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Dear Alison,

**The Glassmill, 1 Battersea Bridge Road, London, SW11 3BZ 2024/1322**  
**Appeal Reference - 6002127**

Thank you for the Inspector's comments in relation to Housing Delivery matters.

We are surprised that the Council did not chose to raise the matter with the appellant first to understand the nature of the appellants position in line with the Inspector's request at the CMC. The Appellant has sought and succeeded in discussing the matter with leading counsel for the Council. Who will need to take formal instruction from the Council. This note reflects the Appellants position following which it is hoped will be seen as reasonable and helpful.

The issue of the housing Land Supply and the HDT falls to be considered in the light of the matters set out below.

First, the Government and the GLAs acceptance of the extraordinary and unprecedented decline in housing delivery across London. That decline has resulted in emergency measures being proposed in draft- with the consultation period for such potential measures closing at the end of January 2026 and the potential publication of guidance thereafter. What is not in doubt is the fact of the dramatic decline of house deliveries across the capital. On the face of it, the position in Wandsworth appears to reflect this decline. The housing delivery position in London is by itself a material consideration of considerable weight

Second given the identification of this dramatic and potentially worsening decline in housing delivery in London, including the identification of many sites stalling, the Appellant sought to ask the Council in association with the negotiation of the SOCG directly for its up to date 5 year Land supply and housing delivery completions figures.



Such requests were made in good faith bearing in mind that the previous AMRs relied on would clearly not now be up to date. Further there is of course a real prospect that any significant fall in deliveries might also have impacted the Governments publication of the most relevant annual HDT scores for Wandsworth. These HDT results have been delayed but are due at any time and certainly are likely before the Inquiry.

On 8<sup>th</sup> January 2026, the Appellant thus wrote to the council seeking its up-to-date housing supply position – there being no published up-to-date AMR.

On 14<sup>th</sup> January 2026, the council provided the Appellant with a new 2024/2025 AMR which it said had only been published that morning. The Council officers negotiating the SOCG also specifically referred to the Appellant's request for the housing figures and the delivery of the figures in the context of the ongoing SOCG negotiation in an e-mail received that day (while also apologising for the delay in returning the SOCG).

On 21<sup>st</sup> January the Council served its SoC and relied on the new AMR to assert a 5 year land supply and a 110% score against HDT. The HDT score however cannot and does not include the most recent annual result which for reasons set out above is NOT yet available but will be by the date of the inquiry. It also includes allowances for non-delivery in the COVID years which will be removed from the calculations this year inevitably affecting the score likely in a downward direction.

It was also on that day (the 21<sup>st</sup>) that the Council added reliance on the new AMR and the HDT score to the still draft SOCG for the first time.

The Appellant therefore again on the 21<sup>st</sup> sought detail of housing starts and net completions data to date or to the year end 2025 to help in a calculation of where the HDT score might fall and to ascertain whether sites had stalled.

The Council responded on 22<sup>nd</sup> January saying that they did not have this information.

There is of course a duty on a local authority robustly to demonstrate a 5 year land supply particularly in the circumstances of the present wholesale failure of delivery across the capital. The Appellant has reasonably and responsibly sought to ascertain the reliability of the new AMR's assertions about delivery in the context set out above and the Council was clearly aware of these requests both now and at the time of the CMC. It was hoped that matters could (and still can) be dealt with through negotiations and discussions around a SOCG.

Most importantly the new HDT figures usually published in January and now expected in March will be important in determining the HDT figure relevant to the determination of this appeal and thus the issue of whether the tilted balance is in play.

In these circumstances it would be artificial and incorrect for the Appellant or the inquiry simply to agree to the proposition that the inquiry should proceed on the basis set out in the new draft of the SOCG returned on 21<sup>st</sup> January. Both parties must surely agree to this as a matter of principle.

In any event and indeed regardless of how the parties have reached this position (as to which the parties may differ), the inquiry will want (and need) to proceed on the most accurate and up-to date information available to it. That should not be controversial.



The Appellant suggests that the following text be added to its Statement of Case in line with the Inspector's letter.

**"In relation to HLS, the Appellant notes that there is a duty on the local planning authority to provide robust up-to-date evidence on 5 year Land Supply issues to support planning decisions. (Para 007 Housing supply and delivery NPPG)**

**The Council produced to the Appellant on 14 January 2025 a new AMR upon which it sought to rely in its Statement of Case dated 21 January 2025. It also introduced these matters into a draft SOCG for the first time on that day. The Appellant has throughout January sought further information in relation to the HLS and contents of the newly produced AMR and will continue urgently to seek to agree a final housing land supply position with the Council in line with the Inspector's ruling on a Housing SOCG. This is reasonable in all of the circumstances.**

**The Applicant does not agree that the present HDT figure of 110% should be used in the likely event that a new up-to-date and different figure is formally released by the government during the determination period of this application. Clearly any present assertion of a HDT score will need to reflect any new calculation. If the new score falls below 75% of the delivery target properly calculated, then the presumption in favour of delivery will apply. (Para 040 Housing Supply and delivery). This proposition should not be controversial."**

In terms of the procedural implications of these matters, the HDT position has no real significant procedural implication but might have a substantive implication if the HDT score falls below 75% for the relevant period. If it does not, then the tilted balance would not for this particular reason apply. The precise date for the release of the HDT scores is not known but indications are that these figures will be released before the Inquiry. The inquiry will have to take the new figure into account as a matter of law in any event.

In relation to the HLS matter, any outstanding concerns are of very narrow compass have been discussed in outline with Leading Counsel. They are likely now capable of being resolved quickly one way or another by way of discussion between the parties and a Housing Supply SOCG and are unlikely to take up any significant inquiry time.

It is to be hoped that this matter can be dealt with in a clear, speedy, open and co-operative manner.

Yours faithfully,

*DP9 Ltd.*

**DP9 Ltd.**