

**From:** Liam Ryder | Code DP  
**Sent:** 27 October 2023 17:35  
**To:** Terrence Garner  
**Cc:** Stephen Garner; Mark Sperrin  
**Subject:** Land east of Rayleigh Road, Thundersley  
**Attachments:** 231017 HntngtnYrkApl.pdf

Dear Terry

Further to our earlier conversation, please see the attached appeal decision (APP/C2741/W/21/3282598) for 300 dwellings in Huntington in the City of York District allowed on 17 October 2023 after being called in by the Secretary of State. The Inspector and the Secretary of State grappled with whether the site was within the Green Belt. Whilst finding that the site was not in the Green Belt, both the Inspector and the Secretary of State recognised that, had the site been found to constitute Green Belt land, very special circumstances would apply. A 2.79-to-3.45-year housing land supply, Housing Delivery Test score of 65% and a 'crisis' in affordable housing delivery contributed significantly towards this finding.

In similarity with previous submissions, I of course recognise that the context between the site subject of the appeal, and land east of Rayleigh Road is different. However, it is important to recognise the weight afforded by the decision maker (in this case the Secretary of State) to certain material considerations, and the finding that (if the site were to be in the Green Belt) that very special circumstances would exist. In particular, I would refer you to the conclusions of the Secretary of State at paragraph 22 of the main decision letter, which refers to the Inspector's conclusions at IR389-392 – both the Secretary of State and the Inspector concluded that if the site were to be in the Green Belt, *"there would be very special circumstances which would justify the development."*

At paragraph 390 of the Inspector's report to the Secretary of State, it is concluded that *"the Council has a very significant shortage of HLS and has done over several years; its delivery of market housing has been astonishingly poor for several years as has its delivery of affordable housing. Furthermore, the future pipeline for affordable housing is very poor. There would also be a public benefit due to the enhancement of the SAM. These factors constitute very special circumstances which clearly outweigh the harm to the Green Belt."* I note that Castle Point's housing land supply position is significantly worse than the position in the York case, and note that Castle Point's housing delivery test score has been as follows since its introduction by the government:

- 2018: 48%
- 2019: 54%
- 2020: 48%
- 2021: 49%

Considering the rules of the housing delivery test, the presumption in favour of sustainable development would automatically apply under each of the circumstances outlined above (we have addressed the site's location in the Green Belt and the application of the tilted balance in our submitted Planning Statement, and in subsequent submissions since the application was validated by the Council in February 2023). I would also refer you to the conclusions of the inspector in paragraph 391 of the inspector's report to the Secretary of State, in which they concluded, *"although the Council has had opportunity to find more land for housing, it still has no local plan and still has not got an up-to-date HLS [Housing Land Supply] and its housing delivery shortfall is severe. Its track record of failure to provide sufficient land for housing is now even longer than it was at the time of these decisions. Furthermore, the Council accepts that Green Belt land will have to be released to address the shortage of HLS [Castle Point accepted a similar position in the determination of the Manor Trading Estate appeal – please see my letter of 8 June 2023]"*.

Given that the circumstances in the York decision are substantially similar to the context of our planning application on land east of Rayleigh Road, Thundersley, I would respectfully ask that a similar consideration of the weighting to the specific very special circumstances as outlined by the Inspector and Secretary of State in the York decision is applied in the determination of land east of Rayleigh Road. Even setting aside the Green Belt issue, the appeal decision demonstrates and emphasises the importance the Secretary of State considers should be attached to the delivery of new homes (particularly affordable homes) in the context of significant under delivery over an extended period (and the significant weight which should be afforded to new market and affordable dwellings in the overall planning balance).

Please do let me know if it might be helpful to discuss the attached.

Kind regards  
Liam



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