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**Examination of the Submitted Fareham  
Borough Local Plan**

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**STATEMENT FOR:**

**MATTER 4 – HOUSING POLICIES**

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**Prepared by:**

**Woolf Bond Planning LLP**

**On behalf of:**

**Foreman Homes Ltd**



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## Executive Summary

Foreman Homes Ltd (“FHL”) have a controlling interest in various sites within Fareham, including those with permission, those granted at appeal<sup>1</sup>, sites currently at appeal, sites allocated for development in the submission Local Plan and those not proposed to be allocated.

The Plan fails to plan for sufficient housing growth (in terms of the overall housing target in Policy H1) and places undue reliance upon the delivery of housing from Welborne (which has failed to deliver at the rates previously suggested by the Council). and Additional site allocations should therefore be identified, including through reserve site allocations.

FHL’s objections may be summarised as follows:

- The Plan is **not positively prepared** in so far as the proposed strategy for growth will fail to deliver the identified housing need for a minimum of 10,197 dwellings during the period 2021 to 2038.
- The Plan is **not justified** having regard to the approach envisaged to maintain a rolling five year supply of housing land and/or in relation to the approach to the allocation of sites for housing, such that it cannot be said to provide the most appropriate strategy when considered against the reasonable alternatives.
- The Plan is **not effective** and will fail to provide a five year supply of deliverable housing land on adoption and nor will it deliver the requisite amount of housing during the plan period; when assessed against the objectively assessed housing need.
- The Plan is **not consistent with national policy** having regard to the need to ensure housing site allocations will maintain an adequate supply of deliverable housing land.

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and denying people the opportunity to own their own home, contrary to Government policy which is seeking to boost the supply of housing in order to address the current housing crisis.

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF (2021).

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<sup>1</sup> Including land south of Romsey Avenue, Portchester (PINS Ref: APP/A1720/W/21/3271412 (28 Jan 2022) (Appendix 14)

## **CONTEXT AND BACKGROUND**

- 1.1. This Statement has been prepared by Woolf Bond Planning LLP on behalf of Foreman Homes Ltd (“FHL”), and addresses several questions posed for Matter 4 of the Hearing Sessions as set out in the Inspector’s Matters and Issues.
- 1.2. In setting out our response, we continue to rely upon the content of the detailed representations submitted on behalf of FHL in response to the Regulation 19 consultation on the revised Plan in July 2021 (as well as those representations submitted in late 2020).
- 1.3. Our answers to the questions should be read in the context of our position that insufficient deliverable and developable land has been identified in the submission Local Plan in order to maintain a rolling 5 year supply of housing land as obligated by paragraph 74 of the NPPF. The Plan would not be sound without an amendment to include additional site allocations within revised settlement boundaries<sup>2</sup>.
- 1.5. This Statement details further responses to a number of the specific questions raised by the Inspector’s in their examination of the Local Plan.

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<sup>2</sup> To include omission sites controlled by FHL (see the site schedule at Appendix 15)

**MATTER 4: HOUSING POLICIES (POLICIES HP1 – 10 AND HP12)**

**Questions 1 and 6 to 9**

***Policy HP1 New Residential Development***

**Question 1. Is Policy HP1 justified, effective and consistent with national policy in particular paragraphs 79 and 80 of the Framework?**

- 2.1. No. The approach of policy HP1 restricts development outside of the Urban Area boundary to a very limited set of circumstances. These circumstances are inconsistent with those outlined in subsequent policies, especially policies HP2 and HP4.
- 2.2. As indicated in the response to the questions on policy HP4, this policy artificially constrains development. Since the approach of HP1 is more restrictive, it also constrains development.
- 2.3. As a result of the inconsistency of policy HP1 with the approach of HP2 and HP4 (albeit these also artificially and unjustly restrict development), this policy should be omitted from the Plan.

***Policy HP4 Five Year Housing Land Supply***

**Question 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?**

- 2.4. Policy HP4 carries forward the approach set out in existing Local Plan policy DSP40.
- 2.5. As outlined in our 2021 representations and the response to the questions on the housing requirement (Our Matter 3 Statement refers), we do not consider that the Council should be allowed to adopt a Plan with a stepped requirement. This is due to the inconsistency of the approach with the Government's

expectations of significantly boosting the supply of housing together with the clear ongoing issues of housing affordability in the Borough, due to the ongoing under delivery of housing both within the Borough and the wider PfSH area. To address this, it is essential that a level housing target is set.

- 2.6. The Council has consistently failed to demonstrate a five year supply of deliverable housing land. Even with Policy DSP40 in play, the Council has not maintained a sufficient supply of deliverable housing land.
- 2.7. The Council has not maintained This has resulted in significant shortfalls in consecutive five year monitoring periods. Appendix B of the Reg 19 Local Plan indicates this trend would continue even based on applying a stepped trajectory. This is not acceptable. The housing need is now.
- 2.8. The strategy proposed by the Council in the Local Plan will only serve to continue this trend. Additional deliverable sites should be allocated to ensure a deliverable and developable supply of housing land.
- 2.9. In addition, and as set out in Matter 3 above, there is an acute affordable housing need. Again, it is unacceptable to defer meeting these needs until the back end of the plan period.
- 2.10. These factors clearly demonstrate that the approach to meeting housing needs cannot be said to be sound having regard do the tests of soundness. This approach means the Plan is not positively prepared.
- 2.11. It is not justified having regard to the reasonable alternatives (a flat trajectory and the allocation of deliverable sites for housing) and nor is it effective as it will fail to meet identified housing needs until the end of the plan. This is not acceptable and nor is it consistent with national policy.
- 2.12. In addition to the above (addressing housing needs now), it is essential that the Plan confirms (consistent with the PPG – ID ref 68-031-20190722), that any deficit in delivery from the Plan’s start date (1<sup>st</sup> April 2021) is addressed within the next five years (the Sedgefield approach).

- 2.13. This will ensure that the Council actively addresses the Government's objectives for the Borough together with resolving ongoing under delivery and affordability issues within the PfSH area.
- 2.14. Given the ongoing under-delivery of housing both within the Borough<sup>3</sup> and the PfSH area, it is also essential that the Plan confirms that any 'over provision' of housing compared to the annual minimum targets of the Local Plan is not deducted from the calculation of the requirement to be met in the next five year period.
- 2.15. As confirmed in the *Tewkesbury Borough v Secretary of State* judgement<sup>4</sup>, given the clear need for housing within the PfSH area, it is essential that the Borough's annual requirement in the Local Plan is confirmed as the baseline minimum for any five year supply calculation.
- 2.16. Adhering to these principles will ensure that the Borough is actively contributing towards the Government's clear objective of significantly boosting the supply of housing.
- 2.17. Whilst criterion (a) of the policy refers to the relative scale of the shortfall, given the clear objective in the NPPF of both boosting the supply of housing (paragraph 60) together with the need to maintain a five year supply (para 74 of the NPPF refers), it is not considered that this is a relevant factor. This is because it would not be appropriate to reject an application for development which was otherwise acceptable solely on the basis that it results in a substantial over-provision.
- 2.18. The NPPF is clear that achieving a five year supply is the minimum requirement and schemes which ensure delivery in excess of this should still be allowed.

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<sup>3</sup> As confirmed in paragraph 46 of the appeal decision of land east of Newgate Lane, Fareham (appendix 2)

<sup>4</sup> Appendix 10– *Tewkesbury BC v Secretary of State for Housing, Communities and Local Government* [2021] EWHC 2782 (Admin) (paragraphs 42-52)



- 2.19. We therefore advocate that the criteria (a) is omitted. However, if the criteria is to be retained, we would advocate that the monitoring envisaged in the policy is both retrospective and forward looking so that it can identify potential future issues and taking appropriate action i.e. approval of applications on reserve sites consistent with the approach in Reigate and Banstead.
- 2.20. As indicated in Reigate & Banstead's policy MLS1<sup>5</sup>, the monitoring of housing delivery sets out a timetable for release of housing monitoring data together with the retrospective and forward looking approaches. This is an alternative approach which alongside the allocation of reserve housing sites can contribute towards ensuring a five year supply is available. This is important as the Council does not have a track record of compliance with the obligations in the NPPF of maintaining a five year supply<sup>6</sup>.
- 2.21. Alongside Policy MLS1, Reigate and Banstead included a number of urban extensions sites which could be released when the monitoring framework indicates that the deficit in housing land supply was expected. Whilst Reigate and Banstead had envisaged a phasing approach to the release of sites subject to their MLS1 policy, the Inspector<sup>7</sup> rejected this (paragraph 142) and stated:

**“There are therefore no constraints or site-specific factors which would affect the lead in times and delivery of the identified SUEs. The detailed phasing proposed in Policy MSL1, stating an order in which sites would be released, does not reflect site constraints and lacks justification. For the plan to be positively prepared and in the interests of effectiveness, MM43 is necessary to provide a forward-looking mechanism through the annual Housing Monitor to determine the need to release SUEs over the next and subsequent year. This approach should ensure the maintenance of a deliverable 5-year housing land supply**

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<sup>5</sup> Included as appendix 11. The extract also includes the sites which are subject to this policy and total 1,200 dwellings (145 dwellings on ERM1, 230 dwellings on ERM2/3, 30 dwellings on ERM4a, 30 dwellings on ERM4b, 130 dwellings on ERM5, 290 dwellings on SSW2, 10 dwellings on SSW6, 25 dwellings on SSW7, 120 dwellings on SSW9, 75 dwellings on NWH1, 40 dwellings on NWH2 and 75 dwellings on SEH4). This total is equivalent to 2.6 times the annual requirement of 460dpa (as specified in paragraph 3.5.1 which precedes policy MLS1).

<sup>6</sup> See appeal decisions include as appendices in our representation.

<sup>7</sup> Appendix 12

**over the plan period and allow sites to come forward when they are available and developable.”**

- 2.22. The Reigate & Banstead’s Local Plan Inspector’s conclusions that any reserve sites should come forward when they are available and developable would equally apply in Fareham Borough and also discounts any relevance of the scale of the shortfall.

**Question 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?**

- 2.23. No.
- 2.24. As indicated in the NPPF, the Government emphasises the importance of boosting the supply of housing and the role of maintaining at least a five year supply of housing land.
- 2.25. To ensure a five year supply is maintained (especially taking account of the poor track record in Fareham Borough<sup>8</sup>), it is essential that development of suitable sites is allowed.
- 2.26. This supports the use of greenfield land outside of the urban area, especially where (as occurring to date), there has been insufficient land (both previously developed and greenfield) within the built up area to maintain a five year supply.

**Question 8. Does the policy provide sufficient protection to Strategic Gaps?**

- 2.27. Yes.

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<sup>8</sup> See appeal decisions include as appendices in our representation.

2.28. The approach of criteria (c) is more restrictive than that within the current policy DSP40 which as indicated in Appendix 13 seeks to “minimise any adverse impacts on the countryside and, if relevant, the Strategic Gaps” (criterion iii). In an appeal on land east of Newgate Lane East, Fareham, the Inspector (paragraph 46) concluded:

**“LP2 policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy.”** (Our emphasis underlined)

2.29. Accordingly, and rather than providing sufficient protection, the policy is in fact unduly onerous and should be refined to ensure the Council is better able to maintain a five year supply. This this will ensure that the Government’s objective of boosting the supply of new homes is met, which is particularly acute in Fareham, while maintaining the purpose and function of the Gap. There is a need to balance wider objectives of house need and, as confirmed in various appeal decisions, the Gap can still function even with development at its fringes.

**Question 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?**

2.30. This phrase is not clear and in any event is unnecessary.

2.31. Given the objective of the policy is allowing the development of sites which can contribute towards addressing the identified shortfall in five year supply, the extent that its implementation will assist in resolving the deficit would be a factor.

2.32. Reference to 'short term' in the policy should be omitted as to contemplate approval of any application would acknowledge that delivery of homes on the site is realistic within the five year period which the Council is seeking to resolve. This can also be addressed through a condition imposing a shorter timeframe for implementation.

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