

Land East of Newgate Lane East, Fareham

Proof of Evidence on Housing Need and Supply

On behalf of Miller Homes Ltd and Bargate Homes Ltd

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1. EXECUTIVE SUMMARY

The supply of housing

- 1.1. There has been and is a desperate shortfall in the supply of housing in Fareham Borough that has arisen at least in part from the application of the policies of the Development Plan as illustrated by the fact that:
- i. There has been a substantial under-delivery of between 2,926 and 3,676 homes against the adopted housing requirement which itself was grossly insufficient to meet housing needs;
 - ii. There is a record of substantial under-delivery with only 62% of the minimum number of homes required by the HDT having been delivered in the preceding three years (or 52% of the minimum number of homes needed without the adjustment for the pandemic);
 - iii. As accepted by the Council, there is an insufficient supply of housing to provide for a minimum 5YLS against the minimum local housing need;
 - iv. This position has arisen even though 1,074 of the homes in the deliverable supply of the LPA have been granted at appeal notwithstanding a perceived conflict with the adopted Development Plan – without these, the LPA's latest published assessment would identify a 3.35yls with a substantial shortfall of 1,068 homes¹;
 - v. Once the supply² is assessed in accordance with national policy and guidance, the LPA is able to demonstrate a 3.86yls with a substantial shortfall of 769 homes;
 - vi. There will continue to be a record of substantial under-delivery according to the HDT until at least late 2023/early 2024;
 - vii. A 5YLS shortfall has already persisted since December 2017 and will persist until at least 2032 unless the policies of the adopted Development Plan are reviewed;

¹ Once the recent concessions of the LPA were taken into account the land supply position would be even lower.

² Including the sites granted at appeal.



- viii. There has been an under-delivery of over 7,200 affordable homes since 2004 including almost 2,000 affordable homes since 2013; and
- ix. There are now 4,874 households in need of affordable homes.

1.2. As a result of this chronic shortfall of housing:

- i. The housing needs of present and future generations have not been provided for as required to provide sustainable development according to paragraphs 7 and 8 of the NPPF;
- ii. Housing is particularly unaffordable in Fareham with a household having to spend 10.74 the median income to access a median priced home, such that many households will be unable to access the housing they need and this is particularly so for those least able to access the housing market who would need to spend 11.77 times the lower quartile income to access a lower quartile priced home;
- iii. The affordability of housing has worsened significantly over the previous decade with the median affordability ratio having increased by 34% from 7.99 to 10.74, and the lower quartile affordability ratio having increased by 32% from 8.92 to 11.77;
- iv. As such, the population growth of the Borough has been constrained as households have found that to access a suitable home they need to move elsewhere rather than remaining in the area in which they may have established social, familial and economic relationships;
- v. As such, the average age of the population has increased significantly with some 24.5% of the population now aged 65 or over, which will place a greater demand on health and social care services at a time in which there will be fewer younger people to provide such care; and
- vi. Unsurprisingly, with a comparatively constrained population growth and an ageing population, the number of jobs in the Borough has declined from 52,000 in 2015 to 49,000 in 2020 and the need to travel has increased.

The actions proposed by the LPA

- 1.3. The LPA are in the process of preparing the Local Plan Review (LPR) which is at examination. The preparation of the LPR provided an opportunity to address or ameliorate the chronic shortfall in housing delivery. However, rather than take this opportunity, the LPR:
- i. Has come too late in the day such that the policies within the LPR will be out-of-date upon adoption owing to the HDT results;
 - ii. Proposes to divert the supply at Welborne which was adopted to address unmet sub-regional housing needs to address the indigenous needs of Fareham Borough, such that the LPR increases the unmet sub-regional needs³ rather than addressing these;
 - iii. Proposes a stepped housing requirement to defer addressing the chronic shortfall of housing rather than taking positive action to allocate sites to address the substantial unmet needs in the short-term.
- 1.4. The LPR has also been found to be in need of modifications to address issues of soundness including numerous issues which may bear upon the overall housing requirement such that these aspects of the LPR can be afforded at most limited weight (in the absence of modifications), and the necessary modifications have yet to even be published such that they can be afforded no weight. Nevertheless, even if the LPR was afforded sufficient weight, it would not be material to the current appeal as the most important policies would remain out-of-date because the LPA will remain subject to a record of substantial under-delivery as measured by the HDT, and there would remain a substantial need for additional housing both within Fareham in the short-term and across the sub-region⁴.

Materiality of the housing land supply position

- 1.5. Not only is the adopted housing requirement itself not based on an objective assessment of housing needs as required by the NPPF, but all of the most important policies are out-of-date owing to both the record of substantial under-delivery of housing as recorded by the HDT, and the absence of a 5YLS. Accordingly, paragraph 11d of the NPPF identifies that planning permission should be granted unless either the policies specified in footnote 7

³ To c.13,000 homes.

⁴ The latter of which is as a direct result of the diversion of the supply at Welborne.

provide a clear reason for refusal; or any adverse impacts significantly and demonstrably outweigh the benefits.

- 1.6. For all of the reasons outlined in paragraph 1.1 above, it is clear that there is a desperate need for additional housing which will be material to the weight afforded to the provision of housing. Indeed, the parties agree that the provision of housing should be afforded substantial weight⁵.
- 1.7. It is also clear that the application of the policies in the adopted Development Plan which were not designed to respond to housing needs have been wholly ineffective in maintaining a sufficient supply of housing even to meet their own insufficient objectives let alone to respond to the need for housing as would be required to provide for sustainable development. This will be material to the weight afforded to any conflict with these policies.
- 1.8. Additionally, this is not a temporary issue which will be readily remedied. The 5YLS shortfall has persisted since December 2017 and will persist for another decade unless the policies of the adopted Development Plan are replaced. Whilst the LPA is proposing to replace these policies in the LPR, as identified above this does not provide any solution to the fact that the new policies (if adopted) will remain out-of-date and will serve to actually increase the need for housing across the sub-region by diverting the supply at Welborne away from contributing to that need. Therefore, even if the LPR could be afforded sufficient weight, it would not materially affect the situation.

⁵ Although I'm unclear on how much weight the LPA consider should be afforded to affordable housing specifically.



2. BACKGROUND

- 2.1. My name is Neil Tiley. I am an associate member of the Royal Town Planning Institute and have worked in the private sector for almost eight years. I currently hold the position of Senior Director having previously been a Director, an Associate Director and before that a Principal Planner at Pegasus Group.
- 2.2. Prior to this I was employed in Local Government for 11 years, including as a Planning Manager at Wiltshire Council for 5 years; as a Senior Planner at Wiltshire County Council for 2 years; as the Demographer at Wiltshire County Council for 2 years; and as a Senior Research Assistant responsible for monitoring and analysing housing completions and undertaking demographic modelling for 2 years.
- 2.3. I have a wealth of experience in assessing housing land supply, especially in Wiltshire, having been responsible for the production of such assessments and acting as an expert witness at the majority of housing land supply appeals in Wiltshire over the period 2009 to 2014. I also was responsible for assessing the housing need and housing requirement and represented the Council on these matters at the examination of the Wiltshire Core Strategy. I have continued to regularly act as an expert witness dealing specifically with housing need and supply matters for Pegasus Group.
- 2.4. The evidence which I have prepared and provide for this appeal (APP/A1720/W/22/3299739) is true and has been prepared and is given in accordance with the guidance of my professional institution irrespective of by whom I am instructed, and I confirm that the opinions expressed are my true and professional opinions.

3. INTRODUCTION

- 3.1. This Proof of Evidence relates to a planning appeal for the residential development of up to 375 dwellings, access from Newgate Lane East, landscaping and other associated infrastructure works at Land East of Newgate Lane East.
- 3.2. This Proof of Evidence addresses the housing need and supply situation relevant to the appeal proposals.
- 3.3. In support of this appeal, I provided a draft Statement of Common Ground (SoCG) to the LPA on 12th August 2022 and at the same time requested the clear evidence upon which the LPA relies to conclude that some sites are deliverable.
- 3.4. On 7th September, the LPA's witness contacted me, indicating that the LPA accept that that there is a record of substantial under-delivery as determined by the HDT and that the LPA is unable to demonstrate a minimum 5YLS. Additionally, the LPA suggested, and the parties appeared to reach a broad consensus that:
- i. providing the other matters raised in the emerging Statement of Common Ground (SoCG)⁶ were agreed subject to any minor modifications the LPA considered necessary and the consequences of the 5YLS position⁷ at either end of a range were agreed, the 5YLS position could be considered as a range and as such neither party would consider it necessary to narrow the potentially agreed range with the effect that unless the Inspector considers otherwise, the parties would agree that the proposed round table session on the precise 5YLS position could be dispensed with; and
 - ii. this appeal should be determined in the context of the current 5YLS position, and neither party would seek to rely upon any subsequent assessment should this become available,

⁶ Which are to my mind uncontroversial, and which are addressed throughout this Proof of Evidence given the LPA's continued resistance to agreement of these matters.

⁷ Including the weight afforded to the provision of housing and the weight afforded to any policy conflict.

- 3.5. The Inspector was then advised of this emerging position and both parties were granted an extension of time for the agreement of the SoCG and the preparation of Proofs to 16th September.
- 3.6. On 13th September, the LPA then proposed substantial amendments to the draft SoCG (contrary to the condition upon which it was provisionally agreed that a range would be acceptable for this appeal), such that many of the issues which remove the necessity for the 5YLS to be narrowed are now not explicitly agreed⁸, including for example the unarguable facts that:
- i. The housing requirement of the Development Plan and the policies which flow from this do not reflect an objective assessment of housing need.
 - ii. There has been a record of substantial under-delivery even relative to this housing requirement.
 - iii. The absence of a 5YLS renders the most important policies out-of-date.
 - iv. The adopted policies would never restore a 5YLS if they continued to be applied.
 - v. The following are material to the weight afforded to the policies of the Development Plan:
 - The fact that the housing requirement does not respond to housing needs.
 - The fact that there has been a substantial record of under-delivery even against this housing requirement.
 - The agreed substantial record of under-delivery as recorded by the HDT.
 - The agreed absence of a 5YLS.
 - The persistence of a 5YLS shortfall for 4½ years to date.
 - The fact that the adopted policies will never restore a 5YLS in the absence of a review.

⁸ The LPA were also unwilling to agree a Scott Schedule on the deliverability of sites.

- The supply arising from the operation of these policies means that the emerging LPR will be out-of-date upon adoption.
- The policies of the Development Plan have been ineffective in addressing affordable housing needs.

vi. The following will be material to the weight afforded to the provision of housing:

- The national housing crisis.
- The record of substantial under-delivery to date against both the adopted housing requirement and according to the HDT.
- The absence of a 5YLS.
- The unmet need for c.13,000 homes across the sub-region which has arisen in large part as a result of the proposal of the Council to divert the supply at Welborne which was intended to address this sub-regional unmet need to address the needs of Fareham itself.
- The significant need for affordable housing.

3.7. As a result, whilst the Appellant remains of the view that this appeal can proceed on the basis of the agreed 5YLS range of between a 3.86 and 4.88ylys, this is contingent upon these other matters being taken into account, as these are likely to be material to the weight afforded to policies and the supply of housing. Indeed, in the absence of these considerations, it would be expected that the difference between a 3.86ylys and a 4.88ylys may be material, but if these considerations are taken into account, it is immediately apparent that on the basis of either a 3.86ylys or 4.88ylys the policies of the Development Plan have been ineffective in providing for sustainable development by a substantial margin regardless of the 5YLS position..

3.8. At the time of writing however, the SoCG has still not be agreed. Furthermore, the Appellant has still not received any clear evidence from the LPA on the deliverability of sites. It has therefore, regrettably, been necessary to prepare this extensive Proof of Evidence to fully address these issues for the benefit of the Inspector.



4. POLICY CONTEXT

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

- 4.2. The Development Plan for Fareham comprises the Core Strategy adopted in August 2011 (CS), the Development Sites and Policies Plan adopted in June 2015 (DSP) and the Welborne Plan adopted in June 2015 (WP) as well as a suite of Neighbourhood Plans none of which apply to the appeal site.

The Core Strategy (CS)

- 4.3. The CS was adopted under the subsequently revoked South East Plan prior to the publication of the NPPF. It therefore does not respond to or meet the objectively assessed need for housing as required by paragraphs 11, 23, 35, 61 and 119 of the NPPF.
- 4.4. In this context, Policy CS2 of the CS identifies a housing requirement of 3,729 homes excluding the Strategic Development Area of Welborne in the period 2006–26 which equates to 186 homes per annum. Policy CS13 then identifies an additional requirement for between 6,500 and 7,500 homes at Welborne within the same period⁹ or an additional 325 to 375 homes per annum, providing a total housing requirement for between 511 and 561 homes per annum.

The Development Sites and Policies Plan (DSP) and the Welborne Plan (WP)

- 4.5. The DSP and the WP were examined by the same Inspector at the same time. These are daughter documents to the CS and did not therefore review the housing requirement.
- 4.6. Policy DSP40 of the DSP sets out a series of criteria for the consideration of sites in the absence of a five-year land supply (5YLS). The first of these requires a consideration of the scale of 5YLS shortfall and the contribution the appeal proposals would make to addressing this.

⁹ As set out in paragraph 12 of the examining Inspector's Final Report (CDE.3).

Material Considerations

National Planning Policy Framework (NPPF)

- 4.7. Paragraph 11d and footnote 8 of the NPPF identify that where an LPA is unable to demonstrate a 5YLS in accordance with paragraph 74 of the NPPF; or where an LPA has a record of substantial under-delivery according to the latest Housing Delivery Test results (HDT), the most important policies for determining residential planning applications and appeals are out-of-date. It proceeds to identify that in such circumstances, planning permission should be granted unless either the application of specific policies in the NPPF provide a clear reason for refusal; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 4.8. Paragraph 74 and footnote 39 of the NPPF require LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the minimum local housing need calculated using the standard method¹⁰ where the adopted housing requirement is more than five years old as it is in Fareham.
- 4.9. Paragraph 48 identifies that weight may be given to emerging Development Plan policies subject to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency of the emerging policies with the NPPF.

Planning Practice Guidance (PPG)

- 4.10. The PPG provides guidance to assist with the application and interpretation of national policy. Reference will be drawn to this as appropriate throughout this Proof of Evidence.

¹⁰ As set out in the PPG (2a-004).

5. THE HOUSING CRISIS

The National Position

- 5.1. The national housing crisis is well documented and evidenced in a vast array of documents, including in relation to its causes, its implications and the necessary response as briefly described below.
- 5.2. The housing crisis has arisen largely as a result of the discrepancy between the number of homes built and the need. The Barker Review in 2004 identified that there was a need to build circa 250,000 homes per annum nationally to prevent spiralling house prices and a shortage of affordable homes. However, in the period 2004 to 2012, an average of only 178,000 homes per annum were built.
- 5.3. The former NPPF was then introduced in 2012 containing the Government objectives to significantly boost the supply of housing and to meet housing needs. However, in the period from 2012 to 2016, an average of only 155,000 homes per annum were built.
- 5.4. As a result of the continued shortfall against the need identified in the Barker Review, the Select Committee on Economic Affairs to the House of Lords identified a need to deliver 300,000 homes per annum in the Building More Homes report, July 2016. This number has been confirmed as being needed by the Government in the Budget 2018, the Technical Consultation on Updates to National Planning Policy and Guidance, October 2018 and Planning for the Future, March 2020. In the period 2016-18, an average of 210,000 homes were built.
- 5.5. In response, the Government published a new NPPF in 2018 which subject to minor revisions in 2019 and 2021 is consistent with the current NPPF¹¹. This seeks to address the under-delivery of housing and the existing backlog in housing supply through a number of mechanisms including the use of the standard method for calculating the minimum local housing need and the use of a more realistic and balanced definition of a deliverable site. In

¹¹ The 2018 NPPF was amended to provide additional clarity in 2019, and the standard method was then revised in December 2020. The further revisions in 2021 were not related to housing need or supply.

the period 2018–21 an average of 234,000 homes have been built which represents a significant improvement but remains substantially below the identified need for housing.

5.6. The balance of need and supply is presented graphically in Figure 5.1 and the cumulative shortfall is presented in Figure 5.2 below.

5.7. This demonstrates that housing supply nationally has not come close to meeting needs over the previous 15 years in any single year and also illustrates that there is a substantial cumulative shortfall in housing supply. Indeed, since 2004 there have been a total of 3,188,961 completions as compared to a need for 4,250,000 based on the need for 250,000 identified in the Barker Review. This equates to a shortfall in the delivery of over a million homes in 17 years.

Figure 5.1 – a comparison of need and supply nationally

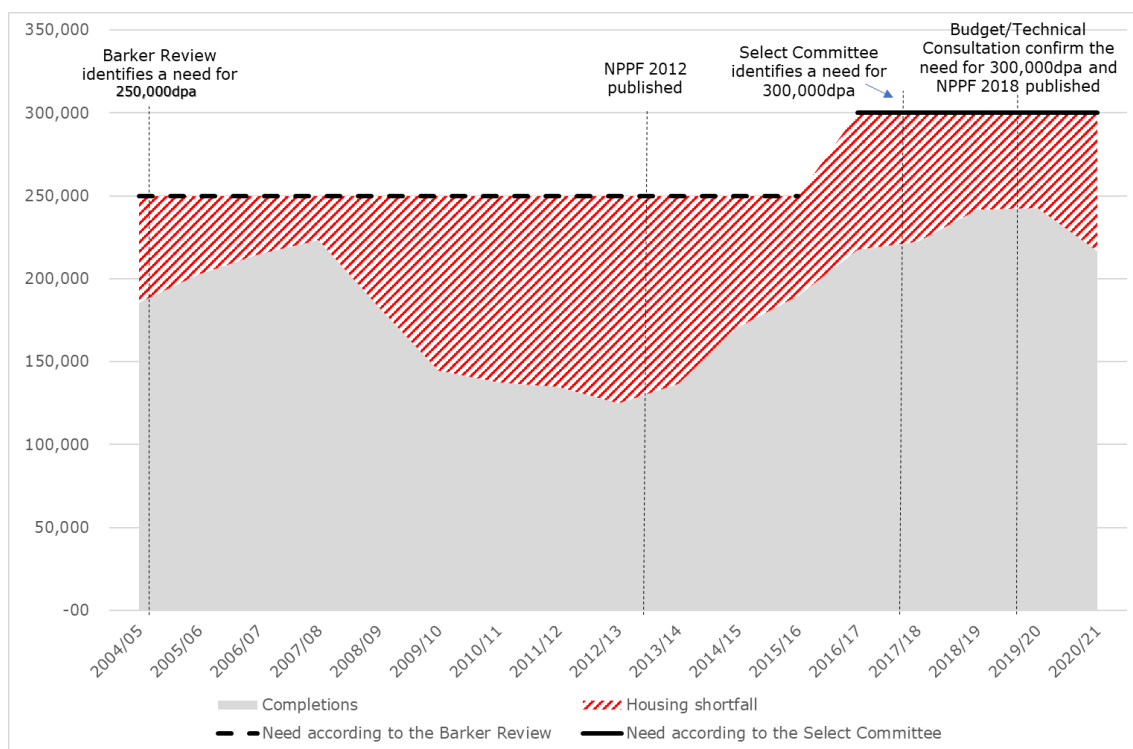
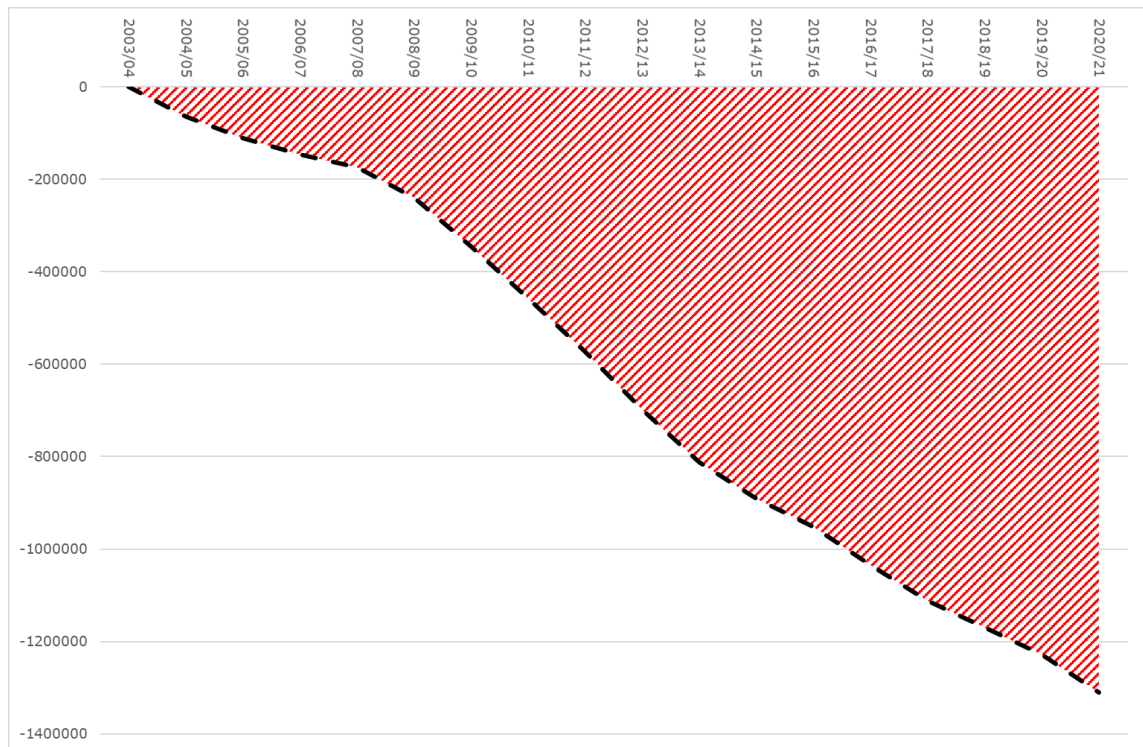


Figure 5.2 – the cumulative shortfall



5.8. As housing need has significantly exceeded the supply, the greater competition for those houses that do exist has had an uplifting effect on the average market value of properties with adverse implications on the accessibility of the housing market to households. There are many statistics which demonstrate the decreasing accessibility of the market including (but not limited to):

- vii. The lower quartile house price to lower quartile earnings ratio increased from 6.27 to 8.04 from 2004 to 2021 in England according to the DLUHC;
- viii. The median house price to median earnings ratio increased from 6.60 to 9.05 from 2004 to 2021 in England according to the DLUHC;
- ix. The average house price across the UK increased from £153,482 in 2004 to £247,535 in 2021 according to Nationwide;
- x. The percentage of overcrowded households has increased from 2.5% to 3.5% from 2003/04 to 2019/20 in England according to the DLUHC;
- xi. The number of concealed families has increased from 161,254 in 2001 to 275,954 in 2011 across England according to the Census; and

xii. The number of households living in shared dwellings has increased from 65,998 in 2001 to 77,955 in 2011 across England according to the Census.

5.9. It is clear that housing supply was not meeting housing need under the former NPPF and whilst the position has improved there remain substantial shortfalls with significant adverse effects on accessibility. These effects manifest themselves in real households facing real difficulty and often being unable to access appropriate housing.

The Local Position

5.10. As set out above, there is a national housing crisis, which is causing real harm to real households. However, these issues are more pronounced in some areas than in others.

5.11. The adopted Development Plan for Fareham was adopted prior to the publication of the first NPPF. It contains a housing requirement for 3,729 homes (or 186hpa) to respond to the needs of Fareham plus an additional 6,500 to 7,500 homes (or 325 to 375hpa) at Welborne to respond to sub-regional needs¹² over the period 2006–26.

5.12. It is immediately apparent that the adopted housing requirement of 186hpa (which responds to the needs of Fareham Borough) grossly under-estimated the need for housing in Fareham which according to the standard method is at least 541hpa¹³. The policies of the CS and DSP which were designed to respond to a need for 186hpa do not therefore provide sufficient scope to address the current minimum local housing need for 541hpa by a substantial margin. As such, it will inevitably be the case that in order to address the current need for housing, developments which do not strictly accord with the policies of the CS and DSP will need to be approved.

5.13. Furthermore, even if it were the case that the adopted housing requirement had been met to date there would nevertheless remain a substantial unmet need for housing in Fareham. However, actually there has been a record of substantial under-delivery, with a shortfall of between 2,926 and 3,676 homes against the adopted housing requirement over the preceding 15 years as illustrated in Table 5.1 and Figure 5.3 below.

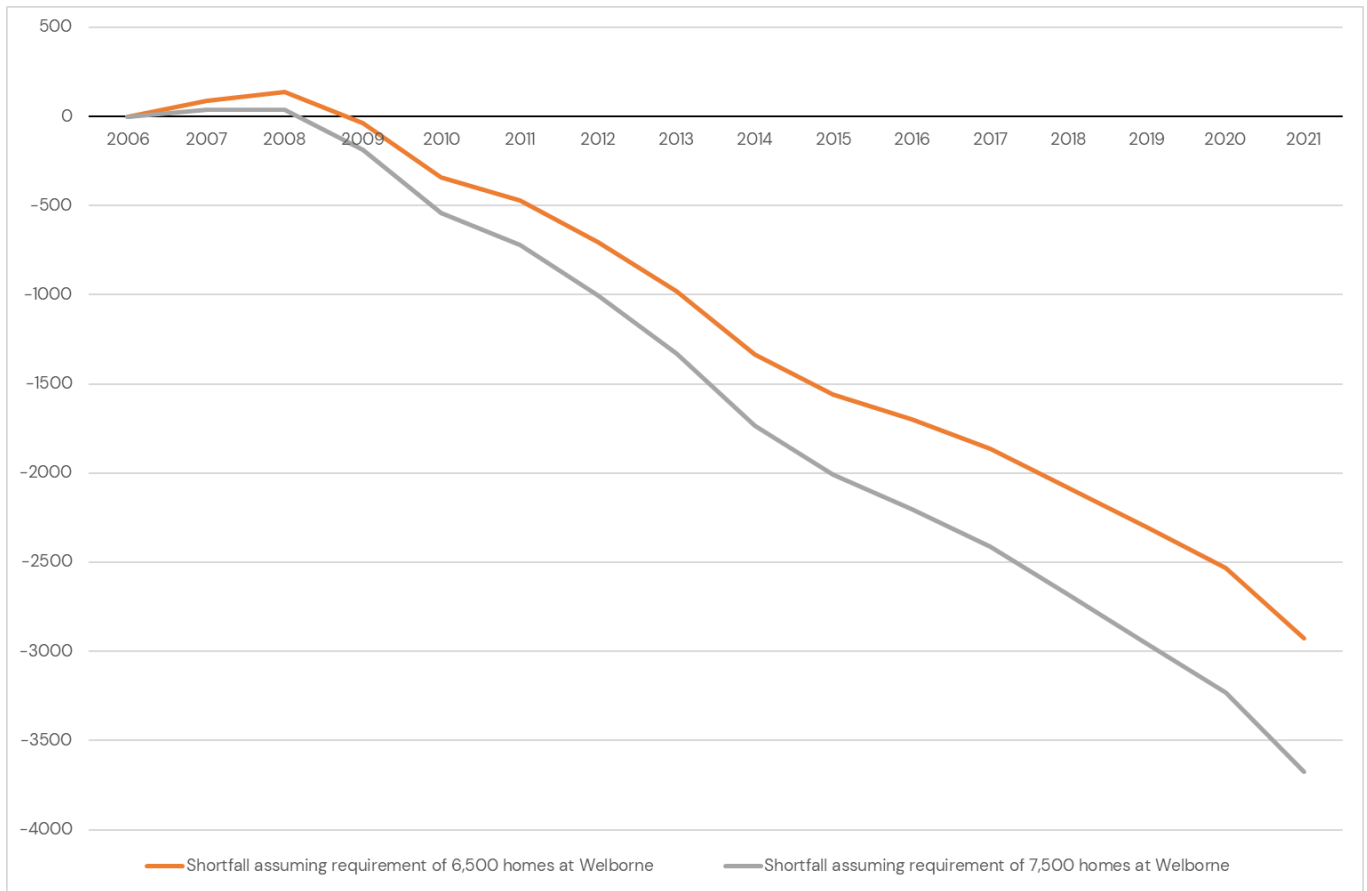
¹² As set out in paragraph 7 of the examining Inspector's Final Report (CDE.3).

¹³ According to paragraph 4.2 of the submission draft of the emerging Local Plan Review (CDF.5).

Table 5.1 – record of delivery against the adopted housing requirement

	Housing requirement (including 325-375hpa to address sub-regional needs)	Cumulative housing requirement	Completions	Cumulative completions	Cumulative shortfall/surplus
2006/07	511 to 561	511 to 561	598	598	36 to 86
2007/08	511 to 561	1,023 to 1,123	565	1,163	40 to 140
2008/09	511 to 561	1,534 to 1,684	337	1,499	-35 to -185
2009/10	511 to 561	2,046 to 2,246	205	1,704	-342 to -542
2010/11	511 to 561	2,557 to 2,807	381	2,085	-472 to -722
2011/12	511 to 561	3,069 to 3,369	277	2,362	-707 to -1,007
2012/13	511 to 561	3,580 to 3,930	240	2,602	-978 to -1,328
2013/14	511 to 561	4,092 to 4,492	154	2,756	-1,336 to -1,736
2014/15	511 to 561	4,603 to 5,053	287	3,043	-1,560 to -2,010
2015/16	511 to 561	5,115 to 5,615	371	3,414	-1,701 to -2,201
2016/17	511 to 561	5,626 to 6,176	349	3,763	-1,863 to -2,413
2017/18	511 to 561	6,137 to 6,737	291	4,054	-2,083 to -2,683
2018/19	511 to 561	6,649 to 7,299	290	4,344	-2,305 to -2,955
2019/20	511 to 561	7,160 to 7,860	285	4,629	-2,531 to -3,231
2020/21	511 to 561	7,672 to 8,422	117	4,746	-2,926 to -3,676

Figure 5.3 – record of delivery against the adopted housing requirement



5.14. This chronic shortfall against a housing requirement which itself was grossly insufficient to meet housing needs highlights quite how serious the housing crisis is locally. The consequences of this are likely to include (but are not limited to):

- i. a significant worsening of the accessibility of the housing market locally,
- ii. a comparatively low population growth as a result of the inability of households to access suitable housing in Fareham,
- iii. a particularly acute ageing of the population as younger households are unable to access suitable housing locally,
- iv. a constraint on local economic growth owing to a comparatively constrained economically active population, and
- v. a constraint on economic growth is likely to promote the need to travel to find employment with consequent adverse environmental effects.

The accessibility of the housing market

- 5.15. The PPG (2a-004) sets out the standard method for calculating the minimum local housing need and this requires that an affordability adjustment is applied where households are required to spend in excess of 4 times the median income, indicating that the Government consider that housing becomes inaccessible when households have to spend more than 4 times the median income to access a home. This aligns with the fact that most mortgage lenders will only lend up to between 4 and 4½ times a household's income.
- 5.16. In Fareham however households have to spend 10.74 times the median income to access a median priced house¹⁴, as compared to 9.05 times nationally. This indicates that housing is particularly inaccessible in Fareham. Indeed, it is less affordable than in all but one of the nearby LPAs including Gosport (6.68), Southampton (7.33), Portsmouth (7.54) and Eastleigh (9.75) although significantly more affordable than Winchester (14.14).
- 5.17. This position has worsened substantially over the preceding decade (2011-21) with the affordability ratio having increased by 34% from 7.99 to 10.74 in Fareham, far in excess of that in any other nearby LPA with the exception of Portsmouth (39%).
- 5.18. For those households less able to access the housing market, the position is even worse. The lower quartile affordability ratio in Fareham indicates that for a household with a lower quartile income, they would need to spend 11.77 times this to access a lower quartile priced house making such housing less affordable than in any nearby LPA with the exception of Winchester (12.99). The affordability of housing to such households has worsened by 32% from 8.92 to 11.77 over the last decade, in excess of the increases experienced in any nearby LPA.
- 5.19. The increasing inaccessibility of the housing market in Fareham will in part have been caused by the desperate shortfall in housing supply in the LPA over this period and the resultant constraints on the economy.

The demographic consequences

- 5.20. As a consequence of the chronic under-delivery of housing in Fareham and the resultant effects on the accessibility of housing, a proportion of households will have been unable to

¹⁴ According to the ONS data referenced in the PPG (2a-004).

access the housing they need in the Borough and are therefore likely to have found it necessary to move elsewhere to access suitable housing.

- 5.21. This is illustrated by the fact that over the period 2011–21, the Census indicates that the population of Fareham has grown by 2.9% as compared to 6.6% across England. Indeed, the growth in Fareham has been the 248th lowest of the 312 LPAs nationally, and the 52nd lowest of the 64 LPAs in the South East.
- 5.22. The 2021 Census demonstrates that 24.5% of the population of Fareham are now aged 65 or over (65+), which is the 57th greatest of any of the 309 LPAs nationally for which such information is available. This compares with the situation in 2011, when only 20.4% of the population of Fareham was aged 65+, the 75th greatest of any of the 326 LPAs for which such information is available.
- 5.23. The 2021 Census also demonstrates that 1.3% of the population of Fareham is now aged 90+, the 32nd greatest of LPAs nationally, up from 0.9% which was the 84th greatest in 2011.
- 5.24. By contrast the number of people aged 15–64, who are most likely to provide paid or unpaid care to this increasingly old population, decreased from 70,700 to 68,700 over this period.
- 5.25. It is not only unsustainable to have created a situation where residents feel unable to remain in the area in which they have established social, familial and economic relationships, it has also had a number of unsustainable consequences including a constraint in population growth and a more aged population. These factors are likely to have had a range of adverse socio-economic consequences including constraining the opportunity for economic growth, and increasing the need for health and social care at a time in which the economically active population available to provide such care has been constrained.

The economic consequences

- 5.26. As a result of the preceding factors, perhaps unsurprisingly, the Business Register and Employment Survey suggests that the number of jobs within Fareham Borough has reduced over the period 2015–20¹⁵ from 52,000 to 49,000. This data is rounded to the nearest 1,000 and so whilst it is apparent that there has been a significant reduction of c.3,000 jobs (which could be anywhere between 2,001 to 3,999 jobs) it is not possible to accurately compare

¹⁵ The period over which such information is available.

this with the situation in other LPAs. However, if it is assumed that the rounding evens out, this would place Fareham Borough as having experienced the 30th lowest of the 309 LPAs nationally.

The environmental consequences

- 5.27. In 2011, the Census identified that there was a net out-commuting flow of 5,398 people from Fareham Borough.
- 5.28. The 2021 Census demonstrates that over the subsequent decade the number of working age residents has reduced by c.2,000 people which represents a loss of c.200 working age residents per annum, and the Business Register and Employment Survey demonstrates that the number of jobs has decreased by between 2,001 and 3,999 over the five years from 2015–20 at an average of c.400 to 800 per annum. The evidence therefore suggests that there has been a greater loss of jobs than working age residents. This is perhaps unsurprising as the constraint on economic growth which has arisen (at least in part) from the constrained population which in turn has arisen as a result of the constrained supply of housing, will have served to divert inward investment away from Fareham Borough to locations with a greater workforce, and to incentivise local businesses looking to relocate to seek premises beyond the Borough.
- 5.29. As a result, it is likely that there will now be greater levels of net out-commuting than there were in 2011, as economically active residents access employment in LPAs that are more economically buoyant. This is likely to have unsustainably added to the number of car borne journeys, increased the need to travel, adversely affected air quality, and increased the carbon footprint.

Sustainable development

- 5.30. The preceding analysis clearly demonstrates that there has been a grossly insufficient supply of homes to meet the needs of previous, present and future generations and that economic growth has not been supported. As such sustainable development has not been forthcoming as required by paragraph 8 of the NPPF.
- 5.31. The chronic shortfall to date is not only a material consideration which bears upon the weight afforded to any conflict with the policies which have given rise to this situation and to the weight afforded to housing which will address this situation, it also has a number of policy consequences as described in the subsequent sections.

6. HOUSING DELIVERY TEST

The consequences of the HDT

- 6.1. The Government introduced the HDT in 2018 to provide a measure of the extent to which the number of homes required have been delivered in each LPA over the preceding three years. The HDT is material to the framework for determining applications and appeals as set out in:
- i. Paragraph 74 of the NPPF which identifies that where an LPA has a HDT result of less than 85% then a 20% buffer is required when calculating the 5YLS; and
 - ii. Paragraph 11d and footnote 8 which identify that where an LPA has a HDT result of less than 75% then the most important policies for determining residential planning applications and appeals are out-of-date and the tilted balance of paragraph 11d is engaged.
- 6.2. This latter consequence recognises that where there has been a substantial record of under-delivery such that there is a substantial unmet need for housing which cannot sustainably be deferred, the provision of desperately needed housing should be prioritised unless either specific policies of the NPPF provide a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits.

The position in Fareham

- 6.3. The latest HDT results were published in January 2022, and these provide yet further evidence of the desperate disparity between housing need and supply which has occurred to date in Fareham Borough. They identify that only **62%** of the number of homes required have been delivered over the previous 3 years, or to put it another way some 38% of households have not been provided the homes they need¹⁶.
- 6.4. As the HDT result is below 75% there is a record of substantial under-delivery such that:

¹⁶ It should be noted that the HDT results have been adjusted to reduce the number of homes required for 2019/20 and 2020/21 to reflect the disruption of housing supply that arose from the pandemic. This disruption has not however affected the underlying need for housing. Therefore, the more appropriate measure of whether a sufficient number of homes have been delivered to meet housing needs would be the HDT result without the adjustment for pandemic. On this basis, there would be a HDT result of 52% in Fareham with 48% of households not having been provided the homes they need.

- i. the most important policies for determining this appeal are out-of-date regardless of any other consideration;
- ii. planning permission should be granted unless the policies referenced in footnote 7 provide a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits;
- iii. the policies of the adopted Development Plan have been demonstrably ineffective in delivering a sufficient number of homes to meet the needs of a substantial proportion of households or to provide for sustainable development, such that the weight afforded to any conflict with these should be substantially reduced; and
- iv. there is a substantial unmet need for housing such that the weight afforded to the provision of housing should be greater than that which would apply otherwise.

6.5. Rather strangely however, paragraph 9.3 of the LPA's Statement of Case suggests that notwithstanding that the most important policies are out-of-date owing to the fact that they have been ineffective in delivering the number of homes needed to provide for sustainable development by a substantial margin, they should nevertheless be afforded very substantial weight. To my mind such an approach, namely to apply very substantial weight to policies which have been wholly ineffective in providing for sustainable development by a substantial margin, is the antithesis of supporting sustainable development and works against the objectives of national policy including to:

- i. Ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations as set out in paragraph 8b; and
- ii. Significantly boost the supply of housing as set out in paragraph 60.

7. FIVE YEAR LAND SUPPLY

The respective positions of the parties

- 7.1. The latest assessment of the LPA (the 5YHLSPS) was presented to committee on 6th July 2022 (CDH.11). It assesses the 5YLS over the period 1st July 2022 to 30th June 2027 and identifies a **5.01 year land supply** (yls) with a **surplus of 6 homes** based on a five year requirement for 3,246 homes and a supply of 3,252 homes.
- 7.2. It is of note that of the supply of 2,641 homes which benefit from planning permission in this assessment, 1,074 homes¹⁷ (or 41%) have been granted planning permission at appeal rather than having been positively determined by the LPA. This demonstrates that the 5YLS position of the LPA is reliant upon sites which have been granted notwithstanding perceived conflicts with the policies of the Development Plan. This clearly demonstrates that if Development Plan policies are strictly applied including Policy DSP40, the 5YLS would be materially lower (even on the LPA's case). Indeed, if the policies of the Development Plan¹⁸ had been rigidly applied and these 1,074 homes had not been forthcoming, the published assessment of LPA would identify a supply of only 2,178 homes¹⁹ against a requirement for 3,246 which would provide for a 3.35yls with a substantial shortfall of 1,068 homes.
- 7.3. This yet again demonstrates that the strict application of policies in the Development Plan (including Policy DSP40) have been ineffective in securing a sufficient supply of housing, and that it is necessary to allow developments that do not strictly accord with these policies to address current housing needs. These issues clearly bear upon the weight to be afforded to any conflict with these Development Plan policies.
- 7.4. However, sites have been forthcoming notwithstanding the conflict with the policies of the adopted Development Plan, and it is appropriate to consider whether these have been

¹⁷ Including at Land to the east of Brook Land and south of Brookside Drive (85 homes), Land east of Crofton Cemetery and west of Peak Lane (206 homes), Land south of Romsey Avenue (138 homes), Land south of Funtley Road (125 homes), Land east of Newgate Lane East (99 homes), Downend Road East (298 homes), Land between and to the rear of 56–66 Greenaway Lane (28 homes), Land east of Posbrook Lane (57 homes), and Eyersdown Farm (38 homes).

¹⁸ As interpreted by the LPA.

¹⁹ =3,252-1,074.

sufficient to redress the ineffectiveness of the adopted Development Plan policies in securing a 5YLS.

7.5. Including these sites, through the preparation of the Housing Statement of Common Ground (SoCG), the LPA now considers that it is unable to demonstrate a 5YLS and identifies a **4.88yils with a shortfall of 81 homes.**

7.6. I have however undertaken a detailed analysis of the 5YLS position in Appendix 1. This demonstrates that consistent with the findings of numerous appeal decisions which have engaged in this matter²⁰, the 5YLS position of the LPA has not been calculated in accordance with national policy, national guidance and is wholly unrealistic. Once the supply is assessed in accordance with national policy and guidance, the LPA is able to demonstrate a **3.86yils with a substantial shortfall of 769 homes** as summarised in Tables 7.1 and 7.2 below.

Table 7.1 – the respective positions on the deliverable supply

Site	Position of:			Summary notes
	The LPA (published)	The LPA (updated)	The Appellant	
Category A sites				
Small permitted sites	70	70	60	Optimistic 22% non-implementation rate applied
Sites with outline planning permission for non-major development	12	12	12	
Sites with detailed planning permission	1,184	1,169	1,169	
68 Titchfield Park Road	9	6	6	Loss of equivalent of 3 homes omitted from LPA assessment
Phase 1, 69 Botley Road	12	11	11	Loss of 1 home omitted from LPA assessment
195-205 Segensworth Road	8	7	7	Loss of 1 home omitted from LPA assessment
Hammond Industrial Estate	36	33	33	Loss of 3 homes omitted from LPA assessment
24 West Street	7	0	0	Planning permission has expired
Uncontested sites	1,112	1,112	1,112	-

²⁰ Including for example paragraph 91 of the appeal decisions at Land at Newgate Lane (North) and (South) at which I acted as expert witness on behalf of the Appellant (CDJ.7), paragraph 23 of the appeal decision at Rear of 77 Burr ridge Road, Burr ridge (CDJ.5), and paragraph 90 of the appeal decision at Land to the east of Downend Road, Portchester (CDJ.3).

Site	Position of:			Summary notes
	The LPA (published)	The LPA (updated)	The Appellant	
Category B sites				
Sites with outline planning permission	1,375	1,311	1,277	
Land to the East of Brook Lane	64	42	42	Reserved matters approval for 42 rather than 64
Land adjacent to 125 Greenaway Lane	100	80	80	Reserved matters application for 80 rather than 100
East and West of 79 Greenaway Lane	24	6	6	Full application for 6 rather than 24.
3-33 West Street	26	26	0	No clear evidence
Land East of Newgate Lane East	99	96	96	Reserved matters application for 96 rather than 99
Land at 18 Titchfield Park Road	6	6	0	No clear evidence
Welborne	510	510	630	Taken from Inspectors further post hearings letter
Land between and to the rear of 56-66 Greenaway Lane	28	28	0	No clear evidence
Land East of Posbrook Lane	57	57	0	No clear evidence
Eyersdown Farm	38	38	0	No clear evidence
Uncontested sites	423	423	423	-
Allocated sites without planning permission	111	105	0	
Heath Road	70	70	0	No clear evidence
Wynton Way	13	13	0	No clear evidence
335-357 Gosport Road	8	8	0	No clear evidence
Land East of Church Road	20	14	0	No clear evidence
Sites identified on the BLR	192	192	0	
Warsash Maritime Academy	100	100	0	No clear evidence and even if there were this provides for a net loss of 1 home
Locks Heath District Centre	35	35	0	No clear evidence
Former Filling Station	30	30	0	No clear evidence
Assheton Court	27	27	0	No clear evidence
Sites outside of Category A and B				
Sites which post-date the base-date²¹	208	206	0	

²¹ Even assuming these sites gain planning permission.

Site	Position of:			Summary notes
	The LPA (published)	The LPA (updated)	The Appellant	
Land at Brook Lane	137	137	0	Post-dates the base date and no clear evidence
Robann Park	39	39	0	Post-dates the base date and no clear evidence
Rookery Avenue	32	30	0	Post-dates the base date and no clear evidence
Windfall				
Windfall	100	100	100	
TOTAL	3,252	3,165	2,618	

Table 7.2 – the respective 5YLS positions

	The LPA's published position	The LPA's updated position	The Appellant's position
Minimum annualised local housing need from 1st April 2022	541	541	541
Minimum local housing need 1st April to 30th June 2022	135	135	135
Housing completions 1st April to 30th June 2022	18	18	18
Shortfall 1st April to 30th June 2022	117	117	117
Minimum local housing need 1st July 2022 to 30th June 2027 (inc/exc shortfall)	2,705	2,705	2,823
Five year requirement including 20% buffer	3,246	3,246	3,387
Deliverable supply	3,252	3,165	2,618
5YLS	5.01	4.88	3.86
Surplus/shortfall	+6	-81	-769

The existence of a 5YLS

- 7.7. As accepted by the LPA it is unable to demonstrate a 5YLS.
- 7.8. The evident absence of a minimum 5YLS has a number of policy consequences as follows:
- i. Firstly, the most important policies for determining this appeal are out-of-date (for another reason) according to footnote 8 and paragraph 11d of the NPPF;

- ii. Secondly, Policy DSP40 is engaged although recognising that this too is out-of-date as a most important policy according to footnote 8 and paragraph 11d of the NPPF;
- iii. Thirdly, paragraph 11d requires that planning permission should be granted unless either the policies identified in footnote 7 of the NPPF provide a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits (for another reason);
- iv. Fourthly, it is demonstrably the case that the policies of the Development Plan including Policy DSP40 have not only been ineffective in delivering a sufficient supply of housing previously they have also been ineffective in maintaining a sufficient supply to meet the minimum objective of national policy against the minimum local housing need²², which is clearly material to the weight to be afforded to such policies;
- v. Fifthly, there is demonstrably a need for additional housing even to demonstrate a minimum 5YLS against the minimum local housing need, which is clearly material to the weight to be afforded to the supply of housing.

7.9. In addition to these consequences, paragraphs 51 and 52 of the Court of Appeal Judgment of *Hallam Land Management Ltd vs the Secretary of State [2018] EWCA Civ 1808* (CDK.3) identifies that the broad magnitude of the shortfall, how long a shortfall is likely to persist, what the LPA are doing to address the shortfall, and how much of the shortfall the development will address will all be material to the weight afforded to both the benefits of housing developments and to any conflict with relevant policies. I therefore proceed to consider these factors below.

The broad magnitude of the shortfall

7.10. As identified above, I consider that the LPA is able to demonstrate a **3.86yIs with a shortfall of 769 homes**. Clearly, any shortfall against the minimum expectation of national policy to maintain a sufficient supply against a minimum local housing need is of significance. However, a shortfall of 1.14 years and 769 homes represents a substantial shortfall even against this minimum expectation. In such circumstances, it would be expected that the weight afforded

²² Even with a significant supply of housing arising from sites which were perceived to conflict with the Development Plan by the LPA.

to any conflict with policies which have contributed to this position would be reduced significantly; and the weight afforded to the provision of housing would be increased compared to that which would apply if a sufficient supply of housing could be demonstrated.

- 7.11. Even on the basis of the LPA's position there is a shortfall of 0.12 years and 81 homes, which in combination with other factors including the HDT results and the wider unmet housing needs would justify substantial weight being afforded to the provision of housing according to the LPA.

How long a shortfall is likely to persist

- 7.12. The previous monitoring reports of the LPA demonstrate that even on the basis of their trajectories, the LPA was unable to demonstrate a 5YLS for 4½ years over the period²³ from December 2017 to May 2022.
- 7.13. The LPA then published a new assessment on 25th May 2022 which identified a 5.08ylys with a surplus of 52 homes. This position however assumed that the first completions would be achieved at Welborne in 2023/24 which was found to be unrealistic by the Inspector examining the Local Plan Review (LPR) in paragraph 27 of her post hearings letter (CDF.8). Based on this issue alone the LPA therefore remained unable to demonstrate a 5YLS and this remains the case. Therefore, in totality, the LPA has been unable to demonstrate a 5YLS since at least December 2017 to date. This is already a persistent shortfall.
- 7.14. The *Hallam Land Judgment* however requires a consideration of how long a shortfall will persist in totality including both how long it has persisted to date and how long it will persist into the future in the absence of any actions (such as the LPR); and then the effect that any such actions being proposed by an LPA will have.
- 7.15. Using the LPA's trajectory contained in their Housing Land Supply Topic Paper (CDF.9), it is possible to gauge how long the shortfall is likely to persist into the future in the absence of

²³ The December 2017 5YLS assessment identified a 3.62ylys; the March 2018 5YLS assessment identified a 4.39ylys; the June 2018 5YLS assessment identified a 4.65ylys; the September 2018 5YLS assessment identified a 4.29ylys; the October 2018 5YLS assessment identified a 4.95ylys; the December 2018 5YLS assessment identified a 4.95ylys; the January 2019 5YLS assessment identified a 4.5ylys; the April 2019 5YLS assessment identified a 4.66ylys; the June 2019 5YLS assessment identified a 2.72ylys; the February 2021 5YLS assessment identified a 4.2ylys; the January 2022 5YLS assessment identified a 4.31ylys.

the LPR²⁴, although this is inevitably based on a series of assumptions and should therefore only be treated as being indicative. For the purposes of the following analysis the following has been assumed:

- i. The minimum local housing need of the standard method is assumed to remain broadly consistent from year to year²⁵;
- ii. The Government will calculate the HDT in accordance with the HDT Measurement Rule Book and will not make any adjustments to the HDT to take account of the pandemic in the future as has been done for the period 2019-21;
- iii. The LPA's published trajectory (excluding proposed allocations) will be achieved notwithstanding that this is erroneous on a number of sites and is considered unrealistic.

7.16. It is firstly necessary to calculate the HDT results that would arise if the LPA's trajectory is achieved to determine the buffer that would be applicable in each year²⁶. This is calculated in Table 7.3 below which demonstrates that even on the basis of the LPA's trajectory, without the LPR, paragraph 11d of the NPPF will be engaged and it will be necessary to apply a 20% buffer until the 2025 HDT results are published in late 2025/early 2026.

Table 7.3 – future HDT results based on the LPA's trajectory

	Number of homes required	Number of homes delivered	Number of homes required over previous 3 years	Number of homes delivered over previous 3 years	HDT result	Consequence
2018-19	347	290	-	-	-	-
2019-20	428	285	-	-	-	-
2020-21	342	117	1,117	692	62%	Presumption
2021-22	541	141	1,311	543	41%	Presumption
2022-23	541	335	1,424	593	42%	Presumption
2023-24	541	581	1,623	1,057	65%	Presumption

²⁴ Which proposes a housing requirement and allocations which if adopted will clearly affect the subsequent 5YLS positions.

²⁵ As it has from 2021 to 2022 in Fareham.

²⁶ Noting that any such calculations are necessarily indicative as they firstly assume that the LPA's trajectory will be achieved and they secondly assume that the Government will not adjust future HDT results to take account of the pandemic as they have in the period 2019-21.

	Number of homes required	Number of homes delivered	Number of homes required over previous 3 years	Number of homes delivered over previous 3 years	HDT result	Consequence
2024-25	541	632	1,623	1,548	95%	None
2025-26	541	789	1,623	2,002	123%	None
2026-27	541	603	1,623	2,024	125%	None
2027-28	541	512	1,623	1,904	117%	None
2028-29	541	398	1,623	1,513	93%	Action Plan
2029-30	541	362	1,623	1,272	78%	Buffer
2030-31	541	362	1,623	1,122	69%	Presumption
2031-32	541	362	1,623	1,086	67%	Presumption
2032-33	541	362	1,623	1,086	67%	Presumption
2033-34	541	362	1,623	1,086	67%	Presumption
2034-35	541	362	1,623	1,086	67%	Presumption
2035-36	541	362	1,623	1,086	67%	Presumption
2036-37	541	362	1,623	1,086	67%	Presumption

7.17. It is then possible to assess the 5YLS positions that would arise in the absence of actions (such as the LPR) and this is set out in Table 7.4 below. This demonstrates that in the absence of actions to remedy the situation a 5YLS shortfall will persist until at least 2032.

Table 7.4 – future 5YLS based on the LPA’s trajectory

	Deliverable supply (excluding proposed allocations)	Five-year requirement including buffer	5YLS	Surplus/ shortfall
2022-27	2,940	3,246	4.53	-306
2023-28	3,117	3,246	4.80	-129
2024-29	2,934	3,246	4.52	-312
2025-30	2,664	3,246	4.10	-582
2026-31	2,237	2,840	3.94	-603
2027-32	1,996	2,840	3.51	-844
2028-33	1,846	2,840	3.25	-994
2029-34	1,810	2,840	3.19	-1,030
2030-35	1,810	2,840	3.19	-1,030
2031-36	1,810	2,840	3.19	-1,030
2032-37	1,810	2,840	3.19	-1,030

7.18. The preceding analysis indicates that in the absence of positive actions being taken by the LPA, under the existing Development Plan a 5YLS shortfall has not only persisted for at least 4½ years to date this will persist for at least another decade. This will clearly be material to the weight afforded to any conflict with the policies of the Development Plan as if these

continue to be applied, there will not only be a record of substantial under-delivery until 2025, but there will also continue to be no 5YLS for at least a decade.

The actions proposed by the LPA

7.19. The LPA are now taking actions to address this unsustainable situation, namely through the progression of the LPR. The weight to be afforded to this as a remedy to the shortfall will clearly be dependent upon:

- i. The stage of preparation of the LPR;
- ii. The extent to which there are unresolved objections;
- iii. The degree of consistency of the policies of the LPR with the NPPF;
- iv. The effectiveness of the policies of the LPR in addressing the current situation.

The stage of preparation of the LPR

7.20. The LPA initially recognised that the adopted Development Plan was in need of review in 2015 and began work to prepare the LPR. The progression of the LPR was significantly delayed owing to the LPA preparing and consulting upon a Regulation 19 consultation draft on the basis of proposed changes to standard method of the PPG which were never enacted by the Government, rather than on the basis of the published and adopted PPG.

7.21. Notwithstanding these significant delays, the LPR was eventually submitted for examination in September 2021 and is currently at examination. Hearing sessions were convened in March and April 2022, during which it became evident that substantial elements of the LPR were not justified, positively prepared, effective and/or consistent with national policy.

7.22. Following the hearing sessions, the examining Inspector published a post hearings letter (CDF.8) in which the Inspector identified that she had “significant concerns” and found that:

- i. modifications would be required in order for the LPR to be found sound (in addition to the modifications discussed at the hearing sessions) including amongst other things a commitment to an early review;
- ii. additional work was required including:
 - an update to the HRA,

- potentially a paper revisiting the proposed Areas of Special Landscape Quality,
 - updates to the Affordable Housing Background Paper, the Housing Supply Topic Paper and the Windfall Analysis Update which were published after the hearing sessions and had not therefore been subject to consultations or representations;
- iii. the updated Affordable Housing Background Paper, the Housing Supply Topic Paper and the Windfall Analysis Update would need to be subject to a focused consultation prior to the Inspector being able to advise further on this matter.

7.23. The focused consultation on these documents ran from 5th to 25th July 2022 and significant objections have been raised in response.

7.24. It is also of note that a Welborne Delivery Update (CDH.13) was presented to the Planning and Development Scrutiny Panel of the Council on 27th July which was not made available on the examination website in support of the focused consultation, and that representations submitted on behalf of the promoters of Welborne to the focused consultation indicate that the maximum delivery rate will be 200–250 homes per annum, below the 260 homes per annum assumed by the Council. Accordingly, participants will need to be provided the opportunity to submit representations on these newly arising material considerations as this has further implications for the housing trajectory and therefore the proposed stepped housing requirement and the 5YLS.

7.25. The Inspector has now published a further post hearings letter²⁷. This outlines that there remains a significant amount of additional work to be undertaken including for example, the preparation of an updated Housing Trajectory Topic Paper (paragraphs 5 and 8), the publication of a new Windfall Background Paper (paragraph 9), the calculation of the need for affordable housing in accordance with the PPG (paragraph 13), the preparation of an addendum to the Sustainability Appraisal (paragraph 15), and the preparation of an update to the Habitats Regulation Assessment (paragraph 15). Clearly any of these additional pieces of work may necessitate further modifications to the submitted LPR. In particular, once the need for affordable housing is assessed in accordance with the PPG, it is expected that this

²⁷ I became aware of this on 9th September 2022 and so as I understand matters this does not as yet have a Core Document reference.

will demonstrate that there is a much greater need for affordable housing than previously suggested by the LPA. This may necessitate an increase to the proposed housing requirement which in turn may necessitate the identification of additional allocations. Similarly, the updated Housing Trajectory Topic Paper may demonstrate that further modifications are required to identify a sufficient supply over the plan period or to maintain a 5YLS. Such modifications would be likely to include the identification of additional allocations, and/or a modification to the proposed stepped housing requirement.

- 7.26. Following this work, the Inspector identifies that a Schedule of Main Modifications and Additional Modifications will need to be prepared and has requested that these are provided to the Inspector alongside the addendum to the Sustainability Appraisal and the update to the Habitats Regulation Assessment. The Inspector will then consider these to reach a conclusion as to whether it would be appropriate for these to be subject to consultation.
- 7.27. Assuming that the Inspector is satisfied with the additional work and the LPA's proposed modifications, these are likely to be subject to consultation. The Inspector notes in paragraph 18 that the representations raised may exceptionally necessitate additional hearing sessions.
- 7.28. The Inspector will then need to consider all of the evidence and representations received before writing her Final Report which could still conclude that the LPR is unsound.
- 7.29. There therefore remains a significant amount of work to be undertaken and the result of this work can as yet not be pre-empted.
- 7.30. Given the extent of work that remains to be undertaken, it is inconceivable that the LPR could be adopted before spring/summer 2023. Therefore, even assuming that the LPR proceeds to adoption and sufficient weight could currently be afforded to this as a remedy for the already persistent shortfall, a 5YLS shortfall will have persisted for 5½ years.

The extent to which there are unresolved objections

- 7.31. Numerous substantial objections were submitted to the pre-submission draft LPR including those submitted by Pegasus Group on behalf of the Appellants. Numerous objectors also took the opportunity to prepare detailed hearing statements prior to the hearing sessions.
- 7.32. Whilst some of these objections have been resolved through the Inspectors post hearings letter, the Inspector has raised significant concerns in respect of others and numerous participants have raised significant objections to the more recent work. These significant

concerns which go to the soundness of the LPR, including (but not limited to) in relation to the affordable housing need and the supply of housing both of which in turn may affect the proposed stepped housing requirement remain unresolved. There therefore remain significant unresolved objections. Whilst theoretically the additional work to be undertaken and the main modifications could resolve these objections, these modifications have yet to be drafted or consulted upon and so no weight can be afforded to these.

The degree of consistency of the policies of the LPR with the NPPF

- 7.33. The Inspector has identified significant concerns with numerous aspects of the LPR, including because the policies are not consistent with the NPPF and national guidance.
- 7.34. For example, the submission draft LPR (CDF.5) proposed a housing requirement for 9,560 homes over the period 2021–37 in Strategic Policy H1 which was based upon the minimum local housing need of the standard method and a contribution of 900 homes towards the unmet housing need of neighbouring authorities as set out in Table 4.1. However, the submission draft LPR did not consider increasing the housing requirement to better respond to the need for affordable housing as required by the PPG (2a–024).
- 7.35. Indeed, it became apparent throughout the course of the examination hearings that the LPA had not even calculated the need for affordable housing in accordance with the PPG^{let} alone considered increasing the housing requirement in response. This was correctly acknowledged by the examining Inspector during the hearing sessions and the LPA has responded by publishing the Affordable Housing Background Paper (CDF.10). This Background Paper still does not assess the need for affordable housing in accordance with the PPG²⁸ and as a result grossly under-estimates the need for affordable housing and does not comply with paragraph 62 of the NPPF. As such, the Inspector has confirmed this work will need to be revisited (again), the need for affordable housing properly assessed, any resultant necessary modifications made to the LPR, and for these to be consulted upon prior to the examining Inspector being in a position to write her Final Report.
- 7.36. It is therefore apparent that there remains significant work to be undertaken prior to the adoption of the LPR (even assuming that the LPR is able to proceed to adoption), and the examining Inspector has identified significant concerns in light of the unresolved objections

²⁸ as confirmed by the Inspectors further post hearings letter.

and the inconsistency of the LPR with national policy. All of this bears upon the weight that can be afforded to the LPA's proposed remedy to the 5YLS shortfall, namely the adoption of the LPR in accordance with paragraph 48 of the NPPF.

The effectiveness of the policies of the LPR

- 7.37. The absence of a 5YLS is material to the determination of planning applications and appeals insofar as it results in the most important policies out-of-date, it engages the tilted balance, it provides a gauge as to whether policies have been effective in meeting housing needs, and it provides a gauge as to whether there is a need for additional housing to meet the minimum objective of national policy.
- 7.38. Even assuming that the LPR was afforded sufficient weight, it would be necessary to consider how each of these aspects would be affected.
- 7.39. As recognised in Table 3 of the Housing Supply Topic Paper (CDF.9), the LPA will remain subject to a record of substantial under-delivery until the HDT results for 2023 are published in late 2023/early 2024, even assuming that the proposed stepped housing requirement is found sound and the trajectory of the LPA is achieved. Therefore, assuming the LPR is adopted, the most important policies for determining residential applications and appeals will remain out-of-date. The LPR therefore provides no remedy to this.
- 7.40. As a result, the tilted balance will continue to be engaged and the LPR therefore provides no remedy to this.
- 7.41. Strategic Policy H1 proposed a stepped housing requirement. The LPA justify this proposed stepped housing requirement to pass the HDT as soon as possible²⁹. In effect, the LPA is proposing to provide less housing than is needed to meet the needs of households in the short-term to ensure that the policies of the LPR which provide less housing than is needed in the short-term are afforded full weight in the relatively near future.
- 7.42. Similarly, the LPR proposes a housing requirement to address the housing need identified by the LPA for 9,560 homes over the plan period³⁰, or 598hpa. The 5YLS is calculated on the

²⁹ As set out in paragraph 1.3 of the Housing Supply Topic Paper (CDF.9).

³⁰ Comprising the minimum local housing need for 8,660 in Fareham and a contribution of 900 homes towards sub-regional unmet needs.

basis of this need using the LPA’s trajectory in Table 7.5 below. This demonstrates that even on the basis of the LPA’s trajectory, whilst there will be a 5YLS against the proposed stepped housing requirement, there will be a shortfall relative to the housing needs responded to in the LPR until 2024. Accordingly, if the LPR is adopted, there will remain a need for additional housing to meet the housing needs proposed to be responded to in the LPR and the policies will remain ineffective in addressing this need. The LPR therefore provides no remedy for addressing the LPA’s assessment of housing needs in a timely fashion.

Table 7.5 – the 5YLS relative to housing need following adoption

	Housing need responded to in the LPR	Deliverable supply (including proposed allocations)	Shortfall	Five-year req. including buffer	Deliverable supply	5YLS
2021/22	598	141	-457	3,585	2,891	4.03
2022/23	598	335	-719	4,133	3,559	4.31
2023/24	598	644	-673	4,448	4,088	4.60
2024/25	598	869	-401	4,392	4,088	4.65

7.43. Furthermore, this is not just a local issue. As identified in paragraph 8 of the Inspector’s post hearings letter (CDF.8) this is all in the context of the significant unmet need for 13,000 homes across the sub-region which will persist even if the LPR is adopted. This wider unmet need arises in large part as a result of the proposal of the LPR to divert the supply arising at Welborne to address the needs of Fareham, rather than this addressing wider unmet needs which is the basis upon which the Welborne site was allocated in the DSP³¹. In effect, the LPA has not supplemented the supply to address its own needs as would be expected but has instead taken the supply committed to address wider unmet needs to address its own needs. As such, the LPR will not remedy the pressing unmet need for housing across the sub-region but will instead increase this.

7.44. For all of these reasons, even if the LPR was capable of being afforded sufficient weight as a remedy for the current undesirable situation, this would be unlikely to be material to the determination of this appeal, as even if it was adopted, the most important policies would

³¹ As set out in paragraph 43 of the Inspector’s Final Report on the examination of the DSP (CDE.4).

remain out-of-date, there would remain a pressing need for additional housing and the policies of the LPR would be ineffective in addressing this housing need.

7.45. In summary:

- i. the LPA is unable to demonstrate a 5YLS,
- ii. the LPA currently has a 3.86yLS with a substantial shortfall of 769 homes,
- iii. a 5YLS shortfall has already persisted for 4½ years and will persist for at least a further decade in the absence of a review of the adopted Development Plan,
- iv. the proposed remedy of the LPA is to replace the adopted Development Plan with the LPR:
 - which remains to be subject to significant work to address (if possible) the current significant concerns of the examining Inspector;
 - which remains subject to substantial unresolved objections;
 - which has been found to be in need of modifications given its inconsistency with national policy;
 - for which the most important policies will remain out-of-date for a number of years to come (and the tilted balance thereby engaged);
 - which will not address housing needs in a timely fashion and so there will remain a need for additional housing;
 - which does not engage with or address the substantial unmet sub-regional need for housing which has arisen in part as a result of this LPA's redistribution of the supply from Welborne.

8. AFFORDABLE HOUSING NEEDS

The historic supply of affordable housing

- 8.1. The need for affordable housing in Fareham has been calculated periodically in a number of documents including:
- i. Paragraph 2.3 of the CS identifies that there was a need for 495 affordable homes per year according to the Fareham Housing Needs Survey 2004 (HNS) (CDH.14).
 - ii. From Appendix X of the South Hampshire Strategic Housing Market Assessment of 2014 (SHMA) (CDG.5), it can be calculated that there was a need for 6,803 affordable homes over the period 2013–36 at an average of 296 per annum.
- 8.2. The number of net additional affordable homes delivered can be calculated from the DLUHC Live Tables and these are compared with the needs identified above in Table 8.1. This demonstrates that against the need identified in the HNS there has been an under-delivery of 7,224 affordable homes over the preceding 17 years, or against the need identified in the SHMA there has been an under-delivery of 1,996 affordable homes in the preceding 8 years. By any measure this represents a substantial number of households in the greatest need who have not been provided the housing they need.

Table 8.1 – the backlog of affordable housing

	Additional affordable homes provided	Affordable homes lost through right to buy	Net additional affordable homes	Need according to the Fareham Housing Needs Survey	Annual surplus/shortfall	Cumulative surplus/shortfall	Need according to the South Hampshire SHMA	Annual surplus/shortfall	Cumulative surplus/shortfall
2004/05	74	34	40	495	-455	-455	-	-	-
2005/06	27	19	8	495	-487	-942	-	-	-
2006/07	105	13	92	495	-403	-1,345	-	-	-
2007/08	121	12	109	495	-386	-1,731	-	-	-
2008/09	161	1	160	495	-335	-2,066	-	-	-
2009/10	40	4	36	495	-459	-2,525	-	-	-
2010/11	173	3	170	495	-325	-2,850	-	-	-
2011/12	127	4	123	495	-372	-3,222	-	-	-
2012/13	91	8	83	495	-412	-3,634	-	-	-
2013/14	58	14	44	495	-451	-4,085	296	-252	-252
2014/15	137	6	131	495	-364	-4,449	296	-165	-417
2015/16	27	15	12	495	-483	-4,932	296	-284	-700
2016/17	85	10	75	495	-420	-5,352	296	-221	-921
2017/18	41	16	25	495	-470	-5,822	296	-271	-1,192
2018/19	44	13	31	495	-464	-6,286	296	-265	-1,457
2019/20	10	16	-6	495	-501	-6,787	296	-302	-1,758
2020/21	64	6	58	495	-437	-7,224	296	-238	-1,996

The current need for affordable housing

8.3. The LPA has recently published an Affordable Housing Background Paper (CDF.10) which was the subject of the focused consultation. This identifies that currently some 4,874 households have an unmet need for affordable housing.

The future need for affordable housing

8.4. The Affordable Housing Background Paper also seeks to calculate the future newly arising need for affordable housing. It does this by applying the proportion of current housing which is affordable in the Borough (8.9%) to the projected household growth, rather than by identifying the minimum household income required to access lower quartile market housing and using this to assess the proportion of newly arising households likely to be in need of affordable housing as required by the PPG (2a-021).

- 8.5. Not only is the approach of the LPA inconsistent with the PPG, but it is also methodologically flawed, as it implicitly assumes that there are currently a sufficient number of affordable homes to address affordable housing needs in full. This is patently not the case given that the LPA identify that there are 4,874 too few affordable homes to meet affordable needs currently. This has been flagged as a potential issue of soundness in the Inspector’s further post hearings letter.
- 8.6. The SHMA of 2014 assessed the affordable housing need for Fareham in accordance with the PPG and many other nearby LPAs have also undertaken more recent assessments in accordance with the PPG. As illustrated in Table 8.2 below, every one of these has concluded that a significantly greater proportion of newly forming households will be in need of affordable housing than the 8.9% assumed by Fareham Borough Council. Therefore, not only is the assumption methodologically flawed and inconsistent with the PPG, but it is demonstrably anomalous by reference to relevant comparators.

Table 8.2 – the proportion of newly forming households in need of affordable housing

LPA	% of newly forming households in need of affordable housing	Source
Fareham	39.8% to 46.0%	Table 28 of Appendix X of the South Hampshire SHMA 2014 (CDG.5)
Winchester	36.5% to 42.7%	Table 5.10 of the Winchester Strategic Housing Market Assessment 2020
Portsmouth	21% to 25%	Paragraph 5.30 of the Portsmouth Local Housing Needs Assessment 2019
Gosport	42.9%	Figure 3.9 of the Gosport Demographic Projections Report 2019
Eastleigh	19% to 22%	Paragraph 2.100 of the Eastleigh Assessment of Affordable Housing 2017

- 8.7. The assumption of the LPA that only 8.9% of newly forming households will be in need of affordable housing is therefore between circa one half and one fifth of that which arises from the application of the PPG across the sub-region. This serves to unjustifiably significantly deflate the identified need for affordable housing.
- 8.8. Accordingly, in reality there will be a need for far more than the 5,422 affordable homes identified in the Affordable Housing Background Paper. For example, If it was assumed that in Fareham the proportion of newly forming households in need of affordable housing was

broadly consistent with that identified in the SHMA (39.8% to 46.0%), then there would be a need for between 7,326³² and 7,708³³ affordable homes rather than 5,422.

The supply of affordable housing

- 8.9. The Affordable Housing Background Paper suggests that in response to this need, a supply of 2,639 affordable homes will be forthcoming from relets of the existing stock and from currently empty affordable homes in paragraph 4.2. In addition, Table 3 records that there will be an additional supply of 2,727 affordable homes from existing planning permissions and resolutions to grant, from emerging allocations if each of these are able to deliver a policy-compliant level of affordable housing, and from windfall sites such as the appeal proposals.
- 8.10. This sums to identify a potential total supply of 5,366 affordable homes over the plan period which is below the need for 5,422 affordable homes identified by the LPA. Therefore, there will be an insufficient supply of affordable housing to meet affordable housing needs even if:
- i. The methodologically flawed assumption of the LPA on the need for affordable housing which departs from the PPG is accepted,
 - ii. Every emerging allocation provides a policy-compliant level of affordable housing, and
 - iii. Windfall developments such as the appeal proposals are forthcoming.
- 8.11. Therefore, even if the LPAs position was accepted there would remain a need for windfall development in excess of that anticipated by the LPA to address affordable housing needs. However, in reality, once the need is assessed in accordance with the PPG, even with such developments it is unlikely that the full need for affordable housing will be addressed.
- 8.12. Therefore, there is a substantial need for affordable housing to which the appeal proposals will respond. This is consistent with the findings of numerous appeals in Fareham including for example at:
- i. Land East of Posbrook Lane (CDJ.4) in which it was recognised that there was a significant unmet need for affordable housing;

³² = 4,874 households currently in need + (6,160 newly forming households x 39.8%).

³³ = 4,874 households currently in need + (6,160 newly forming households x 46.0%).



- ii. Land South of Romsey Avenue (CDJ.8) in which it was recognised that there was a pressing need for affordable housing;
- iii. Land at Newgate Lane (North) and (South) (CDJ.7) in which it was recognised that there was a sizeable shortfall in the need for affordable housing.

9. THE WEIGHT TO BE AFFORDED

9.1. For context I consider the weight applied to the provision of housing in other appeal decisions.

The weight afforded by the Secretary of State

9.2. The weight afforded to the provision of housing and affordable housing by the Secretary of State³⁴ in the context of different housing land supply positions is set out in Table 9.1 below.

Table 9.1 – the weight afforded to the provision of housing by the Secretary of State³⁵

Decision	Weight afforded to housing	Weight afforded to affordable housing	5YLS position
Land to the West of Burley-in-Wharfedale at Sun Lane and Ilkley Road (ref: 3208020)	Very substantial		Less than 2.06 years
160 Stanley Road, Stockport (ref: 3205559)	Very significant	Very significant ³⁶	2.8 years
Land at and adjacent to Hulton Park, Bolton (ref: 3208426)	Significant	-	3.5 to 3.7 years
Land North of Viaduct, Ledbury (ref: 3244410)	Substantial	Substantial	4.22 years
Land at Fiddington, Tewkesbury (ref: 3210903)	Substantial	Substantial	4.33 years
Land at Mitchelswood Farm, East Sussex (ref: 3119171)	Significant		4.5 years
Land at Hawthorns, Farnham (ref: 3211033)	Significant		4.5 years
Land at South West Sittingbourne/Wises Lane, Sittingbourne (ref: 3233606)	Significant ³⁷		4.6 years
97 Barbrook Lane, Tiptree, Colchester (ref: 3223010)	Significant		4.7 years
Land at Sandown Park Racecourse, Esher (ref: 3249790)	Significant	Moderate ³⁸	Less than five years
Whitehouse Farm, Belper (ref: 3198996)	Significant		3.7 to 6.6 years
North London Business Park, London (ref: 3189843)	Significant		4.8 to 5.1 years
Land West of Knights Hill Village (ref: 3237042)	Substantial		In excess of 5 years

³⁴ This includes all five-year land supply decisions in England since the start of 2020 that I have been able to identify which afford a specified weight to the provision of housing.

³⁵ Where the Secretary of State has afforded separate weight to the provision of housing and to the provision of affordable housing these are recorded separately in two columns, and where the Secretary of State has afforded an aggregated level of weight to housing and affordable housing in combination this is recorded in a single column.

³⁶ Notwithstanding the absence of a policy-compliant level of affordable housing.

³⁷ Ibid.

³⁸ Owing to the absence of a policy-compliant level of affordable housing.

Decision	Weight afforded to housing	Weight afforded to affordable housing	5YLS position
Oxford Brookes University, Wheatley Campus (ref: 3230827)	Very substantial ³⁹		In excess of 5 years
Land at Love Lane, Woolwich (ref: 3233519)	Substantial	Substantial	In excess of 5 years
Land at VIP Trading Estate, London (ref: 3233585)	Significant	Significant	In excess of 5 years
Land to the East of Newport Road and to the East and West of Cranfield Road, Woburn Sands (ref: 3169314)	Significant	Significant	In excess of 5 years
Land at Former Westferry Printworks Site, London (ref: 3225474)	Moderate ⁴⁰		In excess of 5 years
Land at Burgess Business Park, London (ref: 3225548)	Moderate ⁴¹	Significant	In excess of 5 years
Land off Station Road, Long Melford (ref: 3214377)	Significant		5.67 years
Anglia Square, Norwich (ref: 3225505)	Significant	Significant	5.89 years
Land off Audlem Road/Broad Lane, Stapeley (ref: 2197532) (CDJ.21)	Significant	Significant	5.7 to 6.6 years
Land at Sandford Park, Newbury (3265460)	Significant		7.67 years

- 9.3. It is therefore apparent that the Secretary of State has consistently found that where an LPA is able to demonstrate less than a 5YLS the provision of housing should be afforded either significant, very significant, substantial, or very substantial weight. Even where an LPA has been able to demonstrate the minimum 5YLS required by national policy, the Secretary of State has still afforded at least significant weight with only two exceptions at which the weight was reduced owing to proposal specific considerations.
- 9.4. In combination with the HDT result of 62% and the sub-regional unmet need for 13,000 homes, it would be expected that the weight afforded to the provision of housing would be even greater. In this context, both parties are agreed that the provision of housing arising from the appeal proposals should be afforded substantial weight.
- 9.5. The Secretary of State has often also considered the weight to be afforded to affordable housing separately, and in these cases has consistently afforded significant, very significant or substantial weight to the provision of affordable housing where a policy compliant

³⁹ In light of the affordable housing shortfall in that case.

⁴⁰ Owing to the absence of a policy-compliant level of affordable housing.

⁴¹ Owing to the less than exemplary nature of the accommodation proposed.

contribution towards affordable housing has been secured. In Fareham, the parties are agreed that there is a significant need for such accommodation, and it would therefore be expected that even greater weight should be afforded to the provision of affordable housing arising from the appeal proposals.

The weight afforded by Inspectors in Fareham

9.6. Similarly, the weight afforded to the provision of housing by Inspectors in Fareham⁴² since the start of 2021 is set out in Table 9.2 below⁴³. As each Inspector has applied their own planning judgment there is less consistency on the weight afforded to the provision of housing. However, unless there is a particular reason to adopt a different approach, all but one of these Inspectors have afforded either significant, considerable or substantial weight to the provision of housing consistent with the approach of the Secretary of State elsewhere. Where the Inspectors have separately considered the weight to be afforded to the provision of affordable housing, they have also recognised that this enhances (and in the only explicit decision this substantially enhances) the weight afforded to the benefits arising.

Table 9.2 – the weight afforded to the provision of housing in Fareham

Decision	Weight afforded to housing	Weight afforded to affordable housing	5YLS position
Land East of Newgate Lane East, Brookers Lane (CDJ.1)	At least considerable		0.95–3.57 years
Land East of Crofton Cemetery and West of Peak Lane (CDJ.2)	Significant		3.17–3.57 years
Land to the East of Downend Road	Considerable		3.57 years
Land East of Posbrook Lane (CDJ.4)	Significant		0.93–3.57 years
Land to the South of Funtley Road (CDJ.6)	Significant	Enhanced from significant	Unspecified
Land at Newgate Lane (North) and (South) (CDJ.7)	Substantial	Substantial	0.97–3.4 years
Land South of Romsey Avenue (CDJ.8)	Significant		0.93–3.57 years
Eyersdown Farm (CDJ.9)	Substantial		4.31 years

⁴² The weight afforded to the provision of affordable housing is addressed in section 8.

⁴³ Noting that many other appeal decisions have not afforded a specified weight to the provision of housing.



Decision	Weight afforded to housing	Weight afforded to affordable housing	5YLS position
84 Fareham Park Road (CDJ.10)	Moderate ⁴⁴		0.93-3.57 years

⁴⁴ Owing to the absence of a policy-compliant level of affordable housing.

10. CONCLUSIONS

10.1. The preceding Proof of Evidence demonstrates that:

- i. The most important policies for determining this appeal including Policy DSP40 are out-of-date owing to:
 - a. The record of substantial under-delivery recorded by the HDT results; and
 - b. The absence of a 5YLS.
- ii. Notwithstanding the fact that the supply of the LPA has arisen in large part (a total of 1,074 homes) as a result of the approval of sites which the LPA considered to be contrary to the policies of the adopted Development Plan, the policies of the Development Plan including DSP40 have still been wholly ineffective in delivering a sufficient number of homes to meet the housing requirement or to provide the number of homes required by the HDT or to maintain a sufficient supply to address the minimum local housing need and thereby have not provided for sustainable development as demonstrated by the fact that the policies of the Development Plan including DSP40:
 - a. Were not designed to respond to the current minimum need for housing by a substantial margin;
 - b. Have provided for an under-delivery of between 2,926 and 3,676 homes against the housing requirement of the Development Plan which itself grossly understates the level of housing need;
 - c. Have provided for a HDT result of 62% which indicates that 38% of households have not been provided the homes they require⁴⁵, such that national policy recognises that in light of the substantial shortfall arising from these policies they are out-of-date;

⁴⁵ Or without the adjustment for the pandemic, 48% of households have not been provided the homes they need.

- d. Would have resulted in a 3.35yrs with a shortfall of 1,068 homes if sites which do not strictly accord with these policies had been refused;
 - e. Notwithstanding the approval of 1,074 homes in conflict with these policies have provided for a 3.86yrs with a shortfall of 769 homes once the 5YLS is assessed in accordance with national policy and guidance;
 - f. Have given rise to a situation whereby the LPA has already been unable to demonstrate a 5YLS for at least 4½ years with no prospect of this being remedied without the policies of the Development Plan being replaced in their entirety; and
 - g. Have given rise to a situation whereby the LPA now accepts that it will be unable to demonstrate a 5YLS against the housing need responded to in the LPR such that the LPA consider that it is necessary to further delay responding to needs through the adoption of a stepped housing requirement.
- iii. There is a pressing need for housing to respond to this situation as demonstrated by:
- a. The unmet need for between 2,926 and 3,676 homes against the housing requirement of the Development Plan which itself grossly understates the level of housing need;
 - b. The substantial under-delivery over the previous three years with 38% of households not having been provided the homes they require, or 48% not having been provided the homes they need without the adjustment for the pandemic;
 - c. The substantial shortfall of 769 homes needed to restore the minimum 5YLS against the minimum local housing need;
 - d. The need for additional housing to enable to the LPA to demonstrate a 5YLS against the need responded to in the LPR at the point of adoption⁴⁶;

⁴⁶ Without further deferring meeting needs through a stepped housing requirement.

- e. The substantial unmet need for housing across the sub-region (of c.13,000 homes) which arises in large part as a result of the proposal in the LPR to redirect the supply at Welborne to address the needs of Fareham rather than the sub-regional needs; and
- f. The significant need for affordable housing within the Borough.

- 10.2. It is therefore clear that not only are the adopted policies out-of-date, but they have not provided for sustainable development and as such the weight afforded to these should be substantially reduced. Additionally, in accordance with the consistent position of the Secretary of State given the substantial need for additional housing in Fareham the weight afforded to the supply of housing should be towards the upper end of the spectrum.
- 10.3. Whilst the LPA is progressing the LPR in light of the above, the Inspector has significant concerns with the submission draft owing to amongst other things the inconsistency of parts of the LPR with national policy such that the relevant parts of the submission draft can only be afforded limited weight. The modifications necessary to resolve these concerns (if this is possible) have yet to be drafted and so can be afforded no weight.
- 10.4. Furthermore, the policies of the LPR will remain out-of-date upon adoption, the tilted balance will continue to be engaged, there will remain a need for housing both within Fareham and across the sub-region, and the policies of the LPR will be ineffective in addressing these needs. Accordingly, even if sufficient weight was afforded to the LPR, this would not materially affect the determination of the current appeal.



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