**Topic Paper: Consideration of a Windfall Allowance for Uttlesford**
**March 2017**

**Summary**

1. The Council previously prepared a paper on the 'Consideration of a Windfall Allowance' in June 2014. This report was considered by the Planning Inspector in relation to the 2014 Submission Local Plan. The Inspector concluded that –'*the Council's evidence on the windfall allowance (set out at H109) uses the stringent criteria of the Essex County Council definition and, at 50pa, is reliably based upon well-evidenced research and consistent with para 48 of the NPPF*'. .

2. The purpose of this report is to re-examine the methodology and evidence for a windfall allowance. The number of windfall dwellings consented and built has been recorded since 2001. This topic paper considers the delivery of windfall sites over the last 10 years 2006/7 to 2015/16. This period incorporates respective periods of stronger and weaker economic performance. Analysis of future trends is more difficult but consideration can be given to the positive approach of local and national policies.

3. The report concludes that there is evidence to justify including a windfall allowance of 70 dwellings per annum in the overall housing supply as well as the housing trajectory and 5-year supply.

**National Planning Policy Framework (NPPF)**

4. Paragraph 48 of the Framework states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment (SHLAA), historic windfall delivery rates and expected future trends, and should not include residential gardens.

**Definition**

5. Residential windfall sites are those housing sites which have not been specifically identified as being available through the operation of the local plan-making process. They comprise sites that have unexpectedly become available over time, and which were not anticipated by the planning authority when local plans were in preparation. Windfall sites have been granted planning permission by the local planning authority and are in accordance with adopted local plan policies or national guidance. These could include for example, large sites such as might arise from a factory closure or very small changes to the built environment, such as a residential conversion, change of use of a small office to a new home, or a new flat over a shop.

6. The NPPF requires any allowance to have regard to the Strategic Land Availability Assessment (SLAA). The Council prepared its first Strategic Housing Land Availability Assessment in 2008 which was updated annually until 2013 when it was part of the evidence at the 2014 Local Plan examination. Following the withdrawal of the 2014 Pre-submission Local Plan from the examination process and the need to prepare a new Plan, it was decided to undertake a Call for Sites and prepare a new Strategic Land Availability Assessment. Final assessments were published in July 2016.

7. Sites included in a SLAA have been identified as being available through the plan making process and therefore cannot, by definition, be considered windfall sites.

8. The Planning Practice Guidance on 'Housing and economic land availability assessment identifies what size of site (Reference ID: 3-010-20140306) and the type of sites which should be considered in the assessment (Reference ID: 3-012-20140306).

9. The Council's SLAA complies with the guidance and assesses sites capable of delivering 5 or more dwellings. Consequently sites of 4 or less dwellings would not be included in the SLAA and planning permissions can therefore be considered as windfall sites.

10. In summary therefore windfall sites do not include any of the following
    - Allocations in local plans – adopted or emerging
    - Sites contained within the Strategic Land Availability Assessment

**Historic Windfall delivery rates**

11. Information on the delivery of windfall sites has been collected since 2001. This paper considers the delivery of windfall sites over the last 10 years. Windfall sites have consistently made a contribution to the delivery of housing in Uttlesford. The National Planning Policy Framework specifically excludes any development in residential gardens from being counted in any windfall allowance. The following table therefore excludes the erection of new dwellings within gardens. A breakdown of the figures is set out in appendix 1.

| Table 1 Historic delivery rate | | |
|---|---|---|
| Year | No. of dwellings permitted on windfall sites (net) & excluding garden sites | No. of dwellings built on windfall sites (net) & excluding garden sites |
| 2006/7 | 161 | 88 |
| 2007/8 | 106 | 146 |
| 2008/9 | 116 | 81 |
| 2009/10 | 107 | 60 |
| 2010/11 | 112 | 74 |
| 2011/12 | 96 | 82 |
| 2012/13 | 119 | 61 |
| 2013/14 | 92 | 65 |
| 2014/15 | 171 | 96 |
| 2015/16 | 253 | 81 |
| **TOTAL** | **1333** | **834** |
| Annual average | | 83 |
| Percentage of windfall dwellings permitted which are built | | 63% |

12. The above table shows that since 2006 the number of dwellings permitted and built can vary considerably from year to year. This is inevitable by the very nature of windfall sites as larger sites unexpectedly become available for development. However, the average number of windfall dwellings completed annually is 83. Over the 10 years 63% of windfall sites permitted have been developed.

13. The unusually high completions in 2007/8 reflects the completion of a number of large windfall sites - 20 at Vicarage Mead, Thaxted; 19 at Bowker Close, Newport; 12 adjacent Clare Court, Thaxted and 10 at Counting House Lane, Great Dunmow.

14. The above table includes rural exception sites and as can be seen for 2007/8 this can make a significant impact on the number of dwellings delivered in a year. Although these sites meet the criteria of being windfall and policy is supportive of such sites it is not possible to be certain over the future delivery of such sites. Table 2 shows the number of dwellings permitted and built excluding rural exception sites.

| Table 2 Historic delivery rates excluding Rural Exception Sites | | |
|---|---|---|
| Year | No. of dwellings permitted on windfall sites (net) & excluding garden sites and rural exception sites | No. of dwellings built on windfall sites (net) & excluding garden sites and rural exception sites |
| 2006/7 | 142 | 69 |
| 2007/8 | 78 | 115 |
| 2008/9 | 116 | 71 |
| 2009/10 | 99 | 54 |
| 2010/11 | 98 | 66 |
| 2011/12 | 96 | 68 |
| 2012/13 | 115 | 61 |
| 2013/14 | 78 | 65 |
| 2014/15 | 171 | 78 |
| 2015/16 | 203 | 81 |
| **TOTAL** | **1196** | **728** |
| Annual average | | 73 |
| Percentage of windfall dwellings permitted which are built | | 61% |

**Capacity of Windfall Sites**

15. The following table shows the number of dwellings built on windfall sites which are for 4 or less dwellings and those on sites for 5 plus dwellings. It shows that both contribute to the supply of windfall sites with a slightly bigger proportion coming from small sites over the last 10 years.

| Table 3 Capacity of windfall sites | | | |
|---|---|---|---|
| Year | Total built excluding garden sites | Sites for 0-4 dwellings (net) | Sites for 5+ dwellings (net) |
| 2006/7 | 88 | 37 | 51 |
| 2007/8 | 146 | 66 | 80 |
| 2008/9 | 81 | 44 | 37 |
| 2009/10 | 60 | 29 | 31 |
| 2010/11 | 74 | 53 | 21 |
| 2011/12 | 82 | 50 | 32 |
| 2012/13 | 61 | 25 | 36 |
| 2013/14 | 65 | 44 | 21 |
| 2014/15 | 96 | 52 | 44 |
| 2015/16 | 81 | 64 | 17 |
| **TOTAL** | **834** | **464** | **370** |
| | | 56% | 44% |

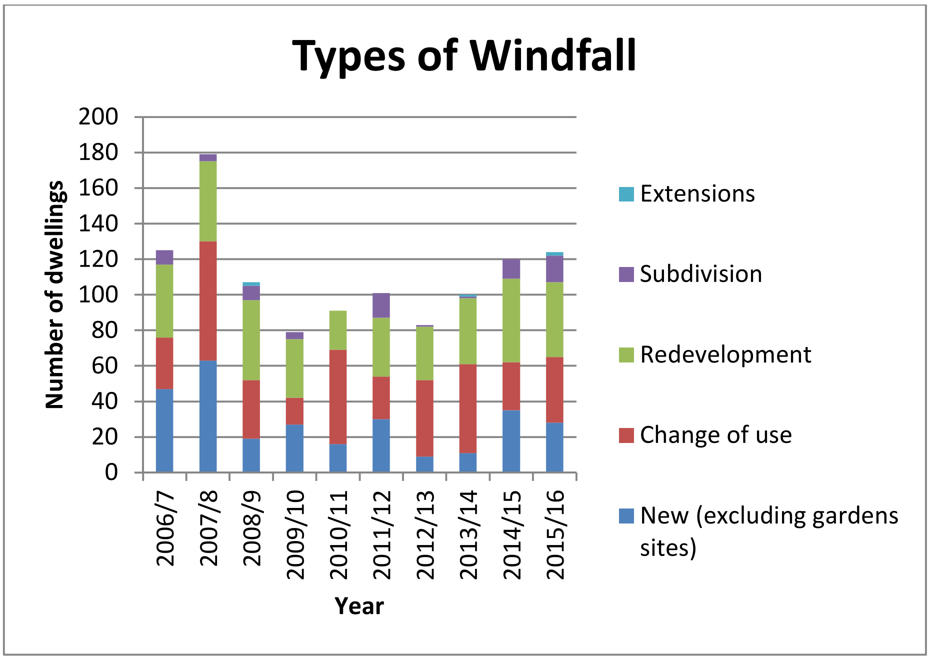
**Types of Windfall Sites**

16. Uttlesford is a large rural district with two market towns and about 60 villages enabling significant potential for windfall development through the conversion of rural buildings and the redevelopment of previously developed sites.

17. The following Table 4 and chart show that most windfall sites arise from changes of use and redevelopment. Very little development arises from the subdivision or extension of properties. Gross figures have been used as the loss does not always occur in the year of completion. New dwellings in gardens have been excluded from the figures.

Table 4 No. of Dwellings by Types of Windfall Sites (gross)

| | New (excluding gardens sites) | Change of use | Redevelopment | Subdivision | Extensions |
|---|---|---|---|---|---|
| 2006/7 | 47 | 29 | 41 | 8 | 0 |
| 2007/8 | 63 | 67 | 45 | 4 | 0 |
| 2008/9 | 19 | 33 | 45 | 8 | 2 |
| 2009/10 | 27 | 15 | 33 | 4 | 0 |
| 2010/11 | 16 | 53 | 22 | 0 | 0 |
| 2011/12 | 30 | 24 | 33 | 14 | 0 |
| 2012/13 | 9 | 43 | 30 | 1 | 0 |
| 2013/14 | 11 | 50 | 37 | 1 | 1 |
| 2014/15 | 35 | 27 | 47 | 11 | 0 |
| 2015/16 | 28 | 37 | 42 | 15 | 2 |



**Completion Rates**

18. The following Table 5 shows that the majority of completions take place in the second and third year following consent. Gross figures have been used as the loss does not always occur in the year of completion.

Table 5

| | | | | | Completion Date | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Consent Date | 2006/7 | 2007/8 | 2008/9 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | outstanding |
| 2006/7 | 10 | 74 | 25 | 11 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2007/8 | | 20 | 50 | 31 | 10 | 2 | 0 | 0 | 1 | 0 | 1 |
| 2008/9 | | | 18 | 30 | 19 | 11 | 0 | 1 | 0 | 1 | 0 |
| 2009/10 | | | | 3 | 46 | 19 | 16 | 1 | 0 | 0 | 0 |
| 2010/11 | | | | | 6 | 54 | 18 | 14 | 3 | 1 | 6 |
| 2011/12 | | | | | | 15 | 25 | 38 | 11 | 3 | 1 |
| 2012/13 | | | | | | | 19 | 36 | 46 | 12 | 13 |
| 2013/14 | | | | | | | | 6 | 36 | 15 | 55 |
| 2014/15 | | | | | | | | | 20 | 55 | 137 |
| 2015/16 | | | | | | | | | | 36 | 254 |
| | 10 | 94 | 93 | 75 | 85 | 101 | 78 | 96 | 117 | 123 | |

**National and Local Policy Context**

19. The Council is proposing a number of policies which positively encourage windfall development. Subject to meeting certain criteria policy is supportive of
    - subdivision of dwellings;
    - replacement dwellings
    - small scale development on sites in settlements without development limits;
    - affordable housing on exception sites which can include market housing to ensure the viability of the development;
    - the reuse of rural buildings including for residential use;
    - alternative uses of listed buildings as a way of preserving the building; and
    - the redevelopment/change of use of employment uses if it can be demonstrated that the employment use is no longer viable.

20. The Government has introduced permitted development rights to enable change of use from commercial to residential properties. There are a number of agricultural and office buildings across the district in rural locations and settlements which could be viable to convert to residential and which would contribute to the windfall supply.

**Conclusions**

21. Historical evidence shows that windfall sites make a contribution to the number of annual completions. It is also considered that in the light of available sites and planning policy, windfall sites will continue to be permitted and built in the future.

    With an annual average completion rate of 73 dwellings on windfall sites (excluding rural exception sites), a windfall allowance of 70 dwellings based on rounding the windfall completion rate is considered realistic.

Appendix 1

| | Permitted (gross) | Actual and potential losses | Permitted (net) | Dwellings permitted in gardens | Total permitted excluding garden sites |
|---|---|---|---|---|---|
| 2001-2006 | 461 | 51 | 410 | 88 | 322 |
| | | | | | |
| 2006/7 | 245 | 45 | 200 | 39 | 161 |
| 2007/8 | 201 | 33 | 168 | 62 | 106 |
| 2008/9 | 185 | 31 | 154 | 38 | 116 |
| 2009/10 | 180 | 40 | 140 | 33 | 107 |
| 2010/11 | 190 | 42 | 148 | 36 | 112 |
| 2011/12 | 175 | 36 | 139 | 43 | 96 |
| 2012/13 | 199 | 41 | 158 | 39 | 119 |
| 2013/14 | 170 | 29 | 141 | 49 | 92 |
| 2014/15 | 343 | 69 | 274 | 103 | 171 |
| 2015/16 | 339 | 41 | 298 | 45 | 253 |
| **Total** | | | | | **1333** |

| | Built (gross) | Actual losses on windfall sites | Built (net) | Dwellings built in gardens | Total built excluding garden sites |
|---|---|---|---|---|---|
| 2006/7 | 144 | 37 | 107 | 19 | 88 |
| 2007/8 | 212 | 34 | 178 | 32 | 146 |
| 2008/9 | 145 | 27 | 118 | 37 | 81 |
| 2009/10 | 102 | 19 | 83 | 23 | 60 |
| 2010/11 | 102 | 18 | 84 | 10 | 74 |
| 2011/12 | 131 | 21 | 110 | 28 | 82 |
| 2012/13 | 106 | 22 | 84 | 23 | 61 |
| 2013/14 | 123 | 38 | 85 | 20 | 65 |
| 2014/15 | 144 | 24 | 120 | 24 | 96 |
| 2015/16 | 161 | 43 | 118 | 37 | 81 |
| **Total** | | | | | **834** |