sports Ground, Warlingham for 150 homes; both within the Green Belt) have a resolution to grant planning permission but no s106 yet, and a further seven sites with capacity for 542 homes (but where there is no planning applications) would meet the criteria under the IPSHD. The Action Plan sets out that (para 43) *“in total the five [sic] sites have the potential to deliver 812 dwellings of which would contribute to 1.07 years of housing delivery when considered in the context of the 5YHLS”*.

4.33 Insofar as there is potentially additional supply on the horizon in Tandridge:

- 1 **It does not currently meet the definition of deliverable and so is correctly excluded from the 5YHLS by the Council.** Whilst two sites (270 homes) do have resolutions to grant planning permission, the others have no apparent timescales nor likelihood attached to their delivery and it is wholly unclear the extent to which they will come forward in the future. By way of example, one site – the Warren Lane Depot in Hurst Green– is in existing use as a Council Depot, with consultation plans from December 2023 only identifying a smaller part of the overall depot site as surplus to operational requirements. A scheme from the Council of 22 affordable units is proposed (net 21), but is not the full 50 identified in the Action Plan table.
- 2 **Even if it were all delivered within 5-years, it would still result in a substantial shortfall.** Insofar as it is characterised as a ‘clear delivery pipeline’ by the Council (a characterisation I disagree with), it is a

pipeline which is wholly insufficient to address the problem. Setting aside that there are no timescales attached to when some of that supply might come forward (and the degree to which it could actually contribute within the five-year period), the notional 812 homes which the IPSHD could add should be seen in the context of a shortfall in the region of 2,400 homes over the five-year period. Even if those sites come forward in their entirety and with immediacy, the shortfall would still sit at around 1,600 homes over the next five years. Even exhausting the IPSHD's ability to bring forward additional supply could not push the 5YHLS above c.2.8-2.9 years supply. That remains a significant shortfall, and the Council's approach through its Housing Delivery Test Action Plan is insufficient to actually address the scale of the problem.

- 3 **There are no other mechanisms by which to substantially improve the housing land supply position in Tandridge.** The previous Local Plan withdrawn from Examination in April 2024 had been at examination for over five years, and in preparation for several years prior to that; the failure of the emerging plan leaves no mechanism in place for TDC to improve or secure a 5YHLS through plan-making, and continued and substantial delay in plan-making is leading to sustained and worsening housing delivery outcomes in the District with no mechanisms identified to remedy this.

- 4 **The above illustrates the necessity of releasing Green Belt to meet Tandridge's housing needs.** The IPSHD sites are in the main Green Belt sites, but as above are wholly insufficient to address the scale of shortfall. In order to bridge the scale of the shortfall and residual gap that exists under any scenario (and without the prospect of a new Local Plan with additional allocations), the only way to achieve additional housing supply will be to permit housing development on Green Belt sites under

Very Special Circumstances (whether locally or granted by an Inspector via appeal). There is limited scope for any marked improvement in the 5YHLS via any other means in the short-term given the overwhelming scale of Green Belt within the District.

- 4.34 The proposed scheme is submitted by a well-established national housebuilder which could be delivered in the short term and contribute towards the shortfall in housing that exists. This is a significant consideration, providing context to the degree and scale of shortfall that exists. It is a material factor which should be considered when addressing the weight to be given to the housing delivery benefits of the scheme (as addressed in the evidence of Mr Slatford, CD11.2).

Summary

- 4.35 The Council's 5YHLS position is exceptionally severe, and there has been a continued failure to deliver the homes needed in the District and wider area, partly due to a lack of a new Local Plan coming forward. This means that insufficient numbers of new homes are coming or will come forward as to help rectify the past, current and projected future under supply that evidently exists in the District.
- 4.36 It is clear that NPPF Paragraph 11d applies and the policies most important for determining the application are out-of-date, as a result of both TDC being unable to demonstrate a five-year supply of deliverable housing sites and having delivered a level of housing that is substantially below the housing requirement over the previous three years.

5.0 Implications of Emerging NPPF

- 5.1 Following the General Election in July 2024, the new Government is consulting on proposed revision to the NPPF. The overall emphasis of the proposed revisions to the NPPF is to plan for and deliver more homes. The consultation on the NPPF was published on 30 July 2024 and closes on 24 September 2024. I address in this section the potential implications of the emerging NPPF on the housing need and supply position of Tandridge District; the weight and materiality of the draft NPPF will depend on its status at the time of any decision, but is dealt with separately in the evidence of Mr Slatford.
- 5.2 On the 30 July 2024 the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, Angela Rayner MP, wrote to all local authority leaders and chief executive leaders in England (CD8.6) setting out the new Labour Government's plan to build the homes the country needs and imploring local authorities to *"take the tough choices necessary to fix the foundations of our housing system"* via a *"professional responsibility"* and *"a moral obligation to see more homes built"*. The direction of travel for national policy is clearly intended to see housing needs met via the planning system and recognises that it falls to local authorities to adequately plan for those needs. Insofar as it signals a change in direction from the status quo, it seeks to place an onus on places to deliver new homes to meet needs through the planning system as quickly as possible.
- 5.3 In respect of the specific changes proposed, the consultation is accompanied by a draft 'tracked-changes' version of the NPPF (CD8.3). I address the most relevant of those as follows.

Revised Standard Method

- 5.4 The Consultation proposes to revise the standard method for assessing local housing need set out within national planning guidance. This would then be used for the purposes of plan-making and in decision-taking via, for example, five-year housing land supply calculations where applicable (such as in Tandridge). In particular, changes to the NPPF propose to delete text in the current NPPF (para 61) stating that the *“outcome of the current standard method is an advisory starting point for establishing a housing requirement for the area”* and also proposes to delete the ‘exceptional circumstances’ clause for departing from the use of the standard method in identifying needs. This will put the new standard method as a firmer indication of the level of housing an area will be expected to plan for.
- 5.5 Allied to this, the draft NPPF changes wording to indicate that the *“overall aim should be to meet an area’s identified housing need”* rather than current wording at NPPF para 60 that it should be to meet as much of the housing need as possible; a subtle but clear indication of the expectations of how Government wishes to see local housing needs met in full.
- 5.6 In respect of the revision to the standard method, it moves away from the current methodology of using household projections plus an adjustment based on the affordability of an area (subject to relevant caps), to a methodology using a baseline set at a percentage of existing housing stock levels, plus a stronger affordability multiplier (and removing “arbitrary” caps and additions). The standard method housing need for Tandridge under the new methodology is set to increase from 634 dpa to 773 dpa, as set out in Table 5.1 below.

Table 5.1 – Annual Requirements of Current Standard Method and Proposed Standard Method

Location	Current Method (per annum)	Proposed Method (per annum)	Average Annual Net Additions (2020/21-2022/23)
Tandridge	634	773	232

Source: Government Consultation on Proposed NPPF Changes – Spreadsheet accompanying consultation entitled: ‘Outcome of the proposed revised method’

5.7 There is no proposed transitional arrangement for the introduction of the standard method insofar as it would apply to Tandridge; in essence once the revised NPPF is adopted it would immediately become the new housing need figure for the District and would be the figure to be applied, for example, through any 5YHLS calculation.

5.8 The immediate impact of the new proposed standard method in Tandridge is that upon adoption of the revised NPPF, the Council’s 5YHLS position – using its own supply figures – would fall from 1.92 years to 1.58 years. The shortfall in numerical terms would increase from a shortfall of 2,341 homes to a shortfall of 3,174 within the five-year period (see Table 4.2 below).

Table 5.1 – Amended 5YHLS Position

Component	Under Current Standard Method	Under Revised NPPF Standard Method
Standard Method	634	773
Buffer	20%	20%
Requirement: Five-year requirement (inc. buffer)	3,805	4,638
Supply: Total Supply	1,464	1,464
Over / Under Provision	-2,341	-3,174
Total Years Supply	1.92	1.58

Source: Lichfields based on TDC Monitoring Data

- 5.9 This shortfall of 3,174 homes over the five year period is very significant and indicates how under the new standard method there would be an immediate issue to address.
- 5.10 To further put the change in the housing need into context, for the purposes of a Local Plan over a notional 15-year period, Tandridge District Council would need to plan for 11,595 homes (773 x 15 years), 2,085 additional homes under the new standard method than under the current standard method (634 x 15 years = 9,510). That means the Council would need to plan for nearly double the number of homes than the withdrawn Our Local Plan 2033 sought to plan for (11,595 homes compared to 6,085). This again highlights the increasing acuteness to the level of need the district faces, and demonstrates how – in order to meet need – the Council will in future have to identify a much increased and wider range of housing sites than it historically has.
- 5.11 I consider that in all likelihood, Tandridge District Council’s housing land supply position is set to further deteriorate against the greater expectations that any new NPPF will place on housing delivery.

Previously Developed Land and Grey Belt

- 5.12 To help deliver the increase in housing delivery, the draft NPPF seeks to enable delivery of more homes via use of Green Belt land where necessary and appropriate. To do this, proposed changes at draft NPPF para 142 confirm unmet housing need is an exceptional circumstance to release Green Belt via a Local Plan whilst para 144 identifies that where it is necessary to release Green Belt land for development (e.g. due to unmet needs) first consideration should be given to previously developed land in sustainable locations, then consideration of grey belt land in sustainable locations, then consider other suitable locations in the Green Belt. Grey belt is defined in the Annex 2 glossary as land in the Green Belt comprising previously developed land

and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes; which the consultation document elaborates on to suggest it is land: a) not strongly performing against any Green Belt purpose; and b) having features including land dominated by urban land uses and/or whether they make little or no contribution to preventing neighbouring towns merging into one another.

5.13 At draft para 152 it sets out a series of factors in which housing (or other) development in the Green Belt should not be regarded as inappropriate. This includes, inter-alia, where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test score is below 75%, both of which would apply in Tandridge. As such the Council will likely need to in the future deem grey belt land in sustainable locations as not inappropriate. Given there is limited brownfield land within the District suitable for housing development (only two sites of significant size as identified by the HDTAP and its list of IPSHD sites; Warren Lane Depot for 50 homes and One Public Estate North Tandridge for 82 homes), it is inevitable that Tandridge will need to allow housing development in the future on lower performing Green Belt ('Grey Belt') land in order to address the acute scale of housing land shortfall that exists within the Borough.

6.0 Summary Proof and Conclusions

6.1 My evidence considers housing need and land supply within Tandridge District. The following can be read as a summary of my proof of evidence.

The appeal proposal provides a mix of new homes to respond to the housing challenges in the District.

6.2 It is common ground between the Appellant and the Council that the 116 homes proposed, including 70 market homes – including two custom build plots – and 46 (40%) affordable homes, would deliver an appropriate mix of new homes in terms of the both the size of the new homes as well as the proposed tenures, which includes shared ownership, first homes and affordable rent homes. The proposed scheme will provide much needed new homes within a range of larger detached and semi-detached family properties, as well as smaller homes for first-time buyers, movers, and young families.

The Council is unable to demonstrate a 5YHLS, and the position – between 1.8 years (my position) and 1.92 years (the Council's) – demonstrates an acute deficiency.

6.3 It is common ground that the Council is unable to demonstrate a five-year housing land supply (5YHLS). The Council's most recent Authority Monitoring Report contends it can demonstrate 1.92 years land supply for the five-year period with a base date 1st April 2024. I have reviewed this position and consider the deliverable supply is lower (mainly due to the removal of some sites where permission has expired and where I discount sites as not meeting the definition of deliverable), and that the 5YHLS is in the order of 1.8 years. It is agreed this difference is not determinative, but on both figures the broad scale of deficit is significant, representing a substantial shortfall of around 2,400 homes.

Tandridge has and continues to deliver too few homes. The Housing Delivery Test results identify it has delivered just 38% of its required housing over the past three years.

6.4 Tandridge is persistently failing Government's Housing Delivery Test (HDT) by a very large margin indeed. The latest (2022) results confirm the exceptionally poor position, with the Council having delivered just 38% of its required housing over the past three years. As a result, it is currently the 8th worst performing local authority across the country, out of a total 317 areas measured for the HDT. In previous years, the Council's delivery record has not fared much better, with the Council delivering well below its required housing (38% in 2021, 50% in 2020, and 50% in 2019).

6.5 Similarly, against an objectively assessed housing need previously assessed as 450-495dpa and a standard method need of 634dpa, average housing delivery in Tandridge since April 2012 has been 242 homes per annum. During that 12 year period since the original NPPF, Tandridge District Council has failed to adopt a new Local Plan to begin to address the issue. This serves to highlight the simply dire and worsening situation that the Council finds itself in.

This under-delivery of homes is causing significant affordability issues within the District...

6.6 The systemic under delivery of homes within the District – which has persisted over many years since the NPPF was first introduced in 2012 seeking a significant boost in housing supply – has contributed to Tandridge being one of the least affordable places to access housing within the Country. Its lower quartile house price of £370,000 is almost double the national position (£190,000) with it the 15th most expensive authority area to access lower quartile priced housing within the 298 authority areas outside of London. It is the 10th most expensive for rents outside London. The median affordability ratio of 12.38 is significantly higher than the England and South East averages (8.29 and 10.39 respectively).

...and leading to acute local affordable housing needs with a “continuing extremely bleak outlook for local affordable housing provision” (para 72 of Inspectors decision on Land West of Limpsfield Road appeal)

6.7 As of July 2024, there are 1,841 households registered on the Council’s housing waiting list, with 1,130 within bands A to C (urgent, high and moderate needs). Each of these households need and want affordable housing and have a connection to the District. The Council’s own assessment of affordable housing needs identifies a need for 310-391 affordable homes per year, but against this just 68 affordable homes have been completed annually since 2006. Looking to the future, the supply pipeline of affordable housing (estimated as 234 homes) falls well short of meeting ongoing annual need and well short of addressing the scale of the housing waiting list.

6.8 This District position is also reflected in Oxted (RH8), where 208 households in total are on the waiting list with 75 in urgent or high housing need (Band A or B). In comparison to this, just 13 new affordable homes have been built over the last five years within the settlement (all in Hurst Green), and few affordable homes appear to be within the supply pipeline. This indicates the position is particularly acute for Oxted as one of the District’s main settlements.

There are no mechanisms in place by which to substantially improve the housing supply picture in Tandridge.

6.9 Whilst the Council identify the IPSHD as providing some relief to the situation, in reality much of the delivery from those sites remain uncertain, and even if they were all to come forward in short order, there would still be a shortfall of around 1,600 homes over the next 5 years; it does little to solve the scale of the problem. Similarly, the Council has pointed to other sites it has permitted, and other ways it is bring forward affordable homes, but the scale of those interventions are such that they barely scratch the surface. Further,

the unsound and withdrawn Local Plan had been at examination for over five years, and in preparation for several years prior to that and the continued failure of TDC to put in place a plan is leading to sustained and worsening housing delivery outcomes in the District. There are no mechanisms identified to remedy the scale of the issue, albeit the consultation on the NPPF provides Government's emerging direction of travel on how such circumstances might be addressed.

Government has reaffirmed via its draft NPPF the importance of delivering new homes, including in areas constrained by Green Belt. Changes would increase Tandridge's housing need and introduce 'grey belt' land provisions to see housing built on poorer performing Green Belt land.

6.10 **Firstly**, Government's proposed changes would see Tandridge's housing needs under the standard method increase from 634 homes per annum to 777 homes per annum. The simple consequence of this would be that Tandridge District's 5YHLS position would fall from 1.92 to 1.58 years, with the shortfall increasing to 3,174 in the five-year period. This highlights the fundamental necessity for Tandridge to deliver more homes given the intensity of need it faces, compared to recent delivery (230-240 homes per annum).

6.11 **Secondly**, to help achieve this in areas constrained by Green Belt it makes several changes, including introducing a definition for 'Grey Belt' land where housing delivery would not constitute 'inappropriate development' where (among other things) the local planning authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test score is below 75%, both of which would apply in Tandridge. Given the shortage of brownfield land in Tandridge suitable for housing, it is inevitable that the Council will need to allow housing development in the future on lower performing Green Belt ('Grey Belt') land in order to address the acute scale of housing land shortfall that exists within the District.