

Welwyn Hatfield Local Plan Examination

Windfall Sites Update (EX221)

Statement by Jed Griffiths MA DipTP FRTPI

On Behalf of

CPRE Hertfordshire

February 2021

Introduction

1. This statement has been prepared by Jed Griffiths MA DipTP FRTPI on behalf of the Campaign to Protect Rural England Hertfordshire (CPREH). 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.
2. CPREH 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, CPREH 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. Having studied EX221 and its supporting documents, CPREH concludes that the Council has failed to identify the scale of windfall housing for the plan period to 2036 that should be included in the Local Plan that would not therefore need to be provided in the Green Belt.

Analysis

3. CPREH noted the decision in January 2020, as stated in paragraph 2.1 of EX221, of the Council's Cabinet Planning and Parking Panel (CPPP) to increase the windfall allowance to 2,249 dwellings over the 13 years from 2023. As argued below, CPREH believe that even that figure, which the Panel were persuaded by officers to reduce to 1,402 in November 2020, was too low. In arriving at these decisions, it is clear that the Council has chosen to ignore its own evidence and factors that will lead to continued supply in future on past windfall rates and the causes of them. Based on the evidence, the figure for 2023 – 2036 should be much higher, as suggested in the following paragraphs.
4. In terms of its general approach, the Council has clearly chosen to concentrate on a period in the past that included the 2008 recession. The HELAA 2019 Update (paragraphs 1.3 – 1.5) shows a wildly fluctuating pattern of both the amount and the sources of windfall over a 14-year period. It is submitted that only the more recent years truly reflect the contribution to housing stock from land not allocated or already in residential use. The rate of windfall provision over the 14-year period is only 173 dwellings per annum, which is far too low. As a result the Council have completely missed the point of Government policy in the period from 2012, which seeks to facilitate more opportunities for housing through the relaxation of planning policy and regulations. This change of policy has resulted in increasing amounts of windfall contributions, as discussed in paragraphs 9-11 below.

5. In respect of future windfalls, CPREH has also noted (in paragraph 1.8 of EX221) that no allowance whatsoever has been made of supply from “other land uses” except for the last six years of the plan period, from 2030. This is despite these together forming the largest contributor to windfalls over the HELAA 2019 research period, as shown in Figure 5.8 and paragraph 5.19 of the HELAA Update 2019. In two of the last six years, windfalls exceeded 160 dwellings per annum. Yet the Council’s allowance for these “other land uses” of only 88 dwellings per annum and only in the final six years (to 2036) was exceeded in every one of the last six years of the HELAA period to 2019.
6. In paragraph 1.7 of EX221, there is reference to the NPPF 2012, and the presumption against development of residential gardens. This does not, as WHBC assumes, stop all such developments. The NPPF aims to stop “inappropriate development of residential gardens.” Experience shows that this does not, and will not prevent the granting of planning permissions where it is “appropriate”. It should also be noted that the recent White Paper seems to endorse Government policy for seeking higher densities in residential areas and more effective use of land, especially for housing.
7. From detailed study of EX221 (and related data in EX224B), it is clear that, from the last six years covered by HELAA 2019, the average rate of windfall completions was around 270 dwellings per annum, which is increasing. CPREH believes that this is a far more reasonable estimate for the plan period, given the current national economic context. If this figure were used as the starting point, it would equate to a total of 3,510 dwellings over the 13 years from 2023-2036. Such a figure, it is suggested, would be more consistent with the scale of completions described by WHBC in EX224B, which showed a net increase of 2,121 dwellings over four years to 2020, solely from Class C sources.
8. It would appear (from paragraphs 2.2 and 2.3 of EX221) that WHBC had reduced their overall estimate of future windfall provision as a result of deciding to allocate one of the large windfall sites. It was wrong not to recognise this as a reason for assuming continued windfalls from such development – the whole point of windfalls is that they are unforeseen proposals that nevertheless are likely to occur. Other significant redevelopments of non-residential uses and premises are also bound to happen in the period to 2036, just as they have often done in the past. Indeed this process is encouraged by Government policy, so as provide more housing.

9. It is noted in EX221 that a major source of windfalls 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 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 paragraph 2.3, however, the focus of the Article 4 Direction is on four strategic employment sites.
10. On 1st February 2021, the Borough Council's Head of Planning issued a letter, proposing further additions to the Article 4 Direction on employment sites, planned to come into force early in 2022. During the same week the Government announced a number of proposed amendments to the NPPF, including a limit to the use of Article 4 Directions. In particular, where relating to changes of use to residential, Article 4 would be limited to situations "where this is essential to avoid wholly unacceptable adverse impacts" or "where this is necessary to protect an interest of national significance." In all areas, it should be applied "to the smallest geographical area possible."
11. The recent Government announcement, which will probably be confirmed by changes to the NPPF later in 2021, will severely affect the ability of the Borough Council to constrain the change of use of employment sites to residential. The Borough Council is therefore wrong to claim that they will stop these conversions through the use of Article 4 Directions. The assertion in paragraph 2.5 that changes of use from office to residential are only likely to continue under prior notification for three years (total 98 units) is also challengeable.
12. The focus on Article 4 also does not take into account the potential supply from small offices, particularly those in town centres, as recognised in paragraph 3.0 of EX221. The update to Permitted Development Rights, introduced in August 2020, is likely to produce further windfall conversions, but has not been included in the projected windfall calculations. The Local Plan needs to be more realistically framed in the light of Government policy changes.

13. In paragraph 2.6 of EX221, the Borough Council claims that the latest (even lower) windfall allowance of 108 dwellings is “cautious”. CPREH submits that such a low figure flies in the face of the self-evident findings of its own research in EX224B into completions and housing supply. It also ignores the reality of the consequence of the COVID-19 pandemic for land use demand, and for town centre retail and commercial premises over the plan period. The retail sector and traditional working patterns are already undergoing fundamental changes. Government policy is designed to encourage this through facilitating more mixed developments in central locations and more changes to residential use. Recognition of these trends would enable the Local Plan to contribute significantly to housing needs, whilst reducing the amount of land that would need to be released from the Green Belt.

Conclusion

14. In the circumstances described above, CPREH believes that a windfall allowance of 3,510 dwellings (270 dwellings per annum) from 2023-2036 would be reasonable, and possibly conservative in the light of emerging Government policy and economic stagnation. The effects of Brexit have not been taken into account by the Borough Council or in CPREH’s comments above, but early indications suggest more economic uncertainty, at the same time creating potential additional opportunities for housing in existing urban areas.

15. In the event that the Examination Inspector considers that there are too many uncertainties in respect of housing and the economy, CPREH would urge the adoption of a Local Plan which includes its estimates of windfall supply. These would be carefully monitored, and could be subject to a short term review of the Plan.

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Hertford

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