

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

Land South of Shenley Hill, Radlett, Hertfordshire

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

Erection of up to 195 new homes (45% affordable), safeguarded land for the expansion of Newberries Primary School and provision of a new medical centre, along with associated access. Outline application to include the matter of ACCESS (with the following matters reserved: appearance, landscaping, layout and scale).

Land South of Shenley Hill, Radlett, Hertfordshire

Fairfax Properties

July 2023

PINS REF: APP/N1920/W/23/3320599

LPA REF: 22/1539/OUT

OUR REF: M23/0307-01.RPT

TETLOW KING PLANNING
UNIT 2, ECLIPSE OFFICE PARK, HIGH STREET, STAPLE HILL, BRISTOL, BS16 5EL
Tel: 0117 9561916 Email: all@tetlow-king.co.uk

www.tetlow-king.co.uk

Contents

	Executive Summary	
Section 1	Introduction	1
Section 2	Affordable Housing as an Important Material Consideration	4
Section 3	Consequences of Failing to Meet Affordable Housing Needs	6
Section 4	The Development Plan and Related Policies	14
Section 5	Affordable Housing Needs	24
Section 6	Affordable Housing Delivery	27
Section 7	Affordability Indicators	34
Section 8	Future Supply of Affordable Housing	51
Section 9	Council's Assessment of the Application	56
Section 10	Benefits of the Proposed Affordable Housing at the Appeal Site	60
Section 11	The Weight to be Attributed to the Proposed Affordable Housing Provision	63

Appendices

Appendix JS1	Area Maps
Appendix JS2a	Freedom of Information Correspondence (25 May 2023)
Appendix JS2b	Freedom of Information Correspondence (8 March 2023 & 21 December 2022)
Appendix JS3	Signed SoCG For Little Bushey Lane, Bushey appeal dated 9 May 2023 (ref. APP/N1920/W/23/3314268)
Appendix JS4	Extracts from Planning Practice Guidance (March 2014, Ongoing Updates)
Appendix JS5	Help to Buy Register (27 March 2023)
Appendix JS6	Affordable Housing as a Separate Material Consideration
Appendix JS7	Relevant Secretary of State and Appeal Decisions

Executive Summary

- i. This Proof of Evidence deals specifically with affordable housing and the weight¹ to be attached to it in the planning decision in light of the evidence of need in the Hertsmere Borough Council area.
- ii. Outline planning permission is sought for up to 195 dwellings, of which 45% are proposed as affordable homes equivalent to up to 88 affordable. This level of provision exceeds the requirements of Policy CS4 (40%) of the Core Strategy (2013).
- iii. The affordable housing provision will be secured through a Section 106 agreement. The tenure split of the proposed affordable housing units is to be agreed as part of the Reserved Matters application.

Key Findings

Corporate Documents

- iv. The Council's Homelessness and Rough Sleeping Strategy 2019-2023 identifies the delivery of affordable housing as a key priority for Hertsmere Borough Council.

Affordable Housing Needs

- v. Policy CS4 of the Core Strategy (2013) sets a policy target and states that "*The policy equates to an affordable housing target of 1,140 from 2012 to 2027*", equating to 76 per annum.
- vi. However, the 2016 SHMA identifies a need for 434 affordable dwellings per annum between 2013 and 2036, equivalent to 9,982 affordable dwellings over the 23-year period.
- vii. Furthermore, the most recent assessment of affordable housing is contained within the 2020 LHNA which identifies a higher need of 503 affordable dwellings per annum between 2020 and 2036, equivalent to 8,048 affordable dwellings over the 16-year period.
- viii. Whilst the Standard Method for calculating Local Housing Need applies an affordability adjustment, it does not provide a need figure for affordable housing in line with the

¹ For the avoidance of doubt, the weightings I apply are as follows: very limited, limited, moderate, significant, very significant, substantial, and very substantial.

PPG. The affordability uplift is simply a function of the standard methodology, and it is not a basis for determining the numerical need for affordable housing nor the types of affordable housing required as defined in Annex 2 of the NPPF (2021).

Affordable Housing Delivery

- ix. Since the start of the 2016 SHMA period in 2013/14, affordable housing completions have averaged just 54 net affordable dwellings per annum, resulting in an accumulated shortfall of -3,418 affordable dwellings between 2013/14 and 2021/22, against an annual need of 434 affordable dwellings per annum. This is equivalent to an annual average shortfall of -380 affordable dwellings.
- x. Against the most recent assessment of affordable housing need (2020 LHNA), a significant shortfall has arisen in the first two years between 2020/21 and 2021/22, against a need for 503 affordable dwellings per annum. The shortfall equates to -874 affordable dwellings.
- xi. The Core Strategy (2013) sets a target of 76 affordable dwellings per annum during the plan period. Whilst this target is out of date, since 2012/13 there has also been a shortfall of -173 affordable dwellings.

Affordability Indicators

- xii. The following affordability indicators are material considerations and in this particular case demonstrate an ongoing deteriorating situation in Hertsmere Borough for those households seeking an affordable home:

Housing Register

- As at 31st March 2022 there were 799 households on the Housing Register. This represents a 39% increase in a single year from 576 households at 31 March 2021 (which itself was a 4% increase from 554 households at 31 March 2020).
- The waiting time for successful applicants to be allocated an affordable home within the Hertsmere area ranges from 21 months for a 1-bed affordable home through to an eye-watering 43 months for a 4-bed+ affordable home.

Housing Register Bids and Lettings

- Between 1 April 2021 to 31 March 2022 there were an average of 19 bids per 1-bed affordable dwelling put up for let in Radlett², 27 average bids per 2-bed

² Data not available at Ward/Parish level, instead Hertsmere Borough Council record this data at settlement level. In this instance Radlett is the relevant settlement.

affordable dwelling and 87 average bids per 3-bed affordable dwelling. No 4+ bed affordable dwellings were made available to let over the period in Radlett.

- This should be viewed in context of the fact that the FOI response also highlights that over the 2020/21 monitoring period there were only 24 social housing lettings in Radlett decreasing by 58% to just 10 lettings over the 2021/22 monitoring period.

Help to Buy Register

- The Help to Buy Register provides details of those seeking shared-ownership accommodation in the south of England. This demonstrates that as of 27 March 2023, 361 households are seeking a shared ownership home in Hertsmere Borough.

Temporary Accommodation

- The FOI response details that 46 households were housed in temporary accommodation within the Hertsmere Borough region at 31 March 2022.
- Furthermore, an additional 2 households were housed in temporary accommodation outside the Hertsmere Borough Council region at 31 March 2022.

Homelessness

- DLUHC statutory homelessness data shows that in the 12 months between 1 April 2021 and 31 March 2022, the Council accepted 230 households who triggered the homelessness prevention duty, and a further 205 households in need of relief duty from the Council.

Private Rental Market

- A median private rent of £1,250 pcm in 2021/22 is 45% higher than the East of England figure of £865 pcm and 57% higher than the national figure of £795 pcm.
- A lower quartile rent of £1,050 pcm in 2021/22 is 50% higher than the East of England figure of £700 pcm and 76% higher than the national figure of £595 pcm.

Median House Prices

- An affordability ratio of 14.39 in Hertsmere Borough stands significantly above the national average of 8.28 (+74%) and above the East of England average of 10.08 (+43%).

- In 2022 median house prices in the MSOA³ (£1,046,250) were comparable with Aldenham East Ward (£1,050,000), the median house price is 198% higher than across Hertsmere Borough (£530,000), 329% higher than across the East of England (£318,275) and 388% higher than the national figure (£270,000).
- The appeal site sits across two LSOA⁴ areas, 'Hertsmere 005A' (£1,300,000) and 'Hertsmere 005B' (£1,575,000), both of which are significantly higher than the MSOA and ward figures which have already been established as being higher than the Borough, the East of England and the national average.

Lower Quartile House Prices

- A lower quartile affordability ratio in Hertsmere Borough (13.98) stands significantly above both the national average of 7.37 (+90%) and the East of England average of 9.90 (+41%).
- In 2022 lower quartile house prices in the MSOA (£657,500) were 107% higher than across Aldenham East Ward (£615,000), 164% higher than across Hertsmere Borough (£400,000), 280% higher than across the East of England (£235,000) and 365% higher than the national figure (£180,000).
- Lower quartile house prices in LSOA areas 'Hertsmere 005A' (£990,000) and 'Hertsmere 005B' (£1,220,000) are significantly higher than the figure for Aldenham East Ward which has already been established as higher than Hertsmere Borough, the East of England and the national average.

The Future Supply of Affordable Housing

- xiii. The Council's latest Five Year Housing Land Supply statement includes 1,713 dwellings coming forward in the next five years. If we were to generously assume that all of these sites would provide policy compliant levels of affordable housing (40%), this is likely to deliver only 685 affordable dwellings, equating to at best, 137 per annum between 2022/23 and 2026/27. The projected delivery of 137 affordable dwellings per annum falls significantly short of the 503 affordable dwellings per annum required by the 2020 LHNA. It is important to note that this figure then falls substantially short of the 678 per annum figure required when back log needs are addressed in the next five years in line with the Sedgefield approach.

³ 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.

⁴ A geographic hierarchy designed to improve the reporting of small area statistics in England and Wales. LSOAs have a minimum population of 1,000 households and a mean population of 1,500 households.

Conclusion

- xiv. In light of the key findings of my evidence and the acute need for affordable housing within Hertsmere Borough, I consider that **very substantial weight** should be attributed to the delivery of up to 88 affordable homes through the appeal scheme in the planning balance.

Introduction

Section 1

- 1.1 This Affordable Housing Proof of Evidence has been prepared by **James Stacey BA (Hons) Dip TP MRTPI** of **Tetlow King Planning** on behalf of **Fairfax Properties**.
- 1.2 The proposed development is for up to 195 dwellings, of which 45% (up to 88 dwellings) are to be provided on-site as affordable housing. This level of provision meets the requirements of Policy CS4 of the adopted Core Strategy (2013) which seeks 40% affordable housing provision in this postcode area.
- 1.3 The affordable housing provision will be secured through a Section 106 agreement. The tenure split of the proposed affordable housing units is to be agreed as part of the Reserved Matters application.
- 1.4 The site sits entirely within Aldenham East Ward and MSOA⁵ 'Hertsmere 005'. The appeal site sits across two LSOA⁶ areas 'Hertsmere 005A' and 'Hertsmere 005B'. A map of these areas as well the Hertsmere Borough Council local authority area is contained at **Appendix JS1**.
- 1.5 This Proof of Evidence deals specifically with affordable housing and the weight to be afforded to it in this planning decision⁷ considering evidence of need in the area. It should be read alongside Philip Allin (Boyer Planning). It provides evidence to support the appellant's position on Very Special Circumstances.
- 1.6 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").

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. LSOAs have a minimum population of 1,000 households and a mean population of 1,500 households.

⁷ For the avoidance of doubt, the weightings I apply are as follows: very limited, limited, moderate, significant, very significant, substantial, and very substantial.

- I have over 28 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.
- During my career, I have presented evidence at more than 110 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.
- In December 2022 I was appointed as Managing Director of Tetlow King Planning. Prior to this I held the position of Senior Director. I was first employed by Tetlow King Planning in 2009.
- 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 plan documents and supplementary planning documents on affordable housing throughout the UK.

1.7 In accordance with the Planning Inspectorate's Procedural Guidance, I hereby declare that:

"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."

1.8 Providing a significant boost in the delivery of housing, and in particular affordable housing, is a key priority for the Government.

1.9 An appeal at Colney Heath located partially in Welwyn Hatfield Borough Council and partially in St Albans District Council decided in June 2021 (**CD5.1**) 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 WHBC⁸, I attach very substantial

⁸ St Albans District Council and Welwyn Hatfield Borough Council.

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

- 1.10 There are a number of other Green Belt appeals where I have presented evidence and I set these out within section 11 of this proof.
- 1.11 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 Hertsmere Borough Council on 19 May 2023 and a full response was received on 25 May 2023.
- 1.12 Further FOI data from March 2023 and December 2022 was obtained as part of previous appeal work in Hertsmere Borough. The full FOI correspondence is attached at **Appendices JS2a and JS2b**.
- 1.13 It is important to highlight that an Affordable Housing Statement of Common Ground (“SoCG”) was agreed on 9 May 2023 by Hertsmere Borough Council as part of a recent inquiry in the Borough where I gave evidence (see **Appendix JS3 and CD5.23**). I have submitted a similar SoCG as part of this appeal, which at the time of writing is awaiting agreement.
- 1.14 This proof of evidence comprises the following ten sections:
- Section 2 establishes the importance of affordable housing as an important material consideration;
 - Section 3 considers the consequences of failing to meet affordable housing needs;
 - Section 4 analyses the development plan and related policy framework including corporate documents;
 - Section 5 sets out the identified affordable housing needs;
 - Section 6 examines past affordable housing delivery against identified needs;
 - Section 7 covers a range of affordability indicators;
 - Section 8 considers the future supply of affordable housing;
 - Section 9 sets out the council’s assessment of the application;
 - Section 10 identifies the benefits of the proposed affordable housing at the appeal site; and
 - Section 11 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 a number of court cases including *Mitchell v Secretary of State for the Environment and Another*, (1995) 69 P&CR 60; *ECC Construction Limited v Secretary for the Environment and Carrick District Council*, (1995) 69 P&CR 51; *R v Tower of Hamlets London District Council, ex parte Barratt Homes Ltd* [2000] JPL 1050.

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. In particular, 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 JS4** sets out the paragraphs of the PPG of particular 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.

Consequences of Failing to Meet Affordable Housing Needs

Section 3

3.1 The National Housing Strategy⁹ sets out that a thriving housing market that offers choice, flexibility and affordable housing is critical to our social and economic wellbeing.

3.2 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 Hertsmere Borough.

3.3 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 (**CD4.2**). 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.”

3.4 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*”.

3.5 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”.

⁹ Laying the Foundations: A Housing Strategy for England (November 2011)

- 3.6 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.”*
- 3.7 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.
- 3.8 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

- 3.9 This section highlights some of the evidence gathered in recent years demonstrating the significant consequences of failing to meet affordable housing needs.
- 3.10 In August 2019 the Children’s Commissioner produced a report titled *“Bleak Houses: Tackling the Crisis of Family Homelessness in England” (CD4.3)* to investigate impact of homelessness and in particular the effect of this upon children.
- 3.11 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 reforms¹⁰.
- 3.12 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.
- 3.13 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

¹⁰ The Children’s Commissioner Report references a National Audit Office Report titled ‘Homelessness’ (2017) which concludes that government welfare reforms since 2011 have contributed towards homelessness, notably capping, and freezing Local Housing Allowance.

“Simply put, many families cannot afford their rent. It is telling that over half of homeless families in England are in work”.

- 3.14 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.
- 3.15 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.
- 3.16 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.
- 3.17 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”*.
- 3.18 More recently in May 2021, Shelter published its report *“Denied the Right to a Safe Home – Exposing the Housing Emergency” (CD4.4)* 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).
- 3.19 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)

- 3.20 Shelter estimate that some 17.5 million people are 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)
- 3.21 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).
- 3.22 In April 2022 Shelter published a further report titled “*Unlocking Social Housing: How to fix the rules that are holds back building*” (CD4.5). 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.”*
- 3.23 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 don’t have a safe place to call home and that finding a good-quality home at a fair price is impossible for so many people.
- 3.24 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).
- 3.25 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.”

- 3.26 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.”*
- 3.27 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.”*
- 3.28 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).
- 3.29 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.”*
- 3.30 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.”*
- 3.31 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).

3.32 It is also pertinent to highlight that Hertsmere Borough themselves recognise the consequences of failing to meet affordable housing needs.

3.33 Page 8 of the Council's Homelessness and Rough Sleeping Strategy sets out five key priorities for Hertsmere Borough which includes “*increasing the supply of affordable accommodation*”.

The Cost of Living Crisis

3.34 On 21 November 2022, the House of Commons published its ‘Rising Cost of living in the UK’ briefing report (**CD4.6**) 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.

3.35 The briefing 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, Section 5.1 further 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.” (my emphasis).

3.36 Additionally, page 45 of the House of Commons report recognises that renting in the private sector is becoming more unaffordable to people receiving benefits. Shelter published a briefing report in September 2022 titled ‘Briefing: Cost of Living Crisis and the Housing Emergency’ (**CD4.7**) which further explains the private rented sector problem on page one:

“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).

3.37 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 affordable housing and concludes on page two that *“the only sustainable solution is to address the causes of the housing emergency by investing in truly affordable social homes”*.

Conclusions

3.38 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.

3.39 These harsh consequences fall upon real households, and 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.

3.40 I am strongly of the opinion that a step change in delivery of affordable housing is needed now.

3.41 The acute level of affordable housing need in Hertsmere Borough 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 4

Introduction

- 4.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 The Development Plan for Hertsmere Borough Council currently comprises the Core Strategy (2013) and the Site Allocations and Development Management Policies Plan (2016).
- 4.3 Other material considerations include the Affordable Housing Supplementary Planning Document (2015), Hertsmere Borough Council First Homes Advisory Note (2021), and the Homelessness and Rough Sleeping Strategy 2019-2023.

Core Strategy (2013) – CD3.1

- 4.4 The Hertsmere Core Strategy was adopted in January 2013 and covers the fifteen-year plan period from 2012 to 2027. Paragraph 1.1 at page 8 explains that the Core Strategy (2013) *“includes a variety of overarching spatial policies to guide future development and land use in the Borough.”*
- 4.5 Table 4 on page 21 sets out the ‘Local Plan Core Strategy Objectives’, objective 4 is *“To work towards meeting the community’s need for Affordable Housing.”*
- 4.6 Table 5 on pages 22 and 23 set out a series of spatial objectives by settlement. For Radlett the first objective seeks to *“Manage housing availability and affordability.”*
- 4.7 Under the sub heading ‘Housing for the community’, paragraph 2.48 on page 28 acknowledges that the predicted rate of household formation up to 2027 *“will have the effect of sustaining high levels of demand for affordably priced housing for rent or sale.”*
- 4.8 Paragraph 2.50 on page 28 explains:

“There will be a continued recognition of the need for well planned, affordably priced housing, as part of new housing supply, which will include subsidised housing for rent at less than market value. This will require both an increase in the number of sites delivering a proportion of affordable housing and possibly

an increase in the proportion of affordable homes built on these sites. Steps to prevent the splitting up or under-development of sites to avoid Affordable Housing requirements will be needed, although there will also be a need to ensure that suitable sites remain viable for development.”

4.9 Policy SP1 ‘Creating sustainable development’ on pages 30 and 31 sets out the criteria that all new development across the Borough should contribute to. Policy criteria viii states that all new development should “*seek the maximum level of Affordable Housing on site*”.

4.10 Paragraph 3.19 on page 39 details the affordability challenge facing the Borough:

“The availability of affordably priced homes is a key issue affecting Hertsmere and a long-term problem across the whole London commuter-belt. An increasing gap between housing costs and incomes, the loss of existing social housing through ‘right-to-buy’ and a limited supply of new Affordable Housing, have all contributed to this problem. Addressing Affordable Housing need is a key Core Strategy objective.” (my emphasis).

4.11 Paragraph 3.22 goes on to explain that “*evidence from the National Housing Federation has indicated that Hertsmere¹¹ is the least affordable local authority area out of 48 local authority areas in the East of England with average house prices 14.8 times greater than the average income*”.

4.12 Paragraph 3.28 on page 40 explains that “*On sites of 15 or more units, Affordable Housing requirements will need to be met through the provision of both social rented and intermediate (shared equity) housing. The Council will seek as a guideline, a split of 75% social rent and/or affordable rent and 25% intermediate housing.*”

4.13 Pages 41 and 42 set out Policy CS4 ‘Affordable Housing’. The policy requires affordable housing provision on sites delivering 5+ dwellings or 0.2 hectares. Policy CS4 includes a differential rate for affordable housing provision with 40% applied in specific postcodes and 35% in all other locations. In this instance, Radlett is included as one of the specific postcodes and therefore, 40% affordable housing provision applies.

4.14 On sites delivering 15 dwellings or more, or where the site exceeds 0.5 hectares the Council expects 75% of the Affordable Housing units will be delivered as social rented and/or affordable rent housing and the remainder as intermediate housing.

¹¹ 2022 Median affordability ratio of 14.39.

4.15 For ease of reference, I set out the policy in full below:

Policy CS4 'Affordable Housing'
<p>To increase the supply of Affordable Housing, developments of 5 self-contained, residential units or more (gross), or residential sites of more than 0.2 hectares, should make provision for an element of Affordable Housing. On sites of fewer than 15 units, this may be delivered through the provision of intermediate housing (including shared ownership and share equity), with sites of 15 units or more containing a mix of social rented housing, affordable rent and intermediate housing.</p> <p>The following percentage targets will be sought through negotiation:</p> <ul style="list-style-type: none"> • 40% in post code areas EN5 4, WD25 8, WD7 8, WD7 7; and • at least 35% in all other locations. <p>Appendix 6 provides a map of the post code areas within Hertsmere.</p> <p>The policy equates to an affordable housing target of 1,140 from 2012 to 2027.</p> <p>The Council will seek the maximum level of Affordable Housing on site. A lower level of provision will not be acceptable unless the Council agrees exceptional circumstances are demonstrated. Only in exceptional circumstances will an alternative to on-site provision be appropriate.</p> <p>As a guideline, on sites of 15 or more units (gross) or 0.5 hectares, the Council expect that 75% of the Affordable Housing units will be delivered as social rented and/or affordable rent housing and the remainder as intermediate housing. The precise tenure and dwelling mix will be agreed with the Council on a site-by-site basis and reflecting current housing needs or updated supplementary guidance.</p> <p>Where scheme viability may be affected, developers will be expected to provide full development appraisals to demonstrate an alternative affordable housing provision.</p>

4.16 Section 9 sets out the 'Implementation and Monitoring Framework' of the Core Strategy (2013). Pages 89 to 92 sets contingency plans in relation to a number of key issues within the Core Strategy (2013):

- Housing delivery and supply
- Provision of affordable housing and its mix
- Provision of infrastructure and services that support new development.
- Location of development
- Safeguarded Land

- 4.17 Contingency plans that relate to the delivery of affordable housing are set summarised below:

“Contingency 1: Where there is a need to increase the overall delivery of housing as well as delivery of affordable housing (Policy CS1 and CS4)”

- 4.18 Contingency 1 at paragraph 9.6 page 89 states:

“Where housing delivery is more than 20% below the annualised (266 dwellings) housing target over a rolling three year period, and at the same point in time, the expected housing completions for the next five years are insufficient to compensate for the shortfall of the required annualised rate, a review of housing allocations and consideration of land that is safeguarded for housing under Policy H4 of the Hertsmere Local Plan (2003) will be undertaken.

“Contingency 2: Where overall housing targets are being met, but affordable housing delivery is not being met (Policy CS4)”

- 4.19 Paragraph 9.8 on page 90 sets out the council’s contingency for when affordable housing delivery is not being met:

“Where affordable housing delivery is more than 20% below the annualised affordable housing target (76 dwellings) over a rolling three year period and housing completions for the next five years are subsequently projected to be below the required annualised rate then In addition to the above contingency measures, the Council will also adopt the measures set out below in order to ensure that affordable housing is delivered as anticipated.

- 1. Review affordable housing threshold, development viability within Hertsmere, and review the Hertsmere Affordable Housing SPD.*
- 2. Review the use of the Council’s funds in order to facilitate an increase in the delivery of affordable housing.*
- 3. Consider the potential to increase the delivery of affordable housing on Council owned sites.*
- 4. Evaluate the potential for achieving a higher proportion of affordable housing on an individual basis on allocated sites.*
- 5. Examine the opportunities available through any new Government initiatives to support the development of new affordable housing.”*

“Contingency 3: Where there is an insufficient affordable housing mix (Policy CS4)”

- 4.20 Paragraph 9.9 on page 90 explains that *“The mix (number of bedrooms) of all Affordable Housing should be within 20% of the equivalent proportions for market housing over a rolling three year period. If this falls below this target, then a review of the Affordable Housing SPD will be undertaken.”*
- 4.21 It is important to note that it does not appear that a review of the Affordable Housing SPD has taken place.

Site Allocations and Development Management Policies Plan (2016) – CD3.2

- 4.22 The Site Allocations and Development Management Policies Plan was adopted in November 2016 and covers the fifteen year period 2012 to 2027. The Plan sets out detailed proposals and policies in order to achieve the aims and objectives of the Core Strategy.
- 4.23 Paragraph 2.24 on page 22 explains that *“The availability of affordably priced homes for Hertsmere residents is a key concern. Policies in the Core Strategy seek to increase the supply of Affordable Housing in the borough.”*
- 4.24 The Site Allocations and Development Management Policies Plan (2016) does not set out any direct affordable housing policies but instead refers to the approach taken by the Core Strategy (2013) and the subsequent Affordable Housing SPD (2015).

Material Considerations

Affordable Housing Supplementary Planning Document (2015) – CD3.4

- 4.25 The Affordable Housing Supplementary Planning Document (“SPD”) was adopted in November 2015. Paragraph i of the Introduction on page ii explains that the *“SPD aims to provide advice to developers, including Housing Associations and other Registered Providers on the Council’s approach to Affordable Housing provision.”*
- 4.26 Table 3, on page 5 indicates that for developments of 15 or more units 75% of affordable homes should be social and affordable rent with the remaining 25% to be provided as intermediate.

Hertsmere Borough Council First Homes Advisory Note (2021) – CD3.5

- 4.27 Hertsmere Borough Council First Homes Advisory Note was published in December 2021 *“sets out how Hertsmere Borough Council will implement the national requirement for the provision of First Homes in ‘decision taking’”*.

4.28 Section 3 sets out the policy compliance requirements of planning applications that include the provision of affordable housing under Policy CS4:

- *“need to include the delivery of First Homes in line with the criteria set out in this Interim Policy Statement;*
- *need to deliver 25% of any requirement for Affordable Housing on a site as First Homes, in line with government policy4;*
- *be required to demonstrate that the homes intended to be sold as First Homes will meet the eligibility criteria set out below;*
- *include appropriate legal safeguards, including through s106 Agreements, ensuring that First Homes criteria are met in perpetuity; and*
- *aim to result in 10% of all homes on the site being for affordable home ownership, as required by the NPPF. In locations within the borough where Policy CS4 requires 40% Affordable Housing the provision of 25% of Affordable Housing as First Homes will achieve this. Where CS4 requires 35% Affordable Housing, additional First Homes /affordable home ownership products may be required in order to bring the proportion of affordable home ownership up to 10% of total homes on the site (see section 7 below).”*

4.29 As outlined above, the advisory note aims for development sites to provide 40% affordable housing. This is not the role of an advisory note and does not have the weight afforded by a Development Plan policy.

4.30 Section 7 details how the application of Policy CS4 ‘Affordable Housing’ is affected by the introduction of First Homes, explaining:

“On sites of 10-14 units, where affordable provision may be delivered solely through intermediate housing, the affordable element may therefore either comprise 100% First Homes, a mix of First Homes and other intermediate products, or any combination of First Homes/other intermediate products and social/affordable rent, subject to at least 25% of affordable units being First Homes. On sites of 15 or more units, the split should be as close to the following as possible (following rounding):

- *25% First Homes*
- *75% social and affordable rent”*

4.31 Section 7 goes on to set out that:

“On many sites of 15 units and above however, where policy CS4 requires the affordable provision to be split 75% social and affordable rent/ 25% intermediate properties, delivering 25% of the properties as First Homes, and ensuring that both:

- Affordable Home Ownership comprises 10% of all homes on the site and*
- three-quarters of the affordable units are social and affordable rent (as required by Policy CS4) would require the provision of 40% Affordable Housing. At 35% Affordable Housing, achieving 10% Affordable Home Ownership would result in the balance of affordable tenures shifting slightly away from social and affordable rent towards First Homes and/or other affordable home ownership products.”*

4.32 Whilst on larger sites section 7 explains that the Council wishes to see more affordable housing come forward than the 35% requirement of policy CS4, although this plainly does not carry the same force as Development Plan policy:

“a small deviation from the 25% Intermediate /75% social and affordable rent affordable tenure split can lead to a more noticeable change in the number of social/affordable rented units (see Appendix 2). As Policy CS4 requires at least 35% Affordable Housing, on sites of more than 50 units (gross), applicants should seek to exceed this and deliver 40% Affordable Housing unless it can be demonstrated that this is not viable.”

Hertsmere’s Homelessness and Rough Sleeping Strategy 2019-2023 – CD3.6

4.33 Hertsmere’s Homelessness and Rough Sleeping Strategy covers the 4-year period from 2019 to 2023.

4.34 The foreword to the Strategy by the Portfolio Holder for Housing and Transport sets out the council’s commitment to *“increasing the supply of affordable housing is set out in our 20:20 Vision, and the new strategy sets out our vision, together with key organisations across the borough, for preventing homelessness.”*

4.35 Page 7 onwards lists some of the key achievements since 2015 one is the creation of Hertsmere Developments Limited, a council owned property development company with a remit to assist the Council in delivering more affordable housing within the Borough for those in housing need.

- 4.36 Another achievement listed on page 7 is *“a comprehensive review of our Allocations Policy”*. The strategy states the review has enabled the council to increase support for applicants to continue to look for accommodation in the private rented sector for properties whilst on the housing register, as well as also enabling young families to be encouraged to stay in their current residency rather than *“becoming homeless and needing placement in temporary accommodation”*.
- 4.37 Five priorities are outlined on page 8 under ‘The Strategy’ section, including a priority to *“increase the supply of affordable accommodation”*.
- 4.38 Page 9 outlines the most common reasons for homelessness in the Borough in 2018/19 were:
- *“Parental eviction;*
 - *Other friends/relatives eviction;*
 - *Loss of private sector assured short-hold tenancy.”*
- 4.39 Page 9 also highlights that when *“Comparing April 2018 and April 2019 there has been a 57% increase in approaches for housing advice.”* The page goes on to note that *“housing and rental prices have increased significantly in recent years and the Local Housing Allowance can restrict those on lower incomes being able to privately rent.”*
- 4.40 Under the ‘Increase the supply of affordable accommodation’ sub section on page 14 sets out *“The Council’s commitment to increasing the supply of affordable housing can be seen in the Corporate Vision with a focus on Planning for the Future’ is reiterated.”*
- 4.41 Page 14 goes on to highlight the following statistics from the South West Hertfordshire Strategic Housing Market Assessment (2016):
- “The indicative income required to purchase/rent without additional subsidy are:*
- *£77,100 to purchase a lower quartile property;*
 - *£32,000 to privately rent a lower quartile property;*
 - *£25,600 to rent an ‘affordable housing’ property.”*
- 4.42 Page 14 also states that *“the average household income in 2015 was £45,081 demonstrating a £32,000 gap between the income required to purchase a property within the Borough.”*

- 4.43 The final part of page 14 considers the 2011 Local Housing Allowance (“LHA”) rates for the Borough and notes that they are “*substantially*” lower than average private rent figures.
- 4.44 Page 25 highlights the challenges faced by the council when trying to increase the supply of affordable accommodation. A selection of these challenges are set out below:
- *“The number of lets each year leaves a significant shortfall for housing those in need on the Housing Register.”*
 - *“The Local Housing Allowance (LHA) rates makes it difficult for those claiming benefits to privately rent. There is a £366 gap between LHA rate and the average private rent for a two bedroom property in Borehamwood. Many residents are therefore applying for social and affordable housing”.*
 - *“Previous equity share schemes within the borough have not been particularly popular as the cost was still probative and were competing against Help to Buy within the area.”*
 - *“Schemes that require rent to be affordable in line with the Local Housing Allowance rates continue to prove difficult to recruit interest from landlords.”*
- 4.45 Page 16 outlines the following three ways in which the councils seeks to achieve the priority to ‘Increase the supply of affordable accommodation’ going forward:
- *“Review the offers and schemes for private sector landlords;”*
 - *“Involvement in new development proposals and consultations;”*
 - *“Develop strategic links with registered providers.”*

Planning for Growth – A New Local Plan for Hertsmere – CD3.3

- 4.46 Hertsmere Borough Council’s planning policy website explains that:

“A meeting of our full Council in April 2022 considered options in relation to the Local Plan following the public engagement carried out in 2021. It was agreed to set aside the current Regulation 18 draft Local Plan but continue the local plan process by completing consideration of the Regulation 18 engagement responses and carrying out additional work as necessary to inform a local plan spatial strategy, whilst awaiting clarity from the Government on changes to law or policy affecting that matter.”

- 4.47 With the now set-aside Local Plan in mind, it is important to highlight a recent November 2022 appeal, where I gave evidence, in Basildon Borough (**CD5.2**). The Inspector concluded that **very substantial weight** (my emphasis) 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”.

Conclusion on the Development Plan and Related Policies

- 4.48 The Development Plan for Hertsmere Borough Council currently comprises of the Core Strategy (2013) and the Site Allocations and Development Management Policies Plan (2016).
- 4.49 The evidence set out within this section clearly highlights that within adopted policy and a range of other plans and strategies, providing affordable housing has long been established as, and remains, a key priority for Hertsmere Borough Council.
- 4.50 Given the recognised need for affordable housing across the Local Authority area, the appeal proposals provide an affordable housing offer which not only fulfils the requirements of Policy CS4 ‘Affordable Housing’ of the Core Strategy (2013), but also exceeds it.

Affordable Housing Needs

Section 5

Affordable Housing Needs

- 5.1 Policy CS4 of the Core Strategy (2013) states that “*The policy equates to an affordable housing target of 1,140 from 2012 to 2027*”, equating to 76 per annum. This is a policy target that forms part of the Development Plan, but in itself does not reflect the full extent of affordable housing need in the Borough. Furthermore, is it a figure derived more than a decade ago and does not reflect the full affordable housing definition, as now contained on the NPPF.
- 5.2 The evidence for affordable housing need in Hertsmere Borough is contained in two documents; the South West Hertfordshire Strategic Housing Market Assessment 2016; and the South West Hertfordshire Local Housing Needs Assessment 2020, both of which show a higher need than the Core Strategy (2013) and each in turn showing a higher need than its predecessor, which is not unsurprising given the broader spectrum of need contained within the NPPF.

South West Hertfordshire Strategic Housing Market Assessment (2016) – CD4.8

- 5.3 The Strategic Housing Market Assessment 2016 (“2016 SHMA”) was published by GL Hearn and JG Consulting in January 2016 and sets out the objectively assessed need for housing and affordable housing in Hertsmere Borough. The 2016 SHMA covers a 23 year period between 2013 and 2036.
- 5.4 The 2016 SHMA did not form part of the evidence base for the Core Strategy (2013), and it has therefore not been examined. It does form part of the evidence base for the emerging Local Plan, but this is currently only at Regulation 18 consultation stage.
- 5.5 Table 41 (page 114) identified an annualised affordable housing need for **434 dwellings per annum** between 2013 and 2036, equivalent to 9,982 affordable dwellings over the 23-year period.

South West Hertfordshire Local Housing Need Assessment (2020) – CD4.9

- 5.6 The Local Housing Need Assessment 2020 (“2020 LHNA”) was published by JG Consulting in September 2020. The 2020 LHNA covers a 16-year period between 2020 and 2036.
- 5.7 The 2020 LHNA did not form part of the evidence base for the Core Strategy (2013), and it has therefore not been examined. It does form part of the evidence base for the emerging Local Plan, but this is currently at Regulation 18 consultation stage.
- 5.8 Table 37 (page 89) identifies a need for 356 affordable/social rented dwellings per annum and Table 42 (page 97) identifies a need for 147 affordable homeownership dwellings per annum.
- 5.9 As such, the 2020 LHNA identifies a need for **503 affordable dwellings per annum** between 2020 and 2036, equivalent to 8,048 affordable dwellings over the 16-year period.

Local Housing Need vs Affordable Housing Need

- 5.10 The Council produced its latest five-year housing land supply (“5YHLS”) statement in September 2022 (**CD4.11**) covering the period 1 April 2022 to 31 March 2027, which measures its housing supply against a figure based on the Government’s standard methodology for assessing Local Housing Need.
- 5.11 Whilst the Standard Method for calculating Local Housing Need applies an affordability adjustment, the PPG is clear that:

“The affordability adjustment is applied in order to ensure that the standard method for assessing local housing need responds to price signals and is consistent with the policy objective of significantly boosting the supply of homes. The specific adjustment in this guidance is set at a level to ensure that minimum annual housing need starts to address the affordability of homes¹².”
(my emphasis)

- 5.12 Evidently providing an affordability adjustment to start to address the affordability of homes in an authority is clearly not the same as calculating an affordable housing need figure. The affordability uplift is simply a function of the standard methodology, and it is not a basis for determining the numerical need for affordable housing nor the types of affordable housing required as defined in Annex 2 of the NPPF (2021).

¹² Paragraph: 006 Reference ID: 2a-006-20190220

- 5.13 This is further supported by the fact that calculating such need for an authority is dealt with under a separate section of the PPG titled ‘*How is the total annual need for affordable housing calculated?*’ which clearly sets out that:

“The total need for affordable housing will need to be converted into annual flows by calculating the total net need (subtract total available stock from total gross need) and converting total net need into an annual flow based on the plan period¹³.”

- 5.14 Whilst the Standard Method calculation may be appropriate for monitoring general housing needs and supply across the authority it does not purport to provide a need figure for affordable housing in line with the PPG. As such it does not reflect affordable housing need; nor is it an appropriate basis with which to monitor affordable housing supply.
- 5.15 In a similar fashion, the achievement of Housing Delivery Test targets does not signify that affordable housing needs have been being met over a period when using the standard method to calculate the ‘number of homes required’ for a Local Authority area.

¹³ Paragraph: 024 Reference ID: 2a-024-20190220

Affordable Housing Delivery

Section 6

Past Affordable Housing Delivery in Hertsmere Borough

6.1 Figure 6.1 illustrates the delivery of affordable housing (“AH”) in Hertsmere Borough over the ten-year period since the start of the Core Strategy (2013) period in 2012/13.

Figure 6.1: Gross Additions to Affordable Housing Stock, 2012/13 to 2021/22

Monitoring Year			
2012/13	297	103	35%
2013/14	441	114	26%
2014/15	180	0	0%
2015/16	354	87	25%
2016/17	309	30	10%
2017/18	538	73	14%
2018/19	630	58	9%
2019/20	564	19	3%
2020/21	456	47	10%
2021/22	435	92	21%

Source: Freedom of Information Response 8 March 2023

6.2 Between 2012/13 and 2020/21, a total of 4,204 dwellings were delivered in Hertsmere Borough, equivalent to 420 new homes per annum. Of these, 623 dwellings were affordable tenures, equivalent to 62 per annum. This equates to 15% gross affordable housing delivery.

6.3 As the affordable completions figure is a gross figure it does not take into account any losses from the affordable housing stock through the Right to Buy (“RtB”).

6.4 Figure 6.2 below sets out net affordable housing delivery in Hertsmere Borough for the period 2012/13 to 2021/22 once recorded Registered Provider (“RP”) RtB¹⁴ sales are accounted for.

Figure 6.2: Net of Right to Buy Additions to Affordable Housing Stock, 2012/13 to 2021/22

Monitoring Period					
2012/13	297	103	4	99	33%
2013/14	441	114	4	110	25%
2014/15	180	0	9	-9	-5%
2015/16	354	87	5	82	23%
2016/17	309	30	3	27	9%
2017/18	538	73	0	73	14%
2018/19	630	58	1	57	9%
2019/20	564	19	3	16	3%
2020/21	456	47	4	43	9%
2021/22	435	92	3	89	20%

Source: Freedom of Information Response 8 March 2023; DLUHC Live Table 691 and Private Registered Provider Social Housing Stock in England: Statistical Data Returns (2011/12 to 2021/22).

6.5 Figure 6.2 demonstrates that on average between 2012/13 and 2021/22, Hertsmere Borough Council has added just 59 affordable dwellings per annum net of RtB sales, equivalent to 14% of the total average number of net housing completions.

¹⁴ 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 2021/22 published by the Regulator of Social Housing. These figures have been combined on an annual basis to produce total Right to Buy sales.

Affordable Housing Delivery Compared to Affordable Housing Needs

6.6 Figure 6.3 illustrates net of RtB affordable housing delivery compared to the affordable housing need of 434 net affordable dwellings per annum between 2013/14 and 2021/22, as set out in the 2016 SHMA.

Figure 6.3: Affordable Housing Delivery Compared to Affordable Needs Identified in the 2016 SHMA, 2013/14 to 2021/22

Monitoring Year					
2013/14	110	434	-324	-324	25%
2014/15	-9	434	-443	-767	-2%
2015/16	82	434	-352	-1,119	19%
2016/17	27	434	-407	-1,526	6%
2017/18	73	434	-361	-1,887	17%
2018/19	57	434	-377	-2,264	13%
2019/20	16	434	-418	-2,682	4%
2020/21	43	434	-391	-3,073	10%
2021/22	89	434	-345	-3,418	21%

Source: Freedom of Information Response 8 March 2023; DLUHC Live Table 691 and Private Registered Provider Social Housing Stock in England: Statistical Data Returns (2015/16 to 2021/22); and 2016 SHMA.

6.7 Since the start of 2016 SHMA period in 2013/14, affordable housing completions have averaged 54 net affordable dwellings per annum, against a need of 434 net affordable dwellings per annum. A shortfall of -3,418 affordable dwellings has arisen over this period, equivalent to an average annual shortfall of -380 affordable dwellings.

6.8 As demonstrated by Figure 6.3, delivery of only 488 affordable homes net of Right to Buy over the period means that just 12% of identified affordable housing needs were met. Put another way the needs of the remaining 88% of households remain unmet.

6.9 Figure 6.4 illustrates net of RtB affordable housing delivery compared to the affordable housing need of 503 net affordable dwellings per annum since the start of the 2020 LHNA period in 2020/21.

Figure 6.4: Affordable Housing Delivery Compared to Affordable Needs Identified in the 2020 LHNA, 2020/21 to 2021/22

Monitoring Year					
2020/21	43	503	-460	-460	9%
2021/22	89	503	-414	-874	18%

Source: Freedom of Information Response 8 March 2023; DLUHC Live Table 691; and Private Registered Provider Social Housing Stock in England: Statistical Data Returns (2015/16 to 2020/21); and 2020 LHNA.

6.10 Since the start of the 2020 LHNA period in 2020/21 affordable housing completions have averaged 66 net affordable dwellings per annum, against a need of 503 net affordable dwellings per annum. A shortfall of -874 affordable dwellings has arisen in the first two years of the 2020 LHNA period between 2020/21 and 2026/27.

6.11 Policy CS4 of the Core Strategy (2013) sets a target of 1,140 affordable dwellings between 2012/13 and 2027/28, equating to 76 affordable dwellings per annum. Figure 6.5 illustrates net of RtB affordable housing delivery compared to the affordable housing need of 76 net affordable dwellings per annum since the start of the Core Strategy (2013) period.

Figure 6.5: Affordable Housing Delivery Compared to Affordable Needs Identified by Policy CS4, 2012/13 to 2021/22

Monitoring Year					
2012/13	99	76	+23	+23	130%
2013/14	110	76	+34	+57	145%
2014/15	-9	76	-85	-28	63%
2015/16	82	76	+6	-22	108%
2016/17	27	76	-49	-71	36%
2017/18	73	76	-3	-74	96%
2018/19	57	76	-19	-93	75%
2019/20	16	76	-60	-153	21%
2020/21	43	76	-33	-186	57%
2021/22	89	76	+13	-173	117%

Source: Freedom of Information Response 8 March 2023; DLUHC Live Table 691 and Private Registered Provider Social Housing Stock in England: Statistical Data Returns (2015/16 to 2021/22).

- 6.12 Since the start of the Core Strategy (2013) period in 2012/13 affordable housing completions have averaged 59 net affordable dwellings per annum, against a need of 76 net affordable dwellings per annum. A shortfall of -173 affordable dwellings has arisen since the start of the Core Strategy (2013) period in 2012/13.
- 6.13 It should be noted that the 76 per annum figure contained within Policy CS4 is out of date; it does not reflect current affordable housing needs as the figure is based on needs prior to 2013 and is unlikely to account of the most up-to-date definitions of affordable housing contained within the NPPF. In any event a significant shortfall has arisen against this figure.

Affordable Housing Delivery in Aldenham Civil Parish

- 6.14 Figure 6.6 illustrates the delivery of affordable housing in Aldenham Civil Parish since the start of the Core Strategy (2013) period in 2012/13.

Figure 6.6: Gross Additions to Affordable Housing Stock in Aldenham Civil Parish, 2012/13 to 2021/22

Monitoring Period			
2012/13	20	0	0%
2013/14	28	0	0%
2014/15	18	0	0%
2015/16	17	0	0%
2016/17	32	0	0%
2017/18	35	0	0%
2018/19	52	26	50%
2019/20	28	0	0%
2020/21	26	5	19%
2021/22	12	0	0%

Source: Freedom of Information response 25 May 2023

- 6.15 Over the ten-year period between 2012/13 and 2021/22 there have been a total of 268 net overall housing completions and 31 affordable housing completions in Aldenham Civil Parish. As such, gross affordable housing completions equate to just 12% of overall completions, even lower than the 14% recorded at local authority level (Figure 6.2).
- 6.16 It is also important to highlight that in 8 of the past 10 years zero affordable homes have been delivered in the Parish and only 5 affordable dwellings have been delivered in the past 3 years.
- 6.17 Losses existing stock through the RtB are not recorded on a parish basis. The figure given above is therefore a gross figure.
- 6.18 I have been unable to access a copy of the sites which make up the Council's current supply, but a search of the Council's planning website shows three planning applications in Aldenham Civil Parish which include affordable housing. Of the three

applications, one relates to this appeal and the other two applications comprise a total of 8no. affordable dwellings which are set out below:

- Church Of St John And Hall Gills Hill Lane Radlett Hertfordshire WD7 8DF – Approved in September 2019 (ref. 19/0044/FUL) will deliver 6no. affordable dwellings; and
- Twin Cottage Common Lane Radlett Hertfordshire WD7 8PJ – allowed in July 2017 (ref. 16/1783/FUL) will deliver 2no. affordable dwellings.

Conclusions on Affordable Housing Delivery in Hertsmere Borough

- 6.19 The above evidence demonstrates that across Hertsmere Borough, the delivery of affordable housing has fallen persistently short of meeting identified needs.
- 6.20 In the nine-year period since the start of the Core Strategy (2013) period in 2012/13 net of RtB affordable housing delivery represented just 14% of overall housing delivery, equating to just 59 net of RtB affordable dwellings per annum.
- 6.21 When comparative analysis is undertaken against either of the assessments of affordable housing need for Hertsmere (the 2016 SHMA and 2020 LHNA) substantial shortfalls have arisen in the provision of affordable housing.
- 6.22 Against the most recent assessment of affordable housing need a shortfall of -874 affordable dwellings has arisen in the first two years of the 2020 LHNA period.
- 6.23 It is clear that a 'step change' in affordable housing delivery is needed now in the Hertsmere Borough Council area to address these shortfalls and ensure that the future authority-wide needs for affordable housing can be met, but as present there is no plan-led solution in place.

Affordability Indicators

Section 7

Market Signals

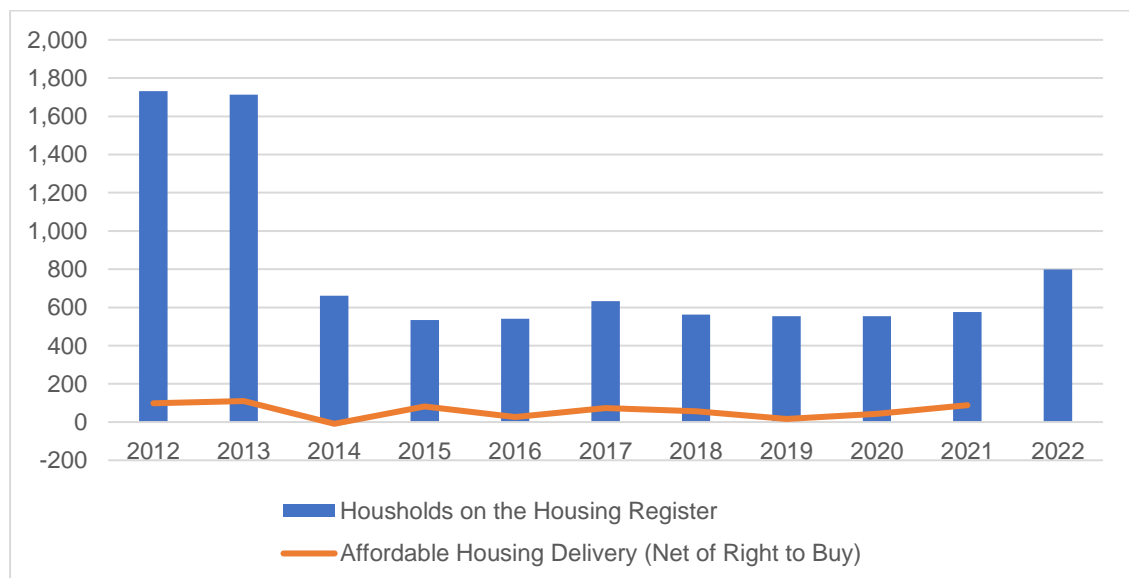
7.1 The PPG recognises the importance of giving due consideration to market signals as part of understanding affordability. I acknowledge that this is in the context of plan making.

Housing Register

7.2 DLUHC Live Table 600 confirms that as at 31st March 2022 there were 799 households on the Housing Register. This represents a 39% increase in a single year from 576 households at 31 March 2021 (which itself was a 4% increase from 554 households at 31 March 2020).

7.3 Figure 7.1 provides a comparative analysis of the number of households on the Housing Register and affordable housing delivery (net of Right to Buy) across Hertsmere Borough since the start of the Core Strategy (2013) period in 2012.

Figure 7.1: Number of Households on the Housing Register Compared with Affordable Housing Delivery (Net of Right to Buy), 2012 to 2022



Source: Freedom of Information Response 8 March 2023; DLUHC Live Tables 600 and 691; and Private Registered Provider Social Housing Stock in England: Statistical Data Returns (2015/16 to 2020/21).

Note: completions figures are not yet available for the 2022/23 monitoring period

- 7.4 As Figure 7.1 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 Hertsmere Borough since 2012.
- 7.5 Footnote 4 of DLUHC¹⁵ 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).*
- 7.6 Evidently the result of the Localism Act is that many local authorities, including Hertsmere Borough, 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.
- 7.7 Following the 2012 changes brought about by the Localism Act, in August 2012 Hertsmere Borough published a revised Housing Allocations Scheme which received further revisions in **April 2013, November 2019, January 2021 and August 2022**.
- 7.8 Despite this it is important to reiterate that the number of households on the Housing Register has actually increased by 39% in the past 12-months, indicating a worsening of affordability across Hertsmere Borough.
- 7.9 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.
- 7.10 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 Hertsmere 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.
- 7.11 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.

¹⁵ Department for Levelling Up, Housing and Communities

- 7.12 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 (**CD5.2**) 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).

- 7.13 Furthermore, in the recent appeal decision at Oxford Brookes University Campus at Wheatley, (**CD5.21**) 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).

- 7.14 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”.

- 7.15 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”.

- 7.16 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 Hertsmere Borough Council's housing register remains high.
- 7.17 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.
- 7.18 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.
- 7.19 The Franklands Drive Secretary of State appeal decision in 2006 (**CD5.4**) 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.
- 7.20 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 the wider definition of affordable housing contained in the most up to date NPPF is not reflected in the 2016 SHMA.

Waiting times

- 7.21 The waiting time for successful applicants to be allocated an affordable home within the Hertsmere area ranges from 21 months for a 1-bed affordable home through to an eye-watering 43 months for a 4-bed+ affordable home.

7.22 The waiting times for all affordable property sizes is set out at Figure 7.2 below and presents further stark evidence of a deteriorating affordable housing crisis afflicting Hertsmere Borough.

Figure 7.2: Housing Register Average Waiting Times, March 2021 to March 2022

Size of Affordable Property	
1-bedroom home	21 months
2-bedroom home	27.5 months
3-bedroom home	38.5 months
4+ bedroom home	43 months

Source: Freedom of Information response 21 December 2022

Housing Register Bids and Lettings

7.23 Figure 7.3 below demonstrates average number of bids per property in Radlett¹⁶ over the 2021/22 monitoring period for a range of types of affordable property.

Figure 7.3: Bids Per Property in Radlett, March 2021 to March 2022

Type of affordable property	
1-bed affordable dwelling	19 bids
2-bed affordable dwelling	27 bids
3-bed affordable dwelling	87 bids
4+ bed affordable dwelling	None advertised

Source: Freedom of Information response 25 May 2023

7.24 Figure 7.3 demonstrates that between 1 April 2021 to 31 March 2022 there were an average of 19 bids per 1-bed affordable dwelling put up for let in Radlett, 27 average bids per 2-bed affordable dwelling and 87 average bids per 3-bed affordable dwelling. No 4+ bed affordable dwellings were let over the period in Radlett.

7.25 This should be viewed in context of the fact that the FOI response also highlights that over the 2020/21 monitoring period there were only 24 social housing letting in Radlett decreasing by 58% to just 10 lettings over the 2021/22 monitoring period.

7.26 For every successful letting, there are clearly many tens 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.

¹⁶ Data not available at Ward/Parish level, instead Hertsmere Borough Council record this data at settlement level. In this instance Radlett is the relevant settlement.

Help to Buy Register

- 7.27 Further evidence in respect of the need across Hertsmere Borough for affordable housing is provided in information from Help to Buy South, at **Appendix JS5**.
- 7.28 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.
- 7.29 The Help to Buy Register provides details of those seeking shared-ownership accommodation in the south of England. This demonstrates that as of 27 March 2023, 361 households are seeking a shared ownership home in Hertsmere Borough. This is clearly a significant proportion of those seeking assistance with their housing.

Temporary Accommodation

- 7.30 The FOI response details that 46 households were housed in temporary accommodation within the Hertsmere Borough region at 31 March 2022. Hertsmere Borough Council has a responsibility to house these households.
- 7.31 Furthermore, an additional 2 households were housed in temporary accommodation outside the Hertsmere Borough Council region at 31 March 2022.
- 7.32 Not only does this mean that those in need of affordable housing are being housed in temporary accommodation, which is unlikely to be suited to their needs, but they may also be located away from their support network.
- 7.33 The *“Bleak Houses: Tackling the Crisis of Family Homelessness in England”* report published in August 2019 by the Children’s Commissioner found that temporary accommodation 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.
- 7.34 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”*.

Homelessness

- 7.35 DLUHC statutory homelessness data shows that in the 12 months between 1 April 2021 and 31 March 2022, the Council accepted 230 households in need of

homelessness prevention duty¹⁷, and a further 205 households in need of relief duty¹⁸ from the Council.

7.36 Page 15 of the Hertsmere Homelessness and Rough Sleeping Strategy 2019-2023 highlights that *“The Council is not a stock holding authority and relies on partnerships with Registered Providers within the borough. As of 2017 there were 7,433 Registered Provider properties within the borough that the Council has full or majority nomination rights for. Whilst this is a relatively large number of properties compared to other neighbouring local authorities, in 2018/19 there were 323 lets for social housing with only 260 of these to new tenants. The number of lets each year leaves a significant shortfall for housing those in need on the Housing Register.”* (emphasis added).

7.37 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).

7.38 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.”*

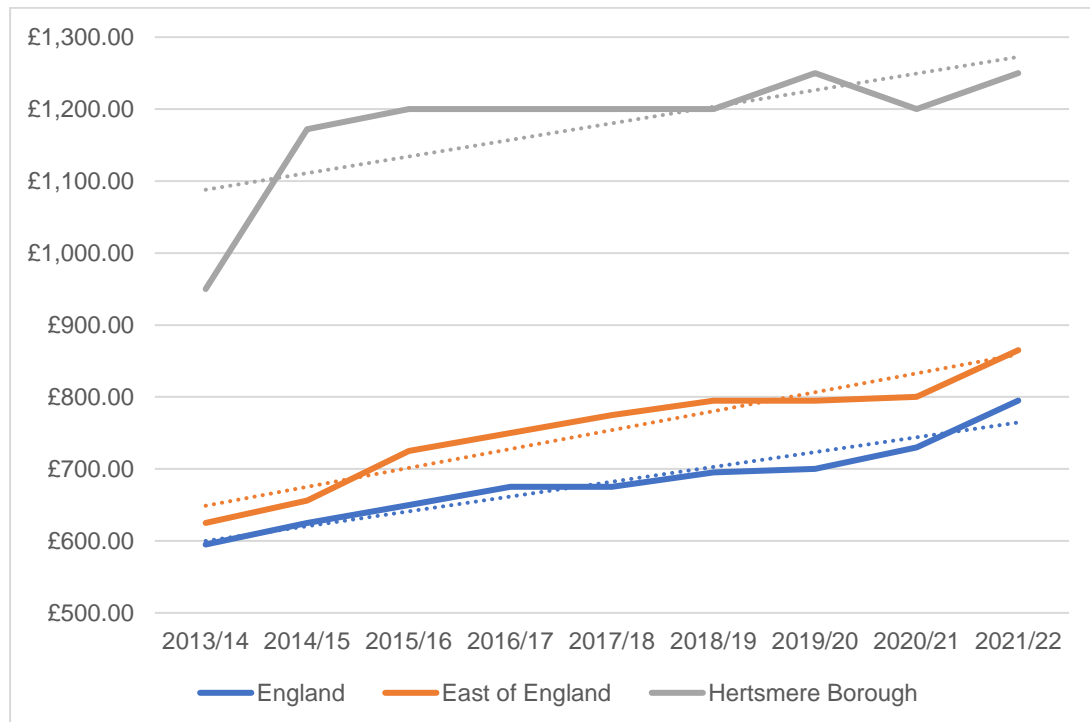
¹⁷ The Prevention Duty places a duty on housing authorities to work with people who are threatened with homelessness within 56 days to help prevent them from becoming homeless. The prevention duty applies when a local authority is satisfied that an applicant is threatened with homelessness and eligible for assistance.

¹⁸ 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

7.39 Valuation Office Agency (“VOA”) and Office for National Statistics (“ONS”) data (first produced in 2013/14) show that median private rents in Hertsmere Borough stood at £1,250 per calendar month (“pcm”) in 2021/22. This represents a 32% increase from 2013/14 where median private rents stood at £950 pcm.

Figure 7.4: Median Private Sector Rents, 2013/14 to 2021/22



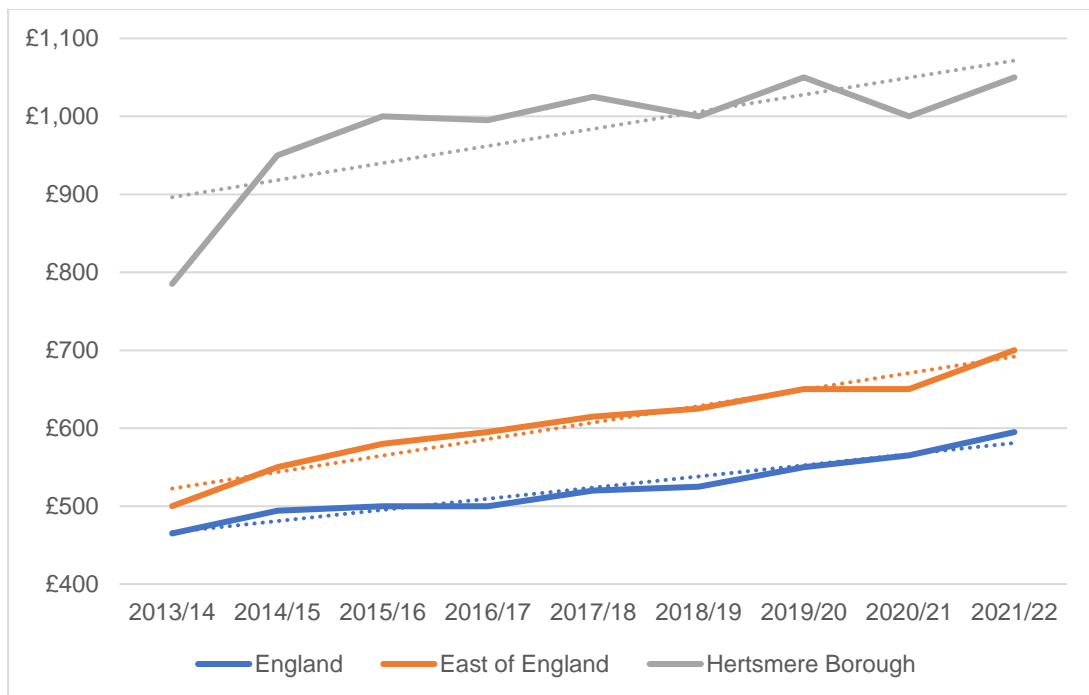
Source: VOA and ONS Private Rental Market Statistics

7.40 A median private rent of £1,250 pcm in 2021/22 is 45% higher than the East of England figure of £865 pcm and 57% higher than the national figure of £795 pcm. The gulf between local median private sector rents is clear to see from the figure above.

7.41 The situation is very similar for the lower quartile private sector rents. These rents are representative of the ‘entry level’ of the private rented sector and include dwellings sought by households on lower incomes. The average lower quartile monthly rent in Hertsmere Borough in 2021/22 was £1,050 pcm. This represents a 34% increase from 2013/14¹⁹ where average lower quartile monthly rents stood at £785 pcm.

¹⁹ Valuation Office Agency (“VOA”) and Office for National Statistics (“ONS”) data (first produced in 2013/14).

Figure 7.5: Lower Quartile Private Sector Rents, 2013/14 to 2021/22



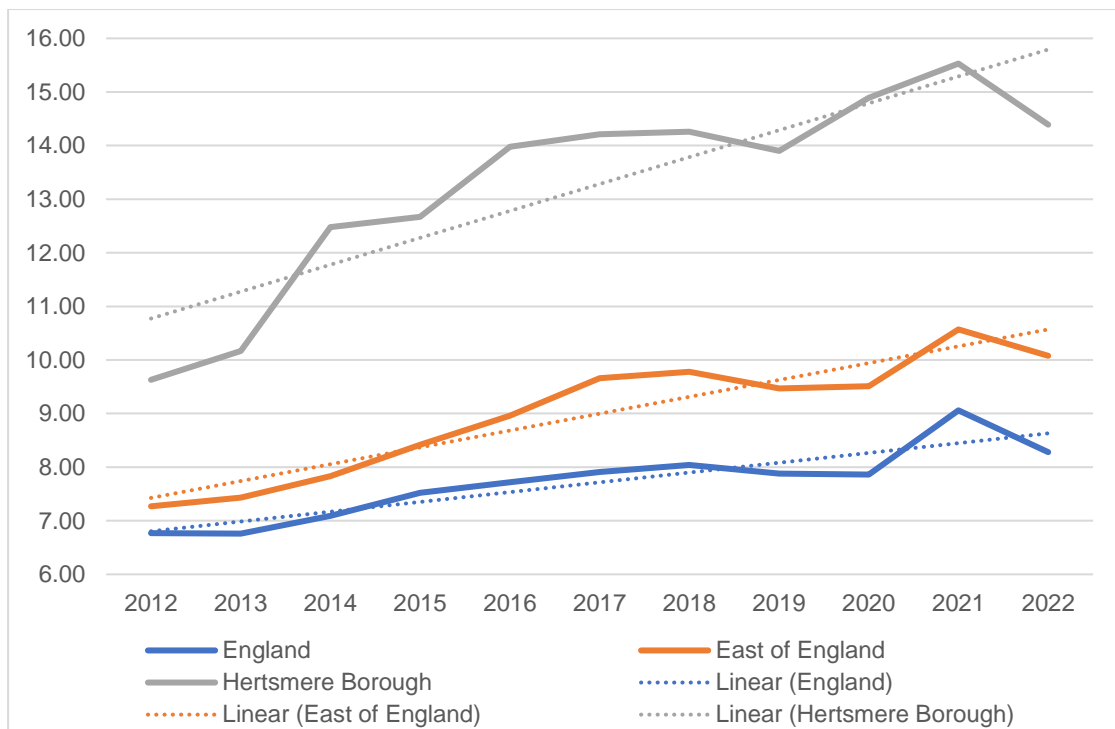
Source: VOA and ONS Private Rental Market Statistics

- 7.42 A lower quartile rent of £1,050 pcm in 2021/22 is 50% higher than the East of England figure of £700 pcm and 76% higher than the national figure of £595 pcm. Again, the gulf locally is plain to see in Figure 7.5.

Median House Prices

- 7.43 The ratio of median house prices to median incomes in Hertsmere Borough now stands at 14.39, a 49% increase since the start of the Core Strategy (2013) period in 2012 where it stood at 9.63.
- 7.44 A ratio of 14.39 in Hertsmere Borough stands significantly above the national average of 8.28 (+74%) and above the East of England average of 10.08 (+43%).

Figure 7.6: Median Workplace-Based Affordability Ratio comparison, 2012 to 2022

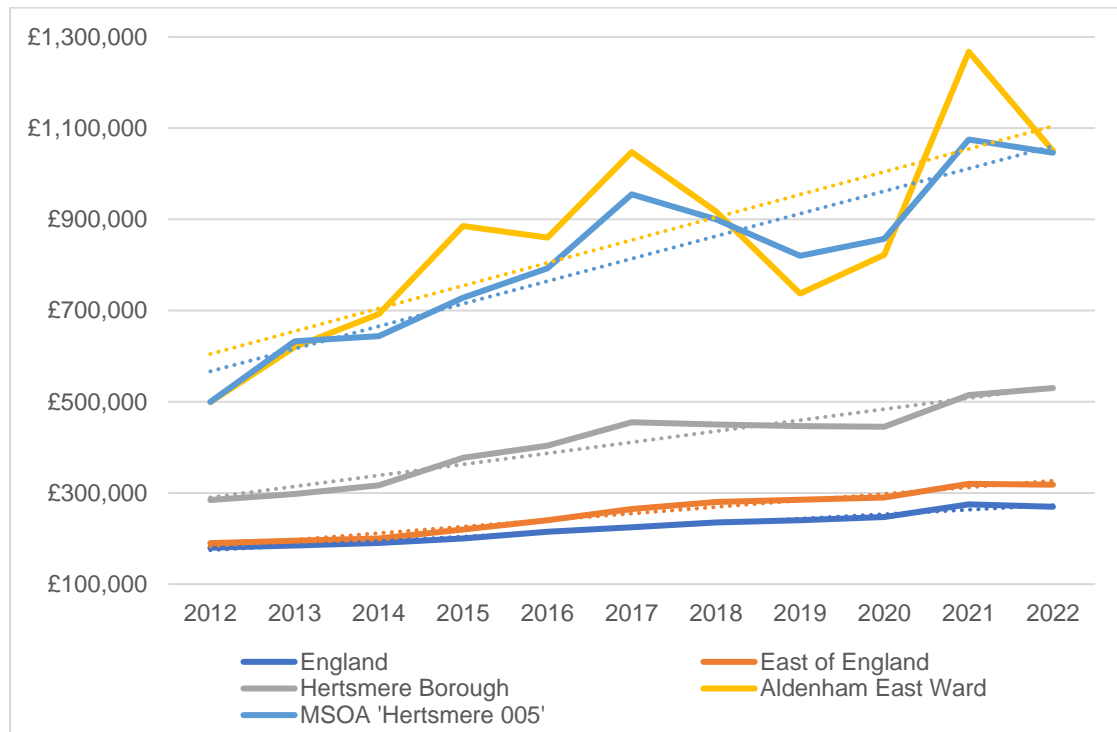


Source: ONS Ratio of House Price to Work-place Based Earnings

- 7.45 This means that those on median incomes in Hertsmere Borough, seeking to purchase a median priced property, now need to find more than 14 times their annual income to do so.
- 7.46 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 (CD4.1). Here, the affordability ratio is some 80% higher than that and rising.
- 7.47 Figure 7.7 illustrates the median house sale prices for England, East of England, Hertsmere Borough, Aldenham East Ward and MSOA ‘Hertsmere 005’. It demonstrates that they have increased dramatically between the start of the Core Strategy (2013) period in 2012 and 2022.
- 7.48 The median house price across the MSOA has risen by 109% from £499,575 in 2012 to £1,046,250 in 2022. This compares to a 110% increase across Aldenham East Ward, an 86% increase across Hertsmere Borough, a 68% increase across the East of England and a national increase of 50% over the same period.
- 7.49 In 2022 median house prices in the MSOA (£1,046,250) were comparable with Aldenham East Ward (£1,050,000), 198% higher than across Hertsmere Borough

(£530,000), 329% higher than across the East of England (£318,275) and 388% higher than the national figure (£270,000).

Figure 7.7: Median House Price Comparison, 2012 to 2022



Source: ONS HPSSA Datasets

- 7.50 Data is also available from ONS for geographical areas smaller than MSOAs. These are known as Lower Layer Super Output Areas (“LSOA”) which have a minimum population of 1,000 households and a mean population of 1,500 households. The appeal site sits across two LSOA areas ‘Hertsmere 005A’ and ‘Hertsmere 005B’.
- 7.51 The median house price in LSOA ‘Hertsmere 005A’ has risen by 205% from £425,000 in 2012 to £1,300,000 in 2022; and the median house price in LSOA ‘Hertsmere 005B’ has risen by 25% from £1,265,000 in 2012 to £1,575,000 in 2022. Both of these figures are higher than the MSOA and Aldenham East Ward which have already been established as considerably higher than the Hertsmere Borough and the East of England figures.
- 7.52 Evidently median house prices in Aldenham Ward, MSOA ‘Hertsmere 005’ and LSOA’s ‘Hertsmere 005A’ and ‘Hertsmere 005B’ are proportionally higher than in Hertsmere Borough thus further constraining opportunities for those in need of affordable home ownership to purchase a home in this area of Hertsmere Borough.

7.53 It is also important to highlight that the settlement of Radlett is one of the most expensive areas to live in Hertsmere. Figure 7.8 below shows that Radlett comprises five LSOA areas. Of these five LSOA areas within Radlett, three are ranked as the most expensive LSOAs in terms of median house prices in the whole of Hertsmere Borough, further demonstrating the need to provide affordable homes in the settlement.

Figure 7.8: Radlett LSOA House Prices compared to Hertsmere Borough

LSOA name		
LSOA Hertsmere 005A	£1,310,000	3
LSOA Hertsmere 005B	£1,625,000	1
LSOA Hertsmere 005C	£650,000	16
LSOA Hertsmere 005D	£1,375,000	2
LSOA Hertsmere 005E	£796,500	8

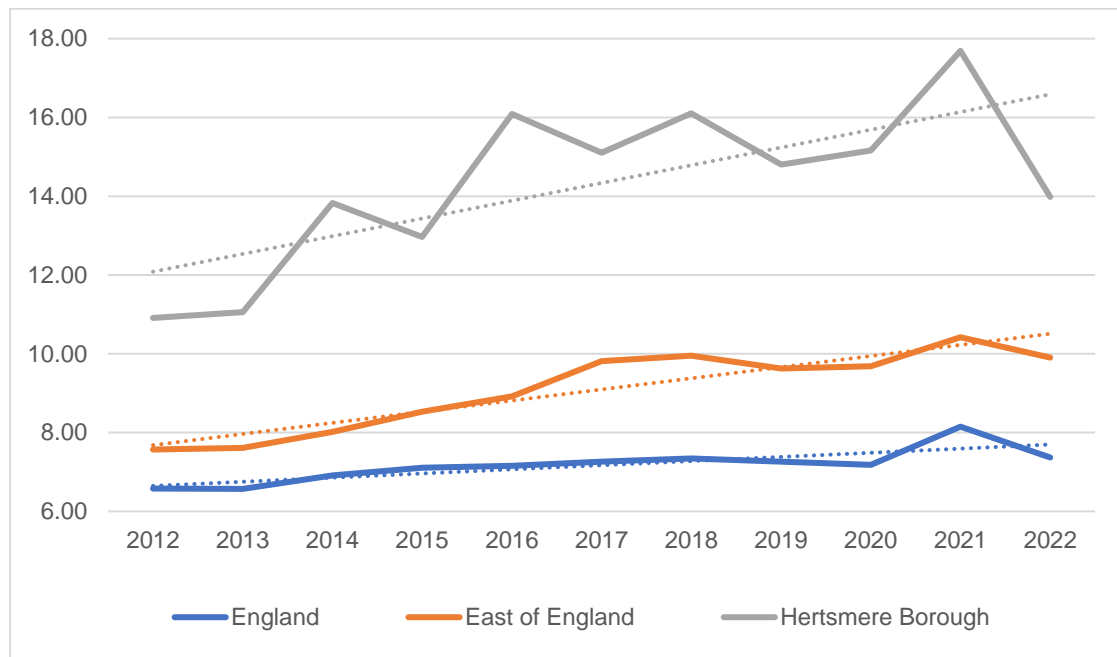
Source: ONS HPSSA Datasets

Lower Quartile House Prices

7.54 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 Hertsmere Borough now stands at 13.98, a 28% increase since the start of the Core Strategy (2013) period in 2012 where it stood at 10.91.

7.55 Once again it remains the case that the ratio in Hertsmere Borough (13.98) stands significantly above both the national average of 7.37 (+90%) and the East of England average of 9.90 (+41%).

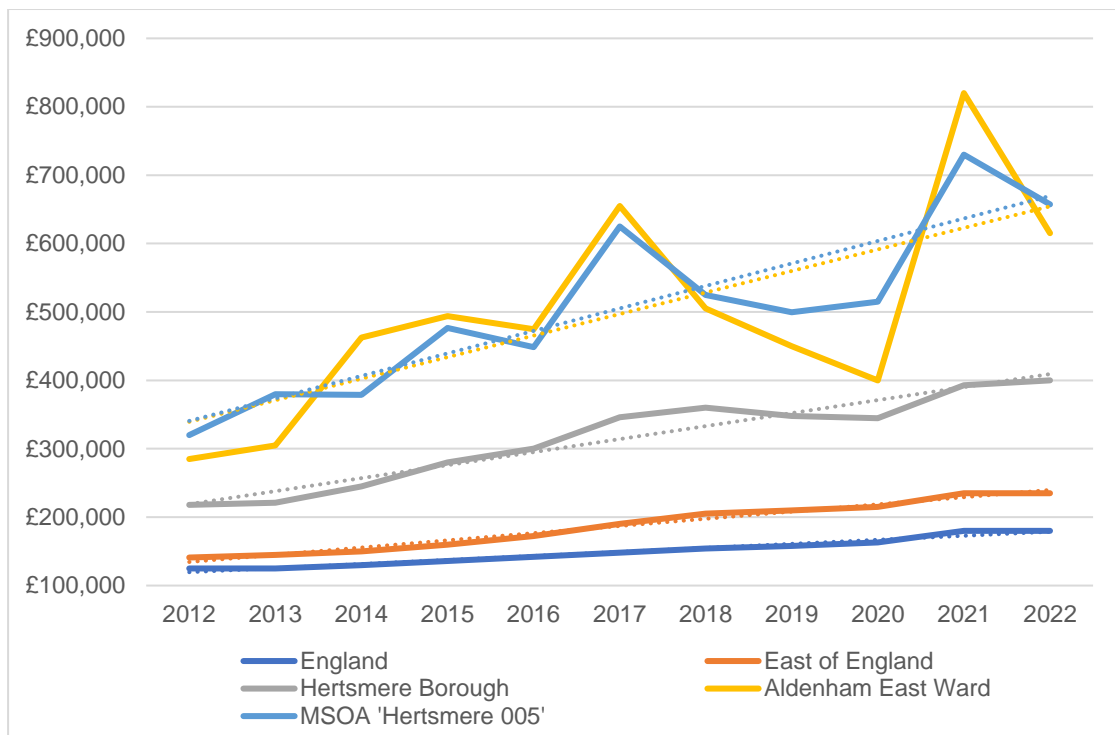
Figure 7.9: Lower Quartile Workplace-Based Affordability Ratio comparison, 2012 to 2022



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

- 7.56 This means that those on lower quartile incomes in Hertsmere Borough, seeking to purchase a median priced property, now need to find almost 14 times their annual income to do so.
- 7.57 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 211% higher than that and rising.
- 7.58 Figure 7.10 illustrates the lower quartile house sale prices for England, East of England, Hertsmere Borough, Aldenham East Ward and MSOA 'Hertsmere 005'. It demonstrates that they have increased dramatically between the start of the Core Strategy (2013) period in 2012 and 2022.
- 7.59 The lower quartile house price across the MOSA has risen by 105% from £320,000 in 2012 to £657,500 in 2022. This compares to a 116% increase across Aldenham East Ward, a 83% increase across Hertsmere Borough, a 67% increase across the East of England and a national increase of 44% over the same period.
- 7.60 In 2022 lower quartile house prices in the MSOA (£657,500) were 107% higher than across Aldenham East Ward (£615,000), 164% higher than across Hertsmere Borough (£400,000), 280% higher than across the East of England (£235,000) and 365% higher than the national figure (£180,000).

Figure 7.10: Lower Quartile House Prices, 2012 to 2022



Source: ONS HPSSA Datasets

- 7.61 As previously discussed, the appeal site sits across two LSOA²⁰ areas. The lower quartile house price in LSOA 'Hertsmere 005A' has risen by 383% from £205,000 in 2012 to £990,000 in 2022; and the median house price in LSOA 'Hertsmere 005B' has risen by 63% from £750,000 in 2012 to £1,220,000 in 2022. Both of these figures are substantially higher than the MSOA which have already been established as higher than the figures for Aldenham East Ward, Hertsmere Borough and the East of England.
- 7.62 The importance of providing affordable tenures in high value areas for housing was recognised by the Planning Inspector presiding over an appeal at Land at Filands Road/Jenner Lane, Malmesbury, Wiltshire (CD5.5) in January 2022. In considering the provision of affordable housing at the site and the weight to be attached to this provision the Inspector set out the following at paragraphs 78 and 79 of the decision:

“78. The proposed affordable housing would not be as cheap, either to rent or buy, as housing in some other parts of Wiltshire, because Malmesbury is a relatively high value area for housing. However, the housing would meet all policy requirements in terms of amount, mix, and type of provision. Both Appeals A and C would offer affordable housing products as defined by national and local planning policy. I do not diminish the weight to be provided to this

²⁰ ONS HPSSA Dataset 48

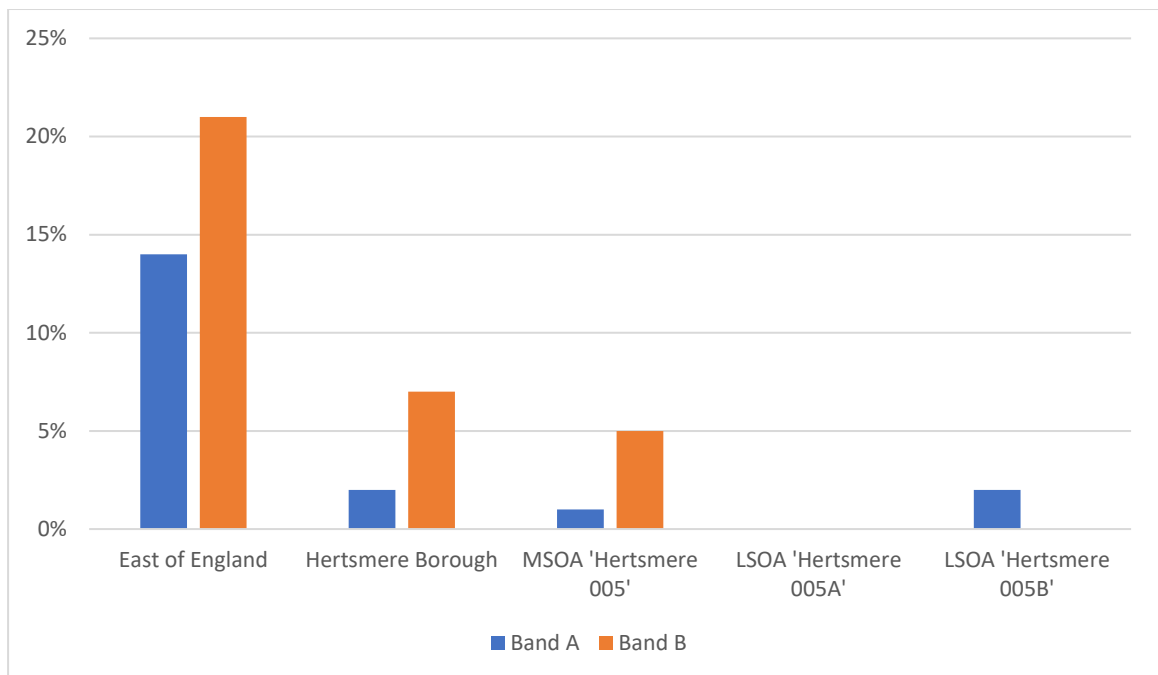
provision because such housing might be even cheaper in a theoretical location elsewhere. **In fact, that Malmesbury is a relatively high value area for housing adds more weight to the need for affordable housing products.**

79. Evidence has been provided that there is more affordable housing either already provided or committed for Malmesbury than the identified need. However, that need is as identified in a Development Plan that is out-of-date in relation to housing, and there is an overall identified shortfall in Wiltshire as a whole. I therefore place **substantial positive weight** on the proposed provision of affordable housing in Appeals A and C. The slightly reduced provision in Appeal C, after taking account of the nursery land, is of no material difference in this regard” (my emphasis).

Council Tax Bands

- 7.63 Further evidence of the need for affordable housing in the LSOA is provided by the VOA’s data for Council Tax bands as at 31 March 2021, which is broken down into MSOAs and LSOAs.

Figure 7.11: Percentage of Properties in Council Tax Band A and B at 31 March 2021



Source: VOA CTSOP 1.1

7.64 Figure 7.11 demonstrates that LSOA 'Hertsmere 005B' that includes part of the appeal site 2% of properties are in Council Tax Band A (the lowest band) and no properties within Council Tax Band B. It is important to note that LSOA 'Hertsmere 005A' which covers the rest of the appeal site includes no properties within either Council Tax A or B.

7.65 This compares to 1% of properties being in Council Tax Band A in the MSOA which is comparable to 2% of properties across Hertsmere Borough as a whole and 14% across the East of England indicating that higher value properties are more prevalent in the lower super output area than across the MSOA, authority and the region.

Conclusions on Affordability Indicators

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

7.67 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 Hertsmere Borough out of the reach of more and more people.

- 7.68 Analysis of market signals is critical in understanding the affordability of housing. It is my opinion that there is an acute housing crisis in Hertsmere Borough, with a lower quartile house price to average income ratio of 13.98.

Future Supply of Affordable Housing

Section 8

Future Affordable Housing Supply

- 8.1 The future delivery of affordable housing is highly uncertain. Within Hertsmere Borough the delivery of affordable homes has fluctuated considerably since the start of the Core Strategy (2013) period in 2012, as illustrated in Figures 6.1 and 6.2.
- 8.2 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

- 8.3 The 2020 LHNA identifies an objectively assessed need for 503 net affordable homes per annum between 2020 and 2036. Over the 16-year period this equates to a total need for 8,048 net affordable homes.
- 8.4 Since the start of the 2020/21 monitoring period, the Council have overseen the delivery of 132 affordable homes (net of Right to Buy) against a need of 1,006 net new affordable homes which has resulted in a shortfall of -874 affordable homes over the 2-year period.
- 8.5 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 PPG²¹ and endorsed at appeal.
- 8.6 The Inspector presiding over the appeal at land off Aviation Lane, Burton-upon-Trent where I presented evidence, which was allowed in October 2020 (**CD5.6**) set out at paragraph 8 of her decision that:

“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).

²¹ Paragraph: 031 Reference ID: 68-031-20190722

8.7 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).

8.8 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).

8.9 It is therefore imperative that the -874 dwelling affordable housing shortfall accumulated since 2020 in Hertsmere Borough is addressed as soon as possible and in any event within the next five years.

8.10 When the shortfall is factored into the 2020 LHNA identified need of 503 affordable homes per annum for the period 2022/23 to 2026/27, the number of affordable homes the Council will need to complete substantially increases to 678 net affordable homes per annum for the period 2022/23 to 2026/27.

8.11 This would ensure that for the remainder of the period up to 2035/36 the annual affordable housing need returns to 503 per annum to deal solely with newly arising needs. This is illustrated in Figures 8.1 and 8.2.

Figure 8.1: Annual Affordable Housing Need incorporating Backlog Needs since the 2020 base date of the 2020 LHNA

A		503
B		1,006
C		132
D		874
E		175²²
F		678
G		3,390

8.12 Further illustration of the severity of the situation can be seen in Figure 8.2 below which illustrates that the Council need to deliver 3,390 net affordable homes over the next five years to address backlog needs in line with the Sedgfield approach.

Figure 8.2: Annual Affordable Housing Need 2022/23 to 2026/27 incorporating Backlog Needs Accrued between 2020/21 and 2021/22 when applying the Sedgfield Approach

Monitoring Period		
2022/23	503	678
2023/24	503	678
2024/25	503	678
2025/26	503	678
2026/27	503	678

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

²² 874/5 = 17.48 (rounded to 175)

The Future Supply of Affordable Housing

- 8.14 The Council has published its Five Year Housing Land Supply Statement (“5YHLS”) in September 2022 (**CD4.11**), covering the period 1 April 2022 to 31 March 2027.
- 8.15 If we were generously to assume that all 1,713 dwellings included in the 5YHLS will come forward on sites eligible for affordable housing; and that all of these sites would provide policy compliant levels of affordable housing (i.e. 40%²³) as a proportion of overall housing completions, this is likely to deliver only 685²⁴ affordable dwellings over the period, equating to just 137 new affordable dwellings per annum.

Figure 8.3: Projected Affordable Housing Additions Compared to HENA 2021 Identified Needs

Monitoring Year			503	-460	-460
	43				
	43		503	-460	-460
	89		503	-414	-874
		137	503	-366	1,240
		137	503	-366	-1606
		137	503	-366	-1,972
		137	503	-366	-2,338
		137	503	-366	-2,704

Source: Figures 6.2 and 8.1

- 8.16 Figure 8.3 shows that the projected delivery of 137 affordable dwellings per annum falls significantly short of the 503 affordable dwellings per annum required by the 2020 LHNA. It is important to note that this figure then falls substantially short of the 678 per annum figure required when back log needs are addressed in the first five years in line with the Sedgefield approach.
- 8.17 As Figure 6.2 of this evidence highlights, affordable housing provision has slipped far below the policy compliant 35-40%²⁵ since the start of the Core Strategy (2013) period in 2012/13 up to 2021/22. Average delivery on a per annum basis over the same period has been just 59 affordable homes net of Right to Buy.

²³ Policy CS4 of the Core Strategy (2013) requires 35-40% depending on postcode location.

²⁴ 40% of 1,713 = 685

²⁵ Figure 6.2 shows affordable housing provision is currently at 14% of overall housing completions.

- 8.18 Consequently, I have no confidence that the council can see a sufficient step change in the delivery of affordable housing to meet annual needs. This makes it even more important that suitable sites, such as the appeal site, being granted planning permission now in order to boost the supply of affordable housing.

Conclusions on Future Affordable Housing Supply

- 8.19 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 88 affordable dwellings on this site to address the district-wide needs of Hertsmere Borough should be afforded **very substantial weight** in the determination of this appeal.

Council's Assessment of the Application

Section 9

Committee Report

- 9.1 The application was refused on 2 March 2023 (**CD2.1**) at planning committee. The Committee Report can be seen under **CD2.2** which recommended the application for refusal.
- 9.2 Section 7.11 of the Committee Report relates to the housing mix and affordable housing offer. Paragraph 7.11.3 confirms that 40% affordable housing provision in this postcode area is acceptable. However, it should be noted that this has been increased to 45% affordable housing provision as part of the appeal submission.
- 9.3 Paragraph 7.11.5 goes on to confirm that the Council's Housing Officer has no objections to the proposed affordable housing offer.
- 9.4 Para 7.11.6 attempts to cast doubt on the weight attributed to the affordable housing offer due by stating that:

“However, as has been noted above, if we were to consider that the provision of 195 homes (with 40%, i.e. 78 of those being affordable homes) might outweigh harm to the Green Belt, the phrase “up to” should give us pause for thought. A development comprising just ten homes (four of them affordable) would comply with that description. As scale and layout are reserved matters, we can have no assurance at this stage that the quantum of housing that would be provided would be 195 homes or that the number of affordable homes would be 78.”

- 9.5 With the above in mind, it is important to highlight appeal decision in Coalpit Heath, South Gloucestershire from September 2018 (**CD5.7**) where the Inspector describes policy compliant affordable housing provision as a substantial benefit. However, in any event the appeal proposals now include an enhanced offer of 45% affordable housing provision.

“Paragraph 61 of the decision states that “there are three different components of the housing that would be delivered: market housing, affordable housing (AH) and custom build housing (CBH). They are all important and substantial

weight should be attached to each component for the reasons raised in evidence by the appellants, which was not substantively challenged by the Council, albeit they all form part of the overall housing requirement and supply. The fact that the much needed AH and CBH are elements that are no more than that required by policy is irrelevant – they would still comprise significant social benefits that merit substantial weight.” (my emphasis)

9.6 Section 7.20 relates to planning balance. Paragraph 7.20.6 states that:

“The delivery of homes, including affordable homes, where the council cannot demonstrate a five-year housing land supply, is considered to carry significant weight. The provision of market dwellings would alone carry moderate weight. The application proposes 40% affordable housing, which complies with the policy requirement (which is 40% in this postcode area). The provision of affordable housing is a significant benefit which therefore contributes substantially to the public benefit of housing delivery as a whole.”

9.7 As such, I do not consider that the Council sufficiently assessed the substantial benefits, such as affordable housing, that the scheme would achieve. This represents a serious omission from the planning balance exercise.

Rule 6 Party Comments – Aldenham Parish Council

9.8 Aldenham Parish Council have been given Rule 6 Part status as part of this appeal and provided comments on 7 June 2023. Paragraph K of their objection states that:

“The type of affordable housing is not indicated. We are all aware that in an expensive area such as Radlett the type of affordable housing proposed is key, as the housing costs for incoming families may be unaffordable.”

9.9 It is important to highlight a March 2021 appeal decision in East Malling (**CD5.8**) where the Inspector concludes that affordable housing which meets the NPPF definition can be described as affordable regardless of existing market conditions.

“Paragraph 68 of the decision states that “I note comments from some local residents who dispute that the proposed affordable housing is genuinely affordable. The legal agreement which accompanies the application uses a definition of affordable housing, including affordable housing for rent which is in line with the definition of that in the National Planning Policy Framework. I am therefore satisfied that this would ensure that such housing is genuinely

provided at rent levels significantly below the market rent for the area.” (my emphasis)

Rule 6 Party Statement of Case – Aldenham Civil Parish – CD7.3

- 9.10 Aldenham Civil Parish provided their Statement of Case (“SoC”) on 12 June 2023. Paragraph 6.41 states that:

“The Parish Council agree with the Borough Council that the delivery of housing units and delivery of affordable housing should be given significant weight as a separate benefit.” (my emphasis).

Hertsmere Borough Council Statement of Case

- 9.11 The Council submitted their SoC in respect of the appeal proposals to the Inspectorate on 7 June 2023 which can be viewed under **CD7.2**.

- 9.12 Paragraph 4.26 relates to the ‘housing related benefits’. It states that:

“The appellant includes details of the Hertsmere Affordable Housing shortfall in their Statement of Case, and outlines that the total delivery of affordable homes in the last decade is 568 dwellings, which is marginally higher than the indicated need of 503 affordable homes per year. The appellant also proposes to increase the provision of affordable housing delivery for the site to 45% (88 homes) and considers that owing to the significant unmet housing needs and little prospects of affordable housing delivery, that this should be considered with very substantial weight in the planning balance.”

- 9.13 Paragraph 4.27 then goes on to state that:

“The Council disagrees that the provision of market and affordable homes should carry very substantial weight in the planning balance. The Council consider that the proposed delivery of housing units to attract significant weight in this case, and the delivery of affordable housing units to carry significant weight as a separate benefit.” (my emphasis).

- 9.14 Paragraph 4.28 outlines another appeal decision in Hertsmere Borough where significant weight was attributed to the provision of affordable housing. However, it should be noted that TKP did not provide evidence at this appeal, and it is unlikely that the same level of affordable housing need was evidenced as part of the appeal. In any event, each case should be determined on their individual merits.

- 9.15 It is therefore clear in my opinion that the Council have deliberately sought to downplay the provision of up to 88 affordable homes at the appeal site. It is my view that affordable housing is an individual benefit²⁶ of the appeal proposals which should be afforded **very substantial weight** in the determination of this appeal.

²⁶ As set out at Section 11 of this Evidence.

Benefits of the Proposed Affordable Housing at the Appeal Site

Section 10

- 10.1 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.
- 10.2 As set out in Section 3 of this proof of evidence, there are significant social and economic consequences for failing to meet affordable housing needs at both national and local authority level. Hertsmere Borough Council is no exception to this.
- 10.3 As set out in Section 2 of this evidence, the benefit of affordable housing is a strong material consideration in support of development proposals.

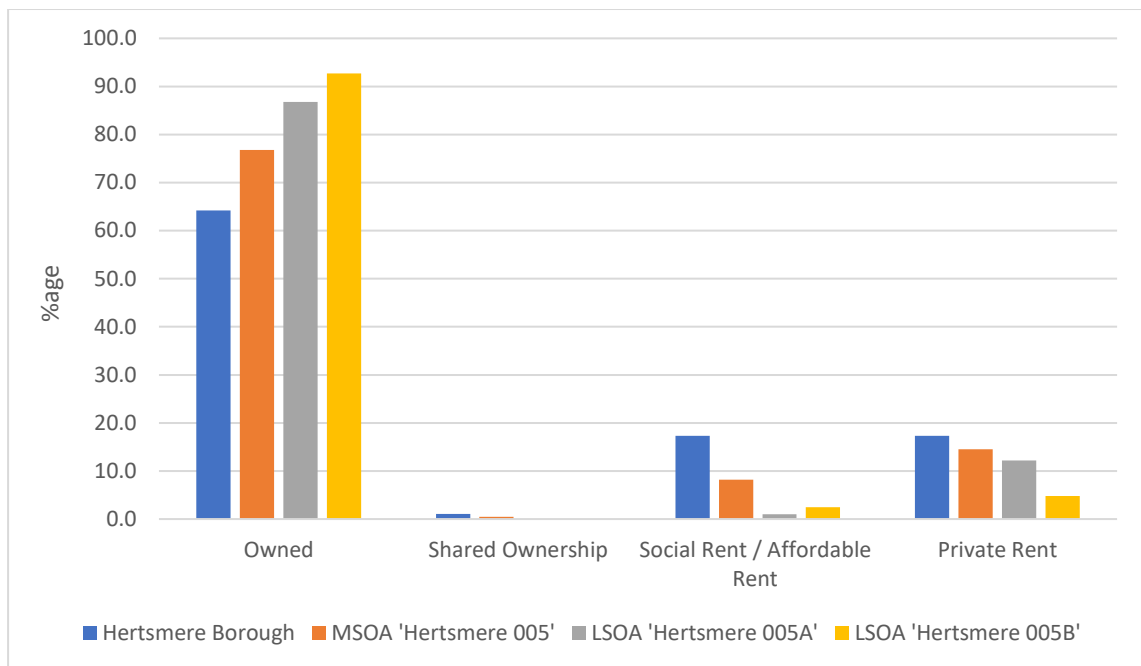
Benefits of the proposed Affordable Housing at the appeal site

- 10.4 The offer exceeds the requirements of adopted Policy CS4 (40%) of the Core Strategy (2013). It should be noted that these policies were drafted to capture a benefit rather than to ward off harm or needed in mitigation.
- 10.5 This fact was acknowledged by the Inspector presiding over two appeals on land to the west of Langton Road, Norton (**CD5.9**) in July 2016 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).

- 10.6 Figure 10.1 below illustrates the breakdown of tenures within Hertsmere Borough, MSOA ‘Hertsmere 005’ and LSOA areas ‘Hertsmere 005A’ and Hertsmere 005B’.

Figure 10.1: Tenure Comparison



Source: Census 2021

- 10.7 Figure 10.1 clearly shows that at the time of the Census 2021, owner occupation was by far the most common tenure in Hertsmere Borough (64.2%), the MSOA (76.8%) and both LSOA 005A (86.8%) and 005B (92.7%). Note that owner occupation is much more prevalent at LSOA and MSOA level than at the Borough level.
- 10.8 When understanding the composition of the remaining housing stock in these areas, shared ownership properties are by far the most uncommon, representing just 1.1% at Borough level. Worse still, there are just 16 shared ownership dwellings in the MOSA equal to 0.5% of stock. There are zero shared ownership dwellings in LSOA area.
- 10.9 The MSOA and LSOA also have a very low provision of social/affordable rented homes at just 8.2% (260 dwellings) at MSOA level, 1% (6 dwellings) at LSOA 005A and 2.5% (13 dwellings) at LSOA 005B.
- 10.10 The affordable housing benefits of the appeal scheme are therefore:
- Enhanced offer of 45% (up to 88 dwellings) of the scheme provided as affordable housing;
 - A deliverable scheme which provides much needed affordable homes for the Borough and locally, where there is evidence of local need in the number of bids per property advertised and lettings;
 - Addressing the polarised tenure profile locally;

- In a sustainable location;
- Which provide better quality affordable homes with benefits such as improved energy efficiency and insulation; and
- Greater security of tenure than the private rented sector.

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

The Weight to be Attributed to the Proposed Affordable Housing Provision

Section 11

- 11.1 The NPPF is clear at paragraph 31 that policies should be underpinned by relevant up-to-date evidence which is adequate and proportionate and considers relevant market signals.
- 11.2 Paragraph 59 of the NPPF sets out the Governments clear objective of “*significantly boosting the supply of homes*” with paragraph 60 setting out that to “*determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment*”.
- 11.3 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*”.
- 11.4 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 (**CD5.10**).
- 11.5 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.”*
- 11.6 The context of this decision is in relation to a previously determined appeal at Mans Hill also located within Burghfield Common (**CD5.11**). 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.”

11.7 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.

11.8 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 (**CD5.12**). In critiquing the Council’s views regarding 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)

11.9 I agree, the recipients of 88 homes here will not describe their needs as generic.

11.10 It is important to highlight a recent appeal decision at Bushey in Hertsmere (**CD5.23**) which I gave affordable housing evidence. Despite being dismissed on technical grounds the Inspector afforded Very Substantial Weight to the provision of affordable housing in Hertsmere.

11.11 At paragraph 111 of the decision the Inspector sets out in detail the affordable housing shortfalls in Hertsmere Borough:

“For affordable housing, the picture is no less bleak. The South West Hertfordshire Strategic Housing Market Assessment 2016 (SHMA) identifies an annual need for 434 net affordable dwellings between 2013 and 2036, while the South West Hertfordshire Local Housing Need Assessment 2020 (LHNA) refers to an annual need for 503 affordable dwellings between 2020 and 2036. Data from the Department for Levelling Up, Housing and Communities shows that at 31 March 2022, 799 households were on the Housing Register. It is agreed in the Affordable Housing SOCG (3 May 2023) that from 2013/14 onwards, net affordable housing completions have averaged 54 per year compared to the SHMA need for 434 net affordable dwellings. This results in an average annual shortfall of 380 affordable homes. Affordable housing forms just 14% of housing completions, against CS Policy CS4’s target of 35%.” (my emphasis).

11.12 Paragraph 112 goes on to state that *“The ongoing shortfall of affordable housing would have real consequences, either in terms of homelessness or people living in unsuitable accommodation.”*

11.13 The Inspector then explains at paragraph 113 that:

*“The proposed development would deliver 40% affordable housing, in excess of CS policy CS4’s requirement of 35% in this location, equating to up to 124 affordable homes. This would deliver over double Hertsmere’s net annual average of affordable homes. In light of the extent of the gap between need for and provision of affordable housing, I afford this **very substantial weight**.” (my emphasis).*

11.14 Considering the authority’s past poor and lamentable record of affordable housing delivery and high and rising numbers of households on then housing register, there can be no doubt in my mind that the provision of up to 88 affordable dwellings on this site should be afforded **very substantial weight** in the determination of this appeal.

Relevant Secretary of State and Appeal Decisions

11.15 The importance of affordable housing as a material consideration has been reflected in several Secretary of State (“SoS”) and appeal decisions.

11.16 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 JS6**.

11.17 Brief summaries of appeal decisions relevant to this appeal are summarised at **Appendix JS7**.

11.18 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

11.19 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.

11.20 What is clear is that a significant boost in the delivery of housing, and in particular affordable housing, in England is essential to arrest the housing crisis and prevent further worsening of the situation.

11.21 Market signals indicate a worsening trend in affordability across Hertsmere Borough and by any measure of affordability, this is an authority amid an affordable housing emergency, and one through which urgent action must be taken to deliver more affordable homes.

11.22 Against the scale of unmet need and the lack of suitable alternatives in the private rented sector across Hertsmere Borough, there is no doubt in my mind that the provision of up to 88 affordable homes will make a substantial contribution. Considering all the evidence I consider that this contribution should be afforded **very substantial weight** in the determination of this appeal.