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Case Name: *Oxton Farm v Harrogate Borough Council* [2020] EWCA Civ 805 (25 June 2020)

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Commentary:
The Court of Appeal dismissed this challenge to Harrogate Borough Council's approach to assessing its housing need in relation to the grant of outline planning permission for 21 new homes and a village shop in North Yorkshire.

In July 2018, the Council published its housing land supply update which stated that, as of 30 June 2018, 669 dwellings per year were needed and that its housing land supply was therefore at 5.02 years, just above the target 5-year supply.

On 20 September 2018, just five days before permission was granted, the Office for National Statistics ('ONS') published its 2016-based household projections which indicated that only 383 dwellings were needed annually and therefore the Council's housing land supply was more than 7 years.

The Council based its decision on the officer's report which was prepared a month before the ONS projections were published. It stated that the council's housing land supply position was marginal and that, in order to keep meeting the 5-year target, there would be a continuing need to release greenfield sites outside existing settlements for development.

The Claimant argued that the Council failed to take into account the latest housing figures which showed that the Council's housing land supply was well over 5 years meaning that the presumption in favour of sustainable development was not triggered and permission should not have been granted.

The Court held that the ONS data was not a mandatory consideration and that in any case paragraph 73 of the NPPF permitted an assessment of local housing need by alternative methods other than the standard method used by the ONS.

The claimant also alleged that the grant of permission was contrary to the in its Core Strategy that unlisted settlements should not accommodate new market housing, but the Court was satisfied that the Council had noted from the officer's report that this policy was out of date.

Case summary prepared by Lida Nguyen