

Welwyn Hatfield Local Plan Examination

Windfall Sites Update (EX221)

Statement by Jed Griffiths MA DipTP FRTPI

On Behalf of

Woolmer Green Parish Council

February 2021

Introduction

1. This statement has been prepared by Jed Griffiths MA DipTP FRTPI on behalf of Woolmer Green Parish Council. It has been compiled in response to an invitation by the Examination Inspector to comment on the Local Plan Windfall Update (EX221), published by Welwyn Hatfield Borough Council in November 2020. The comments made in this statement are also endorsed by Knebworth Parish Council.

Analysis

2. The Parish Council notes the definition of windfall sites in the 2012 National Planning Policy Framework and the advice on how the allowance should be calculated (Paragraphs 1.1 and 1.2 of EX221). In its previous representations on the Local Plan, the Parish Council has consistently stressed the need to protect the Green Belt, and to minimise the amount of land to be released for housing. In this respect, the more the numbers of windfall sites that are allowed, the lesser the area of Green Belt that would need to be allocated for housing.
3. Given that context the Parish Council noted that the Borough Council's Cabinet Planning and Parking Panel (CPPP) in January 2020 accepted an increase in the windfall allowance to 2,846 dwellings over a period of 13 years. Only eleven months later, however, CPPP agreed to recommend a reduction of the allowance to 1,402 dwellings over the same period. At the same meeting, on 17th November 2020, CPPP also agreed an Objectively Assessed Housing OAN) need figure of 13,800 dwellings, but with a Housing Supply total of 13,277 dwellings, which included an allowance for windfall. It was argued that the shortfall in supply could be addressed by the inclusion in the Local Plan of site PB1, to the east of Potters Bar. In his guidance notes for Stage 9 of the Examination, however, the Inspector has indicated that he is unwilling to consider site PB1, because it had not previously been introduced by the Council.
4. The Parish Council has studied the latest Housing and Economic Land Availability Assessment (HELAA 2019), the conclusions of which are set out in EX221. In terms of the methodology and the historical data, the Borough Council has clearly chosen to concentrate on a period in the past which included the 2008 recession. The charts set within paragraphs 1.4 and 1.5 demonstrate the wildly fluctuating patterns of both the amount and the sources of windfall delivery over the 14-year period which was studied. The average rate of windfall during that period was far too low, at only 173 dwellings per annum. As will be explained below, this completely ignores changes in Government policy since 2012, which seek to facilitate more opportunities for housing through relaxation of planning policies and regulations.

5. The update contains a detailed assessment of the main sources of windfall, by land use category, both in terms of the historical sources and the future potential. It is noted that a major source resulted from the conversion of offices to residential use, a direct result of the relaxation of the General Permitted Development Order in 2013. The Borough Council has raised concerns about the consequent loss of employment land and premises, producing an average windfall of 103.7 dwellings per annum. To address the issue, the Borough Council in 2020 introduced an Article 4 Direction, which is expected to reduce the rate of conversions in future years. As noted in EX221 paragraph 2.3, however, the focus of the Article 4 Direction is on four strategic employment sites.
6. On 1st February 2021, the Borough Council's Head of Planning issues a letter, proposing further additions to the Article 4 Direction on employment sites, planned to come into force in 2022. During the same week, the Government announced a number of proposed amendments to the NPPF, which included a limit to the use of Article 4 Directions. If this is introduced, it will severely constrain the ability of the Borough Council to use Article 4 Directions as a means of controlling changes of use.
7. The discussion on the use of Article 4 does not take into account the potential supply from small offices, particularly those in town centres, as recognised in paragraph 3.0. The more recent update to Permitted Development Rights, introduced in August 2020, is likely to produce further windfall conversions, but this has not been included in the projected windfall calculations.
8. Residential redevelopment is stated to be the most consistent supply of windfall sites, with an annual average of 26 dwellings over the historic study period. In the amended forecast, this rate is expected by the Borough Council to continue throughout the plan period. In view of the most recent changes to Permitted Development Rights, involving the upwards extension of residential properties, the Parish Council suggests that the average supply should be increased substantially.
9. The other major source was described as "other uses" and included community facilities, retail, business uses (excluding offices, education, residential institutions, utilities, leisure, parking and garages, public houses, warehousing and distribution and motor trade). An allowance of 88 dwellings has been included in the forecast, but only in the last six of the plan period. The reason for this is not fully explained, but the Parish Council notes that in two of the last six years of the HELAA research period to 2019, windfalls from this source exceeded 160 dwellings per annum.

10. The view that there are likely to be more windfall contributions from is substantiated by recent events on Woolmer Green, which show how quickly changes of use can occur. In 2017, permission was granted on appeal for the former Entech office site for 72 dwellings. At the time of writing, the development is still under construction, but is expected to be completed by the end of 2021. The site was originally allocated in the Local Plan for employment, but its change of use to housing was allowed on appeal. Consequently, it was considered by the Borough Council to be windfall development. Nevertheless, the Parish Council maintained that it should have been allocated for housing from the outset, as it was offered for that purpose in the “call for sites” consultation in 2016.
11. More recently, trading has ceased on the Marshalls car dealer site at 51-53 London Road, although the lease was not due to expire until July 2021. In the Borough Council’s list of further site allocations (WE100), the area is now proposed to be allocated for housing (see Map at EX219T). This is supported by the Parish Council, and the case will be elaborated at the appropriate hearing session into EX237. The point that is being made here is the speed at which the Marshalls site became available (it is accepted that it is not a windfall site).
12. In the Parish Council’s view, there are two main reasons why the windfall supply is likely to be much higher than suggested by the HELAA forecast, as follows:
 - 1) It is clear from the discussions on the Planning White Paper that the Government aims to deliver a further **relaxation of Permitted Development Rights**. Radical changes to the Use Classes Order came into effect at the beginning of September 2020 which created a new Class E. Moving between various town centre uses now does not constitute development.
 - 2) In the wake of the current COVID pandemic, it is likely that there will be major **changes to the structure of the local economy**. These changes are likely to result in more home working and less demand for office space. Similarly, the major contraction in the retailing sector is likely to free up large areas of floor space in town and village centres. Following the changes to the Use Classes Order, the Government clearly intends to go a step further. A consultation on further changes to the General Permitted Development Order was concluded on 28th January 2021. This would introduce a new right for the change of use from any use, or a mix of uses, from the new Class E to Class C3 (Residential), The Parish Council submits that this would result in a considerable increase in windfall in and around town centres.

Conclusion

13. In summary, in view of the circumstances outlined above, it is submitted by the Parish Council that the windfall forecast for the plan period is far too low and should be increased substantially. In the event that the Examination Inspector considers that there are too many uncertainties in respect of housing and the economy, the Borough Council is urged to adopt a Local Plan which has a much higher allowance for windfall supply. This could be carefully monitored, and subject to a short term review.

Jed Griffiths MA DipTP FRTPI

Hertford

4th February 2021