

Appellants response to Inspector's question on weighting scale

1. In an email from the case officer (Helen Skinner) dated 14th August 2026, the Inspector set out the following issue on the respective weighting scale of the two main parties.

“The Inspector considers it is unfortunate that the Council and the appellant use different scales of weighting, the appellant uses 5 scales and the Council 4. The Inspector would prefer if the Council and the appellant would agree a common scale. Moreover, the Inspector finds it unhelpful that where there is a difference in the degree of weight attached to benefits and harms, the Council does not include within the Planning proof-of-evidence a justification for the differences. This is a matter that the Council needs to address. If not addressed before the inquiry opens, it is matter that the Inspector would have to address through his questions at the inquiry. This could have significant implications for the timetable”.

2. As alluded to in the above request, the Appellant and Council agree with four of the five points of the weighting scale. The area of difference relates to the Appellant's use of 'very substantial'. It is noted that the use of 'very substantial' by the Appellant is only in relation to two benefits.
3. It is noted that the Council considers the use of 'substantial' to refer to their top of scale weightings. The Appellant however considers a further layer of granularity is needed.
4. The Appellant's consider their weighting scale is more appropriate and reflects, amongst other things, the weighting scale used by the SoS in other recovered appeals. This is the position we now find ourselves in.
5. The Appellant notes that since the Inspector's request on 14 August, the Government has since published an updated National Planning Policy Framework (“the Framework”). The considerations of the Framework relevant to this appeal and agreement between parties is provided for in a separate SoCG. This paper however sets out the Appellant's position in relation to the use of 'very substantial', drawing upon the updated Framework where necessary.

Appellant's Justification – Affordable Housing

6. For instance, in the Kings Farm Orsett recovered appeal (APP/M1595/W/25/3358576 – dated 15 April 2026), where Mr Stacey, the Appellant's affordable housing witness presented evidence, the SoS appears to have used the following scale ranging from very limited, limited, moderate, significant, substantial and very substantial.
7. Whilst this scale has 6 rungs, given the LPA have 4 rungs to their scale, the appellants contend that very limited and limited can, in this case, be combined. However, given the SoS at paragraph 44 of their decision letter, specifically endorsed the benefit of affordable housing as acquiring very substantial weight, the distinction between substantial and very substantial should remain.
8. Paragraph 44 of the Kings Farm Orsett recovered appeal indicates,

44. For the reasons given at IR12.102-12.104 and IR12.125, the Secretary of State agrees that there is a substantial shortfall to the net need for affordable housing (IR12.103), there is no realistic likelihood of this being rectified in the foreseeable future, and that the provision of affordable housing should be given very substantial weight (IR12.125).

9. In another recovered appeal (APP/J0350/W/25/3366043 – dated 10 June 2026), relating to a data centre at land at Manor Farm and land North of Wraysbury Reservoir, Poyle Road, Slough, the Inspector specially set out their weight scale at paragraph 11.139.

“11.139 In this section, I ascribe weight in the following sequence: very substantial; substantial; significant; moderate; limited; very limited; and neutral. Great weight is to be ascribed to heritage harm.”

10. Whilst, again, this scale has 6 rungs (potentially 7 with neutral) given the 4 rungs on the Council's current scale the Appellant's contend it is entirely reasonable for the agreed position in this appeal to set out 5 rungs.
11. Those being limited, moderate, significant, substantial and very substantial.

Appellant's Justification – Provision of Housing and Affordable Housing

12. Policy HO7 of the Framework directs that substantial weight should be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community. Importantly, HO7 expressly identifies those needs by reference to both needs assessments prepared for the area of the local planning authority and 'other relevant evidence'. The Appellant treats substantial weight as the policy-directed starting point where HO7 is engaged, rather than a ceiling. Whether the benefit should attract a still higher degree of weight on the Appellant's scale is a matter of planning judgment having regard to the particular evidence in this appeal. This applies to both market and affordable housing.
13. In respect of this appeal, there are clear factors which would elevate the status of weighting beyond substantial. It is a matter of agreement between parties that there is a clear housing shortfall in the District, and this number is not a small one. Depending on the evidence relied upon, the Council's five year housing land supply can be read between 0.59 years (Appellant) and 1.16 years (LPA), a real world shortfall between 3,983 and 3,465 dwellings. Parties agree that this is substantial, and as highlighted in the Appellant's evidence, this would place Three Rivers as one of the worst performing authorities in terms of demonstrating a forward land supply.
14. Furthermore, alongside the publication of the Framework, the Government also published the 2025 results of the Housing Delivery Test (“HDT”). This has seen a continued worsening of results when looking at delivery over the previous three years. The figure now stands at only 47%. Affordable housing requires separate consideration. Mr Stacey's evidence goes materially beyond the headline housing land supply shortfall and constitutes, in the

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Appellant's view, the 'other relevant evidence' expressly contemplated by HO7. At 31 March 2026 there were 946 households on the Housing Register, which itself captures only part of affordable housing need; only one affordable dwelling was advertised for let in Chorleywood North & Sarratt Ward during 2025/26, attracting 25 bids; 46 households were in temporary accommodation, including two housed outside the District; and during 2025/26 the Council accepted that 229 households were owed the homelessness prevention duty and a further 66 were owed the relief duty. The affordability indicators point in the same direction: average private rents reached £1,807 per month in 2025/26, 49% higher than in 2014/15, 42% above the East of England average and 26% above the national average; the lower-quartile house-price-to-income ratio was 12.70 in 2025, 45% above the East of England and 82% above the national figure; and lower-quartile house prices in the local MSOA have risen by 266% since 2001 to £582,500 in 2025. These pressures are coupled with an inadequate future supply: even on generous assumptions, the identified five-year housing land supply would produce only around 107 affordable homes per annum at a policy-compliant 45% rate, or around 59 per annum if historic gross delivery of 25% continued, compared with a net need of 527 affordable homes per annum in the 2024 LHNA (and 915 per annum if the existing backlog is addressed within five years).

15. The Appellant considers that these factors are relevant considerations, which elevate the benefits here, beyond the weighting of 'substantial' in HO7.

Updated Weightings Table

Benefit	Relevant August 2026 policy direction	Appellant weight	Council weight
SOCIAL			
Provision of housing	HO7: substantial weight to homes meeting evidenced needs	Very Substantial	Substantial
Provision of affordable housing	HO7 and HO8; GB8 compliance	Very Substantial	Substantial
Custom and self-build housing	HO7: needs of different groups	Substantial	Significant
Supported living for vulnerable young people	HO7 / HO9; public-service benefit	Significant	Significant
New 1FE primary school and expansion land	HC4: substantial weight where criteria are met	Significant	Moderate
New medical centre for NHS health and social care	HC4: substantial weight where criteria are met	Significant	Moderate
Local centre and community facilities	HC3 / HC4	Significant	Limited
Sports facilities and play spaces	HC4 public-health benefits	Moderate	Moderate
Compliance with the Golden Rules	GB8(2): substantial weight	Substantial	Substantial
ENVIRONMENTAL			
Locational sustainability - growth at a Key Centre	S5 / TR3	Moderate	Limited
Low-carbon development	CC2(2): substantial weight	Substantial	Limited
Electric vehicle charging	TR4 / CC2	Limited	No weight
New Country Park	GB8 / HC4 / N2	Substantial	Moderate

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Benefit	Relevant August 2026 policy direction	Appellant weight	Council weight
Biodiversity net gain	N2	Significant	Moderate
ECONOMIC			
Sustainable and active travel options and new bus service	TR3 / TR4	Limited	Limited
Job creation	Economic objective; no separate directed weight	Significant	Limited
Enhanced retail and household spending	General economic objective	Moderate	Limited
Increased Council Tax revenues	General fiscal effect	Moderate	No weight