

Affordable Housing Proof of Evidence of James Stacey BA (Hons) Dip TP MRTPI

Land North of Bradmore Way, The Brookmans Park
Estate, Brookmans Park, Hertfordshire (BrP12a)



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Outline application for 125 dwellings, of which 45% (up to 56 dwellings) will be provided as affordable housing.

Land North of Bradmore Way, The Brookmans Park Estate, Brookmans Park, Hertfordshire (BrP12a)

Aurora Properties (UK) Limited

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Executive Summary

- i. This **Affordable Housing Proof of Evidence** has been prepared by **James Stacey of Tetlow King Planning** on behalf of the Appellant, **Aurora Properties (UK) Limited**, in respect of their appeal for outline planning permission for residential development at Land North of Bradmore Way, The Brookmans Park Estate, Brookmans Park, Hertfordshire (BrP12a).
- ii. The proof of evidence deals specifically with affordable housing and the degree of weight which I believe should be applied in the planning decision, in the context of an acute unmet need for affordable housing across Welwyn Hatfield Borough. It should be read in conjunction with the Affordable Housing Statement which supported the planning application (**CD1.24**).
- iii. The proposed development comprises an enhanced offer of **45% affordable housing**, equivalent to **up to 56 affordable homes**, this is in excess of the policy requirement.

Key Findings

The Development Plan and Related Policies

- iv. The adopted Welwyn Hatfield Local Plan requires 30% provision of affordable housing; and the emerging Local Plan 2013-2032 requires 35% provision, which the proposed development complies with by providing 45% affordable housing.
- v. A range of documents including the Development Plan, emerging Local Plan and corporate documents, all show that the delivery of affordable housing is a clear corporate priority for Welwyn Hatfield Borough Council. Relevant documents include the Welwyn Hatfield Corporate Plan 2021-2024 and the Housing, Homelessness and Rough Sleeping Strategy 2019-2024.

Affordable Housing Need in Welwyn Hatfield Borough

- vi. The most recent assessment of affordable housing need in Welwyn Hatfield is contained in the Strategic Housing Market Assessment Update 2017 (the “2017 SHMA Update”). It finds there is a need for Welwyn Hatfield is **818** affordable homes per annum between 2015 and 2020, with **602** affordable homes needed annually thereafter until 2032.

Affordable Housing Delivery in Welwyn Hatfield Borough

- vii. In the seven years since the start of the Local Plan period in 2015/16, a total of 406 affordable dwellings have been completed in Welwyn Hatfield Borough, equivalent to just 58 dwellings per annum and 15% of overall completions.
- viii. Since 2015/16, a total of 106 affordable dwellings have been lost through the Right to Buy from Registered Providers' stock. On a net basis, there have been just 300 affordable dwellings added to the stock in Welwyn Hatfield Borough since 2015/16, equivalent to just 43 dwellings per annum and 11% of overall completions.
- ix. When comparison is drawn between net affordable housing delivery and the needs identified in the 2017 SHMA Update for the seven-year period between 2015/16 and 2021/22, there has been an accumulated shortfall in the delivery of affordable housing of some -4,994 affordable homes against an identified need for 5,294 affordable homes over the same period.
- x. Since the start of the 2017 SHMA Update period in 2015/16 there have been a total of 89 overall housing completions and zero affordable housing completions. The FOI response shows that between 2000/01 and 2021/22 there were zero affordable housing completions in the Parish.

The Future Supply of Affordable Housing

- xi. Since the start of the 2015/16 monitoring period, the Council have overseen the delivery of 300 affordable homes (net of RtB sales) against a need of 5,294 net new affordable homes which has resulted in a shortfall of -4,994 affordable homes over the 7-year period.
- xii. When the shortfall is factored into the 2017 SHMA Update identified need of 665¹ affordable homes per annum for the period 2015 and 2032, the number of affordable homes the Council will need to complete substantially increase to 1,796 net affordable homes per annum for the period 2022/23 to 2026/27.
- xiii. The Council's latest Annual Monitoring Report (February 2022) indicates a deliverable supply of 2,594 dwellings.
- xiv. Based on the Council's assessment of supply it is likely that only 946 gross affordable dwellings will be delivered over the five year period, equating to just 186 gross affordable dwellings per annum (**Appendix JS7**). When additional affordable homes

¹ (818 x 5 = 4,090) + (602 x 12 = 7,224) = 11,314 / 12 = 665.5

delivered through commuted payments are taken into account this figure rises to 951 affordable dwellings, equating to just under 190 affordable dwellings over the period.

- xv. This gross figure falls short of the 818 net affordable dwellings per annum required between 2015-2020 and the 602 per annum required thereafter until 2032 as identified by the 2017 SHMA Update.

Affordability Indicators

- xvi. The following affordability indicators are material considerations and illustrate the acute difficulties and worsening situation that faces households in Brookmans Park and Little Heath Ward and North Mymms Civil Parish (where the appeal site is located) and Welwyn Hatfield Borough. Important indicators include:
- a. At 31st March 2022 there were 3,119 households on the Housing Register. This represents an 8% increase in a single year from 2,876 households at 31 March 2021.
 - b. The wait to be housed in an affordable home within the area ranges from 9 months for a 3-bed affordable home through to 22 months for a 4-bed+ affordable home.
 - c. Between 1 April 2021 to 31 March 2022 there were an average of 128 bids per 1-bed affordable dwelling put up for let in the parish, 29 average bids per 2-bed affordable dwelling and 104 average bids per 3-bed affordable dwelling. No 4+ bed affordable dwellings were let over the period in North Mymms Civil Parish.
 - d. As of 6 December 2022, 693 households are seeking a shared ownership home in Welwyn Hatfield Borough.
 - e. A median private rent of £1,100 pcm in 2021/22 is 27% higher than the East of England figure of £865 pcm and 38% higher than the national figure of £795 pcm.
 - f. A lower quartile rent of £895 pcm in 2021/22 is 28% higher than the East of England figure of £700 pcm and 50% higher than the national figure of £595 pcm.
 - g. A median affordability ration of 12.37 in Welwyn Hatfield Borough stands significantly above the national average of 9.05 (+37%) and above the East of England average of 10.53 (+17%).
 - h. In 2022 median house prices in Brookmans Park and Little Heath Ward (£835,000) were 101% higher than across Welwyn Hatfield Borough (£415,000), 162% higher than across the East of England (£318,275) and 209% higher than the national figure (£270,000).

- i. The lower quartile affordability ratio in Welwyn Hatfield Borough now stands significantly above the national average of 8.04 (+59%) and above the East of England average of 10.40 (+23%).
 - j. In 2022 lower quartile house prices in Brookmans Park and Little Heath Ward (£585,000) were 83% higher than across Welwyn Hatfield Borough (£320,000), 149% higher than across the East of England (£235,000) and 225% higher than the national figure (£180,000).
 - k. The lower quartile house price in Brookmans Park and Little Heath ward (where the site is located) was £600,000 in 2019/20² (29% increase from 2013/14³) and mean annual earnings for the Borough were £32,625⁴ in 2019/20 which equates to an affordability ratio of 19.7.
- xvii. Section 11 of the Statement draws together conclusions in respect of affordable housing need and delivery; the affordability indicators; the serious social consequences of not delivering affordable housing; and the findings of Inspectors at previous Section 78 planning appeals.
- xviii. A failure to achieve a step-change in the delivery in Welwyn Hatfield Borough will simply exacerbate what is already an acute housing crisis in the area, which will leave more and more households to deal with the day-to-day hardship of poor quality, expensive and insecure housing.
- xix. Appeal decisions have shown that:
- a. Affordable housing is an important material consideration;
 - b. The importance of unmet need for affordable housing being met immediately;
 - c. Inspectors have recognised that the housing crisis is affecting real people and households, and that affordable homes can make a positive difference in their lives;
 - d. Planning Inspectors and the Secretary of State have attached at least substantial weight to the provision of affordable housing, and even very substantial weight in certain circumstances.
- xx. Taking the above into account, I consider that the proposed affordable housing should carry **very substantial weight** in the determination of this appeal.

² Office for National Statistics - HPSSA Dataset 37

³ 2013/14 figure is for 'Brookmans Park' 'sub area' as defined by 2014 SHMA and 2019/20 figure is from Brookmans Park and Little Heath Ward

⁴ Home Truths Report – East of England 2020

Introduction

Section 1

- 1.1 This Affordable Housing Proof of Evidence has been prepared by **James Stacey** of **Tetlow King Planning** on behalf of **Aurora Properties (UK) Limited**.
- 1.2 The proposed development is for up to 125 dwellings, of which 45% (up to 56 dwellings) are to be provided on-site as affordable housing.
- 1.3 This level of provision exceeds the requirements of adopted Policy H7 (30%) of the Welwyn Hatfield District Plan (2005) and meets the requirements Policy SP 7 (35%) of the emerging Welwyn Hatfield Borough Council Local Plan 2013-2032.
- 1.4 The Housing Development & Strategy Services Manager suggested in their response to the application a tenure split of 51% social rented and 49% intermediate (**CD3.31**). The comment went on to indicate that in respect of the intermediate units they would welcome further discussions.
- 1.5 The affordable housing provision and tenure mix will be secured through a Section 106 agreement which are subject to continued negotiations with the Council. The first draft of the Section 106 agreement includes the option for the intermediate housing to be affordable rented units.
- 1.6 This Proof of Evidence follows a previous Affordable Housing Statement was provided to support the planning application (**CD1.24**). This proof of evidence builds upon our previous work and takes account of updated FOI data and the most up to date affordability data.
- 1.7 The site sits entirely within North Mymms Civil Parish, Brookmans Park and Little Heath Ward, Middle Layer Super Output Area⁵ (“MSOA”) Welwyn Hatfield 015 and Lower Layer Super Output Area⁶ (“LSOA”) Welwyn Hatfield 015A.

⁵ A geographic hierarchy designed to improve the reporting of small area statistics in England and Wales. MSOAs have a minimum population of 5,000 households and a mean population of 7,200 households

⁶ A geographic hierarchy designed to improve the reporting of small area statistics in England and Wales. LOSAs have a minimum population of 1,000 households and a mean population of 1,500 households.

- 1.8 Population estimates for 2020⁷ indicate that within the ward and MSOA⁸ there were 6,006 residents and within the LOSA 1,632 residents.
- 1.9 Maps of each of these areas as well the Welwyn Hatfield Borough Council local authority area are contained at **Appendix JS1**.
- 1.10 This Proof of Evidence deals specifically with affordable housing and the weight to be afforded to it in this planning decision⁹ considering evidence of need in the area. It should be read alongside the main Planning evidence of Russell Gray (Woods Hardwick).
- 1.11 My credentials as an expert witness are summarised as follows:
- I hold a Bachelor of Arts (Hons) degree in Economics and Geography from the University of Portsmouth (1994) and a post-graduate diploma in Town Planning from the University of the West of England (“UWE”) (1997). I am a member of the Royal Town Planning Institute (“RTPI”).
 - I have over 27 years’ professional experience in the field of town planning and housing. I was first employed by two Local Authorities in the South West and have been in private practice since 2001. I am the Managing Director of Tetlow King Planning.
 - During my career, I have presented evidence in more than 100 Section 78 appeal inquiries and hearings. I act for a cross-section of clients and advise upon a diverse range of planning and housing related matters.
 - Both Tetlow King generally and I have acted on a wide range of housing issues and projects for landowners, house builders and housing associations throughout the country. Tetlow King Planning has been actively engaged nationally and regionally to comment on emerging development plans, including Local Development Framework Core Strategies and many specific development plan and supplementary planning documents on affordable housing throughout the UK.
- 1.12 In accordance with the Planning Inspectorate’s Procedural Guidance, I hereby declare that:

⁷ Derived from the Office for National Statistics - Population estimates - small area based by single year of age - England and Wales data.

⁸ Brookmans Park and Little Heath Ward and MSOA Welwyn Hatfield 015 have different boundaries but the same population.

⁹ For the avoidance of doubt, the weightings I apply are as follows: very limited, limited, moderate, significant, very significant, substantial, and very substantial.

“The evidence which I have prepared and provide for this appeal in this Statement is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.”

1.13 Providing a significant boost in the delivery of housing, and in particular affordable housing, is a key priority for the Government. This is set out in the most up-to-date version of the National Planning Policy Framework (“NPPF”), the Planning Practice Guidance (“PPG”), the National Housing Strategy and the Government’s Housing White Paper. Having a thriving active housing market that offers choice, flexibility and affordable housing is critical to our economic and social well-being.

1.14 An appeal at Colney Heath located partially in Welwyn Hatfield Borough Council and partially in St Albans District Council decided in June 2021 (**CD9.28**) supports the view that the delivery of affordable housing in authorities with shortfalls in affordable housing delivery can contribute towards demonstrating Very Special Circumstances. At Paragraph 54 of the decision the Inspector was clear that:

“The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC¹⁰, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals.” (my emphasis).

1.15 As part of my evidence, I have sought data, upon which I rely, from the Council through a Freedom of Information (“FOI”) request submitted to Welwyn Hatfield Borough Council on 04 November 2022. A partial response was received on 1 December 2022 and a full response was received on 6 December 2022. The FOI correspondence is attached at **Appendix JS2**.

1.16 This proof of evidence comprises the following eleven sections:

- Section 2 establishes the importance of affordable housing as an important material consideration;
- Section 3 considers the national housing crisis;
- Section 4 considers the consequences of failing to meet affordable housing needs;

¹⁰ St Albans District Council and Welwyn Hatfield Borough Council.

- Section 5 analyses the development plan and related policy framework including Welwyn Hatfield Borough Council corporate documents;
- Section 6 sets out the identified affordable housing needs in Welwyn Hatfield Borough;
- Section 7 examines past affordable housing delivery against identified needs in Welwyn Hatfield Borough;
- Section 8 considers the future supply of affordable housing in the Borough;
- Section 9 covers a range of affordability indicators in Welwyn Hatfield Borough; and
- Section 10 sets out the council's assessment of the application;
- Section 11 identifies the benefits of the proposed affordable housing at the appeal site and;
- Section 12 considers the weight to be attached to the proposed affordable housing provision.

Affordable Housing as an Important Material Consideration

Section 2

- 2.1 The provision of affordable housing is a key part of the planning system. A community's need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent iterations of national planning policy, including the National Planning Policy Framework ("NPPF").
- 2.2 It has been reflected in several court cases including *Mitchell v Secretary of State for the Environment and Another*, Court of Appeal (1994); *ECC Construction Limited v Secretary for the Environment and Carrick District Council*, Queens Bench Division (1994); *R v Tower of Hamlets London District Council, ex parte Barratt Homes Ltd*, Queens Bench Division (2000).

National Planning Policy Framework (20 July 2021)

- 2.3 The revised NPPF was last updated on 20 July 2021 and is, of course, a key material planning consideration. It is important in setting out the role of affordable housing in the planning and decision-making process.
- 2.4 The document sets a strong emphasis on the delivery of sustainable development, an element of which is the social objective... to "*support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*" (paragraph 8).
- 2.5 Chapter 5 / paragraph 60 of the revised NPPF confirms the Government's objective of "*significantly boosting the supply of homes*".
- 2.6 The revised NPPF is clear that local authorities should deliver a mix of housing sizes, types, and tenures for different groups, which include "*those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes*" (paragraph 62).
- 2.7 The national guidance places a "corner-stone" responsibility on all major developments (involving the provision of housing) to provide an element of affordable housing.

Paragraph 65 establishes that “*Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership*”.

- 2.8 Affordable housing is defined within the revised NPPF’s glossary as affordable housing for rent (in accordance with the Government’s rent policy for Social Rent or Affordable Rent or is at least 20% below local market rents), starter homes, discounted market sales housing (at least 20% below local market value) and other affordable routes to home ownership including shared ownership, relevant equity loans, other low-cost homes for sale (at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).

Planning Practice Guidance (March 2014, Ongoing Updates)

- 2.9 The Planning Practice Guidance (“PPG”) was first published online on 6 March 2014 and is subject to ongoing updates. It replaced the remainder of the planning guidance documents not already covered by the NPPF and provides further guidance on that document’s application. **Appendix JS3** sets out the paragraphs of the PPG of relevance to affordable housing.

Summary

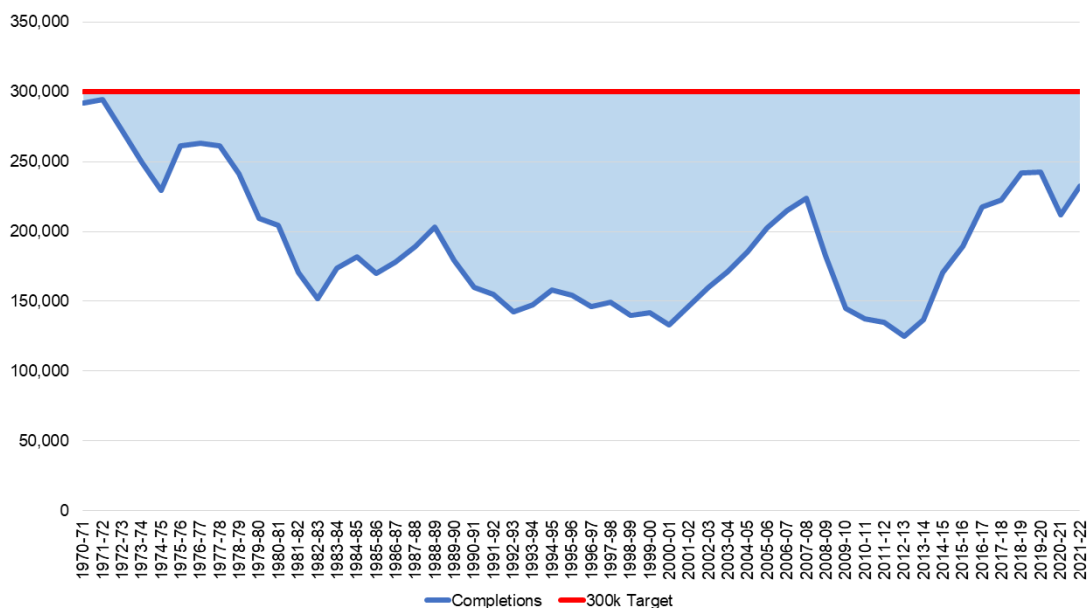
- 2.10 This section clearly demonstrates that, within national policy, providing affordable housing has long been established as, and remains, a key national priority; it is a fundamental element in the drive to address and resolve the national housing crisis.

The National Housing Crisis

Section 3

- 3.1 There is an ever-increasing wealth of evidence including from the Johnson Conservative Government that unaffordability and inability to get on the housing ladder is a significant problem. I set this out in more detail in **Appendix JS4**.
- 3.2 It is widely accepted that 300,000 new homes are needed per annum and have been for quite some considerable time. In October 2022 Housing Secretary Michael Gove confirmed during a BBC interview with Laura Kuenssberg that the government was still committed to the 300,000 figure as set out in the 2019 manifesto.
- 3.3 The last time the country built more than 300,000 homes was in 1969. Since that time there has arisen an accumulated shortfall of 5,698,569. This 50-year duration accumulated shortfall is set out in Figure 3.1 below.

Figure 3.1 National Housing Shortfall since 1970/71



Source: DLUHC Live Tables 122 and 209

- 3.4 On 6 August 2020 the Government published its consultation on the future of the planning system, entitled 'White Paper: Planning for the Future' (**CD8.30**).
- 3.5 The Planning White Paper identifies the need for radical reform. The Foreword from the former Prime Minister, Boris Johnson, makes clear on page 6 the need for a whole

new planning system that *“above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.”* (my emphasis).

- 3.6 In his foreword, the former Secretary of State for Housing, Communities and Local Government, Robert Jenrick, states that their proposals for the planning system seek a significantly simpler, faster and more predictable system. They aim to facilitate a more diverse and competitive housing industry, providing, inter alia the *“affordable housing existing communities require”* (page 8).
- 3.7 The White Paper’s introduction identifies the shortcomings of the current system, including that there is a *‘shortage of beautiful, high quality homes...and our capacity to house the homeless and provide security and dignity’*, with particular reference to the shortage of affordable homes.
- 3.8 The Government’s desires for the new system that it consulted upon include the wish to *“increase the supply of land available for new homes where it is needed to address affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market”* (page 14) and to create a virtuous circle of prosperity including in villages, to support their ongoing renewal and regeneration.
- 3.9 One of the Government’s proposals (number 21) is to reform the Infrastructure Levy, so that it also provides affordable housing. At paragraph 4.21, the Government states its commitment to deliver on-site affordable housing at least at present levels (this is one of its questions). The consultation proposes that the on-site delivery of affordable housing would be considered as ‘in kind’ payment of the levy liability.
- 3.10 The Government’s approach is perhaps best crystallised in the summary of the press release that accompanied the launch of the consultation – ‘PM: Build, Build, Build’.
- 3.11 That expressed ethos is hardly surprising, it is clear that successive Governments have failed to ensure that anything like enough new homes, especially affordable homes, are being built.
- 3.12 On a national level, in every scenario, against every annual need figure identified since the publication of the Barker Review in 2004, the extent of the shortfall in housing delivery in England is staggering and ranges from a shortfall of -1,082,847 to a shortfall of -2,702,847 homes over the past 18 monitoring years depending on which annual target actual housing completions are measured against. The Barker Review and a

wealth of other evidence regarding the extent of the national shortfall in housing delivery is included at **Appendix JS5**.

Conclusions on the National Housing Crisis and Extent of the National Shortfall in Housing Delivery

- 3.13 The evidence is clear and, in my opinion, demonstrates the pressing requirement to build more homes to meet the significant level of unmet need, particularly for homes that are affordable. A shortfall of almost 5.7 million homes is nothing short of a national scandal. The evidence suggests that failure to do so will present a risk to the future economic and social stability of the United Kingdom.

Consequences of Failing to Meet Affordable Housing Needs

Section 4

4.1 The National Housing Strategy¹¹ sets out that a thriving housing market that offers choice, flexibility and affordable housing is critical to our social and economic wellbeing.

4.2 A debate took place in the House of Commons on 24 October 2013 concerning the issue of planning and housing supply; despite the debate taking place almost a decade ago the issues remain, and the commentary is sadly still highly pertinent to the issues surrounding affordable housing in Welwyn Hatfield.

4.3 The former Planning Minister, Nick Boles, provided a comprehensive and robust response to the diverse concerns raised, emphasising the pressing need for more housing, and in particular affordable housing across the country (**CD8.31**) He opened by stating:

“I need not start by underlining the scale of the housing crisis faced by this country, the extent of the need for housing or the grief and hardship that the crisis is visiting on millions of our fellow citizens.”

4.4 When asked to clarify the word “*crisis*” by the Member for Tewkesbury, Nick Boles commented that in the past year the percentage of first-time buyers in England who were able to buy a home without their parents’ help had fallen to the lowest level ever, under one third. He also commented that the first-time buyer age had crept up and up and was now nudging 40 in many parts of the country. He stated that the crisis “*is intense within the south-east and the south, but there are also pockets in parts of Yorkshire*”.

4.5 In response to questions, Nick Boles reaffirmed that:

“Housing need is intense. I accept that my hon. Friend the Member for Tewkesbury (Mr Robertson) does not share my view, but many hon. Members do, and there are a lot of statistics to prove it”.

¹¹ Laying the Foundations: A Housing Strategy for England (November 2011)

- 4.6 He went on to say: *“It is not unreasonable, however, for the Government to tell an authority, which is representing the people and has a duty to serve them, “Work out what’s needed, and make plans to provide it”. That is what we do with schools. We do not tell local authorities, “You can provide as many school places as you feel like”; we say, “Provide as many school places as are needed”. We do not tell the NHS, “Provide as many GPs as you feel you can afford right now”; we say, “Work out how many GPs are needed.” The same is true of housing sites: we tell local authorities, “Work out how many houses will be needed in your area over the next 15 years, and then make plans to provide them.”*
- 4.7 Mr Boles’ full response highlighted the Government’s recognition of the depth of the housing crisis and continued commitment to addressing, in particular, affordable, housing needs. The final quote above also emphasised the importance of properly assessing and understanding the needs; and planning to provide for them.
- 4.8 Mr Boles indicates there are *“a lot of statistics to prove it”* my evidence in subsequent sections sets of an array of statistics, which I consider demonstrates the crisis remains as prominent now as it did in 2013.

Consequences of Failing to Meet Affordable Housing Need

- 4.9 This section highlights some of the evidence gathered in recent years demonstrating the significant consequences of failing to meet affordable housing needs.
- 4.10 In August 2019 the Children’s Commissioner produced a report titled *“Bleak Houses: Tackling the Crisis of Family Homelessness in England”* (CD8.32) to investigate impact of homelessness and in particular the effect of this upon children.
- 4.11 The report identified that family homelessness in England today is primarily a result of structural factors, including the lack of affordable housing and recent welfare reforms.
- 4.12 It stated that the social housing sector has been in decline for many years and that between the early 1980s and early 2010s, the proportion of Britons living in social housing halved, because of losses to stock through the Right to Buy and a drop in the amount of social housing being built.
- 4.13 The research found that the decline in social housing has forced many households, including families, into the private rented sector. High rents are a major problem: between 2011 and 2017 rents in England grew 60% quicker than wages. It stated that *“Simply put, many families cannot afford their rent. It is telling that over half of homeless families in England are in work”*.

- 4.14 The report particularly focused on the effect on children. The report revealed that many families face the problem of poor temporary accommodation and no choice but to move out of their local area, which can have a “*deeply disruptive impact on family life*”. This can include lack of support (from grandparents for example) and travel costs.
- 4.15 It found that a child’s education can suffer, even if they stay in the same school, because poor quality accommodation makes it difficult to do homework and that younger children’s educational development can also be delayed.
- 4.16 Temporary accommodation also presents serious risks to children’s health, wellbeing, and safety, particularly families in B&Bs where they are often forced to share facilities with adults engaged in crime, anti-social behaviour, or those with substance abuse issues.
- 4.17 Other effects include lack of space to play (particularly in cramped B&Bs where one family shares a room) and a lack of security and stability. The report found (page 12) that denying children their right to adequate housing has a “*significant impact on many aspects of their lives*”.
- 4.18 More recently in May 2021, Shelter published its report “*Denied the Right to a Safe Home – Exposing the Housing Emergency*” (CD8.33) which sets out in stark terms the impacts of the affordable housing crisis. The report affirms that Affordability of housing is the main cause of homelessness (page 15) and that “*we will only end the housing emergency by building affordable, good quality social homes*” (page 10).
- 4.19 In surveying 13,000 people, the research found that one in seven had to cut down on essentials like food or heating to pay the rent or mortgage. In addition, over the last 50 years, the average share of income young families spend on housing has trebled. The following statements on the impacts of being denied a suitable home are also made in the report:

“Priced out of owning a home and denied social housing, people are forced to take what they can afford – even if it’s damp, cramped, or away from jobs and support networks.” (Page 5)

“... people on low incomes have to make unacceptable sacrifices to keep a roof over their head. Their physical and mental health suffers because of the conditions. But because of high costs, discrimination, a lack of support, and fear of eviction if they complain to their landlord, they are left with no other option.” (Page 5)

The high cost of housing means the private-rented sector has doubled in size over the last 20 years. [...] Most private rentals are let on tenancies of 6 to 12 months, and renters can be evicted for no reason because of section 21. This creates a permanent state of stress and instability. (Page 6)

If you live in an overcrowded home, you're more likely to get coronavirus. If you live in a home with damp and black mould on the walls, your health will suffer. (Page 9)

"14% of people say they've had to make unacceptable compromises to find a home they can afford, such as living far away from work or family support or having to put up with poor conditions or overcrowding" (Page 12)

"Spending 30% of your income on housing is usually the maximum amount regarded as affordable. Private renters spend the most, with the average household paying 38% of their income on rent, compared to social renters (31%) and owner-occupiers (19%)." (Page 14)

"19% of people say their experiences of finding and keeping a home makes them worry about the likelihood they will find a suitable home in the future." (Page 15)

"Families in temporary accommodation can spend years waiting for a settled home, not knowing when it might come, where it might be, or how much it will cost. It's unsettling, destabilising, and demoralising. It's common to be moved from one accommodation to another at short notice. Meaning new schools, long commutes, and being removed from support networks. Parents in temporary accommodation report their children are 'often unhappy or depressed', anxious and distressed, struggle to sleep, wet the bed, or become clingy and withdrawn." (Page 25)

"Landlords and letting agents frequently advertise properties as 'No DSS', meaning they won't let to anyone claiming benefits. This practice disproportionately hurts women, Black and Bangladeshi families, and disabled people." (Page 29)

"The situation is dire. A lack of housing means landlords and letting agents can discriminate knowing there is excess demand for their housing." (Page 30)

- 4.20 Shelter estimate that some 17.5 million people have the right to a safe home and face the effects of high housing costs, lack of security of tenure and discrimination in the housing market (Page 32)
- 4.21 The Report concludes (page 33) that for change to happen, *"we must demand better conditions, fight racism and discrimination, end unfair evictions, and reform housing*

benefit. But when it comes down to it, there's only one way to end the housing emergency. **Build more social housing**" (emphasis in original).

- 4.22 In April 2022 Shelter published a further report titled "*Unlocking Social Housing: How to fix the rules that are holding back building*" (CD8.34). The first paragraph of the Executive Summary is clear that:

"Our housing system is broken. Across the country, renters are stuck in damp, crumbling homes that are making them sick. Private renters are forced to spend more than 30% of their income on rent. As a result, nearly half have no savings. Desperate parents fighting to keep a roof over their heads are forced to choose between rent and food."

- 4.23 The Executive Summary goes on to state that "**An affordable and secure home is a fundamental human need**" (emphasis in original) noting that one in three of us do not have a safe place to call home and that finding a good-quality home at a fair price is impossible for so many people.

- 4.24 At page 6 the report considers the impacts of the Government plans to scrap developer contributions (Section 106 – s106) and replace it with a flat tax called the 'infrastructure levy'. It states that:

"This would mean that developers no longer build social housing on site, in return for planning permission, but instead pay a tax to the local council when they sell a home. The unintended consequence could add yet more barriers to social housebuilding and spell the end of mixed developments where social tenants live alongside private owners." (My emphasis).

- 4.25 In considering the impact of the PRS the report highlights at page 7 that nearly half of private renters are now forced to rely on housing benefit to pay their rent – "*That's taxpayer money subsidising private landlords providing insecure and often poor-quality homes.*" The paragraph goes on to note that:

"The lack of social housing has not just pushed homeownership out of reach, it's made it nearly impossible for working families to lead healthy lives and keep stable jobs. Poor housing can threaten the life chances and educational attainment of their kids. If we want to level up the country, we must start with home."

- 4.26 Regarding the temporary accommodation ("TA") the report notes on page 10 that number of households living in such accommodation has nearly doubled over the last decade and the cost to the taxpayer has gone through the roof. The page also notes

that “TA cost councils £1.45bn last year (2020/21). 80% of this money went to private letting agents, landlords or companies.”

- 4.27 Page 11 goes on to highlight that “Of the nearly 100,000 households living in TA, more than a quarter (26,110) of these households are accommodated outside the local authority area they previously lived in.” This means that “Families have been forced to endure successive lockdowns in cramped, unhygienic, and uncertain living conditions, away from jobs, family, and support networks.”
- 4.28 The page goes on to conclude that “As a result, the national housing benefit bill has grown. Tenants' incomes and government money is flowing into the hands of private landlords, paying for poorer quality and less security. **There are now more private renters claiming housing benefit than ever before.**” (emphasis in original).
- 4.29 Page 9 is also clear that “Since 2011, freezes to Local Housing Allowance (housing benefit for private renters) and blunt policies like the benefit cap have been employed to limit the amount of support individuals and families can receive. As a result, many thousands of renters’ housing benefit simply doesn’t meet the cost of paying the rent.”
- 4.30 In considering the consequences of this page 12 notes that “With fast growing rents, mounting food and energy bills, and a dire shortage of genuinely affordable social housing, these policies have failed to curb the rising benefits bill. Instead, they have tipped people into poverty, destitution and homelessness.”
- 4.31 Finally, page 21 is clear that:

“For the over 1 million households on housing waitlists across England, who in the current system may never live with the security, safety, and stability that a good quality social home can provide, reforms cannot come any faster. Access to good housing affects every aspect of one’s life and outcomes like health, education, and social mobility. More to the point, the outcomes and holistic wellbeing of an individual or an entire household is not only meaningful for their trajectory, but also contributes to the threads of society by helping people contribute to their communities.”

The evidence is clear, the financial requirements to own one’s home are out of reach for many. And many will spend years stuck in a private rented sector that’s not fit for purpose. The answer is clear: build many more, good quality social homes for the communities that so desperately need them.” (My emphasis).

4.32 It is also pertinent to highlight that the Council themselves recognise the consequences of failing to meet affordable housing needs.

4.33 Page 6 of Welwyn Hatfield Borough Council’s Housing, Homelessness and Rough Sleeping Strategy (**CD8.35**) states that:

“Affordable housing in the area is in decline, social rented housing numbers are dropping, the high cost of home-ownership here, means less people can afford to buy, the private rented sector is in demand and outgrowing supply and as a result local people are also being priced out of this market”.

4.34 On 21 November 2022, the House of Commons published its ‘Rising Cost of living in the UK’ briefing report (**CD8.41**) which highlights that the annual rate of inflation reached 11.1% in October 2022, a 41-year high, affecting the affordability of goods and services for households.

4.35 The report details at section 5.1 that “91% of adults in Great Britain reported an increase in their cost of living in October-November 2022 since the same period in 2021”. Moreover, the report specifies that “65% of those who reported a rise in the cost of living between 26 October - 6 November 2022 say they are spending less on non-essentials as a result, while 63% report using less energy at home and 44% report cutting back on essentials like food shopping. 2% were being supported by a charity, including food banks.”

4.36 Additionally, page 45 of the House of Commons report recognises that renting in the private sector is becoming more unaffordable to people receiving benefits.

4.37 Shelter published a briefing report in September 2022 titled ‘Briefing: Cost of Living Crisis and the Housing Emergency’ (**CD8.40**) which further explains the private rented sector problem:

“LHA which determines the amount of housing benefit private renters receive has been frozen since March 2020 while private rents have risen 5% in England – and even more in some parts of the country. The freeze has left low-income private renters in an incredibly precarious position. 54% of private renters claiming housing benefit have a shortfall to their rent.” (my emphasis)

4.38 The Shelter briefing sets out that low-income households (including those at risk of homelessness) have no choice but to turn to the private rented sector due to a severe shortage of social rent housing and concludes on page two that *“In the longer term,*

the only sustainable solution is to address the causes of the housing emergency by investing in truly affordable social homes”.

Conclusions

- 4.39 Evidently, the consequences of failing to meet affordable housing needs in any local authority are significant. Some of the main consequences of households being denied a suitable affordable home have been identified as follows:
- A lack of financial security and stability;
 - Poor impacts on physical and mental health;
 - Decreased social mobility;
 - Negative impacts on children’s education and development;
 - Reduced safety with households forced to share facilities with those engaged in crime, anti-social behaviour or those with substance abuse issues;
 - Being housed outside social support networks;
 - Having to prioritise paying an unaffordable rent or mortgage over basic human needs such as food (heating or eating); and
 - An increasing national housing benefit bill.
- 4.40 These harsh consequences on households, individuals and children unequivocally highlight the importance of meeting affordable housing needs. These are real people in real need. An affordable and secure home is a fundamental human need, yet households on lower incomes are being forced to make unacceptable sacrifices for their housing.
- 4.41 I am strongly of the opinion that a step change in delivery of affordable housing both nationally and very particularly in the Welwyn Hatfield Borough is needed now.
- 4.42 The acute level of affordable housing need in Welwyn Hatfield coupled with worsening affordability will detrimentally affect the ability of people to lead the best lives they can. The National Housing Strategy requires urgent action to build new homes, acknowledging the significant social consequences of failure to do so.

The Development Plan and Related Policies

Section 5

Introduction

- 5.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The adopted Development Plan Framework for Welwyn Hatfield Borough comprises the saved policies of the Welwyn Hatfield District Plan (2005).
- 5.3 Other material considerations relevant to this application include the NPPF (July 2021), the Planning Practice Guidance (ongoing updates), the Welwyn Hatfield Council Planning Obligations Supplementary Planning Document (2012), the emerging Welwyn Hatfield Borough Council Local Plan 2013-2032, and a number of corporate documents.

Development Plan

Welwyn Hatfield District Plan (2005) – CD5.01

- 5.4 The Welwyn Hatfield District Plan was adopted in 2005, covering the period 1991 to 2011. In April 2008, a Direction was made saving specified policies of the Plan. The saved policies are therefore the remaining operational policies within the District until replaced by the emerging Local Plan.
- 5.5 Chapter 9 of the Plan is concerned with housing and notes in the introduction that *‘One of the main objectives of the District Plan is to provide a strategy for residential development to provide for the housing needs of the local community, including those in need of affordable and special needs housing.’*
- 5.6 Paragraph 9.5 sets out the Plan’s strategy and objectives for residential development. Objective ‘C’ is to *‘provide for housing for local people whether private, affordable or special needs housing and for all sectors of the community’*.
- 5.7 Policy H2 of the Plan is concerned with the location of windfall residential development. The policy states that:

'The development of sites for over 10 units or 0.25 ha that are not listed in Policy H1 will not be permitted if they would result in a significant oversupply of housing in the district.'

5.8 The policy then goes on to highlight a number of exceptions including where the development provides for local affordable housing needs or other clearly identified local housing needs.

5.9 Paragraph 9.37 goes on to note that the Council will expect a minimum of 30% of units on all eligible sites to be subsidised housing to meet local needs. This is a requirement on residential sites of 25 units or more, or on residential sites over 1ha in size.

5.10 The following paragraph continues that the *'Council will expect the affordable housing to incorporate a range of housing types and unit sizes to meet local need. For each eligible site, the Council will define a preferred mix for the affordable housing element.'*

5.11 Policy H7 is specifically concerned with affordable housing stating that:

'Within the towns and specified settlements, the Council will expect all proposals for residential development on sites of 1ha or more, or with 25 units or more, to include the provision of affordable housing to meet the needs of local people who cannot afford to occupy dwellings generally available on the open market. The Council will therefore seek through negotiation a proportion of affordable housing, which as a minimum should comprise 30% subsidised housing, on each suitable site. The proportion, type and mix of affordable housing will be based on information in the latest housing needs survey and the criteria in Section 10 of Circular 6/98.'

5.12 Policy GBSP2 outlines a number of settlements and towns where development must be located in accordance with the policies for urban areas in the Plan. According to the Local Plan Map the application site is not situated within the boundary for Brookmans Park and therefore this policy is not considered to apply.

5.13 Whilst the application site itself is not within a town nor specified settlement (Policy GBSP2) and is therefore not technically beholden to Policy H7; the site would provide for local affordable housing needs and therefore complies with exceptions outlined in Policy H2 and consequently should meet the requirements set out in Policy H7.

5.14 Policy H8 of the Plan deals with dwelling type and tenure stating that:

'The Council will expect new residential developments to incorporate a range of dwelling types and sizes, where appropriate. The Council will expect a mix of

dwelling types in developments to reflect the shortfall of flats, bedsits and one- and two-bedroom properties in the district. Dwellings of different tenure should be mixed on site to avoid the creation of large areas of housing with similar characteristics.'

Other Material Considerations

Welwyn Hatfield Borough Council Planning Obligations Supplementary Planning Document (2012) – CD8.16

- 5.15 The Welwyn Hatfield Borough Council Planning Obligations Supplementary Planning Document (SPD) was adopted by the Council in February 2012. The SPD provides detailed guidance on the type and scale of planning obligations sought and sets out Welwyn Hatfield Borough Council's approach to securing planning obligations.
- 5.16 Sub heading 3.1 is concerned with affordable housing and paragraph 3.5 highlights that Policy H7 of the Welwyn Hatfield District Plan seeks the provision of a minimum of 30% affordable housing on all eligible sites.
- 5.17 Paragraph 3.6 notes that the provision of affordable housing will normally be sought through a Section 106 agreement, and the Council will expect details of the affordable housing to be provided as part of the development to be submitted as part of the planning application.
- 5.18 Paragraph 3.7 asserts that the Council's affordable housing policy applies on residential sites of 25 units or more, or on residential sites over 1 hectare. Whilst the following paragraph sets out that *'Decisions about the type of affordable housing required, and the size and mix of tenures, should be informed by the latest housing needs surveys and assessments.'*

Emerging Welwyn Hatfield Borough Council Local Plan 2013-2032 – CD6.01

- 5.19 The emerging Welwyn Hatfield Borough Council Local Plan was submitted to the Secretary of State in May 2017, with Stage 1 hearing sessions taking place on 21 and 22 September 2017. The background to the emerging Local Plan up to February 2022, is set out in **CD.124**, I do not repeat that text here.
- 5.20 Since the completion of the supporting Affordable Housing Statement there has been ongoing discussions between the Planning Inspector and the Council, I set out below commentary on the recent progress of the Local Plan examination.

5.21 In February 2022, the Inspector has requested that the Council confirm if they wish to provide a sound plan that meets the FOAHN figure by 21 March 2022 or he will write a brief report finding the plan unsound.

5.22 On 8 March 2022 the Council wrote to the Inspector¹² acknowledging his previous letter and stated that:

“The Council notes your comments on the FOAHN and welcomes the opportunity you have given us to consider the option of a housing trajectory which meets the NPPF requirements for a supply of sites for a 10 year period... This will require the monitoring of this years’ housing completions and commencements to be completed. The survey is carried out over April by Hertfordshire County Council and the Council normally receives the provisional results in May. Members will therefore not be in a position to confirm the supply until this data has been confirmed. At this point Members will then be in a position to consider the options. There is a scheduled meeting of Cabinet Planning and Parking Panel on 23rd June and Full Council on 6th July. As you are aware the pre-election period starts later this month, and it would not be possible to commence consultation on Main Modifications until after the local elections in May.”

5.23 The above letter from the Council was supported by a letter from Grant Shapps MP¹³ to the Leader of Welwyn Hatfield Borough Council. The letter from Grant Shapps MP claims that meeting the FOAHN will breach the Council’s responsibility to meet the ‘exceptional circumstances’ test in the NPPF.

5.24 The Inspector went on to respond to the Council in a letter dated 5 April 2022¹⁴ which requests a final decision on meeting the housing requirements over a post adoption 10-year period as soon as possible. The Inspector states that:

“However, given the extremely long duration of this examination, and to be fair to all with an interest in the plan, I would ask that the Council makes its decision promptly at that point. I am also conscious that any further slippage in the plan’s timetable could result in the ten-year post-adoption period being 2023-33 and that that could create further difficulties for you in identifying a ten year-supply of deliverable sites.”

12 Local Plan Examination reference EX284 (CD.6.76)

13 Local Plan Examination reference EX284B (CD.6.78)

14 Local Plan Examination reference EX285 (CD.6.78)

- 5.25 The Inspector went on to provide a response to Grant Shapps MP comments¹⁵ demonstrating that the Inspectors request for the Local Plan to meet housing need for the first 10 years post adoption is wholly in accordance with government policy and that only one Regulation 19 Green Belt site was found to result in ‘high harm’ (HS22 in Brookmans Park).
- 5.26 On 23 June 2022 the Council wrote to the Inspector¹⁶ notifying him that Councillor Glyn Hayes had resigned from the Council. As such a by-election was required the Council could not respond to the Inspectors recent letters.
- 5.27 The Inspector provided a response on 30 June 2022¹⁷ confirming that an extension had been provided until 29 July 2022.
- 5.28 On 10 August 2022 the Council eventually responded to the Inspectors requests dated 16 February 2022, 5 April 2022 and 30 June 2022¹⁸. The letter sets out proposed housing allocations to meet the 10 year supply period proposed by the Inspector. The letter explains that:

“The Council currently has before it applications which would if all were granted would result in an additional 1,491 dwellings (although this is considered unlikely). The Inspector should note that some of these applications relate to sites considered by the examination and include the previously developed part of HS30, the additional dwellings proposed for SDS3, StL13, BrP12¹⁹, BrP1 and WGr3. Furthermore, an additional 167 dwellings on 2 sites are subject to appeal... A further two applications are awaiting validation. This includes SDS2 Birchall Garden Suburb the application for which is for 1,300 dwellings in Welwyn Hatfield as well as significant development and infrastructure within East Herts.”

- 5.29 The letter goes on to explain that the above sites are preferable to others considered by the Council as they are deemed to result in either no harm (being previously developed land) or less harm to the Green Belt than sites HS22 in Brookmans Park, and HS29 and HS30 in Cuffley. The preferred sites are located in sustainable locations and would contribute towards the Council’s five year housing land supply. The letter concludes by requesting to swiftly move towards public consultation on Main Modifications.

15 Local Plan Examination reference EX286 (CD.6.80)

16 Local Plan Examination reference EX287

17 Local Plan Examination reference EX288

18 Local Plan Examination reference EX289 (CD.6.81)

19 Site BrP12 is the appeal site

- 5.30 The Inspector responded to the Council on 6 September 2022²⁰. The letter explains that it is inappropriate for the Council to continuously input new data to reduce the FOAHN figure, especially at this late stage after 5 years of examination. The letter states that:

“the extent of housing need is not really the key issue. The more significant issue is whether the plan should provide for all of the identified housing need through its housing requirement and, if so, whether it needs to provide a supply of housing land for the full plan period or for the next 10 years. I have already concluded that the requirement and need figures should be the same because the strategy you have put forward in your plan is one of promoting employment growth, well beyond the needs of the Borough’s existing residents and to an extent that it requires the release of land from the Green Belt to accommodate some of the proposed employment growth³. At the same time, you have not identified sufficient land to meet the Borough’s housing requirements. You have already accepted that a plan that increased further the large daily net inflow of commuters into the Borough would not be a sustainable outcome. Furthermore, I have already concluded above that the plan could be found sound by providing for only a 10-year supply of housing, or something very close to it...I note the point about the closure of major stores in Welwyn Garden City but that is a phenomenon affecting many towns. However, if the FOAHN underpinning local plans was to be reviewed every time a major store closed in an authority whose local plan was being examined, then few local plans would ever get adopted...”

- 5.31 The Inspector then sets out a ‘way forward’ for the emerging Local Plan. The Inspector concludes by requesting that as well as a Main Modifications consultation, the Council must provide a detailed paper on its five and ten year requirements land supply which should also be subject to public consultation.
- 5.32 On 18 November 2022 the Inspector wrote a chasing letter²¹ to the Council requesting the above main modifications material and housing calculations data. The letter explains that the Programme Officer has not been able to contact the planning department since 24 October and no communications have been received.
- 5.33 On 20 December 2022 the Council agreed to commence MM consultation on 4 January 2023 for six weeks.

²⁰ Local Plan Examination reference EX290 (CD.6.84)

²¹ Local Plan Examination reference EX291

North Mymms Parish Plan

- 5.34 The North Mymms Parish Plan was published in 2011 and identifies key issues which face North Mymms Parish. It should be noted that the Parish Plan pre-dates the NPPF and therefore carries limited weight.
- 5.35 Page 8 of the Parish Plan states that *“Housing affordability is a major issue with 67% of “concealed households” unable to afford to buy property or rent privately. Demand outstrips affordable housing unit supply, nearly 75% of respondents to the Questionnaire who wanted additional housing supported low cost starter provision...”*

Relevant Emerging Policy

- 5.36 Emerging policy SP 7²² is concerned with ‘type and housing mix’ highlighting that as part of the overall housing target, a proportion of new homes built in the borough will be for affordable housing.
- 5.37 The emerging policy goes on to require affordable housing provision from sites above 11 new dwellings or sites of 0.5 ha or more. The on-site delivery target varies by location, requiring 35% affordable housing provision on sites located in excluded villages (such as the application site).
- 5.38 It is also important to highlight that the Inspector’s post hearing advice note (**CD6.47**) on the Stage 6 hearing sessions (strategic matters) stated that:

‘I consider that the evidence set out in the Strategic Housing Market Assessment Update 2017 together with that in subsequent review that was undertaken in the context of the 2016 sub-national population and household projections, justifies a Full Objectively Assessed Housing Need (FOAHN) of 800 dwellings per year for the duration of the plan period and that this requirement is consistent with national policy’.

Corporate Documents

Welwyn Hatfield Corporate Plan 2021-2024 -CD8.37

- 5.39 The purpose of the Corporate Plan is to guide the actions of Welwyn Hatfield Borough Council between 2021 and 2024. It is a strategic document which sets out the Council’s key drivers and the outcomes they are looking to achieve.

²² Emerging policy SP 7 is taken from the Submission Version of the Draft Local Plan (submitted August 2016) which has not been subject to Main Modifications.

- 5.40 The Corporate Plan sets out that delivering quality homes through managed growth is one of the Council's priorities. Page 7 states that 30% of people in the Borough have said that more affordable homes and better infrastructure were their biggest hopes for the future.
- 5.41 Page 8 highlights that *"we will deliver more affordable homes to meet local housing need"*. The page goes on to explain that this will be achieved through delivering sites for new homes through the Local Plan; secure land, funding, and partnerships to deliver homes that people can afford; invest in the quality of our social housing and regulate the quality of private homes; and help facilitate the delivery of infrastructure such as education, health, and transport, supporting homes and communities.

Housing, Homelessness and Rough Sleeping Strategy 2019-2024 – CD8.35

- 5.42 Welwyn Hatfield Borough Council has a statutory duty to provide services that prevent and relieve homelessness in the local authority area, and to produce a Housing, Homelessness and Rough Sleeping Strategy every five years.
- 5.43 The 'foreword' (Page 3) explains that *"this strategy signifies the priority we give to the importance of decent, safe and affordable housing for local people and demonstrates the Council's commitment to achieving it."*
- 5.44 Within the introduction (Page 4) the document states that *"Our overarching aim is to prevent homelessness, and ensure a wide range of good quality, affordable housing options are available to meet the diverse needs of local people in our community"*.
- 5.45 Page 6 discusses the changes to the Local Housing Market and explains that *"Affordable housing in the area is in decline, social rented housing numbers are dropping, the high cost of home-ownership here, means less people can afford to buy, the private rented sector is in demand and outgrowing supply and as a result local people are also being priced out of this market."*
- 5.46 The page goes on to explain that *"Despite an ambitious affordable housing delivery programme (AHP) we struggle to replace the number of homes sold under the right to buy."*
- 5.47 Pages 10-16 of the document sets out the Council's aims in relation to homelessness and rough sleeping. The aims are as follows:
- Aim 1 – Deliver more housing to meet the needs of local people.
 - Aim 2 – Making the best use of housing in the Borough.

- Aim 3 – Meeting the housing needs of older and vulnerable people.
- Aim 4 – Improving access to and maintaining standards in the rented sector.
- Aim 5 – To prevent and relieve homelessness.

5.48 Page 12 explains that as part of Aim 2, the Council aim to deliver 25-30% of all new homes developed to be affordable and for at least half of that figure to be at social rent levels.

Conclusions on the Development Plan and Related Policies

5.49 The adopted Development Plan Framework for Welwyn Hatfield Borough comprises the saved policies of the Welwyn Hatfield District Plan (2005). The emerging Welwyn Hatfield Borough Council Local Plan 2013-2031 is at examination and forms a material consideration.

5.50 At a national level the direction of travel to urgently address housing need and supply, including affordable housing, is abundantly clear.

5.51 It is my opinion that the evidence set out in this section clearly highlights that within adopted policy, emerging policy and a wide range of other plans and strategies, providing affordable housing has long been established as, and remains, a key issue which urgently needs to be addressed within Welwyn Hatfield Borough.

5.52 The appeal proposals provide an affordable housing contribution which meets requirements of both the adopted Welwyn Hatfield District Plan (2005) and the emerging Local Plan 2013-2031.

5.53 The up to 56 affordable homes will make a significant contribution towards the annual affordable housing needs of the Borough, particularly when viewed in the context of past rates of affordable housing delivery which is considered in more detail in section six of my evidence.

Affordable Housing Needs in Welwyn Hatfield Borough

Section 6

Welwyn Hatfield Strategic Housing Market Assessment Update (2017) – CD6.09

- 6.1 Within the Welwyn Hatfield Borough, the most recently produced assessment of affordable housing need is the Welwyn Hatfield 2017 Strategic Housing Market Assessment Update (“2017 SHMA Update”). It is important to highlight this assessment of need has been tested at Examination in Public but is still awaiting final views of the Inspector and should therefore be treated with caution.
- 6.2 The SHMA Update was published in May 2017 and covers the period 2015 to 2032. The 2017 SHMA Update comprises the third update to original SHMA for Welwyn Hatfield produced in 2014. Each previous update considered newly released datasets and evidence influencing the Objectively Assessed Need (OAN).
- 6.3 The 2017 SHMA update takes account of latest available datasets and guidance for assessing housing need in Welwyn Hatfield, as published in April 2017. The report also takes consideration of responses received during consultation on the pre-submission version of the draft Local Plan where these related to the evidence base on housing needs.
- 6.4 Paragraph 20 of the 2017 SHMA Update states that:
- ‘Although this update has not reviewed the calculation of affordable housing needs in full, a discrete update has been applied to reflect the increased number of newly forming households anticipated under the updated demographic projection. This suggests that 818 affordable homes per annum will be needed in Welwyn Hatfield over the next five years, with 602 affordable homes needed annually thereafter.’*
(my emphasis).
- 6.5 The paragraph continues that:
- ‘It is clear that meeting this need in full would require an overall level of housing provision far in excess of that needed to accommodate demographic growth in the population, support likely employment growth and respond to worsening market*

signals. The evidence of need in both these regards does not support a further quantifiable uplifting of the OAN in response to elevating levels of affordable housing provision.'

6.6 The paragraph concludes that:

'It is considered that the successful affordable housing policies could, however, result in circa 160 affordable homes being delivered annually through provision of 793 dwellings per annum. This would significantly boost the recent level of affordable housing delivery and uplift the long-term average rate of delivery, responding to this evidenced high need.' (my emphasis).

6.7 Given that 160 affordable homes per annum is a policy on calculation based on a Plan that has not been adopted using an evidence base that has not been tested, this statement does not seek to rely on this figure.

6.8 Instead, it is considered that the affordable housing need for Welwyn Hatfield is **818 affordable homes per annum between 2015 and 2020**, with 602 affordable homes needed annually thereafter until 2032. This equates to a total need of 11,314²³ affordable dwellings between 2015 and 2032.

²³ $(818 \times 5) + (602 \times 12) = 11,314$

Affordable Housing Delivery in Welwyn Hatfield Borough

Section 7

7.1 Figure 7.1 illustrates the gross delivery of affordable housing in Welwyn Hatfield Borough since 2015/16, which is the base date of the 2017 SHMA Update.

Figure 7.1 Welwyn Hatfield Gross Additions to Affordable Housing Stock 2015/16 to 2020/21

Monitoring Year	Total housing completions (Net)	Additions to Affordable Housing Stock (Gross)	Gross affordable additions as a %age of total completions
2015/16	317	96	30%
2016/17	347	56	16%
2017/18	238	36	15%
2018/19	456	64	14%
2019/20	671	69	10%
2020/21	352	48	14%
2021/22	258	37	14%
Total	2,639	406	15%
Ave Pa.	377	58	15%

Source: FOI Response 1 December 2022 and 6 December 2022

7.2 Figure 7.1 shows that on average between 2015/16 and 2021/22, Welwyn Hatfield Borough Council has added just 58 gross affordable dwellings per annum, equivalent to 15% of the total number of housing completions.

7.3 However, it is important to note that the gross affordable completions figure does not take into account any losses from the affordable housing stock through demolitions nor

through Right to Buy (“RtB”) sales from existing Welwyn Hatfield Borough Council and Registered Provider²⁴ (“RP”) affordable housing stock.

- 7.4 Figure 7.2 below calculates the affordable housing delivery per annum since the start of the 2017 SHMA Update period in 2015/16, net of RtB sales. The loss of 106²⁵ affordable dwellings over this period equates to 26% of the gross affordable housing completions of 406 affordable dwellings over the six-year period.

²⁴ RtB data on RP sales of affordable housing to RP tenants is contained in the annual Statistical Data Returns (‘SDR’) data sets for the period 2011/12 to 2020/21 published by the Regulator of Social Housing. These figures have been combined on an annual basis to produce total Right to Buy sales.

²⁵ $(313 + 5) - 212$ (acquisitions) = 106 dwellings

Figure 7.2: Net of RtB Additions to Affordable Housing Stock, 2015/16 to 2020/21

Monitoring Year	Total housing completions (Net)	Additions to AH Stock (Gross)	LPA Acquisitions	LPA RtB sales	RP RtB sales	Additions to AH Stock (Net of RtB)	Additions to AH Stock (Net of RtB) as a %age of total completions
	A	B	C	D	E	F (B+C) -(D+E)	G (F / A) X 100
2015/16	317	96	n/a	68	2	26	8%
2016/17	347	56	n/a	77	0	-21	-6%
2017/18	238	36	33	48	0	21	9%
2018/19	456	64	90	40	2	112	25%
2019/20	671	69	22	50	0	41	6%
2020/21	352	48	53	30	1	70	20%
2021/22	258	37	14	n/a	0	51	20%
Total	2,639	406	212	313	5	300	11%
Ave Pa.	377	58	30	45	1	43	11%

Source: FOI Response 1 December 2022 and 6 December 2022; DLUHC Live Tables 691 and 693c2; and Private Registered Provider Statistical Data Returns (2011/12 to 2020/21)

- 7.5 Figure 7.2 demonstrates that on average between 2015/16 and 2020/21, Welwyn Hatfield Borough Council has added on average 58 homes, made up from gross delivery and acquisitions, but at the same time lost over 52% of this delivery from Right to Buys sales from LPA stock and RP Stock, meaning that just 42 affordable dwellings per annum net of RtB sales and additions from acquisitions, equivalent to 10% of the total average number of net housing completions.
- 7.6 RtB sales are depleting the affordable housing stock across Welwyn Hatfield Borough faster than the replacements from acquisitions. The impact of losses as a result of Right to Buy was acknowledged by the Inspector presiding over the appeal at land at the site of the former North Worcestershire Golf Club Ltd, Hanging Lane, Birmingham which was allowed in July 2019 (**CD9.31**). Paragraph 14.108 of the Inspector's Report sets out that:
- “Mr Stacey’s unchallenged evidence shows that only 2,757 new affordable homes were provided in the City over the first 6 years of the plan period. This represents less than half of the target provision and a net increase of only 151 affordable homes if Right to Buy sales are taken into account. On either measure there has been a very low level of provision against a background of a pressing and growing need for new affordable homes in Birmingham”* (emphasis added).
- 7.7 This was later endorsed by the Secretary of State, who stated that the 800 family homes, including up to 280 affordable homes is a benefit of significant weight.
- 7.8 The seriousness of the impact was considered in a Newspaper article in the Independent newspaper in June 2020. The article is attached as **Appendix JS6**. The reporter considered how Council housing sell-off continues as government fails to replace most homes sold under Right to Buy.
- 7.9 It advised that, *“Two-thirds of the council homes sold off under Right to Buy are still not being replaced by new social housing despite a promise by the government, official figures show.”* It went on to say that *“Housing charities warned that enough “desperately needed” genuinely affordable housing is simply not being built, with an overall net loss of 17,000 homes this year from social stock. Since the policy was updated in 2012-13, 85,645 homes have been sold through the policy, but only 28,090 built to replace them, statistics from the Ministry of Housing, Communities and Local Government show”*.
- 7.10 The articles goes on to quote Jon Sparkes, chief executive at homelessness charity Crisis, who said: *“These statistics demonstrate just how serious the current housing*

crisis is. What few social homes that are available are largely being removed from the market as part of Right to Buy, and the supply is not being replenished in line with this. People in desperately vulnerable circumstances are being left with dwindling housing options as a consequence of our threadbare social housing provision. This is all the more worrying considering the rise we expect in people being pushed into homelessness as a result of the pandemic.”

- 7.11 It is important therefore that gains and losses to affordable housing stock through the Right to Buy and acquisitions are taken into account, to reflect the actual level of affordable houses available.
- 7.12 The recent comments of Crisis underline the serious effect this is having upon the supply of affordable homes and for those people in housing need. For the purposes of subsequent analysis, I apply the net figures.

Affordable Housing Delivery in North Mymms Civil Parish

- 7.13 Figure 7.3 illustrates the delivery of affordable housing in North Mymms Civil Parish over the seven-year period since the start of the 2017 SHMA Update between 2015/16 and 2021/22.

Figure 7.3: Housing and Affordable Housing Completions in North Mymms Civil Parish between 2015/16 and 2021/22

Monitoring Period	Overall Housing Completions (Gross)	Affordable Housing Completions (Gross)	Affordable Housing as a %age of Overall Housing
2015/16	10	0	0%
2016/17	28	0	0%
2017/18	13	0	0%
2018/19	15	0	0%
2019/20	3	0	0%
2020/21	17	0	0%
2021/22	3	0	0%
Total	89	0	0%
Ave Pa.	13	0	0

Source: FOI Response 1 December 2022 and 6 December 2022

- 7.14 Since the start of the 2017 SHMA Update period in 2015/16 there have been a total of 89 overall housing completions and zero affordable housing completions. Losses

through the RtB are not recorded on a parish basis. The figures given above are therefore gross figures.

- 7.15 The FOI response (**Appendix JS2**) notes that between 2000/01 and 2021/22 there were zero affordable housing completions in the parish. This means that there have been no affordable homes delivered in the parish in the last 20 years.

Affordable Housing Delivery in Welwyn Hatfield Borough Compared to Objectively Assessed Needs

- 7.16 When comparison is drawn between net affordable housing delivery and the needs identified in the 2017 SHMA Update for the seven-year period between 2015/16 and 2021/22, it can be seen in Figure 7.4 that there has been an accumulated shortfall in the delivery of affordable housing of some -4,994 affordable homes against an identified need for 5,294 affordable homes over the same period.

Figure 7.4: Affordable Housing Delivery Compared to affordable needs identified in the 2017 SHMA Update for Welwyn Hatfield, 2015/16 to 2020/21

Monitoring Period	2017 SHMA Update Affordable Housing Needs Per Annum (Net)	Additions to Affordable Housing Stock (Net of RtB Sales)	Annual Shortfall	Cumulative Shortfall	Additions as a %age of Needs
2015/16	818	26	-792	-792	3%
2016/17	818	-21	-839	-1,631	-3%
2017/18	818	21	-797	-2,428	3%
2018/19	818	112	-706	-3,134	14%
2019/20	818	41	-777	-3,911	5%
2020/21	602	70	-532	-4,443	12%
2021/22	602	51	-551	-4,994	8%-
Total	5,294	300	-4,994	-4,994	6%
Ave. PA.	756	43	-713	-713	6%

Source: FOI Response 1 December 2022; DLUHC Live Tables 691 and 693c2; and Private Registered Provider Statistical Data Returns (2011/12 to 2020/21); and 2017 SHMA Update

- 7.17 This shortfall is likely to be higher even if the 2017 SHMA Update calculation of need accounted for all Annex 2 affordable housing tenures. As such the -4,994 dwellings shortfall should be seen as the absolute minimum.
- 7.18 Evidently despite the ongoing rhetoric in respect of the need to address the affordable housing shortage facing Welwyn Hatfield Borough Council, the council has not been able to put these words in to action. This is nothing short of a social disaster for those households who need assistance with their housing.

Conclusions on Past Affordable Housing Delivery in Welwyn Hatfield Borough

- 7.19 In light of Welwyn Hatfield Borough Council's poor record of affordable housing delivery, the level of affordable housing needs identified, there can be no doubt that the provision of up to 56 new affordable dwellings should be afforded **very substantial weight** in the determination of this appeal.

Future Supply of Affordable Housing in Welwyn Hatfield Borough

Section 8

Future Affordable Housing Supply in Welwyn Hatfield Borough

- 8.1 The future delivery of affordable housing is highly uncertain especially if the council seeks to apply the Standard Method figure which as previously established does not take account of affordable housing needs.
- 8.2 Within Welwyn Hatfield Borough the delivery of affordable homes has fluctuated considerably since the start of the 2017 SHMA Update period in 2015/16, as illustrated in Figures 7.1 and 7.2.
- 8.3 The delivery of a higher number of affordable homes in one year obviously does not guarantee this will continue for future years. The supply of affordable housing is affected by the local market factors, including the number of sites with planning permission and also wider national factors including availability of public funding.

Addressing the Shortfall in Affordable Housing Delivery

- 8.4 The 2017 SHMA Update identifies an objectively assessed need for 818 net affordable homes per annum between 2015 and 2020 and 602 per annum thereafter until 2032. Over the 17-year period this equates to a total need for 11,314 net affordable homes.
- 8.5 Since the start of the 2015/16 monitoring period, the Council have overseen the delivery of 300 affordable homes (net of RtB sales) against a need of 5,294 net new affordable homes which has resulted in a shortfall of -4,994 affordable homes over the seven-year period.
- 8.6 I consider that any shortfall in delivery should be dealt with within the next five years. This is also an approach set out within the PPG²⁶ and endorsed at appeal.
- 8.7 The Inspector presiding over the appeal at land off Aviation Lane, Burton-upon-Trent where I presented evidence, which was allowed in October 2020 (**CD9.32**) set out at paragraph 8 of her decision that:

²⁶ Paragraph: 031 Reference ID: 68-031-20190722

“In my view, the extent of the shortfall and the number of households on the Council’s Housing Register combine to demonstrate a significant pressing need for affordable housing now. As such, I consider that, the aim should be to meet the shortfall as soon as possible.” (My emphasis).

8.8 Similarly, in considering the disputed sites in the Council’s five-year housing land supply that did not yet have planning permission the Inspector stated at paragraph 9 that:

“I am not convinced, in accordance with the guidance in the PPG and the Framework, that there is clear evidence that the 108 dwellings relied on by the Council from these two sites would be deliverable within five years. There is nothing within the Framework or the PPG to suggest that this definition should not apply to affordable housing as well as market housing.” (My emphasis).

8.9 The Inspector went on to set out at paragraph 11 that:

“My concern, given the nature of the development proposed, is whether the affordable housing needs of the District are being met. These are households in need of a home now. While the Council is of the view that there is not an overwhelming need for affordable housing which cannot be met within the settlement boundary, on allocated sites or through current planning permissions, just by excluding these three sites from its five year housing supply, the Council’s expectation of 884 houses coming forward within five years is reduced to 768 which would be below the five year requirement of 818 dwellings including the existing shortfall.” (My emphasis).

8.10 It is therefore imperative that the -4,994 affordable housing shortfall accumulated since 2015/16 in Welwyn Hatfield Borough is addressed, as soon as possible, and in any event within the next five years.

8.11 When the shortfall is factored into the 2017 SHMA Update identified need of 665²⁷ affordable homes per annum for the period 2015 and 2032, the number of affordable homes the Council will need to complete substantially increases to 1,378 net affordable homes per annum for the period 2022/23 to 2026/27.

8.12 This would ensure that for the remainder of the period to 2032 the annual affordable housing need reduces to 602 per annum to deal solely with newly arising needs. This is illustrated in Figures 8.1 and 8.2.

²⁷ (818 x 5 = 4,090) + (602 x 12 = 7,224) = 11,314 / 12 = 665.5

Figure 8.1: Annual Affordable Housing Need incorporating Backlog Needs since the 2015 base date of the 2017 SHMA Update

A	Affordable housing need per annum for the period 2015/16 to 2021/22 identified in the 2017 SHMA Update	756
B	Net Affordable housing need for the period 2015/16 to 2021/22 (A x 6)	5,294
C	Net of Right to Buy sales Affordable housing completions for the period 2015/16 to 2020/21	106
D	Shortfall/backlog of affordable housing need for the period 2015/16 to 2021/22 (B – C)	5,188
E	Backlog affordable housing need per annum required over the period 2021/22 to 2025/26 (D/5)	1,038
F	Full affordable housing need per annum for the period 2022/23 to 2026/27 (A + E)	1,796
G	Full affordable housing need for the period 2022/23 to 2026/27 (F x 5)	8,968

8.13 Further illustration of the severity of the situation can be seen in Figure 8.2 below which illustrates that the Council need to deliver 8,968 net affordable homes over the next five years to address backlog needs in line with the Sedgefield approach.

Figure 8.2: Annual Affordable Housing Need 2022/23 to 2026/27 incorporating Backlog Needs Accrued between 2015/16 and 2021/22 when applying the Sedgefield Approach

Monitoring Period	Net Affordable Housing Need – 2017 SHMA Update	Net Affordable Housing Need When Addressing Backlog Within Next Five Years
2022/23	602	1,413
2023/24	602	1,413
2024/25	602	1,413
2025/26	602	1,413
2026/27	602	1,413
Total	3,010	7,065

8.14 It is clear that the backlog in affordable housing needs within Welwyn Hatfield Borough will continue to grow unless the Council takes urgent and drastic action to address needs and deliver more affordable homes.

The Future Supply of Affordable Housing in Welwyn Hatfield Borough

- 8.15 The Council produced its latest Annual Monitoring Report (**CD.7.04**) in February 2022 which contains the Council's housing trajectory covering the period 2021/22 to 2025/26, indicating a deliverable supply of 2,594 dwellings over the period.
- 8.16 For the purpose of this Statement, the calculations in respect of future affordable housing supply across the Borough have been calculated using the sites listed in Appendix 2 of the Council's latest Annual Monitoring Report.
- 8.17 Based on the Council's assessment of supply it is likely that only 946 gross affordable dwellings will be delivered over the five year period, equating to just 186 gross affordable dwellings per annum. A full breakdown of the sites is available at **Appendix JS7**.
- 8.18 This gross figure falls short of the 818 net affordable dwellings per annum required between 2015-2020 and the 602 per annum required thereafter until 2032 as identified by the 2017 SHMA Update.
- 8.19 In addition to the on-site delivery, it is important to note that £821,594 in off-site affordable housing contributions have been collected across two qualifying sites in the Council's latest 5YHLS in lieu of providing affordable housing onsite (**Appendix JS7**).
- 8.20 The published Government consultation (August 2018) on the "*Use of receipts from Right to Buy sales*" attached at **Appendix JS8**, which indicated that the cost of building an affordable home in the South East²⁸ to be £167,000. Therefore, based on the total £821,594 collected, this would deliver just under 5²⁹ additional affordable homes if carried across the five years.
- 8.21 Therefore, if the additional affordable homes delivered through the commuted payments were also to be delivered within the five-year period, in addition to the 946 dwellings, this would total just under 951 affordable dwellings, equating to just under 190 affordable dwellings per annum over the period.
- 8.22 It should be noted that this figure fails to take account of losses to affordable housing stock through the Right to Buy. If the losses experienced by Welwyn Hatfield continue at the prevailing average rate over the past six years it is likely that the Council will

²⁸ We have used the South East figure as the consultation does not provide a figure for the East of England

²⁹ £821,594 / £167,000 = 4.9 dwellings / 5 years = 0.98 dwellings per annum

lose around 120 affordable dwellings from the supply (see Figure 3.2³⁰), equivalent to 24 losses per annum.

- 8.23 When the effect of these losses is taken into account, the Council's supply figure for the next five years falls to just 166 net affordable homes per annum.

Conclusions on Future Affordable Housing Supply

- 8.24 In light of the Council's poor record of affordable housing delivery, the volatility of future affordable housing delivery and the level of affordable housing needs identified there can be no doubt that the provision of up to 56 affordable dwellings on this site to address the district-wide needs of Welwyn Hatfield Borough Council should be afforded **very substantial weight** in the determination of this appeal.

³⁰ (313 LPA RtB losses + 5 RP RtB losses) – 198 (acquisitions) = loss of 120 dwellings

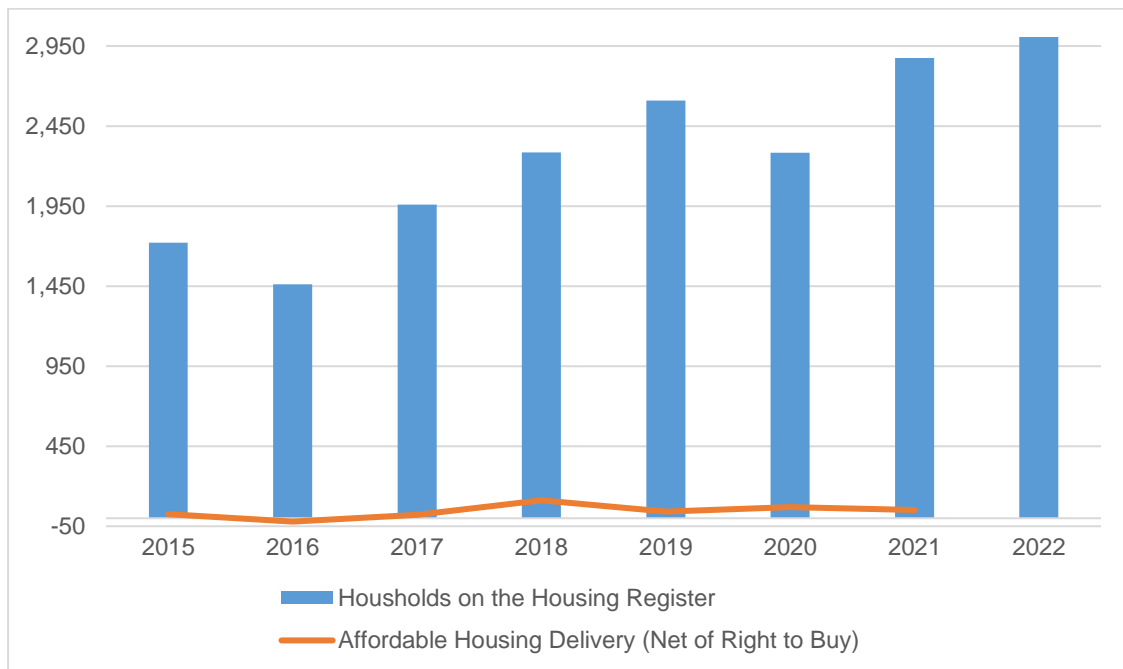
Affordability Indicators in Welwyn Hatfield Borough

Section 9

Market Signals

- 9.1 The PPG recognises the importance of giving due consideration to market signals as part of understanding affordability. I acknowledge that this is in the context of plan making.
- 9.2 The Council's Freedom of Information response (**Appendix JS2**) confirms that as at 31st March 2022 there were 3,119 households on the Housing Register. This represents a 8% increase in a single year from 2,876 households at 31 March 2021.
- 9.3 Figure 9.1 provides a comparative analysis of the number of households on the Housing Register and affordable housing delivery (net of Right to Buy) across Welwyn Hatfield Borough since the start of the 2017 SHMA Update period in 2015.

Figure 9.1: Number of Households on the Housing Register Compared with Affordable Housing Delivery (Net of Right to Buy), 2015 to 2021



Source: FOI Response 6 December 2022; DLUHC Live Table 600, 691 and 693c2; and Private Registered Provider Statistical Data Returns (2011/12 to 2020/21).

Note: completions figures are not yet available for 2022.

9.4 As Figure 9.1 clearly illustrates, affordable housing delivery has failed to keep pace with identified need on the housing register by a considerable margin for every single year in Welwyn Hatfield Borough since 2015.

9.5 Footnote 4 of DLUHC³¹ Live Table 600 highlights that:

“The Localism Act 2011, which came into force in 2012, gave local authorities the power to set their own qualification criteria determining who may or may not go onto the housing waiting list. Previously, local authorities were only able to exclude from their waiting list people deemed guilty of serious unacceptable behaviour. The Localism Act changes have contributed to the decrease in the number of households on waiting lists since 2012” (my emphasis).

9.6 Evidently the result of the Localism Act is that many local authorities, including Welwyn Hatfield Borough Council, have been able to exclude applicants already on Housing Register waiting lists who no longer meet the new narrower criteria but who are still in need of affordable housing.

³¹ Department for Levelling Up, Housing and Communities

- 9.7 Following the 2012 changes brought about by the Localism Act, in August 2012 Welwyn Hatfield Borough published a revised Housing Allocations Scheme which received further revisions in **2013, 2018 and 2020**, as confirmed by the Council's response to question 3 in the FOI response dated 6th December 2022, contained in Appendix JS2.
- 9.8 Whilst restricting the entry of applicants on to the Housing Register may temporarily reduce the number of households on the waiting list, this does not reduce the level of need, it merely displaces it.
- 9.9 It may also have other negative impacts when you consider that those who are excluded from the register may be forced to move away from Welwyn Hatfield Borough to cheaper more affordable areas but due to their connections to the area, they still have to commute back into the area to visit friends, family and travel to their place of work.
- 9.10 One clear impact of this is that such an eventuality would generate extra traffic which brings in to question the sustainability of such an approach.
- 9.11 The ability of Local Authorities to set their own qualification criteria in relation to Housing Registers was recognised by the Planning Inspector presiding over an appeal at Oving Road, Chichester (**CD9.13**) in August 2017. In assessing the need for affordable housing in the district, and in determining the weight to be attached to the provision of affordable housing for the scheme which sought to provide 100 dwellings; the Inspector acknowledged at paragraph 63 of their report that:

“The provision of 30% policy compliant affordable houses carries weight where the Council acknowledges that affordable housing delivery has fallen short of meeting the total assessed affordable housing need, notwithstanding a recent increase in delivery. With some 1,910 households on the Housing Register in need of affordable housing, in spite of stricter eligibility criteria being introduced in 2013 there is a considerable degree of unmet need for affordable housing in the District. Consequently, I attach substantial weight to this element of the proposal” (my emphasis).

- 9.12 Furthermore, in the recent appeal decision at Oxford Brookes University Campus at Wheatley, (**CD9.33**) Inspector DM Young asserted at paragraph 13.101 of their report that in the context of a lengthy housing register of 2,421 households:

“It is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in

urgent need who have been let down by a persistent failure to deliver enough affordable houses” (my emphasis).

9.13 The Inspector went on to state at paragraph 13.102 that:

“Although affordable housing need is not unique to this district, that argument is of little comfort to those on the waiting list” before concluding that “Given the importance attached to housing delivery that meets the needs of groups with specific housing requirements and economic growth in paragraphs 59 and 80 of the Framework, these benefits are considerations of substantial weight”.

9.14 In undertaking the planning balance, the Inspector stated at paragraph 13.111 of their report that:

“The Framework attaches great importance to housing delivery that meets the needs of groups with specific housing requirements. In that context and given the seriousness of the affordable housing shortage in South Oxfordshire, described as “acute” by the Council, the delivery of up to 500 houses, 173 of which would be affordable, has to be afforded very substantial weight”.

9.15 In determining the appeal, the Secretary of State concurred with these findings, thus underlining the importance of addressing needs on the Housing Register, in the face of acute needs and persistent under delivery. In my opinion the numbers on LPA’s housing register remains high.

9.16 It is important to note that the Housing Register is only part of the equation relating to housing need. The housing register does not constitute the full definition of affordable housing need as set out in the NPPF – Annex 2 definitions i.e. affordable rented, starter homes, discounted market sales housing and other affordable routes to home ownership including shared ownership, relevant equity loans, other low-cost homes for sale and rent to buy, provided to eligible households whose needs are not met by the market.

9.17 In short there remains a group of households who fall within the gap of not being eligible to enter the housing register but who also cannot afford a market property and as such are in need of affordable housing. It is those in this widening affordability gap who, I suggest, the Government intends to assist by increasing the range of affordable housing types in the most recent NPPF.

9.18 The Franklands Drive Secretary of State appeal decision in 2006 (**CD10.08**) underlines how the Housing Register is a limited source for identifying the full current need for

affordable housing. At paragraph 7.13 of the Inspector’s report the Inspector drew an important distinction between the narrow statutory duty of the Housing Department in meeting priority housing need under the Housing Act, and the wider ambit of the planning system to meet the much broader need for affordable housing.

- 9.19 As such the number of households on the Housing register will only be an indication of those in priority need and whom the Housing Department have a duty to house. But it misses thousands of households who are in need of affordable housing, a large proportion of whom will either be living in overcrowded conditions with other households or turning to the private rented sector and paying unaffordable rents. Furthermore, as previously raised the wider definition of affordable housing is not reflected in the SHMA.

Waiting times

- 9.20 In addition, the wait to be housed in an affordable home within the area ranges from 9 months for a 3-bed affordable home through to 22 months for a 4-bed+ affordable home.
- 9.21 The waiting times for all affordable property sizes is set out at Figure 9.2 below and presents further stark evidence of a deteriorating affordable housing crisis afflicting Welwyn Hatfield Borough.

Figure 9.2: Housing Register Average Waiting Times, March 2021 to March 2022

Size of Affordable Property	Average Waiting Time to be Housed at 31 March 2022
1-bedroom home	11 months
2-bedroom home	10 months
3-bedroom home	9 months
4+ bedroom home	22 months

Source: FOI Response 1 December 2022

Housing Register Bids

- 9.22 Figure 9.3 below demonstrates average number of bids per property in North Mymms Civil Parish over the 2021/22 monitoring period for a range of types of affordable property.

Figure 9.3: Bids Per Property in North Mymms Civil Parish, March 2021 to March 2022

Type of affordable property	Average Bids Per Property (1 April 2021 to 31 March 2022)
	North Mymms Civil Parish
1-bed affordable dwelling	128
2-bed affordable dwelling	29
3-bed affordable dwelling	104
4+ bed affordable dwelling	None advertised

Source: FOI Response 1 December 2022

- 9.23 Figure 9.3 demonstrates that between 1 April 2021 to 31 March 2022 there were an average of 128 bids per 1-bed affordable dwelling put up for let in the parish, 29 average bids per 2-bed affordable dwelling and 104 average bids per 3-bed affordable dwelling. No 4+ bed affordable dwellings were let over the period in North Mymms Civil Parish.
- 9.24 This should be viewed in context of the fact that the FOI response also highlights that over the 2020/21 monitoring period there were just 30 social housing lettings in North Mymms Civil Parish increasing by 27% to 41 lettings over the 2021/22 monitoring period.
- 9.25 For every successful letting, there are clearly tens, if not hundreds of households who have missed out and are left waiting for an affordable home. Evidently there is a clear and pressing need for affordable homes within the ward this is not being met.

Help to Buy Register

- 9.26 Further evidence in respect of the need across LPA for affordable housing is provided in information from Help to Buy South, at **Appendix JS9**.
- 9.27 Help to Buy South is one of three agents appointed by the Government to help provide Help to Buy schemes across England. They cover the South of England. Households who are seeking shared ownership homes are required to register with Help to Buy South so that they may apply for properties.
- 9.28 The Help to Buy Register provides details of those seeking shared-ownership accommodation in the south of England. This demonstrates that as of 6 December 2022, 693 households are seeking a shared ownership home in Welwyn Hatfield Borough. This is clearly a significant proportion of those seeking assistance with their housing.

Homelessness

9.29 DLUHC statutory homelessness data shows that in the 12 months between 1 April 2021 and 31 March 2022, the Council accepted 602 households in need of homelessness prevention duty³², and a further 93 households in need of relief duty³³ from the Council.

9.30 Page 6 of the Housing, Homelessness and Rough Sleeping Strategy 2019-2024 discusses the changes to the Local Housing Market and explains that:

“Affordable housing in the area is in decline, social rented housing numbers are dropping, the high cost of home-ownership here, means less people can afford to buy, the private rented sector is in demand and outgrowing supply and as a result local people are also being priced out of this market.”

9.31 Furthermore a 2017 report by the National Audit Office (“NAO”) found that:

“The ending of private sector tenancies has overtaken all other causes to become the biggest single driver of statutory homelessness in England. The proportion of households accepted as homeless by local authorities due to the end of an assured shorthold tenancy increased from 11% during 2009-10 to 32% during 2016-17. The proportion in London increased during the same period from 10% to 39%. Across England, the ending of private sector tenancies accounts for 74% of the growth in households who qualify for temporary accommodation since 2009-10. Before this increase, homelessness was driven by other causes. These included more personal factors, such as relationship breakdown and parents no longer being willing or able to house children in their own homes. The end of an assured shorthold tenancy is the defining characteristic of the increase in homelessness that has occurred since 2010.” (emphasis in original).

9.32 The NAO report also noted that *“The affordability of tenancies is likely to have contributed to the increase in homelessness”* and that *“Changes to Local Housing Allowance are likely to have contributed to the affordability of tenancies for those on benefits, and are an element of the increase in homelessness.”*

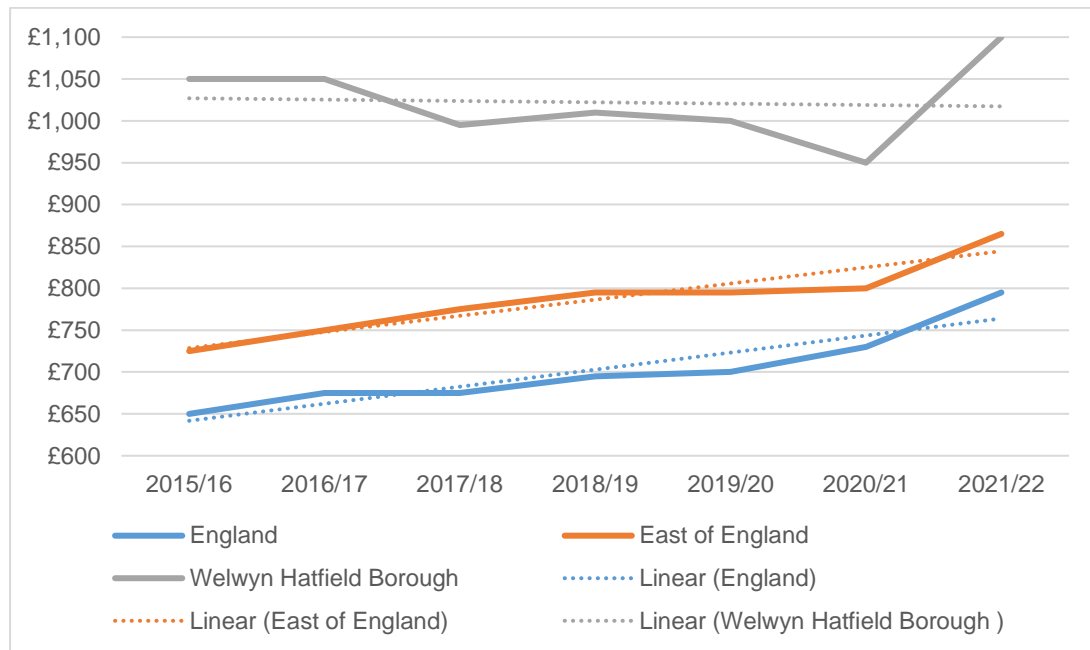
³² The Prevention Duty places a duty on housing authorities to work with people who are threatened with homelessness within 56 days to help prevent them from becoming homeless. The prevention duty applies when a local authority is satisfied that an applicant is threatened with homelessness and eligible for assistance.

³³ The Relief Duty requires housing authorities to help people who are homeless to secure accommodation. The relief duty applies when a local authority is satisfied that an applicant is homeless and eligible for assistance.

Private Rental Market

9.33 Valuation Office Agency (“VOA”) and Office for National Statistics (“ONS”) data show that median private rents in Welwyn Hatfield Borough Council stood at £1,100 per calendar month (“pcm”) in 2021/22. This represents a 5% increase since the start of the 2017 SHMA Update period where median private rent stood at £1,050.

Figure 9.4: Median Private Sector Rents, 2015/16 to 2021/22



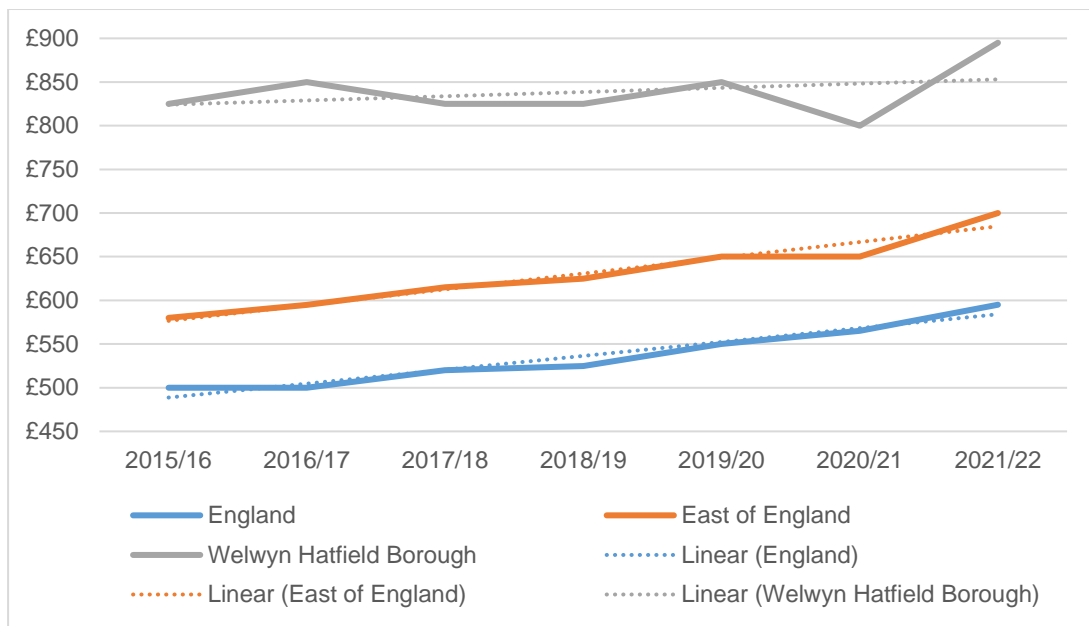
Source: VOA and ONS Private Rental Market Statistics

9.34 A median private rent of £1,100 pcm in 2021/22 is 27% higher than the East of England figure of £865 pcm and 38% higher than the national figure of £795 pcm.

9.35 Lower quartile private sector rents are representative of the ‘entry level’ of the private rented sector and include dwellings sought by households on lower incomes, and those relying upon Local Housing Allowance (“LHA”) to cover their housing costs.

9.36 The average lower quartile monthly rent in Welwyn Hatfield Borough in 2021/22 was £895 pcm. This represents an 8% increase from 2015/16 where average lower quartile monthly rent stood at £825 pcm.

Figure 9.5: Lower Quartile Private Sector Rents, 2015/16 to 2021/22



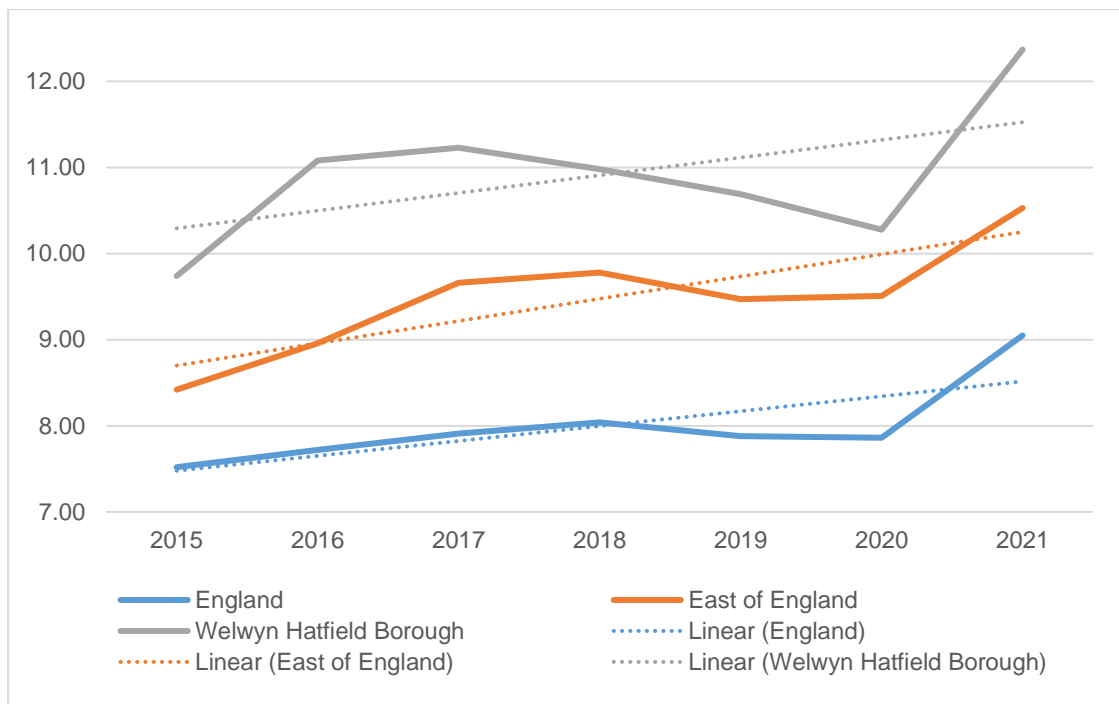
Source: VOA and ONS Private Rental Market Statistics

- 9.37 A lower quartile rent of £895 pcm in 2021/22 is 28% higher than the East of England figure of £700 pcm and 50% higher than the national figure of £595 pcm.

Median House Prices

- 9.38 The ratio of median house prices to median incomes in Welwyn Hatfield Borough now stands at 12.37, a 27% increase since the start of the 2017 SHMA Update period in 2015 where it stood at 9.74.
- 9.39 As demonstrated by Figure 9.6, there is no clear trend of improvement in the affordability ratio, with the linear lines for each area clearly trending upwards.
- 9.40 A ration of 12.37 in Welwyn Hatfield Borough stands significantly above the national average of 9.05 (+37%) and above the East of England average of 10.53 (+17%).

Figure 9.6: Median Workplace-Based Affordability Ratio comparison, 2015 to 2021

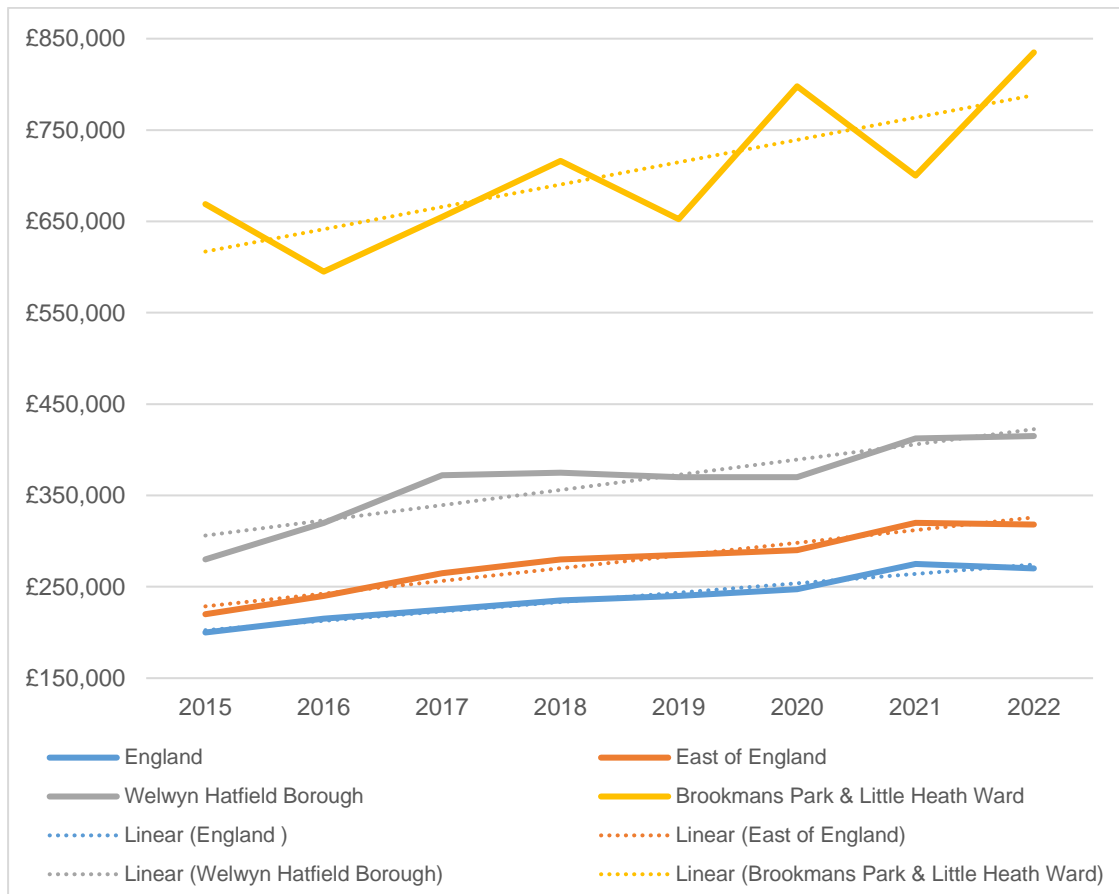


Source: ONS Ratio of House Price to Work-place Based Earnings

- 9.41 In the 12-month period between March 2020 and March 2021 the median house price to income ratio across Welwyn Hatfield Borough has increased by 20% from 10.28 to 12.37. This means that those on median incomes in Welwyn Hatfield Borough, seeking to purchase a median priced property, now need to find more than 12 times their annual income to do so.
- 9.42 It is also worth noting that a figure of 8 times average incomes was described as problematic by the former Prime Minister in the foreword to the White Paper entitled – Fixing our broken housing market (**CD8.05**). Here, the affordability ratio is some 25% higher than that and rising.
- 9.43 Figure 9.7 illustrates the median house sale prices for England, East of England, Welwyn Hatfield Borough, and Brookmans Park and Little Heath Ward. It demonstrates that they have increased dramatically between the start of the 2017 SHMA Update period in 2015 and 2022.
- 9.44 The median house price across Brookmans Park and Little Heath Ward has risen by 25% from £668,750 in 2015 to £835,000 in 2022. This compares to a 48% increase across Welwyn Hatfield Borough, a 45% increase across the East of England and a national increase of 35% over the same period.

9.45 In 2022 median house prices in Brookmans Park and Little Heath Ward (£835,000) were 101% higher than across Welwyn Hatfield Borough (£415,000), 162% higher than across the East of England (£318,275) and 209% higher than the national figure (£270,000).

Figure 9.7: Median House Price Comparison, 2015 to 2021



Source: ONS HPSSA Datasets 9 and 37

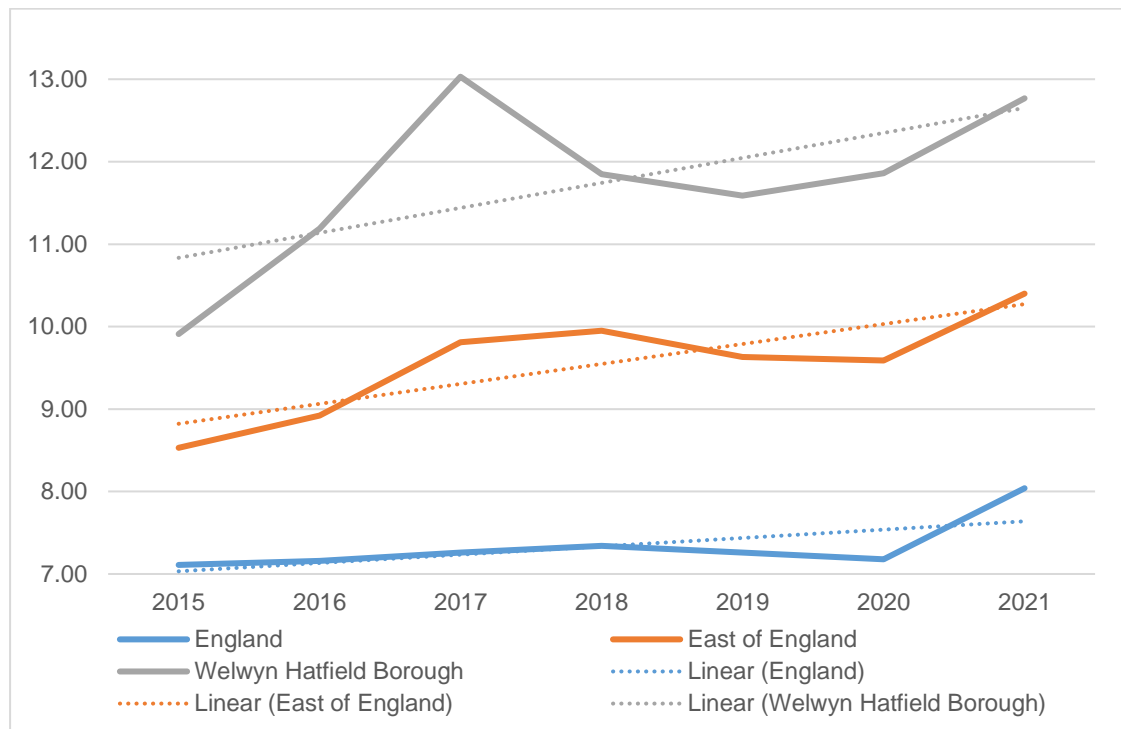
Lower Quartile House Prices

9.46 For those seeking a lower quartile priced property (typically considered to be the ‘more affordable’ segment of the housing market), the ratio of lower quartile house price to incomes in Welwyn Hatfield Borough now stands at 12.77, a 29% increase since the start of the 2017 SHMA Update period in 2015 where it stood at 9.91.

9.47 As demonstrated by Figure 9.8, there is no clear trend of improvement in the affordability ratio, with the linear lines for each area clearly trending upwards.

9.48 Once again it remains the case that the ratio in Welwyn Hatfield Borough stands significantly above the national average of 8.04 (+59%) and above the East of England average of 10.40 (+23%).

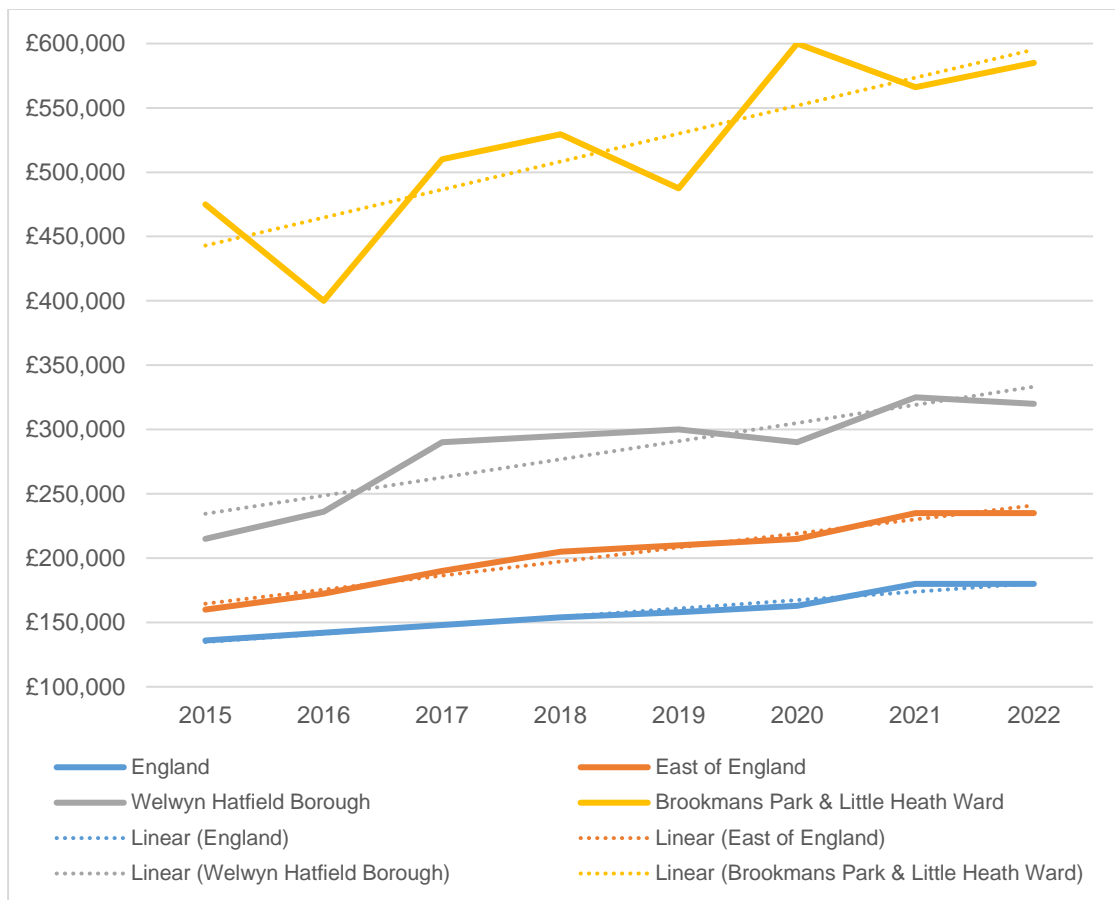
Figure 9.8: Lower Quartile Workplace-Based Affordability Ratio comparison, 2015 to 2021



Source: ONS Ratio of House Price to Work-place Based Earnings

- 9.49 In the 12-month period between March 2020 and March 2021 the lower quartile house price to income ratio across Welwyn Hatfield Borough has increased by 8% from 11.86 to 12.77. This means that those on lower quartile incomes in Welwyn Hatfield Borough, seeking to purchase a median priced property, now need to find more than 12 times their annual income to do so.
- 9.50 It is also worth noting that mortgage lending is typically offered on the basis of up to 4.5 times earnings (subject to individual circumstances). Here, the affordability ratio is some 61% higher than that and rising.
- 9.51 Figure 9.9 illustrates the lower quartile house sale prices for England, East of England, Welwyn Hatfield Borough and Brookmans Park and Little Heath Ward. It demonstrates that they have increased dramatically between the start of the 2017 SHMA Update period in 2015 and 2022.

Figure: 9.9 Lower Quartile House Prices, 2013 to 2022



Source: ONS HPSSA Datasets 15 and 39

9.52 The lower quartile house price across Brookmans Park and Little Heath Ward has risen by 23% from £475,000 in 2015 to £585,000 in 2022. This compares to a 49% increase across Welwyn Hatfield Borough, a 47% increase across East of England and a national increase of 32% over the same period.

9.53 In 2022 lower quartile house prices in Brookmans Park and Little Heath Ward (£585,000) were 83% higher than across Welwyn Hatfield Borough (£320,000), 149% higher than across the East of England (£235,000) and 225% higher than the national figure (£180,000).

Lower Quartile Affordability Ratio

9.54 The 2014 SHMA (**CD6.113**) which forms part of the evidence base for the emerging Local Plan includes commentary on the affordability of the Borough within Section 5 (The Active Market). Page 104 outlines the lower quartile affordability ratio's by sub-area between August 2012 and July 2013.

- 9.55 Figure 9.10 below shows that during the period August 2012 – July 2013 Brookmans Park was the least affordable sub area within the Borough, with an affordability ratio of 19.7 compared to a Borough average of 9.9.
- 9.56 Paragraph 5.54 of the 2014 SHMA explains that *“Based on this assessment, Brookmans Park has the most significant affordability challenges, with households requiring up to 20 times their annual income to access market housing.”* Paragraph 5.5 goes on to conclude that *“affordability represents a significant challenge in Welwyn Hatfield”*.

Figure 9.10: Affordability Ratio by Sub-Area – August 2012 – July 2013

Sub-Area	Lower Quartile House Price	Lower Quartile Income	Affordability Ratio
Brookmans Park	£465,000	£23,591	19.7
Cuffley	£406,250	£24,236	16.8
Digswell	£458,500	£28,420	16.1
Rural South	£278,750	£21,916	12.7
Oaklands & Mardley Heath	£355,500	£29,658	12.0
Welham Green	£218,250	£18,203	12.0
Rural North	£312,000	£27,502	11.3
Welwyn Hatfield HMA	£206,000	£19,078	10.8
Welwyn	£206,625	£19,610	10.5
Little Heath	£221,500	£21,529	10.3
Welwyn Garden City	£190,000	£18,685	10.2
Hatfield	£170,000	£16,827	10.1
Welwyn Hatfield	£190,000	£19,227	9.9
Woolmer Green	£194,750	£194,750	8.7

Source: 2014 SHMA (HM Land Registry, 2013, CACI, 2013)

- 9.57 The lower quartile house price in Brookmans Park and Little Heath ward (where the site is located) was £600,000 in 2019/20³⁴ (29% increase from 2013/14³⁵) and mean annual earnings for the Borough were £32,625³⁶ in 2019/20. As such, it remains unaffordable for those seeking a lower quartile priced property.³⁷ It is considered that the ‘affordability challenges’ outlined by the Council in the 2014 SHMA have further worsened.

³⁴ Office for National Statistics - HPSSA Dataset 37

³⁵ 2013/14 figure is for ‘Brookmans Park ‘sub area’ as defined by 2014 SHMA and 2019/20 figure is from Brookmans Park and Little Heath Ward

³⁶ Home Truths Report – East of England 2020

³⁷ Typically considered to be the ‘more affordable’ segment of the housing market

9.58 Neither the 2017 SHMA Update, nor the 2019/2020 AMR provide an updated assessment of the affordability ratio in the sub-areas within Borough. Table 17 (page 36) of the Annual Monitoring Report 2020/21 shows that the Affordability Ratio for the borough has increased by 45.4% in the period 2013 to 2020. This is a trend which is supported by all of the AMRs since 2013³⁸.

Conclusions on Affordability Indicators

9.59 As demonstrated through the analysis in this section, affordability across Welwyn Hatfield Borough has been and continues to be, in crisis.

9.60 House prices and rent levels in both the average, median and lower quartile segments of the market are increasing whilst at the same time the stock of affordable homes is failing to keep pace with the level of demand. This only serves to push buying or renting in Welwyn Hatfield Borough out of the reach of more and more people.

9.61 Analysis of market signals is critical in understanding the affordability of housing. It is my opinion that there is an acute housing crisis in Welwyn Hatfield Borough, with a lower quartile house price to average income ratio of 12.77.

9.62 Market signals indicate a worsening trend in affordability in Welwyn Hatfield Borough and within Brookmans Park and Little Heath Ward. By any measure of affordability, this is an authority in the midst of an affordable housing crisis, and one through which urgent action must be taken to deliver more affordable homes.

³⁸ Applying the 45.4% increase in affordability and assuming it is uniform throughout the Borough, a 45.4% increase to the data in the 2014 SHMA would increase the Affordability Ratio in Brookmans Park from 19.7 in 2014 to 28.64 now.

Council's Assessment of the Application

Section 10

Planning Application Consultation Response

- 10.1 The Council's Housing Development & Strategy Services Manager provided a consultation response (**CD3.31**) on the application proposal on 1 July 2022.
- 10.2 The response did not object to the proposed level of affordable housing and stated that:

"The outline scheme consists of 125 dwellings and a 60-bedroom care facility. 45 dwellings are proposed as affordable housing – equating to a 36% provision which is planning policy compliant. We are supportive of the following affordable mix offer below, we would expect 51% social rented and 49% intermediate, regarding the intermediate offer we would welcome further discussions.

12 x 1 bed flats 2 x 1bed maisonettes 20 x 2-bed houses 11 x 3-bed houses If you have any queries, please feel free to contact me."

- 10.3 The consultation response also outlined the Council's preferred tenure split and dwelling size mix. The tenure mix will be secured through a Section 106 agreement.

Committee Report

- 10.4 The application was refused on 5 August 2022 (**CD4.01**). The Planning Officer's Report to the Planning Committee held on 28 July 2022 can be seen under **CD4.02** which recommended the application for refusal.
- 10.5 Paragraphs 11.115 and 11.116 discuss the provision of affordable housing and state that:

"District Plan Policy H7 seeks the provision of affordable housing on sites above 1 ha or with 25 or more units with a minimum of 30% subsidised housing. The proportion type and mix will be based on the latest housing needs survey.

Draft Policy SP7 states that for sites falling within excluded villages, which includes Brookmans Park, a minimum of 35% of units should be affordable housing, subject to viability. The proposed development exceeds the emerging policy requirement, as it is proposed to provide 36% affordable housing."

10.6 Paragraph 11.1333 acknowledges that the applicant considered there are a number of compelling very special circumstances to justify approval of the development. It states that:

“These are set out in paragraph 7.4 of the submitted Planning Statement and include:

- a) *The very limited contribution the application site makes toward the purposes of including land within the Green Belt, together with the localized impacts on openness of the Green Belt. This should be considered in the context of a new, more defensible settlement edge being proposed as a result of the scheme and the containment from existence of extensive woodland to the north and west, the East Coast Mainline railway to the west, the mature woodlands and hedgerows on the golf course to the east and the urban settlement of Brookmans Park to the south, meaning the development would remain entirely contained;*
- b) *The very considerable need for market and affordable housing of various mix, tenures and types in Welwyn Hatfield Borough where, at present, there is clear evidence of an existing shortfall of approximately 3,000+ homes over the next five years;*
- c) *The acute under-delivery of affordable housing Welwyn Hatfield Borough that has left many households within the local authority area without any realistic prospect of having their housing needs met now, or under the emerging Local Plan;*
- d) *Acute affordability ratio in the borough and, in particular, in Brookmans Park;*
- e) *From the sustainability credentials of the proposed development and the proposed location; particularly, the benefits in improving the social, economic and environmental conditions within Welwyn Hatfield Borough, it is clear that Brookmans Park is a highly sustainable location when judged in the context of the proposed residential development and the ability of that settlement to accommodate new housing within existing infrastructure. This is even more relevant when the sustainability of Brookmans Park is compared with other settlements within the borough that do not have the range, capacity or quality of facilities, services and amenities which already exist in Brookmans Park and would be capable to accommodate new housing without the need to expand those facilities in the short to medium term.” (my emphasis).*

10.7 Paragraphs 11.135 to 11.136 go on to accept these assertions and state that:

“In terms of (b), the shortfall of housing supply in the Borough is considerable and significant. The applicant however has not provided clear evidence that housing completions will begin on site within five years. As such, it cannot be reasonably concluded that the proposed development would contribute toward the Council’s five year supply of deliverable housing sites. This reduces the weight to be given to market housing from ‘very substantial’ to ‘substantial’ in favour of the proposal. Very substantial weight is afforded to the proposed provision of affordable housing.”

In terms of (c) and (d), this is similar to (b) with regard to the acute under-delivery of affordable housing. As confirmed, very substantial weight is afforded to this benefit.” (my emphasis).

10.8 Paragraph 11.136 accepts that very substantial weight should be afforded to the provision of affordable housing in light of the Council’s acute under-delivery of affordable housing.

10.9 It is important to highlight a recent November 2022 appeal in Basildon (**CD9.19**) where the Inspector concluded that very substantial weight should be afforded to the delivery of both market and affordable housing where there was no plan led solution in place to address housing shortfalls. Paragraphs 29-30 of the decision state that:

“The shortfalls in housing land supply and housing delivery are stark. There is also no evidence before me that there is likely to be a marked improvement in the delivery of housing in the short to medium term. The Council’s Action Plan 2021 states that the level of supply is not expected to significantly improve until a new Local Plan is adopted. In this regard, the Council’s emerging Local Plan was recently withdrawn and its tentative timetable for the production of a new Local Plan would result in adoption, at best, in 2027.

It is important to remember that there are real world implications from the under-delivery of homes, including increased house prices, decreased affordability and an increasing number of individuals and families being forced to remain in unsuitable accommodation for their current needs. I therefore place very substantial positive weight on the proposed 26 open market homes”.

Welwyn Hatfield Council Statement of Case

- 10.10 Paragraph 3.3 of the Council's Statement of Case explains that the appeal will provide 36% affordable housing (45 units). It should be noted that this benefit has since been increased to 45% (56 units).
- 10.11 Page 18 outlines the appellants 'other considerations' (NPPF paragraph 148) and paragraph 5.28 relates to affordable housing and states that *"The Council has an acute under delivery of affordable housing. It is considered that the proposed affordable housing provision should carry very substantial weight."*

Rule 6 Parties

North Mymms Parish Council

- 10.12 North Mymms Parish Council provided their Statement of Case on 16 December 2022. Their evidence does not comment on the provision of affordable housing.

Combined Objectors Group

- 10.13 The Combined Objectors Group provided their Statement of Case on 30 November 2022. Their Statement of Case does not comment on the provision of affordable housing.

Conclusion

- 10.14 Understanding each of these points, in terms of the provision of affordable housing, I consider that the Council has sufficiently assessed the very substantial benefits, such as affordable housing, that the scheme would achieve.
- 10.15 Whilst the Committee Report (Appendix B of the Council's Statement of Case and **CD13.04**) acknowledges that the provision of affordable housing in an area with such affordability issues and acute under delivery of affordable housing exists as one of many 'Very Special Circumstances' in the Green Belt; this is not acknowledged within the Council's Statement of Case.

Benefits of the Proposed Affordable Housing at the Appeal Site

Section 11

- 11.1 The Government attaches weight to achieving a turnaround in affordability to help meet affordable housing needs. The NPPF is clear that the Government seeks to significantly boost the supply of housing, which includes affordable housing.
- 11.2 As set out in the previous chapter there are significant social and economic consequences for failing to meet affordable housing needs at both national and local authority level. Welwyn Hatfield Borough is no exception to this.
- 11.3 The appeal scheme will provide up to 56 affordable dwellings on site comprising a mixture of social rented and intermediate. The wider social and economic benefits of affordable housing per se are commonly recognised.
- 11.4 As set out in Chapter 2 the benefit of affordable housing is a strong material consideration in support of development proposals.

Benefits of the proposed Affordable Housing at the appeal site

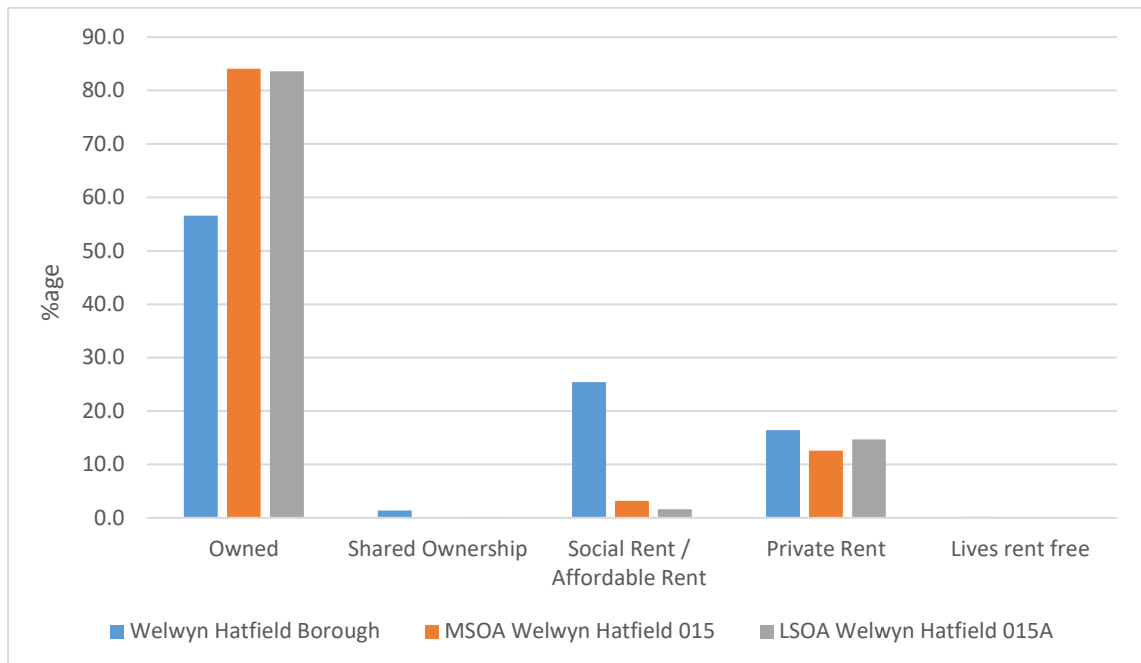
- 11.5 The offer exceeds the requirements of adopted Policy H7 (30%) of the Welwyn Hatfield District Plan (2005) and meets the requirements Policy SP 7 (35%) of the emerging Welwyn Hatfield Borough Council Local Plan 2013-2032. It should be noted that these policies were drafted to capture a benefit rather than to ward off harm or needed in mitigation.
- 11.6 This fact was acknowledged by the Inspector presiding over two appeals on land to the west of Langton Road, Norton (**CD3.35**) in September 2018 who was clear at paragraph 72 of their decision that:

“On the other hand, in the light of the Council’s track record, the proposals’ full compliance with policy on the supply of affordable housing would be beneficial. Some might say that if all it is doing is complying with policy, it should not be counted as a benefit but the policy is designed to produce a benefit, not ward off a harm and so, in my view, compliance with policy is beneficial and full compliance

as here, when others have only achieved partial compliance, would be a considerable benefit". (my emphasis).

11.7 Figure 11.1 below illustrates the breakdown of tenures within Welwyn Hatfield Borough, MOSA Welwyn Hatfield 015 and LSOA Welwyn Hatfield 015A compared with that nationally and regionally at the time of the 2021 Census.

Figure 11.1: Tenure Comparison



Source: Census 2021 (TS054)

11.8 Figure 11.1 clearly shows that at the time of the Census 2021, owner occupation was by far the most common tenure in Welwyn Hatfield Borough (56.6%), the MOSA (84.1%) and the LSOA (83.6%). Note that owner occupation is much more prevalent at LSOA and MOSA level than at the Borough level.

11.9 When understanding the composition of the remaining housing stock in these areas, shared ownership properties are by far the most uncommon, representing just 0.9% at Borough level. Worse still, there are just 3 shared ownership dwellings in the MOSA equal to 0.1% of stock and zero shared ownership dwellings in the LOSA.

11.10 The MOSA and LSOA also have a very low provision of social/affordable rented homes at just 3.2% (74 dwellings) and 1.6% (10 dwellings) respectively.

11.11 The affordable housing benefits of the appeal scheme are therefore:

- Enhanced offer of 45% (up to 56 dwellings) of the scheme provided as affordable housing;

- An addition of up to 29 social rented affordable homes;
- An addition of up to 27 intermediate affordable homes (and/or affordable rented)³⁹;
- A deliverable scheme which provides much needed affordable homes;
- Addressing the polarised tenure profile of the LSOA, delivering a broader mix of tenures to provide a more balanced community and to enhance its vitality;
- In a suitable and sustainable location;
- With the affordable homes managed by a Registered Provider;
- Which provide better quality affordable homes with benefits such as improved energy efficiency and insulation⁴⁰; and
- Greater security of tenure than the private rented sector.

11.12 In my opinion these benefits are substantial and a strong material consideration weighing heavily in favour of the proposal.

³⁹ Please see paragraph 1.5 of this proof of evidence.

⁴⁰ Appendix JS10 – Watt a Save by HBF – October 2022.

The Weight to be Attributed to the Proposed Affordable Housing Provision

Section 12

- 12.1 The NPPF is clear at paragraph 31 that policies should be underpinned by relevant up-to-date evidence which is adequate and proportionate and takes into account relevant market signals.
- 12.2 Paragraph 59 of the NPPF sets out the Governments clear objective of “*significantly boosting the supply of homes*” with paragraph 60 setting out that in order to “*determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment*”.
- 12.3 The NPPF requires local authorities at paragraph 61 to assess and reflect in planning policies the size, type and tenure of housing needed for different groups, “*including those who require affordable housing*”.
- 12.4 I also note the findings of Inspector Kevin Ward in July 2015 who considered (and subsequently allowed) an outline planning permission for the erection of up to 90 dwellings with vehicular access on to Hollybush Lane and associated public open space, landscaping and drainage work on land at Firlands Farm, Hollybush Lane, Burghfield Common, Reading, Berkshire (**CD9.36**).
- 12.5 Mr Ward identified that the individual benefits of a scheme are not transferable, as each development should be considered on its own merits. Mr Ward indicated at paragraph 58 that:
- “Whilst it may be that similar economic and social benefits could be achieved from other sites including the preferred option sites, I do not consider that this is relevant to the assessment of whether the particular proposal before me represents sustainable development in its own right.”*
- 12.6 The context of this decision is in relation to a previously determined appeal at Mans Hill also located within Burghfield Common (**CD9.37**). Mr Ward set out his comments in relation to the distinction between the two appeals at paragraphs 70 and 71, which I set out below:

“70. I have given careful consideration to the decision of the Inspector who dealt with the appeal at Mans Hill. It is worth emphasising that in that case the Inspector was considering a noticeably larger proposal adjoining a different part of the village. Whilst I have approached the issue of housing land requirements and supply from a different perspective, I reach the same conclusion that Policy HSG.1 of the Local Plan should not be considered up to date and the proposal should be assessed in the light of Paragraph 14 of the NPPF.

71. As explained above I take a different view as to the weight to be given to the emerging HSADPD and do not consider that the particular proposal before me would undermine the plan making process. I have also taken a different view of the weight to be attached to social and economic benefits as I consider that the proposal should be assessed in its own right in terms of sustainable development. Notwithstanding this, it is clear that the Inspector in the Mans Hill case had significant concerns regarding the adverse effect on the character and appearance of the area. I do not share such concerns in relation to the proposal before me.”

12.7 As can be seen in relation to Mr Wards’ comments at paragraph 58, it is for each case to be considered on its individual merits.

12.8 Another appeal that considers the issue of benefits is the development for 71 dwellings, including affordable provision at 40%, equal to 28 affordable dwellings on site at Hawkhurst in Kent (**CD9.38**). In critiquing the Council’s views with regard to the affordable housing benefits of the scheme, the Inspector made the following comments:

“The Council are of the view that the housing benefits of the scheme are ‘generic’ and would apply to all similar schemes. However, in my view, this underplays the clear need in the NPPF to meet housing needs and the Council’s acceptance that greenfield sites in the AONB are likely to be needed to meet such needs. Further, I agree with the appellant that a lack of affordable housing impacts on the most vulnerable people in the borough, who are unlikely to describe their needs as generic.” (Paragraph 118)

12.9 I agree, the recipients of up to 56 homes here will not describe their needs as generic. Quite the opposite, these needs are real and acute to people and to families who require a home.

12.10 In light of the authorities past poor record of affordable housing delivery and the level of current and future affordable housing needs identified in the 2017 SHMA Update,

there can be no doubt in my mind that the provision of up to 56 affordable dwellings on this site should be afforded **very substantial weight** in the determination of this appeal.

Relevant Secretary of State and Appeal Decisions

- 12.11 The importance of affordable housing as a material consideration has been reflected in a number of Secretary of State (“SoS”) and appeal decisions. Of particular interest is the amount of weight which has been afforded to affordable housing relative to other material considerations; many decisions recognise affordable housing as an individual benefit with its own weight in the planning balance. A collection of such SoS decisions can be viewed at **Appendix JS11**.
- 12.12 An appeal at Colney Heath located partially in Welwyn Hatfield Borough Council and partially in St Albans District Council decided in June 2021 (**CD9.28**) supports the view that the delivery of affordable housing in authorities with shortfalls in affordable housing delivery can contribute towards demonstrating Very Special Circumstances. At Paragraphs 53 and 54 of the decision the Inspector was clear that:

“The uncontested evidence presented by the appellant on affordable housing for both local authorities illustrates some serious shortcomings in terms of past delivery trends. In relation to WHBC, the affordable housing delivery which has taken place since 2015/16 is equivalent to a rate of 23 homes per annum. The appellant calculates that the shortfall stands in the region of 4000 net affordable homes since the 2017 SHMA Update, a 97% shortfall in affordable housing delivery. If the shortfall is to be addressed within the next 5 years, it would require the delivery of 1397 affordable homes per annum. In SADC, the position is equally as serious. Since the period 2012/13, a total of 244 net affordable homes have been delivered at an average of 35 net dwellings per annum. Again, this equates to a shortfall also in the region of 4000 dwellings (94%) which, if to be addressed in the next 5 years, would require the delivery of 1185 affordable dwellings per annum.

*The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC⁴¹, I attach **very substantial weight** to the*

⁴¹ St Albans District Council and Welwyn Hatfield Borough Council.

delivery of up to 45 affordable homes in this location in favour of the proposals.”
(my emphasis).

12.13 In her conclusions at paragraph 78, the Inspector goes on to consider the planning balance and states that:

“The proposals would cause harm by reason of inappropriateness and harm to openness. Both of these attract substantial weight. I have also attached moderate weight to harm to the character and appearance of the area. However, these appeals involves two local authority areas, both of which have acute housing delivery shortages and acute affordable housing need. The proposals would make a contribution towards addressing these needs in the form of market, self-build and affordable housing in both WHBC and SADC. I have attached very substantial weight to the provision of both market housing and affordable housing. I have attached substantial weight to the provision of self-build housing. These factors, when considered collectively demonstrate that very special circumstances do exist.” (my emphasis).

12.14 Brief summaries of appeal decisions relevant to this appeal are summarised at **Appendix JS12**. The full decisions are included as Core Documents.

12.15 Some of the key points I would highlight from these examples are that:

- Affordable housing is an important material consideration;
- The importance of unmet need for affordable housing being met immediately;
- Planning Inspectors and the Secretary of State have attached substantial weight and very substantial weight to the provision of affordable housing; and
- Even where there is a five-year housing land supply the benefit of a scheme’s provision of affordable housing can weigh heavily in favour of development.

Summary and Conclusion

12.16 There is a wealth of evidence to demonstrate that there is a national housing crisis in the UK affecting many millions of people who are unable to access suitable accommodation to meet their housing needs.

- 12.17 What is clear is that a significant boost in the delivery of housing, and in particular affordable housing, in England is absolutely essential to arrest the housing crisis and prevent further worsening of the situation.
- 12.18 Market signals indicate a worsening trend in affordability across Welwyn Hatfield Borough and by any measure of affordability, this is an authority in the midst of an affordable housing emergency, and one through which urgent action must be taken to deliver more affordable homes.
- 12.19 Against the scale of unmet need and the lack of suitable alternatives in the private rented sector across Welwyn Hatfield Borough, there is no doubt in my mind that the provision of up to 56 affordable homes will make a substantial contribution.
- 12.20 In light of all the evidence I consider that it should be afforded **very substantial weight** in the determination of this appeal.