

# **Welwyn Hatfield Local Plan Examination**

## **Windfall Sites Update (EX221)**

**Statement by Jed Griffiths MA DipTP FRTPI**

**On Behalf of**

**North Mymms District Green Belt Society**

**February 2021**

## Introduction

1. This statement has been prepared by Jed Griffiths MA DipTP FRTPI on behalf of the North Mymms District Green Belt. 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. The Society 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 Society 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 Society 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 17<sup>th</sup> 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 the 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 has not previously been introduced by the Council.

## Analysis

4. The Society 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 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 rate of windfall provision in that period is 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 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.
6. On 1<sup>st</sup> 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 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."
7. The recent Government announcement, which will probably be introduced later this year, will severely affect the ability of the Borough Council to constrain the change of use of employment sites to residential. The discussion on the use of Article 4 Directions 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.
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 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 Society suggests that the average supply should be substantially increased.

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 towards the end of the plan period. The reason for this is not fully explained, but the Society notes that in two of the last six years of the HELAA research period to 2019, windfalls exceeded 160 dwellings per annum.
  
10. The Society would also wish to point out that, on certain major sites which have been included in the Local Plan, there seems to have been an under-estimate of site capacity. This is apparent from the Council’s latest schedules of housing supply, which are set out in paper EX224B. The most significant example is Site Pea02b (Policy SDS3) at the Broadwater Road West SPD site, Welwyn Garden City. Here the site capacity in the Submission Local Plan was shown as 850 dwellings, whereas planning permissions were granted in 2018 for 1403 units. Subsequent negotiations between the various landowners, developers and the Council have raised the estimated capacity to 2003 dwellings. From the evidence of this case, it is suggested that there will be more increases in housing supply resulting from increases in the density of developments.
  
11. In the Society’s view, there are two other 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. To underpin this policy, the Government is also consulting on changes to the NPPF, which would restrict the use of Article 4 Directions by local authorities seeking to bypass national policy (see paragraphs 6 and 7 above).

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 centres. Following the changes to the Use Classes Order, the Government clearly intends to go a step further. A current consultation on further changes to the General Permitted Development Order. This would introduce a new right change of use from any use, or a mix of uses, from the new Class E to Class C3 (Residential), The Society submits that this would result in a considerable increase in windfall in and around town centres.

12. In view of the circumstances outlined above, the Society submits that the windfall forecast for the 13 year period 2013- 2036 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 Council is urged to adopt a Local Plan which has a much higher element of windfall supply. This would be carefully monitored and could be subject to a short term review.

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7<sup>th</sup> February 2021