

COMMITTEE UPDATES

Item 3d: Site of former Police Station, Southampton Road, Lymington SO41 9GH (Application 24/10953)

This application was withdrawn on 13 January 2025.

Item 3e: New House, Market Place & 1-3, Strides Lane, Ringwood, BH24 1ER (Application 23/10821)

5 year Housing Land Supply

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote [8] of the NPPF clarifies that:

This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances, para. 11(d) of the NPPF is engaged.

It is considered that in this case the development must be considered in accordance with the NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF. This includes areas at risk of flooding.

Therefore, a judgement needs to be reached as to whether policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no strong reasons for refusing the development having applied the test at Limb 1.

The 2024 NPPF requires particular regard to be had to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination when applying the said tilted balance.

In this case the location of the site in flood zones 2 and 3 coupled with the lack of a Sequential Test means that there is a "strong" reason for refusal of the application under limb (i) of paragraph 11(d) of the NPPF. As such the tilted balance in paragraph 11(d)(ii) is not considered to be engaged and rather the application can be considered against the 'straight' balance as an assessment against the policies of the development unless there are other material considerations that indicate otherwise. This assessment is undertaken in the main agenda report.