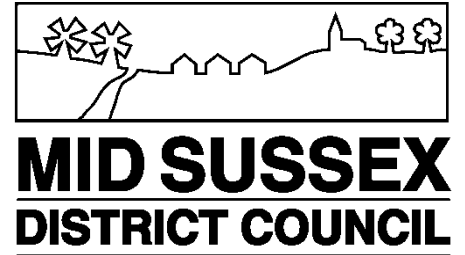


# Mid Sussex District Council



## Windfall Study Update

March 2020

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## 1.0 Introduction

- 1.0 This update has been prepared to support the preparation of the Site Allocations DPD. It is an update to the 2015 Windfall Study that was prepared to support the preparation of the District Plan.
- 1.1 Windfall sites are “Sites not specifically identified in the development plan”<sup>1</sup>. Paragraph 70 of the NPPF states “Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”<sup>2</sup>
- 1.2 The Planning Practice Guidance sets out how a windfall assessment can be determined as part of the Housing and Economic Land availability Assessment. It states “A windfall allowance may be justified in the anticipated supply if a local planning authority has compelling evidence as set out in paragraph 70 of the National Planning Policy Framework. Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance (using the same criteria as set out in paragraph 67 of the National Planning Policy Framework)”<sup>3</sup>.
- 1.3 When considering the use of a windfall allowance it is important to note that the NPPF is clear that the planning system should be Plan led (paragraph 15). The strategic policies in Plans should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing development (paragraph 20). Paragraph 67 goes onto state that:
- “Planning policies should identify a supply of:
- a) specific, deliverable sites for years one to five of the plan period; and
  - b) specific, developable sites or broad locations for growth, for years 6 -10 and where possible, for years 11 – 15 of the plan”
- 1.4 The delivery of housing should be properly planned by the identification of specific sites in Local Plans. This is to ensure that where future growth is supported by the necessary infrastructure and enables the provision of affordable housing, as well as employment, leisure and commercial uses to meet the needs of the community. It is for these reasons that windfalls sites should only form part of the anticipated supply of housing.

## 2.0 Justification of the update

- 2.1 The 2015 study considered the potential windfall allowance that could be delivered on small sites, 1 – 5 units and large sites, 6+ units. The District Plan included a windfall allowance of 45 units per year, on small sites 1- 5 units with no allowance for large sites 6+ units. This approach was supported by the District Plan Inspector and therefore this paper forms a focused update relating to the anticipated delivery rates on small sites of 1 – 9 units only. The threshold for small windfall sites has changed

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<sup>1</sup> NPPF (2019), Annex 2: Glossary

<sup>2</sup> NPPF (2019), Paragraph 70

<sup>3</sup> PPG (2019), Paragraph: 023 Reference ID: 3-023-20190722

as the District Plan policy DP6: Settlement Hierarchy allows for windfall development (subject to specific criteria) on sites of 1 – 9 units. Therefore, it is appropriate that the windfall threshold is reviewed to reflect this change as part of the evidence to support the Site Allocations DPD. It will be for the District Plan Review to explore if there is further justification for amending the windfall allowance, including the approach taken to a potential windfall supply for large sites.

### 3.0 Windfall analysis

- 3.1 The definition of windfall development has changed slightly since the 2015 study and it no longer states that they ‘normally comprise previously developed sites’<sup>4</sup>. Therefore, for this review the council looked at previously developed and greenfield/garden windfall sites.
- 3.2 The tables below provide an analysis of the windfall completions on all sites (including permissions gained via the prior notification process). When projecting future windfall supply, it is necessary to consider factors that may have impacted on supply. One such factor is that past windfall figures may be over-inflated, as sites may have been given permission during a period where there was no 5 year housing land supply, prior to the adopted of the District Plan. This has been addressed by analysing past completions and removing any from the calculation that were permitted only because there was no 5 year housing land supply (column “Number of Units NOT Policy Compliant”).
- 3.3 Policy DP6 allows for sites fewer than 10 units (i.e. 1-9 units) where they are contiguous with the built-up area. There has only been one monitoring year (2018-19) where this has been the policy position, but this is an exhaustive supply – there are only so many sites that are contiguous, suitable for up to 9 dwellings, and are not proposed for allocation. Analysis of the figures shows that very few units were completed in 2018-19 in this category; therefore, we are not placing a heavy reliance on this source of supply (a cautious approach).
- 3.4 There is potential for double counting windfall completions on sites of 1-9 units with those that were allocated for 1-9 units (i.e. not windfall). The list of sites has been checked to ensure there is no double counting.
- 3.5 A discount of 20% has been applied to the total completions figure to be consistent with the 2015 study.
- 3.6 The previous NPPF defined windfall sites as those that “normally comprise previous developed sites”. This line has been removed from the latest version of the NPPF. Table 2 therefore takes a cautious approach by assuming the old definition to enable a comparison with the 2015 methodology.

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<sup>4</sup> NPPF (2012), Annex 2: Glossary

Table 1: All sites

Monitoring Year	Completions 1-5 Units (District Plan Period)	Completions 6-9 Units (District Plan Period)	TOTAL 1-9 Units	Number of Units NOT Policy Compliant	TOTAL 1-9 Units Policy Compliant	TOTAL 1-9 Units Policy Compliant (20% Discount)
2014 - 2015	77	20	97		97	78
2015 - 2016	109	32	141		141	113
2016 - 2017	106	36	142		142	114
2017 - 2018	119	50	169	8	161	129
2018 - 2019	102	45	147	6	141	113
<b>TOTAL</b>	<b>513</b>	<b>183</b>	<b>696</b>		<b>682</b>	<b>546</b>
<b>Per Annum</b>	<b>103</b>	<b>37</b>	<b>139</b>		<b>136</b>	<b>109</b>

Table 2 – Previously developed sites

Monitoring Year	PD Completions 1-5 Units (District Plan Period)	Completions 6-9 Units (District Plan Period)	TOTAL 1-9 Units	Number of Units NOT Policy Compliant	TOTAL Sites 1-9 Units Policy Compliant	TOTAL Sites 1-9 Units Policy Compliant (20% Discount)
2014 - 2015	54	20	74		74	59
2015 - 2016	76	32	108		108	86
2016 - 2017	74	36	110		110	88
2017 - 2018	83	50	133	8	125	100
2018 - 2019	71	45	116	6	110	88
<b>TOTAL</b>	<b>359</b>	<b>183</b>	<b>542</b>		<b>528</b>	<b>422</b>
<b>Per Annum</b>	<b>72</b>	<b>37</b>	<b>109</b>		<b>106</b>	<b>84</b>

## 4.0 Conclusion

- 4.1 The evidence demonstrates that between 84 to 109 units are completed on windfall sites per annum which is an increase from the 45 units per annum applied in the District Plan. Therefore, there is clear compelling evidence that a windfall allowance can continue to contribute to the housing land supply over the Plan period.
- 4.2 It is for the Plan making process to establish what the windfall allowance should be applied.