

Adroddiad ar gyd- astudiaethau argaeledd tir ar gyfer tai

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Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 09/05/2014

Report on Joint Housing Land Availability Study

by P J Davies BSc (Hons) MA MRTPI
an Inspector appointed by the Welsh Ministers
Date: 09/05/2014

Ref: JHLAS/13/L9503/515913

Local Planning Authority: **Pembrokeshire Coast National Park Authority**

- This report concerns the Pembrokeshire Coast National Park Authority Joint Housing Land Availability Study (JHLAS) 2013.
- The matters in dispute are set out in the JHLAS Statement of Common Ground (SoCG) submitted to the Welsh Government in December 2013.

Recommendation

1. That the 2013 JHLAS housing land supply figure for the Pembrokeshire Coast National Park Authority area be determined as 2.9 years.

Context of the Recommendation

2. Local Planning Authorities have a duty to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing¹. The purpose of preparing a JHLAS is to:
 - Monitor the provision of market and affordable housing;
 - Provide an agreed statement of residential land availability for development planning and control purposes; and
 - Set out the need for action in situations where an insufficient supply is identified².
3. The scope of this report is to recommend an appropriate housing land supply figure in respect of the Pembrokeshire Coast National Park Authority (NPA) area, in the light of the matters in dispute concerning the calculation of such a figure and the available evidence.

Main Issues

4. The Statement of Common Ground (SoCG) shows that the Study Group agrees that the appropriate method for calculating the 5 year land supply is the residual method as described in TAN 1. The main issue is whether, at the base date of the study, the 16 disputed sites should be counted as contributing to the 5-year housing land supply.

¹ PPW Edition 6 paragraph 9.2.3

² TAN 1: Joint Housing Land Availability Studies (June 2006) paragraph 2.1

Reasons

5. The agreed number of units in the land supply (including small sites) constitutes 353 units. In addition to this there are 16 disputed sites, representing a total of 176 units. TAN 1 provides advice on the criteria to be applied in considering whether sites may be regarded as genuinely available within a five year period. The TAN also provides advice on sites that have remained in the land supply for periods well in excess of five years. I have considered the disputed site on the available evidence and in line with the advice in the TAN and the WG Guidance.
6. South of Driftwood Close, Broad Haven (HA734) (8 units in dispute): This site is allocated for residential use in the adopted LDP but, at the base date of the study, did not have planning permission. The site was first included in the five year land supply in 2010. The landowner has indicated an intention to submit an outline planning application; on this basis the NPA expects the first two units to be completed in year 2 of the study period, and a further 2 units in the three years thereafter. Pembrokeshire County Council considers that the site should be reclassified as 3i on the basis that the site lacks planning permission; however, I consider that such a reclassification would not be consistent with paragraph 7.4.1 of TAN 1. For this reason I find that the 8 disputed units should be included in the 5 year land supply.
7. Castle Way, Dale (HA382) (4 units in dispute): This site is allocated for 12 units in the LDP, does not have planning permission and has been included in the 5 year land supply since 1999. Paragraph 7.4.1 of the TAN indicates that, where sites have been included in the land supply for more than 5 years, there should be a presumption to reclassify them as 3i unless an explanation is provided. The landowner has indicated that, as the LDP seeks 10 of the 12 units to be an affordable tenure, it has no intention to develop the site. The NPA has responded to this by reducing the number of units in the land supply from 12 to 4, and has stated that it is currently reviewing the viability of allocated sites in order to facilitate their delivery. However, given the landowner's clearly stated lack of intention to bring the site forward, I do not consider this explanation sufficient to justify the site's continued inclusion in the land supply. I find that the 4 disputed units should be removed from the 5 year land supply.
8. Site of former Sir Benfro Hotel, Herbrandston (NP/04/462) (23 units in dispute): Development has commenced on this site but there has been no recent activity. Despite attempts by the NPA to contact the developer, no response has been received. The site was first included in the 5 year land supply in 2004. The HBF contends that, due to the lack of progress on site, the site should be reclassified as 3i. The NPA clarifies that the site commenced construction in 2012, five units are partially constructed and the developer remains in business. I consider this sufficient explanation for not reclassifying the site as 3i. I find that all 23 disputed units should be included in the 5 year land supply.
9. Opposite Bush Terrace, Jameston (HA730) (8 units in dispute): This allocated site was first included in the land supply in 2010. The NPA has only proposed to include 8 of the expected total capacity of 35 units within the land supply on the basis that the landowner will not proceed with the development until all plots on a nearby site have been sold. This delayed phasing also reflects a potentially significant constraint regarding the need for Dŵr Cymru/Welsh Water to upgrade the Waste Water Treatment Works, which would not take place until 2015 at the earliest. I consider the phasing proposed by the NPA to be reasonable. On this basis I find that the 8 disputed units should be included within the 5 year supply.

10. Adjacent Home Farm, Lawrenny (HA559) (15 units in dispute): This site, which is allocated for a total of 30 units in the adopted LDP, has formed part of the 5 year land supply since 2010. The NPA proposes to include only 15 of the units in the supply. There are no known constraints to the site's delivery, but the landowner has indicated potential viability issues related to the provision of 50% affordable housing, as sought by the LDP. The NPA clarifies that the LDP supports a negotiated approach to the provision of affordable housing, and states that it is currently reviewing the viability of allocated sites in order to facilitate their delivery. Paragraph 7.3.4 of the TAN indicates that, where a site is not already owned by developers, there should be a reasonable prospect of it being sold for development, irrespective of current market conditions. Given that the LDP and its associated guidance is flexible in terms of the provision of affordable housing, I consider there to be a reasonable prospect of the site being sold and developed according to the phasing proposed by the NPA. For this reason I find that the 15 disputed units should be included in the 5 year land supply.
11. Opp Manorbier VC School, Manorbier Station (HA848) (9 units in dispute): This site is allocated in the LDP for a total of 19 units and has been in the land supply since 2010. Following a query raised by the HBF, the NPA has confirmed that the landowner is actively marketing the site to developers. The site is constrained due to the lack of public sewerage to connect to Tenby West Treatment Works. In addition to this, HBF considers the site will face viability issues due to the need to provide affordable housing. The NPA again stresses that the provision of affordable housing is subject to site-specific viability considerations. In the absence of any evidence to indicate that the site would be undeliverable due to the need to contribute to necessary infrastructure and affordable housing, I conclude that the site is genuinely available for development. I find that the 9 disputed units should be included in the 5 year land supply.
12. Land part of Buttylands, Manorbier Station (MA895) (3 units in dispute): This site is allocated in the LDP for 15 residential units and has been in the land supply since 2010. The lack of public sewerage in the vicinity of the site, and its current use as a caravan park, present constraints to the site's development. This has prompted the NPA to reduce the number of units within the land supply to 3. This phasing appears realistic. I find that the 3 disputed units should be included in the 5 year land supply.
13. Rear of Cross Park, New Hedges (HA813) (20 units in dispute): This site has been in the land supply since 2010 and is allocated in the LDP for 30 units. The NPA anticipates that 20 units will come forward during the study period. The HBF considers the site should be reclassified as 3i due to potential viability issues associated with the provision of affordable housing. The phasing for this site differs from the previous two JHLASs, where only 10 units were included in the land supply. The landowner has this year stated an intention to submit an outline application and to sell the site later in 2013, which may have resulted in the amended phasing. However, at the base date of the study there was no material change in circumstance which would, in my view, support the more optimistic phasing proposed by the NPA. I therefore find that, consistent with previous years, only 10 of the disputed units should be included in the 5 year land supply.
14. The Newport Pottery, Newport (NP/06/106) (6 units in dispute): This site benefits from full planning permission, granted in 2009. The NPA has confirmed that this permission remains extant and that the site is currently for sale. The HBF considers that the site should be reclassified as 3i due to potential viability issues associated with the provision of affordable housing. The NPA has responded by delaying expected

completions to year 5 of the study period. This phasing appears realistic. I conclude that the 6 disputed units should be included in the 5 year land supply.

15. Land adj Ridgeway & Incline, Saundersfoot (NP/033/91) (9 units in dispute): This site was first included in the land supply in 1991. The site includes two parcels of land. One parcel benefits from full planning permission for 12 units, 11 of which are completed. The NPA expects the remaining unit to be completed in year 1 of the study period, which appears reasonable. The other parcel of land had outline permission for 8 units, but this has lapsed. As this land parcel is not allocated in the LDP, it cannot be considered to meet the conditions identified in paragraph 7.1.2 of the TAN. There is therefore no justification for including these 8 units in the land supply. I conclude that of the 9 disputed units, only 1 should be included in the 5 year land supply.
16. Adj Bro Dawel, Solva (HA384) (18 units in dispute): This LDP site allocation was first included in the land supply in 1999. The landowner, Pembrokeshire County Council, has indicated that it intends to dispose of the site following an upgrade to the sewerage network by Dŵr Cymru/Welsh Water, likely to be completed by March 2015. Pembrokeshire County Council has also indicated that the provision of 50% affordable housing, in tandem with obligations relating to a replacement playing field and sewerage network improvements, will render development "marginal". For these reasons, and the length of time that the site has been included in the land supply, HBF considers that the site should be reclassified as 3i. I note that the site was classified as 3i in the previous two years' JHLASs. I can see no material change in circumstance since the previous year's study which would justify the reclassification of the site proposed by the NPA. Consequently, I find that, consistent with previous years, the site should continue to be classified as 3i. The 18 disputed units should be removed from the 5 year land supply.
17. Bank House, Whitchurch Lane, Solva (HA792) (12 units in dispute): This site is allocated in the LDP. Following a query from the HBF, the NPA has indicated that the site was first included in the five year land supply in 2011. The landowner has stated an intention to bring forward development in the short to medium term; however, this is dependent on the upgrading of the Solva Sewage Treatment Works by Dŵr Cymru/Welsh Water, expected by March 2015. In recognition of the landowner's intentions the NPA has delayed the phasing to allow for first completions in year 4 of the study period. This appears reasonable. I find that the 12 disputed units should be included in the 5 year land supply.
18. Adj Ysgol Bro Dewi, Nun St, St Davids (HA789) (5 units in dispute): This site is allocated in the LDP for 10 units and has been included in the land supply since 2010. The landowner's intentions are not stated, but the NPA cites a "lack of interest from the landowners at present" to bring forward development, and has consequently reduced the number of units expected to be delivered in the 5 year period. The HBF considers that the site should be reclassified as 3i due to potential viability issues associated with the provision of affordable housing. However, in my view, the NPA's revised forecast allows sufficient time for development to commence. Moreover, the site has not been in the land supply for more than 5 years, and therefore does not meet the terms of the presumption for reclassification to Category 3i in Paragraph 7.4.1 of TAN 1. I find that the 5 disputed units should be included in the 5 year land supply.
19. Adj to school, St Ishmaels (MA733) (16 units in dispute): This site is allocated in the LDP for 40 units and first appeared in the land supply in 2010. The site comprises two parcels of land. The study group appears to agree that housing units which would be

accommodated on the larger parcel of land should be classified as 3i. The smaller parcel of land has been bought by a private developer. The HBF considers that only the smaller parcel of land should be included in the land supply; the NPA has clarified that "up to 22 dwellings" may be accommodated on this smaller parcel of land. This clarification would appear to resolve the outstanding objection in relation to the disputed units. I therefore conclude that the 16 units should be included in the 5 year land supply.

20. Brynhir, Tenby (NP/259/89 HA377) (20 units in dispute): This large site, which first appeared in the land supply in 1999, is allocated in the LDP for a total of 168 units. Of these, 148 units are classified as category 3i. Both Pembrokeshire County Council and the HBF consider that all units should be classified as 3i due to delivery constraints and viability issues associated with the provision of sewerage and highways infrastructure and affordable housing. I note that all units associated with this site were classified as 3i in the previous two years' JHLASs and that no evidence has been presented of any material change in circumstance to support a reclassification of the site. Consequently I find that, consistent with previous years, the 20 disputed units should be removed from the 5 year land supply.
21. Butts Field Car Park, Tenby (HA752) (0 units in dispute): All units associated with this site are classified as category 3i and there appears to be no dispute about that fact. I have therefore not given this site further consideration.

Conclusion

22. For the above reasons, I find that of the 176 disputed units, 116 of them should be included in the 5 year land supply figure. Combined with the already agreed figure of 353 units, this brings the total land supply figure to 469 units.
23. Calculated using the residual method, and based on the agreed average annual completion of 161 units, I conclude that, as at 1 April 2013, the housing land supply for the Pembrokeshire Coast National Park Authority planning area is 2.9 years.

Penny Davies

Inspector