

Windfall Allowance for Uttlesford

June 2021

Summary

1. The Council previously prepared a topic papers on the 'Consideration of a Windfall Allowance' in June 2014¹ and March 2017.
2. The purpose of this report is to re-examine the methodology and evidence for a windfall allowance. The number of windfall dwellings consented and built has been recorded since 2001. This topic paper considers the delivery of windfall sites over the last 10 years 2010/11 to 2019/20. This period incorporates respective periods of stronger and weaker economic performance. Analysis of future trends is more difficult, but consideration can be given to the positive approach of local and national policies.
3. The most significant change to the methodology is that the NPPF (February 2019) no longer excludes dwellings in gardens as windfall.
4. This report concludes that there is evidence to justify including a windfall allowance of 114 dwellings per annum in the overall housing supply as well as the housing trajectory and 5-year supply.

National Planning Policy Framework (NPPF)

5. The NPPF (2019) states:

Paragraph 68: Small and medium, sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

c) support the development of windfall sites through their policies and decisions -giving great weight to the benefits of using suitable sites within existing settlement for homes

Paragraph 70: Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

¹ The 2014 Windfall Topic Paper was considered by the Planning Inspector in relation to the 2014 Submission Local Plan. The Inspector concluded that – *'the Council's evidence on the windfall allowance (set out at H109) uses the stringent criteria of the Essex County Council definition and, at 50pa, is reliably based upon well-evidenced research and consistent with para 48 of the NPPF.'*

6. The ability to include windfall sites in residential gardens has changed. The NPPF (2012) stated that windfall allowance 'should not include residential gardens.' This exclusion is not included in the NPPF (February 2019) edition. This is reflected in the figures and tables that follow.

Definition

7. The NPPF defines windfall sites as 'sites not specifically identified in the development plan'. They comprise sites that have unexpectedly become available over time, and which were not anticipated by the planning authority when local plans were in preparation. Windfall sites have been granted planning permission by the local planning authority and are in accordance with adopted local plan policies or national guidance. These could include for example, large sites such as might arise from a factory closure or very small changes to the built environment, such as a residential conversion, change of use of a small office to a new home, or a new flat over a shop.
8. The NPPF requires any allowance to have regard to the Strategic Land Availability Assessment (SLAA). The Council undertook a Call for Sites in 2015 and prepared a SLAA which was last updated in 2018. A new Call for Sites was issued in January 2021.
9. Sites included in a SLAA have been identified as being available through the plan making process and therefore cannot, by definition, be considered windfall sites.
10. The Planning Practice Guidance on 'Housing and economic land availability assessment identifies what size of site (Reference ID: 3-009-20190722) and the type of sites which should be considered in the assessment (Reference ID: 3-011-20190722).
11. The Council's SLAA complies with the guidance and assesses sites capable of delivering 5 or more dwellings. Consequently, sites of 4 or less dwellings would not be included in the SLAA and can therefore be considered as windfall sites.
12. Windfall sites do not include any of the following:
 - Allocations in local plans – adopted or emerging,
 - Sites contained within the Strategic Land Availability Assessment.

Historic Windfall delivery rates

13. Information on the delivery of windfall sites has been collected since 2001. This paper considers the delivery of windfall sites over the last 10 years. Windfall sites have consistently contributed to the delivery of housing in Uttlesford.
14. Previous topic papers on Windfall Allowance have excluded windfall sites comprising dwellings in gardens as required by the NPPF at the time. The current 2019 NPPF no longer requires this exclusion but asks that policies which resist inappropriate development of residential gardens are considered. The Council has adopted policies to achieve this relating to, for example, Access, Design, Backland Development and Infilling. The emerging local plan will contain policies on Design.
15. Historically, the Council has approved appropriate residential development in gardens and will continue to do so. Looking back provides a sound basis for estimating future windfall numbers. Therefore, when considering historical trends, the figures are now inclusive of garden sites.

Year	No. of dwellings permitted	No. of dwellings built
2010/11	148	84
2011/12	139	110
2012/13	158	84
2013/14	141	85
2014/15	274	120
2015/16	298	118
2016/17	233	181
2017/18	285	141
2018/19	349	119
2019/20	340	191
TOTAL	2365	1233
Annual average		123.3

16. The above table shows that since 2010 the number of dwellings permitted and built can vary considerably from year to year. This is inevitable by the very nature of windfall sites as larger sites unexpectedly become available for development. However, the average number of windfall dwellings completed annually is 123.
17. The high number of permissions since 2015 reflects several permissions granted for developments of between 6-20 dwellings.
18. The table above includes rural exception sites. In 2015-16, for example, a total of 50 affordable homes were permitted on exception sites in Newport and Great Hallingbury. Although these sites meet the criteria of being windfall and policy is supportive of such sites it is not possible to be certain over the future delivery of such sites. Table 2 shows the number of dwellings permitted and built excluding rural exception sites.

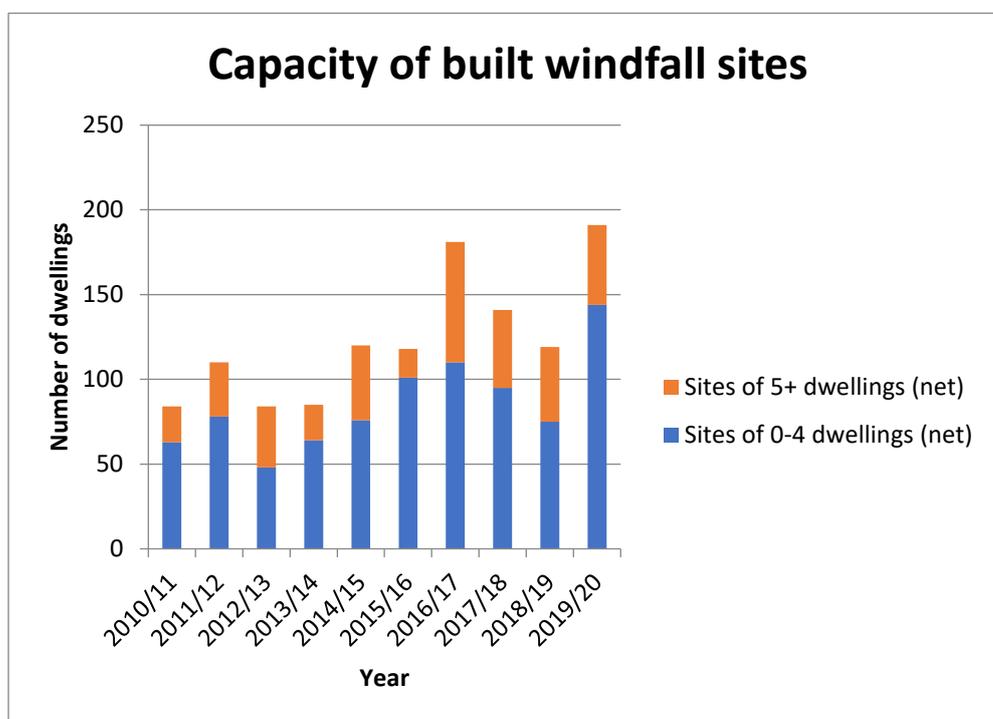
Year	No. of dwellings permitted on windfall sites (net)	No of dwelling built on windfall sites (net)
2010/11	134	76
2011/12	139	96
2012/13	154	84
2013/14	127	85
2014/15	274	102
2015/16	248	118
2016/17	233	181
2017/18	285	91
2018/19	349	119
2019/20	340	191
TOTAL	2283	1143
Annual average		114.3

19. Table 2 shows that by excluding Rural Exception Sites, the average number of windfall dwellings built is 114 per year.

Capacity of Windfall Sites

20. The following table shows the number of dwellings built on windfall sites which are for 4 or less dwellings and those on sites for 5 plus dwellings. It shows that both contribute to the supply of windfall sites but with two thirds coming from small sites.

Year	Total built	Sites of 0-4 dwellings (net)	Sites of 5+ dwellings (net)
2010/11	84	63	21
2011/12	110	78	32
2012/13	84	48	36
2013/14	85	64	21
2014/15	120	76	44
2015/16	118	101	17
2016/17	181	110	71
2017/18	141	95	46
2018/19	119	75	44
2019/20	191	144	47
TOTAL	1233	854	379
		69%	31%

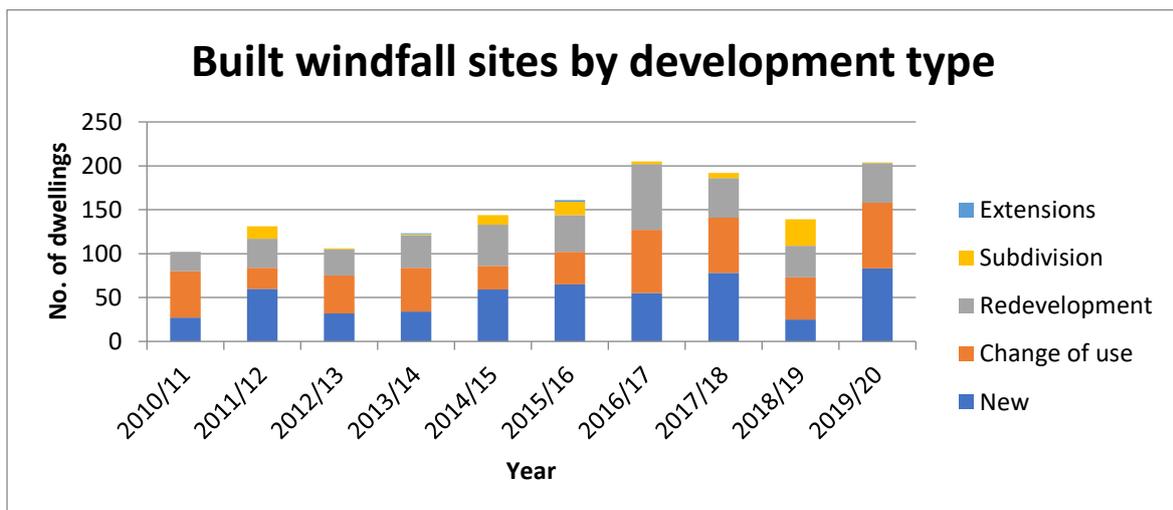


Types of Windfall Sites

21. Uttlesford is a large rural district with two market towns and about 60 villages enabling significant potential for windfall development through the conversion of rural buildings and the redevelopment of previously developed sites.
22. The following Table 4 and chart show that most windfall sites arise from new dwellings, changes of use and redevelopment. Very little development arises from the subdivision or extension of properties. Gross figures have been used as the loss does not always occur in the year of completion.

Table 4 No. of Dwellings Built by Types of Windfall Sites (gross)

	New (excluding gardens sites)	Change of use	Redevelopment	Subdivision	Extensions
2010/11	27	53	22	0	0
2011/12	60	24	33	14	0
2012/13	32	43	30	1	0
2013/14	34	50	37	1	1
2014/15	59	27	47	11	0
2015/16	65	37	42	15	2
2016/17	55	72	75	3	0
2017/18	78	63	45	6	0
2018/19	25	48	36	30	0
2019/20	83	75	45	1	0
	518	492	412	82	3



Completion Rates

23. The following Table 5 shows that the majority of completions take place in the second and third year following consent. Gross figures have been used as the loss does not always occur in the year of completion.

Consent Date	Completion Date										outstanding @ 31.3.2020 (net)
	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	
2010/11	6	54	18	14	3	1	5	0	0	0	1
2011/12		15	25	38	11	3	1	0	0	0	1
2012/13			19	36	46	12	11	1	0	0	1
2013/14				6	36	15	6	3	1	0	1
2014/15					20	55	63	14	1	1	1
2015/16						36	66	77	9	9	3
2016/17							53	67	38	16	16
2017/18								30	67	62	103
2018/19									22	66	125
2019/20										50	259

National and Local Policy Context

24. The emerging Local Plan will propose a number of policies which positively encourage windfall development. Subject to meeting certain criteria policy will be supportive of

- subdivision of dwellings,
- replacement dwellings,
- small scale development in settlements,
- affordable housing on exception sites which can include market housing to ensure the viability of the development,
- the reuse of rural buildings including for residential use,
- alternative uses of listed buildings as a way of preserving the building,
- the redevelopment/change of use of employment uses if it can be demonstrated that the employment use is no longer viable.

25. The Government has introduced permitted development rights to enable change of use from office or agricultural to residential properties subject to Prior Approval. There are a number of office and agricultural buildings across the district in rural locations and settlements which could be viable to convert to residential and which would contribute to the windfall supply.

Conclusions

26. Historical evidence shows that windfall sites contribute to the number of annual completions. It is also considered that in the light of available sites and planning policy, windfall sites will continue to be permitted and built in the future.
27. The paper demonstrates that the number of dwelling on windfall sites (excluding rural exception sites) averages 114 and is considered realistic allowance.