

To:

Cllr Anthony Williams – Chairman, Planning Committee
Cllr Charles Louisson – Vice-Chairman, Planning Committee

CC:

Rt Hon Damian Hinds MP
Cllr Roland Richardson – Planning Committee Member (Four Marks & Medstead)
Cllr Ilena Allsopp – Ward Councillor, Four Marks & Medstead
Cllr Neal Day – Ward Councillor, Four Marks & Medstead
democraticserviceteam@easthants.gov.uk

From:



Request for Planning Position Statement to Address Speculative Development and Restore Policy Balance under NPPF Paragraph 11(d)

Dear Cllr Williams, Cllr Louisson,

I am writing to formally request that East Hampshire District Council urgently consider issuing a Planning Position Statement (PPS) to mitigate the systemic harm being caused by speculative development and landbanking, particularly in areas like Medstead and Four Marks where the consequences of unchecked, cumulative growth are being felt most acutely.

This request is grounded in both national planning policy and local precedent, and is set out publicly in the following two documents I have published for the benefit of residents, stakeholders, and policymakers:

- [Speculative Development as Inverse Harm: Why East Hampshire Needs a Planning Position Statement Now](#)
- [Rapid Local Intervention to Mitigate the Tilted Balance: Temporary Mechanism to Curb Speculative Development](#)

⚖️ Legal and Procedural Basis

East Hampshire District Council has already established precedent in the use of **non-statutory Planning Position Statements** as **material considerations**, including:

- The [Five-Year Housing Land Supply Position Statement \(2024–2029\)](#), which applies NPPF Paragraphs 11(d) and 74 to determine housing policy status in the absence of a five-year supply.
- The [Nutrient Neutrality Guidance and Mitigation Plan](#), which operates as an interim PPS in response to Natural England advice and legal duties under the Habitats Regulations.
- The [Biodiversity Net Gain Guidance](#), which interprets statutory obligations under the Environment Act 2021 and guides applicants in the absence of adopted local policies.

These documents are relied upon in development management and inform decisions as **material considerations**, supported by:

- [Section 70\(2\) of the Town and Country Planning Act 1990](#)
- [Section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)
- [Paragraph 48 of the National Planning Policy Framework \(NPPF\)](#)

"Local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections; and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework."

✦ [Paragraph 11\(d\) and the Need for Clarification](#)

Paragraph 11(d) of the NPPF provides that planning permission should be granted unless:

"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole."

In the current vacuum created by a shortfall in housing land supply, this provision is being systematically exploited by developers pursuing schemes that:

- Delay actual delivery through landbanking;
- Distort housing supply patterns to maximise profit;
- Overwhelm infrastructure without linked mitigation;
- Undermine the integrity of the plan-led system.

These are not merely adverse impacts — they are **inverse outcomes**, flipping the intent of national policy on its head. Without a clear statement from the Council clarifying how these impacts will be assessed under Paragraph 11(d)(ii), the tilted balance is effectively defaulting in favour of speculative gain.

✂ Recommended Action: Issue a Targeted PPS

I urge EHDC to publish a **targeted Planning Position Statement** that:

- Identifies speculative development and landbanking as adverse impacts to be weighed under Paragraph 11(d);
- Defines localised saturation thresholds, infrastructure stressors, and delivery risks as part of that adverse impact assessment;
- Provides interim clarity for officers, members, and inspectors in the context of current policy uncertainty and increasing cumulative pressure.

This approach is lawful, procedurally familiar, and urgently needed. It can be adopted rapidly and would reintroduce democratic control in areas where cumulative harm is demonstrably mounting.

🔊 In Closing

I would be grateful if EHDC could confirm:

1. Whether a PPS of this nature is currently being considered;
2. Whether officers are open to meeting with stakeholders to support its formulation;
3. What interim mechanisms EHDC proposes to mitigate the harmful inversion of Paragraph 11(d) in its current application.

In a time where the intergovernmental blame game fills the void left by political vision and leadership know-how, one dares to take the liberty of expecting that any concept brought forward by a constituent should be greeted with a presumption in favour — unless its implementation can be shown to significantly and demonstrably harm the public interest.

I look forward to your response.

Yours sincerely,

