

Statement of Common Ground re: 5 Year Housing Land Supply

Between Richborough and North Warwickshire Borough Council

Appeal (non-determination) of an outline planning application for the construction of up to 110 dwellings - Land south of Warton Recreation Ground, Orton Road, Warton
LPA ref: PAP/2025/0155, PINS ref: APP/R3705/W/25/3371526

References: LPA ref: PAP/2025/0155, PINS ref: APP/R3705/W/25/3371526
Address: Land south of Warton Recreation Ground, Orton Road, Warton
Appellant: Richborough
Date: 13 November 2025
Authors: Ben Pycroft on behalf of Richborough and North Warwickshire Borough Council

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1. Introduction

1.1 This topic specific Statement of Common Ground (SoCG) relates to North Warwickshire Borough Council's (NWBC) 5 Year Housing Land Supply (5YHLS) position. A separate SoCG covering other planning matters has been prepared.

1.2 This SoCG sets out the following:

- Matters in agreement re: 5YHLS (Section 2); and
- Matters not agreed re: 5YHLS – the deliverable supply (Section 3).

1.3 This final version of the SoCG is jointly agreed by:

Signed



Date 13 November 2025

NAME Ben Pycroft

Director, Emery Planning on behalf of the Appellant

Signed



Date 14 November 2025

NAME Dorothy Barratt

On behalf of North Warwickshire Borough Council

2. Matters in Agreement

The Requirement to Assess the Extent of Deliverable Supply in Accordance with National Policy

- 2.1 The parties agree that National Planning Policy sets out what a 5YHLS is, how it should be calculated and the consequences of failing to demonstrate an adequate deliverable supply.
- 2.2 The parties agree that the most recent version of the National Planning Policy Framework was published on 12th December 2024 (with minor updates on 7th February 2025).

Base Date and Five-Year Period

- 2.3 NWBC published an assessment of the 5YHLS in the Council's Annual Monitoring Report 2023/2024. The base date of the 5YHLS assessment within that document is 1st April 2024.
- 2.4 NWBC has since provided its position as at 1st April 2025. This is set out in the Council's Statement on Five-Year Housing Land Supply Calculations (provided to the Appellant on Thursday 16th October 2025 and included in the core documents as CD10.6). It states NWBC considers that as at 1st April 2025, it has a deliverable supply of 2,207 dwellings (source: Line 13 in Tables 6 and 7 of CD10.6). Depending on the requirement used (i.e. annual average or stepped) this equates to between 1.5 and 2.2 years of supply (Table 6 and table 7 in CD10.6).
- 2.5 It is agreed that the relevant base date for calculating the 5YHLS for the purposes of this appeal is 1st April 2025, and the five-year period runs to 31st March 2030.

The requirement the 5YHLS should be measured against

- 2.6 On the requirement side, it is agreed that in accordance with paragraph 78 of the Framework, as the Council's Local Plan (adopted September 2021) is less than five years old, the 5YHLS should be measured against the adopted housing requirement. This is expressed in policy LP5 – Amount of Development in the adopted Local Plan.
- 2.7 The Council considers that an annualised figure over the plan period means a requirement of 479 units per annum are required. An alternative approach is to use the stepped annual housing requirement in the Local Plan, there is a five year requirement of 3,750 dwellings at 1st April 2025 (2025/26: 700 dwellings; 2026/27: 725 dwellings; 2027/28: 775 dwellings; 2028/29: 775 dwellings; and 2029/30: 775 dwellings). Whichever method is used the Borough Council cannot demonstrate a 5 year housing land supply.

2.8 The Appellant considers the stepped housing requirement should be used.

Shortfall

2.9 Whilst the past level of shortfall is not agreed, it is agreed that it should be addressed in full in the 5YHLS period (i.e. the “Sedgefield” method)

Buffer

2.10 The parties agree that the 20% buffer applies.

NWBC cannot demonstrate a deliverable 5YHLS

2.11 Both parties agree that NWBC cannot demonstrate a deliverable 5YHLS in accordance with the Framework.

3. Matters not agreed

3.1 The matters not agreed are:

- the completions accounting for the pandemic
- extent of the deliverable supply, especially with the sites outlined in Table 1 below as well as the inclusion of a windfall allowance of 60 units for the last two years of the 5 year period and a 3% lapse rate on planning permissions; and
- therefore the extent of the shortfall in the 5YHLS.

Shortfall against the adopted housing requirement

3.2 The shortfall is not agreed.

3.3 The Council considers that this is either:

- 3,620 dwellings against the adopted requirement as an annual average (Line 2 of Table 6 in CD10.6); or
- 439 dwellings against the stepped requirement (Line 2 of Table 7 in CD10.6)

3.4 The Appellant considers that the shortfall at 1st April 2025 is 544 dwellings. This is because the Appellant concludes that the 5YHLS should be measured against the stepped housing requirement and because the Appellant does not agree with the adjustment the Council makes to its actual recorded completions in 2019/20 and 2020/21 due to the covid pandemic.

3.5 3.5 The Council considers the adjustment applied to the housing completions/housing delivery test during the covid period comply with the MHCLG's "Housing Delivery Test: 2020 measurement technical note at Housing Delivery Test: 2020 measurement technical note - GOV.UK For details of the calculations allowed in the section of the national guidance and applied by the Council, these can be found in the section- "Calculating the homes required" which provides the justification and evidence for the approach taken in calculating the housing delivery over the Covid/Pandemic period.

The deliverable supply

3.6 The deliverable supply is not agreed. Whilst NWBC considers that the deliverable supply at 1st April 2025 is 2,207 dwellings, the Appellant considers disputes the inclusion of 1,359 dwellings on the following sites:

Table 1 SOCG2 – Disputed sites at 1st April 2025

Site ref	Address	LPA SYS	Appellant SYS	Dispute	Appellant's Comment	Council's response
H2	Land to north west of Atherstone off Whittington Lane	250	0	250	The Appellant does not consider there is clear evidence for the inclusion of this category b) site.	Total number of homes expected = 1282 units Discussions on the master plan are well underway. The landowner has carried out a number of studies in preparation for submitting planning applications.
H4	Land to east of Polesworth & Dordon	100	0	100	The Appellant does not consider there is clear evidence for the inclusion of this category b) site.	Total number of homes expected = minimum of 2000 dwellings Discussions on the master plan are well underway. The leading developer (Bloors and I M Land) and landowners have prepared a number of studies in preparation for submitting planning applications.
H9	Land between Church Road & Nuneaton Road	100	0	100	The Appellant does not consider there is clear evidence for the inclusion of this category b) site	Total number of homes expected = 400 dwellings . A planning application is being considered.
PAP/2 019/0 599	Michael Drayton Middle School Church Road, Hartshill	20	0	20	The Appellant does not consider there is clear evidence for the inclusion of this category b) site.	Total number of homes expected = 20 dwellings The Health Centre has been completed and is now occupied on site. There has been a pre-application meeting on the remainder of the site earlier this year with Warwickshire Property Development Ltd who now have a development partner now on board. Looking to submit reserved matters application in Dec 2025/Jan 2026

Site ref	Address	LPA 5YS	Appellant 5YS	Dispute	Appellant's Comment	Council's response
H10	Land south of Coleshill Road, Ansley Common	150	62	88	The Appellant does not consider there is clear evidence for the inclusion of the part of the site that is a category b) site.	Total number of homes expected = 450 dwellings There is a detailed planning application by Cartwright, a local small house builder for 62 units currently being considered by NWBC. It is the first phase of a wider site allocation of 450 units.
H11	Former school redevelopment site, Attleborough Lane/Vicarage	48	0	48	The Appellant does not consider there is clear evidence for the inclusion of this category b) site.	Total number of homes expected = 48 dwellings The site is a former school site owned by Warwickshire County Council. Full planning permission is currently being considered by the Council. Whilst there was a delay in the detail of the access this has now been resolved and will shortly be considered by NWBC's Planning & Development Board.
H7	Land at Church Farm, Baddesley Ensor	47	0	47	The Appellant does not consider there is clear evidence for the inclusion of this category b) site.	Total number of homes expected = 47 dwellings Planning permission has been granted for this development, and it is the Council's contention that work is to commence on site.
H5	Land west of Robey's Lane	300	0	300	The Appellant does not consider there is clear evidence for the inclusion of this category b) site.	Total number of homes expected = 1270 dwellings Meetings have been held with the new developer of the site. They are progressing RM applications and are looking for first completions and occupation in 2027. Their annual target for completions is 180 units per annum. If we used the developers figure it would result in 360 units that will be completed and not 300.

Site ref	Address	LPA 5YS	Appellant 5YS	Dispute	Appellant's Comment	Council's response
PAP/2 014/0 542	Land at Old Holly Lane, Atherstone	499	250	249	The site has RM approval for 250 dwellings. The Appellant consider that there is no clear evidence for the inclusion of an additional 249 dwellings.	Total number of homes expected = 620 units (123 completed already) The Council met the landowner and agent on 5 th November to discuss the remaining units and their delivery which we would expect within the 5 year period.
PAP/2 022/0 586	Britannia Works, Coleshill Road, Atherstone	70	0	70	The site has extant consent for 70 dwellings, which was approved approximately 5.5 years ago. No works have taken place on site since the site clearance and surveying works were undertaken in November 2022. The site has remained derelict since this time and the development has stalled. The existing building still remains on site, although it has partially collapsed.	Total number of homes expected = 70 units A board report was considered on the 3 rd November for a minor material amendment in the application with a resolution to approve subject to final consultation responses (these expire on 20 th November 2025). Work needs to begin within a matter of months as the developer has the agreement of the Canal and River Trust to close the canal over the forthcoming winter to facilitate development.
PAP/2 022/0 282	Land opposite 84-104 Orton Road, Warton	21	20	1	The site has RM approval for 71 dwellings. The Council states that 51 dwellings have been completed, meaning that there is a residual of 20 dwellings still be delivered.	Total number of homes expected = 71 dwellings The site is under construction and will clearly be delivered within the 5 year period.
	Windfall allowance	120	0	120	The Appellant does not consider there is compelling evidence to justify a windfall allowance of 120 dwellings in addition to the 168 dwellings on known windfall sites (5 units or less) in the 5YHLS. There should be no windfall allowance.	The Local Plan Inspector was supportive of including a windfall allowance. It has not been included in the first three years of the 5 years as this would be covered by the sites with planning permission and to avoid double counting. A windfall allowance has always been included in the Council's calculations for the final two years of the 5 year period. We have a history of

Site ref	Address	LPA 5YS	Appellant 5YS	Dispute	Appellant's Comment	Council's response
						delivering windfall on a range of site sizes – 680 units since 2019/20. An average of 136 dwellings per annum. In addition, the Borough Council also includes a non-implementation of 3% on all sites with planning permission.
	Total	1,725	332	1,393		

The 5YHLS at 1st April 2025

3.7 The respective positions of the parties are shown in the following table:

Table 2 SOCG3 – NWBC's 5YHLS at 1st April 2025

		Council Annual Average requirement	Council Stepped requirement	Appellant Stepped requirement
A	Five year requirement	2,395	3,750	3,750
B	Shortfall at 1 st April 2025	3,620	439	544
D	Total five year requirement (A + B)	6,015	4,189	4,294
E	Requirement plus 20% buffer	7,218	5,027	5,154
F	Annual housing requirement (E / 5 years)	1,444	1,005	1,031
	Supply			
G	Deliverable supply at 1 st April 2025	2,207	2,207	848
H	Supply in years (G / F)	1.53	2.20	0.82
I	Undersupply against the five year requirement including buffer (G – E)	-5,011	-2,820	-4,306