

To [REDACTED]

BY EMAIL

Enquiries to: localplan@easthants.gov.uk

Date: 30th April 2025

Request for Planning Position Statement under NPPF Paragraph 11(d)

Dear [REDACTED],

I refer to your email of 20th April 2025 to Councillor Williams and Councillor Louisson; as well as Damian Hinds MP; and the ward members associated with Four Marks and Medstead. I note the request for a Planning Position Statement (PPS) to address speculative development and restore balance under NPPF Paragraph 11(d). Your query has been forwarded to me, as Planning Policy Manager, as the most suitable person to respond on the matter.

I have read your email and supporting documentation with interest and note that you would like the following questions to be addressed:

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.

Presumption in favour of sustainable development (tilted balance)

As you are aware, there is currently an insufficient supply of sites in East Hampshire to deliver the required number of homes over the next five years. This has been exacerbated by recent changes to national planning policy and guidance, specifically a revision to the standard methodology that should be used to determine local housing need. These revisions led to an increase in the district-wide housing need from 575 homes per year to 1,142 homes per year. Since March 2025, this number has reduced slightly to 1,119 homes per year following the release of updated affordability ratios from the Office of National Statistics (ONS), which are a key component of the standard methodology.

Since the introduction of the new standard methodology and the increase in housing numbers, all local planning authorities within Hampshire will be unable to

demonstrate a five-year land supply, resulting in more speculative planning applications. EHDC can only demonstrate 2.7 years supply; with Havant Borough Council (1.8 years supply), Basingstoke & Deane Borough Council (2.9 years supply), Waverley Borough Council (1.28 years supply) and Test Valley Borough Council (2.7 years supply), all being in a similar position.

Both Government and EHDC firmly agree that the planning system should be genuinely plan-led. The National Planning Policy Framework (NPPF) confirms that preparing and maintaining up-to-date plans should be seen as a priority in meeting the objective of providing housing and other development in a sustainable manner. However, as you acknowledge in your correspondence, despite the advocacy for plan-making, the NPPF (paragraph 11(d)) states that planning permission should be granted where the policies which are most important for determining the application are out-of-date. These policies are considered out of date if a five-year supply of deliverable housing sites cannot be demonstrated.

Permission can still be refused if the proposal is within a protected area or an asset of particular importance. These circumstances are outlined in footnote 7 of the NPPF. Although there are some of these designations or assets in East Hampshire, there are also a large number of areas where they do not apply. The only other reason for refusing permission is when the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is determined on a case-by-case, site-by-site basis.

As stated in previous correspondence from EHDC, both officer and committee decisions reflect the current policy context and will be determined on the basis of whether significant and demonstrable harm is identified. It is important to note that all applications are subject to consultation with various stakeholders, which include Hampshire County Council (HCC) as the education and highway authority, as well as statutory consultees such as Natural England, the Environment Agency and Historic England. Comments received from such parties, along with all other material considerations are then considered by planning officers when recommending a decision.

Planning Position Statement

As you state in your correspondence, EHDC already has a number of non-statutory Planning Position Statements (PPS) that are used as material considerations when determining applications. You have subsequently requested that a PPS is used to address speculative development and restore balance under NPPF Paragraph 11(d). In particular, you request a PPS that:

- Identifies speculative development and land banking 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.

EHDC is concerned at the potential adverse effects speculative development may have within the district, but I do not consider a targeted PPS would be a practical solution. Planning position statements cannot introduce new policy and it is my view that we would be unable to provide additional commentary further to the NPPF that does not introduce new policy. It is considered that the key policy points outlined in your supporting documentation are not suitable for a PPS and would need to form part of a development plan document. Any content within the development plan document would need to serve a genuine planning purpose and be consistent with the NPPF.

The current Five Year Housing Land Supply Position Statement (2024-29) clearly sets out our supply position and paragraph 11 of the NPPF provides clarity on the presumption in favour of sustainable development where a sufficient land supply cannot be demonstrated. Each application is determined in this context.

Other mechanisms proposed

Despite EHDC not advancing a PPS to specifically address paragraph 11(d) of the NPPF, there are a number of measures being taken to address the current housing supply position.

Expedite the local plan

In March, EHDC published a [revised timetable](#) associated with its local plan. EHDC supports the plan-led planning system and are keen to adopt a local plan as soon as possible to avoid speculative development. The local plan will set out the policies and proposals for new development until 2042. It will influence where and what kind of development can take place, as well as the necessary infrastructure needed to facilitate the growth.

Despite the significant increase in housing numbers in December 2024, EHDC is taking a pragmatic approach in expediting its local plan in order to submit for examination by December 2026, as required by Government, to be examined against the current planning system. Although the Government will be consulting on

a new planning system in due course, EHDC does not want to delay the local plan and risk further speculative development.

As noted in the revised timetable, the next stage is for the Council to publish a proposed submission version of the Local Plan and invite representations in accordance with Regulation 19. This is scheduled for the end of July 2026.

Updating the local plan evidence base

The evidence base to support the emerging local plan is being updated, which helps provide important information when assessing applications in the meantime. We will be updating our [Housing and Economic Needs Assessment \(HEDNA\)](#) to get a better understanding of the types, tenures and size of homes needed in East Hampshire.

We have commissioned a transport assessment that will identify the highway implications of development and the necessary mitigation needed. We also regularly update our [Community Facilities Study](#), and have recently updated our [Playing Pitch and sports facilities strategy](#). We will further be updating our Open Space Strategy as well as conducting a community buildings assessment. All of this evidence will be used to support the decision-making process and allow monies and or infrastructure to be required where determining applications. Proposals that align with needs identified in evidence base will attract positive weight in the planning balance.

The emerging evidence base for the new local plan will also give us a better understand of the housing needs that can be sustainably accommodated within the local planning authority area. We have already sought [Counsel advice](#) on how local housing need can be disaggregated between EHDC and the South Downs National Park (SDNP). The SDNP is a protected landscape, where development is restricted, however, EHDC consider more growth should be accommodated in areas such as Petersfield and Liss, where there are a wide range of facilities and services. The new local plan will explore housing need in more detail as it is an NPPF requirement that the local plan considers meeting not only the need of EHDC as a local planning authority, but also neighbouring areas, which includes the SDNP.

Housing Delivery Test Action Plan

EHDC is producing an Action Plan to help increase delivery of housing in the future. Although there is no evidence of land-banking within East Hampshire, the Action Plan will identify mechanisms to speed up housing delivery and restrict developers from any potential land-banking. Possible actions could include some of the 'Key Policy Points' that you have included in your supporting documentation, such as requesting more details on the delivery timeline of the proposal.

The Action Plan will be considered by our Planning Policy Committee on 2nd July 2025 and once adopted, it will be a material consideration when determining planning applications.

Affordable Housing SPD

EHDC has recently consulted on a draft [affordable housing supplementary planning document \(SPD\)](#). East Hampshire is one of the most expensive places to live in Hampshire, and many people struggle to afford housing. The SPD will be used to provide further guidance on the applicable affordable housing policies and ensure that the right types and size of affordable homes are delivered. It will give greater clarity to the public and development industry on what is expected from EHDC when submitting residential applications.

Assisting Neighbourhood Plans

Neighbourhood planning was introduced as a new power to communities by the [Localism Act 2011](#). A neighbourhood plan can establish general planning policies for the development and use of land in a neighbourhood, however, they must be in general conformity with the local plan and not be used to restrict development. A neighbourhood plan will form part of the district's statutory development plan which will be used in the determination of planning applications. Currently, a total of seven neighbourhood plans have been 'made' within the local planning authority area.

Neighbourhood plans are an important part of planning policy and the NPPF (paragraph 14) states:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement".

As a result of the above, there are advantages to having neighbourhood plans when the wider local planning authority cannot demonstrate a sufficient supply of deliverable housing. Currently, the parishes of Medstead and Four Marks are looking to review and update their neighbourhood plan in order to benefit from the provisions of the NPPF. EHDC are actively supporting the neighbourhood plan steering group in the production of their neighbourhood plan.

Conclusion

Unfortunately, EHDC does not have any control on when planning applications are submitted. Once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit (13 weeks for applications for major development) unless a longer period is agreed in writing with the applicant. Where a valid application has not been determined within the relevant statutory period (or such other period as has been agreed in writing between the local planning authority and the applicant), the applicant has a [right to appeal to the Secretary of State](#) against non-determination. Inevitably, the housing land supply position in East Hampshire makes the local authority more susceptible to planning applications, which need to be determined on their merits on a case-by-case basis.

EHDC consider a targeted planning position statement in regard to NPPF paragraph 11(d) as requested, would likely result in the introduction of new planning policy and would therefore not be suitable for inclusion in a PPS. However, EHDC have and are continuing to introduce a number of mechanisms, both long-term and short-term, to address the unwanted position of there not being sufficient land supply that triggers the presumption in favour of sustainable development.

I hope that my response has been informative and feel free to contact me should you have further planning policy queries within East Hampshire. If not already subscribed, I would encourage you to [sign up for EHDC updates](#), which includes planning and local plan information. I would also invite you to comment on the various mechanisms being introduced by EHDC, as well as the pre-submission (Regulation 19) version of the local plan next summer.

Yours Sincerely,



Adam Harvey

Planning Policy Manager