

REBUTTAL PROOF OF EVIDENCE – FIVE-YEAR HOUSING LAND SUPPLY

RICHARD HOLLIDAY

Proposed Residential Development, Land at Talbot Road, Glossop

Derbyshire County Council

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Carter Jonas

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Client: Derbyshire County Council

Job Number: J0097252

Contact: Richard Holliday

First Floor
9 Bond Court
Leeds
LS1 2JZ

T: 0113 242 5155

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1. INTRODUCTION

Purpose of Rebuttal

- 1.1 This rebuttal responds to the Proof of Evidence of Ms Ruth Wooddisse dated 21st July 2026.
- 1.2 The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites. This reflects the position agreed between the parties within the Housing Statement of Common Ground.
- 1.3 The principal matters in dispute are now:
 1. the appropriate base date for the assessment and the consequential deletion of sites delivered during 2025/26
 2. the deliverability of three sites:
 - HPK/2023/0025 – Land South of Hollin Cross Lane
 - HPK/2023/0192 – Land at Hogshaw, Buxton
 - HPK/2019/0200 – Dinting Road
- 1.4 Nothing within Ms Wooddisse's evidence alters my conclusion that High Peak's housing land supply position is materially worse than the position presented by the Council.

2. BASE DATE

- 2.1 At paragraph 7.2 of her evidence, Ms Wooddisse states that the Council's assessment should be based upon a base date of 1st April 2025 because information necessary to support a base date of 1st April 2026 is still being collected and verified.
- 2.2 Ms Wooddisse explains that the Council's monitoring information includes:
- commitments
 - starts
 - completions
 - lapses of permissions
 - gains and losses from changes of use
 - site visit information
 - NHBC data
 - building control data
 - council tax information
- 2.3 Ms Wooddisse further explains that the Council's Housing Flows Reconciliation return is due to be submitted to Government by 2nd October 2026.
- 2.4 However, her evidence does not identify which specific datasets are unavailable, incomplete or incapable of verification and which therefore prevent the Council undertaking an assessment based upon a 1st April 2026 base date.
- 2.5 Further, bearing in mind that more than three months have now passed since 1st April 2026, Ms Wooddisse provides no detail as to either what datasets are available or why the full datasets could not be collected in that period.
- 2.6 In any event, national policy (paragraph 78 of the NPPF) requires local planning authorities to *"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing"*.
- 2.7 Similarly, the Planning Practice Guidance states that:
- "robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."*

- 2.8 The issue is therefore not whether the Council has completed all internal monitoring processes or finalised its Housing Flows Reconciliation return (which is the basis of Ms Wooddisse's evidence). The relevant question is whether sufficient evidence exists to enable a robust assessment as at 1st April 2026.
- 2.9 Ms Wooddisse's evidence does not demonstrate that the information necessary to undertake such an assessment is unavailable. Rather, it indicates only that the Council has not yet completed its own internal information collection and verification process.
- 2.10 Consequently, the Council has not demonstrated why a robust assessment based on a 1st April 2026 base date cannot be undertaken.

Data Sources

- 2.11 The calculation of housing land supply requires the Council to know:
1. The requirement figure.
 2. The buffer figure.
 3. The deliverable supply figure.
- 2.12 There does not appear to be any dispute that the first and second of these inputs are known. The requirement figure is calculated using the standard method and is available today for a 1st April 2026 base date. The buffer figure is also known (and seemingly agreed) on the basis of the available information for a 1st April 2026 base date.
- 2.13 Accordingly, the only outstanding input is the third, the deliverable supply figure. As to that input, the Council needs to understand which major sites in their area have planning permission or which are allocated and are deliverable.¹
- 2.14 There is obviously no reason why the Council could not identify in time for this appeal the list of major sites with planning permission or which are allocated at a base date of 1st April 2026.
- 2.15 The Council also holds council tax records, building control information, site monitoring data and records of planning permissions from which lapses can be identified. The Government also publishes quarterly housing supply statistics based upon information obtained from local authority building control inspectors and the National House Building Council (NHBC). Thus, even if something more than a site visit was required, it was available in time to update the supply position to a 1 April 2026 base date for the purposes of this appeal.

¹ The Council only relies on sites which either benefit from planning permission or which are allocated for the purposes of its calculation. Accordingly, consideration of other types of sites is not necessary.

2.16 Accordingly, the only issue is whether the Council have had sufficient time to (1) check on progress with those sites and (2) reach a judgment as to whether those sites were deliverable.

2.17 As to the progress of the sites:

- It is apparent from Ms Wooddisse's own evidence that she has had more than sufficient time to undertake both of these tasks.
- It is apparent from Appendix A to Ms Wooddisse's evidence that she has already visited (seemingly in a single day) all the relevant sites which have planning permission. Ms Wooddisse could have checked on the progress of those sites at those visits – i.e. to understand build out as at the 1st April 2026 base date. Indeed, it appears from Appendix A that understanding the progress of each site was one of the principal purposes of Wooddisse's visits.
- To the extent that there are any new planning permissions granted between 1st April 2025 and April 2026, these could also have been visited in the same way.
- There are a small number of sites that Ms Wooddisse did not visit as she knew they had not commenced. Those sites did not need a visit as their status was understood.

2.18 As to a judgment on whether those sites are deliverable, there is no reason why Ms Wooddisse could not have made this assessment following her visits (to the extent a visit was necessary). The extent of the Council's investigations on this issue (beyond the question of physical progress) is a site visit. No proformas are issued. No statements of common ground are executed. No correspondence is collected from developers. It follows that the judgment could be completed shortly after the site visits. A matter of a few additional days would be more than ample time for that assessment.

2.19 In short, the Council has not demonstrated why the information necessary to undertake an assessment as at 1st April 2026 is unavailable.

2.20 The appropriate approach should therefore be to rely upon the most robust and up-to-date evidence available at the time of the Inquiry.

2.21 Accordingly, the Appellant maintains that the appropriate base date should be 1st April 2026.

2.22 That being the case, I remain of the view that the following sites should be removed from the five-year supply due to their completion before the base date of 1st April 2026:

- HPK/2017/0694 – Macclesfield Road / Linglongs Road, Whaley Bridge (19 units)
- HPK/2017/0534 – Hayfield Road / Derby Road, New Mills (49 units)
- HPK/2017/0590 – Land off Ashbourne Road, Buxton (51 units)
- HPK/2016/0476 – Rear of Old Vicarage (15 units)

- HPK/2016/0488 – Hallsteads, Dove Holes (15 units)
- HPK/2020/0107 – Uplands/Land East of Woolley Bridge, Hadfield (7 units)

2.23 The omission of these six sites removes 156 dwellings from the Council's trajectory.

3. DISPUTED SITES

3.1 As identified in section 6 of my Proof of Evidence:

- For a site within category (b) of the definition of 'deliverable' in the NPPF, the local planning authority must produce clear evidence to demonstrate that it is a deliverable site.
- That evidence must be more than assertion by the local planning authority. A realistic assessment of the factors concerning delivery is required.
- The examples of evidence given by the PPG anticipate 'written commitment or agreement', 'written agreement', 'written evidence of agreement' or similar.

3.2 In respect of each of the disputed sites:

- The Council has not undertaken a realistic assessment of factors concerning delivery. To the contrary, the Council's approach is largely based on assumption.
- The Council has not collected any 'written commitment or agreement', 'written agreement', 'written evidence of agreement' or similar evidence from developers.

3.3 Therefore, the Council's approach to the assessment of deliverability is flawed in respect of each of the disputed sites.

HPK/2023/0025 – Hollin Cross Lane (24 dwellings)

3.4 The Council does not dispute that the permission expires in October 2026.

3.5 The Council's evidence does not address the outstanding technical objections to the discharge of conditions application currently under consideration. No update is provided regarding progress in resolving consultee concerns relating to pre-commencement matters including drainage and archaeology.

3.6 Furthermore, no evidence has been submitted regarding:

- the developer's intentions in relation to the remaining pre-commencement conditions
- the anticipated timetable for resolving outstanding matters
- the developer's intended commencement date
- the anticipated construction programme
- whether delivery is subject to any external factors such as development funding

- 3.7 I note that the developer (WD Smith Developments Ltd) submitted a further application to the LPA on 28th July 2026 seeking to discharge the outstanding pre-commencement conditions. However, neither that application nor the earlier discharge of condition application, which remains undetermined, provides any evidence from the developer confirming their intentions regarding commencement of development. Nor do the submissions address the outstanding technical objections raised by consultees.
- 3.8 Accordingly, there is no evidence from either the developer or the Council to demonstrate a realistic prospect of development commencing before expiry of the permission. Neither the developer nor the Council has produced any programme for resolving the outstanding technical objections discharging the remaining pre-commencement conditions, or implementing the permission.
- 3.9 The Council's position (per Appendix B1) is based entirely on assumption without any evidence or contact with the developer.
- 3.10 The concerns identified within my Proof of Evidence therefore remain.
- 3.11 In the absence of clear evidence demonstrating a realistic prospect of commencement and delivery, I remain of the view that the site should be excluded from the five-year housing land supply.

HPK/2023/0192 – Land at Hogshaw, Buxton (78 dwellings)

- 3.12 In order to demonstrate deliverability, Ms Wooddisse states:

"A full planning application for the construction of 99 dwellings with associated landscaping and engineering works was submitted on 15/05/2023 and approved on 11/08/2025 subject to a S106 agreement."

- 3.13 Ms Wooddisse further concludes:

"The site is allocated in the Local Plan and has detailed planning permission for major development subject to a S106 agreement."

- 3.14 The above statements are misleading and point to an error in the Council's analysis of this site. Further, the wording adopted by HPBC could reasonably be interpreted by a reader as indicating that the development benefits from an extant planning permission. However, if, as is the case, the Section 106 Agreement remains outstanding and not yet signed, the correct position is that the site does not benefit from planning permission. In this case, the LPA had merely resolved to grant planning permission subject to completion of the legal agreement. Such a distinction is important, as an unresolved Section 106 Agreement may delay the issue of permission and, in some circumstances, may ultimately prevent the permission from being issued at all.
- 3.15 Accordingly, a more precise and transparent description would be:

The Local Planning Authority resolved to grant planning permission on 11th August 2025 for the construction of 99 dwellings, together with associated landscaping and engineering works, subject to the completion of a Section 106 Agreement

3.16 The Council is therefore reliant on the fact that the site benefits from a Local Plan allocation and has a committee resolution to approve the application subject to completion of a Section 106 agreement (rather than it already benefitting from an extant and implementable planning permission).

3.17 In relation to the Section 106 Agreement, Ms Wooddisse relies solely upon a case officer comment dated 16th July 2026 stating that:

"the S106 agreement is due to be signed imminently."

3.18 This does not constitute clear evidence. No supporting evidence has been provided to substantiate that assertion, such as confirmation from the Council's legal representatives, the developer's solicitors, or the developer itself.

3.19 The application was submitted more than three years ago and received a resolution to approve on 11th August 2025. Almost twelve months have subsequently passed without completion of the legal agreement.

3.20 The evidence offered by Ms Wooddisse provides no explanation for that delay. In the absence of any clear evidence, limited weight can be attached to an assumption that the agreement will be completed imminently.

3.21 Although there is no statutory requirement for an application subject to an outstanding Section 106 Agreement to return to Planning Committee after a fixed period, local planning authorities commonly set a deadline in the committee resolution for completing the agreement. If that deadline passes, the matter is often referred back to Members or refused under delegated powers for failing to secure the necessary planning obligations. For major residential development, a lengthy delay between resolution and completion of the Section 106 Agreement may raise questions as to whether the resolution still reflects the planning circumstances at the point of decision. In my opinion, a delay of more than 6 to 12 months should prompt officers to consider whether further Member involvement is required, particularly where policy, viability, infrastructure requirements or other material considerations have changed during the intervening period.

3.22 Beyond the planning application itself, the Council provides no evidence relating to:

- anticipated timings for completion of the Section 106 Agreement
- discharge of conditions
- commencement of development

- build-out rates
- expected housing completions

3.23 Whilst the site benefits from an allocation and a resolution to grant permission, those factors do not in themselves demonstrate deliverability. The Council must provide clear evidence that housing completions will occur within the five-year period.

3.24 In my opinion, the Council has not provided the clear site-specific evidence required by national policy and guidance to demonstrate deliverability and the site should therefore be excluded from the five-year housing land supply.

HPK/2019/0200 – Dinting Road (65 dwellings)

3.25 For this site, the Council relies on the fact that the site benefits from a Local Plan allocation and outline planning permission for residential development. A reserved matters application is currently under consideration by the Council. The application was validated on 1st August 2025 and an extension of time agreed until 4th May 2026.

3.26 Ms Wooddisse's evidence records that:

"The case officer confirmed on 15/07/2026 that the application is progressing with revised plans consisting of amended house types and proposed street elevations received from the developer Alderley Partnerships."

3.27 The reserved matters application remains undetermined.

3.28 According to the Council's online records, revised plans have been submitted by the developer (Alderley Group) on 15th July 2026, and the information presented by the Council indicates that these revisions relate to house types and street elevations.

3.29 No evidence is provided which demonstrates how outstanding consultee objections relating to matters including ecology, flood risk, drainage, highways and noise mitigation are to be resolved. Additionally, no programme or correspondence from the developer is provided to demonstrate when these matters will be addressed and a timetable for doing so.

3.30 No evidence has been produced to demonstrate that the developer is preparing a revised scheme and relevant supporting documentation to resolve consultee objections. Furthermore, there is no evidence to set out the developer's position on the following matters:

- anticipated determination date for the reserved matters application
- discharge of conditions

- commencement of development
- build-out rates
- anticipated completions

3.31 While ongoing discussions may be taking place between the Council and the developer (although no evidence is offered in this regard), such discussions do not in themselves demonstrate deliverability; there remain several matters still in need of resolution, and there is an absence of clear evidence that housing completions would occur within five years.

3.32 In the absence of clear evidence regarding implementation and delivery, I do not consider that the Council has demonstrated that the site satisfies the NPPF definition of a deliverable site.

4. CONCLUSION

- 4.1 The Council remains unable to demonstrate a five-year housing land supply.
- 4.2 The Council has not demonstrated why the information necessary to undertake a robust assessment as at 1st April 2026 is unavailable. National policy and guidance require decision-making to be based upon robust and up-to-date evidence and, in my opinion, the appropriate base date is therefore 1st April 2026.
- 4.3 In relation to each of the disputed sites, the Council has not provided clear site-specific evidence demonstrating deliverability in accordance with the NPPF definition of a deliverable site.
- 4.4 Nothing within the Council's evidence alters my conclusions regarding either the appropriate base date or the deliverability of the disputed sites. Consequently, those sites should be excluded from the five-year housing land supply calculation.
- 4.5 For those reasons, the Appellant maintains that High Peak's five-year housing land supply position is materially worse than the Council suggests and that substantial weight should be afforded to the delivery of market and affordable housing through the appeal proposal.

