

**Committee:** Cabinet

**Date:** Monday,  
16 October 2023

**Title:** 5-Year Housing Land Supply Statement  
(5YHLS) – October 2023

**Portfolio Holder:** Cllr John Evans, Cabinet Member for Planning

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## Summary

1. This report addresses the Council's updated 5-Year Housing Land Supply Statement that is recommended for publication.
2. The updated 5-Year Housing Land Supply (5YHLS) Statement identifies a land supply position of 5.14 years, using a base date of 1<sup>st</sup> April 2023.
3. The updated 5YHLS Statement will be a 'material consideration' for decision makers in relation to planning applications for residential development within the district following its publication.

## Recommendations

4. That Cabinet note the updated 5YHLS Statement and approve it for publication.

## Financial Implications

5. This 5YHLS Statement is the first to record a positive (greater than five) Uttlesford land supply for some years and so this may have 'some' impact on decision making. This could in-turn have an impact on the volume of speculative applications being submitted, the outcome of decision making and the extent of any potential appeals; all of which could have some financial implications. However, the precise impact on decision making is likely to vary on a case-by-case basis.

## Impact

Communication / Consultation	None required for the 5YHLS Statement.  The Local Plan timetable proposes two consultation phases for people to make representations on the Local Plan, which are intended to ensure effective
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	communication, consultation and engagement.
Community safety	No impact.
Equalities	No impact associated with the 5YHLS Statement.  The Local Plan will be subject to EQIA.
Health & Safety	No impact.
Human Rights / Legal	The reporting of a 5YHLS relates to national policy requirements set out within the NPPF.
Sustainability	Demonstrating a 5YHLS position greater than five could have an impact on decision making relating to speculative applications, which could in turn have a positive impact on the achievement of sustainable development.
Ward-specific Impacts	As above, demonstrating a 5YHLS position greater than five could have an impact on decision making relating to speculative applications, which could in turn have positive implications for individual parishes.
Workforce / Workplace	N/A

## Situation

6. A 5YHLS statement is a non-statutory planning document that sets out the list of residential development sites which the Local Authority considers 'deliverable' over the next 5 years. The requirement for Local Authorities to produce such a document annually is set out within Paragraph 74 of the National Planning Policy Framework (2021) (NPPF).
7. The NPPF states that:

“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.”
8. The 5YHLS statement recommended for publication is pursuant to this requirement and provides context as to why each of the sites included is deemed 'deliverable' as defined within the NPPF glossary. Moreover, the statement clarifies the application of the Standard Method to calculate the local housing need, the

appropriate buffer to be applied on this housing requirement, and the justification for the inclusion of a windfall allowance.

9. Once agreed and published, the 5YHLS statement will form a 'material consideration' in the determination of planning applications for residential development within the district.
10. This 5YHLS Statements identifies a land supply of 5.14 years.
11. NPPF (paragraph 11) makes clear that the 'Presumption in favour of sustainable development' should apply 'where there are no relevant plan policies, or the policies which are most important for determining the application are out-of-date', including 'where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.
12. The implications of applying the 'presumption' within paragraph 11 NPPF essentially leads to an increased level of speculative development coming forward. This has been the case in Uttlesford in recent years, where the 2005 Local Plan is clearly out-of-date. This has been exacerbated by the fact that, partly as a result of the lack of an up-to-date plan, the Council has been unable to demonstrate a five-year supply of deliverable housing sites. For example, the commitments for residential development to be delivered as at 1<sup>st</sup> April 2021 was 3,570, whereas the equivalent figure as at 1<sup>st</sup> April 2023 is 5,722<sup>1</sup>.
13. Even though this is the first time Uttlesford has been able to record a positive (greater than five) land supply, for some years, because the 2005 Plan policies are out-of-date, simply by virtue of their age, a 'tilted balance' approach would likely still apply (unless protective policies in the NPPF apply).
14. It is ultimately the preparation of an up-to-date Local Plan that will enable the Council to develop a strategy for what development comes forward and where. This will ensure development is located to maximise sustainable development and crucially, to assist in planning for infrastructure (services and facilities, such as for health care/ education/ transport). The new Plan will also include updated policies so the Council is able to influence the quality of what development comes forward and how it contributes to enhancing biodiversity/ addressing climate change, etc.
15. In the absence of an up-to-date Local Plan, it is likely that development will continue to come forward in a piecemeal basis, with the Council having less control or consideration over infrastructure delivery. There is anecdotal evidence that key stakeholders (Education Authority/ Health Providers) consider that planning for new infrastructure on the basis of unplanned and piecemeal development is much more difficult. There may be a cumulative impact of multiple small piecemeal developments each making a modest contribution to infrastructure that is inadequate for the collective level of growth.

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▪ <sup>1</sup> These figures do not include any recent decisions post April 2023 and may increase.

16. However, it is the case that with a positive (greater than 5) land supply position, a lesser degree of weight will be given to the delivery of new dwellings in the planning balance than if the authority were unable to demonstrate a 5YHLS. This may influence the decisions taken with regard to planning applications for development within the district, however, it will not result in a moratorium on new residential development, which is key to ensure this positive 5YHLS position rolls forward in the future.

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That the publicised 5YHLS position is challenged as part of a planning appeal.	2	1 to 3  Level of impact likely to alter on a case-by-case basis.	<ul style="list-style-type: none"> <li>▪ The 5YHLS position relies on sites with detailed planning permissions (Full or Reserved Matters), whereby their delivery is considered realistic with no clear evidence available that would justify their omission.</li> </ul>

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.