

FAREHAM LOCAL PLAN 2037

MATTER 4: HOUSING POLICIES

**ON BEHALF OF: THE HAMMOND FAMILY, MILLER HOMES AND
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1. MATTER 4 – HOUSING POLICIES

Policy HP1 New Residential Development

1.1 Is Policy HP1 justified, effective and consistent with national policy in particular paragraphs 79 and 80 of the Framework?

1.1.1 Policy HP1 limits residential development outside of the Urban Area to the conversion of existing buildings and replacement dwellings. This is inconsistent with:

- i. Policy HP2 which allows for small-scale housing development outside of the Urban Area;
- ii. Policy HP4 which allows for housing development outside of the Urban Area in the absence of a 5YLS;
- iii. Paragraph 72 of the NPPF which allows for entry-level exception sites adjacent to existing settlements; and
- iv. Paragraph 80a of the NPPF which allows for the development of rural workers accommodation in the countryside where there is an essential need.

1.1.2 As drafted Policy HP1 is therefore not clear and therefore not effective, and it is not consistent with national policy. The wording of Policy HP1 should therefore be revised accordingly to either confirm that criteria a) and b) are not exclusive, or to add the relevant other exceptions to these criteria.

Policy HP4 Five Year Housing Land Supply

1.6 What is meant in part a) that a proposal should be relative in scale to the five-year housing land supply shortfall? Is the Policy effective?

- 1.6.1 It is not clear how criterion a) will be applied and it is therefore not effective.
- 1.6.2 The Policy as a whole is also not consistent with positive, effective, justified or consistent with national policy. Paragraph 5.23 appears to suggest that the presumption in favour of sustainable development could result in unsustainable development which is unjustifiable given that the presumption allows for sustainable development only. On the basis of this misapprehension, paragraph 5.23 then appears to suggest that Policy HP4 will be used in place paragraph 11d of the NPPF. This would clearly not be consistent with national policy.
- 1.6.3 Policy HP4 is likely to be interpreted as providing a prohibition on development that does not meet each of the criteria regardless of whether or not the benefits of such developments would be significantly and demonstrably outweighed by any adverse impacts.
- 1.6.4 A hypothetical example could include a proposal that gives rise to substantial benefits but is considered by the determining officer to be of a scale that is not entirely proportionate to the setting which the officer may consider to represent a moderate harm. Applying Policy HP4 as written would suggest that such a proposal should be refused, notwithstanding that the adverse impacts would not significantly and demonstrably outweigh the benefits. This would serve to disapply national policy.
- 1.6.5 Policy HP4 therefore needs to be modified to be positive, effective, justified and consistent with national policy. This could be achieved in a number of ways including for example:
- i. Adding a clause at the end which identifies that all proposals that do not meet the specified criteria will be determined in accordance with national policy. This would provide a positive policy which provides a clear structure for determining those applications which will be permitted but also provides an alternative route that accords with national policy; or

- ii. Identifying that when undertaking the tilted balance, particular consideration will be given to the specified criteria, but clarifying that this are not necessarily determinative. This would be wholly consistent with national policy and would provide a particular steer as to how applications will be determined.

1.7 The Framework in paragraph 119 seeks to make effective use of land making as much use as possible of previously developed land. Is the policy effective in this regard? Does it give too much emphasis to development outside the urban area?

1.7.1 The requirement to make effective use of land would normally be considered as part of the planning balance undertaken under paragraph 11d of the NPPF. However, as set out above, Policy HP4 seeks to replace paragraph 11d such that the eFLP will not provide for the presumption in favour of sustainable development required by national policy.

1.7.2 If this is the case, then the list of criteria would need to be comprehensive and would therefore have to encapsulate every possible planning consideration. This can be avoided by either of the potential modifications set out in response to the previous question.

1.7.3 The Policy necessarily focusses on development outside the urban area, owing to the fact that Policy HP1 supports development within the urban regardless of the 5YLS position.

1.8 Does the policy provide sufficient protection to Strategic Gaps?

- 1.8.1 The wording in Policy HP4 reflects that in Policy DS2. This provides for the same level of protection to Strategic Gaps regardless of the ability of the Council to demonstrate a 5YLS. In the absence of such a supply, it is more likely to be necessary for development within the Strategic Gaps and so if anything the protection afforded by Policy HP4 should be reduced.

1.9 In part d) of the policy, is it clear to decision makers, developers and the community what is meant by 'short term'. Is this phrase necessary?

1.9.1 No, it is not clear, and it is not necessary.