

UPDATES

for Committee Meeting to be held on 24th June 2020

Five Year Housing Land Supply

Following the publication of this report, Officers have been made aware of a recent legal case involving East Northamptonshire Council (ENC), the Secretary of State for Housing, Communities and Local Government (SOS) and Lourett Developments Ltd.

ENC commenced legal action against the SOS for allowing a planning appeal at Thrapston in Northamptonshire. The case related to the Planning Inspector's decision to treat the definition of 'deliverable' within the Glossary of the NPPF as a 'closed list'.

The SOS conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework ("NPPF") as a 'closed list'. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available. The SOS considered that it was appropriate for the Court to make an Order quashing the decisions and remitting the appeal to be determined anew. The Court duly issued an order to this effect.

In light of the position taken by the SOS, it is reasonable to assume that Planning Inspectors will now follow the approach advocated in this case. In turn, it is appropriate for the 5 Year Housing Land Supply Report to be updated to reflect the most recent position of the SOS in respect of the definition of 'deliverable'.

The following changes are therefore made to the published report:

Introduction

Paragraph 5 should be deleted in its entirety.

Paragraph 6 should be substituted with the following:

Calculation of the Council's 5-Year Housing Land Supply Position based on an annual dwelling requirement of 514 and a 5% buffer gives a projected position of 4.03 years.

Paragraph 25 as currently written, should be deleted from the report and replaced with the following:

As highlighted at Paragraph 18, many Planning Inspectors have regarded the definition within the National Planning Policy Framework as a 'closed list' i.e. if a site does fall within the

definitions at a) or b), set out within paragraph 12 of this report, it should not be included within the Council's 5 Year Housing Land Supply. In the recent case of East Northamptonshire Council, the Secretary of State for Housing, Communities and Local Government (SOS) and Lourett Developments Ltd, the SOS conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework ("NPPF") as a 'closed list'. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available. On this basis planning applications with a resolution to grant planning permission are included within the Council's 5 year housing land supply. In light of the current market conditions, Officers have applied a precautionary approach to the commencement of development in respect of those sites with a resolution to grant. For detailed planning permissions this means that Officers have put the commencement of development as falling within 2021/22, and outline planning permissions being implemented during 2022/23.

In paragraph 34, insert a further bullet point:

- Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 30th March 2025

FIVE-YEAR HOUSING LAND SUPPLY POSITION

The table within the current report should be deleted and replaced with the following:

The following table provides a summary of the Council's current 5YHLS position as per the date of this paper.

HOUSING REQUIREMENT		
A	Local Housing Need: Dwellings per annum 2019-36	514
B	Local Housing Need: Total requirement for 1 st April 2020 to 30 th March 2025 (A x 5)	2,570
C	5% buffer to ensure choice and competition in the market for land (B x 5%)	129
D	Total housing requirement for period from 1st April 2020 to 30th March 2025 (B+C)	2,699
E	Annual requirement for period from 1st April 2020 to 30th March 2025 (D/5)	540
HOUSING SUPPLY		
F	Net outstanding planning permissions for small sites (1-4 units) expected to be built by 30th March 2025 (discounted by 10% for lapses)	155
G	Net outstanding full planning permissions for large sites (5 or more units) expected to be built by 30th March 2025	371
H	Net outstanding outline planning permissions for large sites (5 or more units) expected to be built by 30th March 2025	99
I	Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 30th March 2025	709
J	Dwellings allocated in Adopted Local Plan (LP2) that are expected to be built by 30th March 2025	624
K	Dwellings from emerging brownfield sites (Adopted Local Plan - LP1 & LP2) that are expected to be built by 30th March 2025	145
L	Small site windfall allowance (years 4 – 5) (37 dwellings x 2 years)	74
M	Expected housing supply for the period from 1st April 2020 to 30th March 2025 (F+G+H+I+J+K+L)	2,177
N	Housing Land Supply Position over period from 1st April 2020 to 30th March 2025 (M – D)	-522
O	Housing Supply in Years (M / E)	4.03

DETAILS OF PROJECTED HOUSING SUPPLY FOR THE 5-YEAR PERIOD (1ST APRIL 2020 – 31ST MARCH 2025)

The table within the current report should be deleted and replaced with the following:

Site Address	2020/21	2021/22	2022/23	2023/24	2024/25	Totals
Outstanding Planning Permissions - Small (1-4 dwellings) (10% discount)						
Total across Borough	50	50	55			
						155
Outstanding Full Planning Permissions - Large (5+ dwellings)						
3-33 West Street, Portchester (07/0042/FP)		16				
New Park Garage, Station Road, Park Gate (09/0672/FP)	14					
100 Wickham Road, Fareham (14/1252/FP)			13			
Swanwick Marina, Bridge Road (15/0424/VC)			25	25		
4-14 Botley Road, Park Gate (16/0295/FP)	23					
Land to rear of 184 Bridge Road (P/17/0697/FP)	3					
1 Station Industrial Park, Duncan Road, Park Gate (P/17/1219/PC)			15			
Willows End, 312 Old Swanwick Lane (P17/1390/FP)		6				
Cranleigh Road, Portchester (Appeal allowed, reserved matters application P/17/1170/RM)		37				
Wykeham House School (P/17/0147/FP)	15					
Hampshire Rose, Highlands Road, Fareham (P/17/0956/FP)	17					

HA3 Southampton Road (Land at Segensworth Roundabout) (P/18/0897/FP)		41				
123 Barnes Lane, Sarisbury Green (P/18/0690/FP)				41		
Land to south of Rookery Avenue, Swanwick (P/18/0235/FP)			6			
94 Botley Road, Park Gate (19/0321/PC)			8			
24 West Street, Fareham (19/0654/PC)			7			
Land North of Funtley Road, Funtley (P/17/1135/OA) (P/19/0864/RM)	10	17				
42 Botley Road (P/19/1275/PC) Prior Approval Granted		5				
Stubbington Lane, Hill Head (LP2 H12)		11				
Corner of Station Road, Portchester (LP2 H20)		16				
Sub-total						371
Outstanding Outline Planning Permissions - Large (5+ dwellings)						
Land to the East of Brook Lane & South of Brookside Drive, Warsash - Taylor Wimpey (P/16/1049/OA)		50	35			
Former Scout Hut Coldeast Way Sarisbury Green (P/17/1420/OA)			7			
Land to East of Bye Road (self/custom build) (P/17/1317/OA)			4	3		
Sub-total						99
Resolution to Grant Planning Permission - Large (5+ dwellings)						
Land at Brook Lane, Warsash - Foreman Homes (P/17/0845/OA)			40	70	70	
Land East of Brook Lane (South), Warsash – Bargate Homes (P/17/0752/OA)			20	40	40	
Land South of Greenaway Lane, Warsash - Land & Partners (P/17/0998/OA)			25	60	60	

East & West of 79 Greenaway Lane, Warsash (P/18/0107/OA)			15	9		
East & West of 79 Greenaway Lane, Warsash (P/18/0884/FP)		6				
Land South of Funtley Road, Funtley (P/18/0067/OA)			15	30	10	
Land South West of Sovereign Crescent, Locks Heath (P/18/0484/FP)		24	14			
Moraunt Drive, Portchester (P/18/0654/FP)		16	32			
Southampton Road (Reside) (P/18/0068/OA)			35	50	20	
Egmont Nurseries, Brook Avenue (P/18/0592/OA)			8			
Sub-total						709
Local Plan Policy Compliant Brownfield Sites						
Warsash Maritime Academy				50	50	
Fareham Magistrates Court				45		
Sub-total						145
Local Plan Adopted Housing Allocations						
Wynton Way, Fareham (LP2 H3)			10			
335-337 Gosport Road, Fareham (LP2 H4)				8		
East of Raley Road, Locks Heath (north) (LP2 H6)				20	30	
33 Lodge Road, Locks Heath (LP2 H10)					10	
Land off Church Road				26		
Heath Road, Locks Heath – Hampshire County Council (LP2 H11) (P/17/1366/OA)				35	35	
Welborne (LP3)			30	180	240	

	Sub-total						624
Windfall							
Small (1-4 dwellings)					37	37	
	Sub-total						74
	Total						2,177