

SUBMISSION STATEMENT

ON BEHALF OF

MESSRS ANDREW LAWSON & MICHAEL CONN

BY

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FOR THE

HASTINGS BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT PLAN EXAMINATION

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1. INTRODUCTION

1.1 As the Matters upon which my Clients wish to make representations are inextricably linked and for the sake of brevity it is proposed to make a single Submission in two parts covering all of them rather than risk repeating some of the same points over and over again.

1.2 The focus of this Submission will be upon whether the Development Management Plan (DMP) is 'sound' in accordance with the tests set out in the National Planning Policy Framework (NPPF) and applicable Case Law.

1.3 The Submission will then detail my Clients' representations as regards their particular landownership including past planning history, previous representations and the current position.

2. PLANNING STRATEGY

2.1 In terms of housing provision, the starting point for the DMP is Policy DS1 of the Planning Strategy prepared by Hastings Borough Council (HBC or the Council) which sets a rather ambiguous, but in other ways helpful, target of "**at least**" 3,400 new homes to meet the housing needs of Hastings between 2011 and 2028 (Plan Period).

2.2 One suspects that the wording "**at least**" was deliberately used by the Planning Inspector so as not to set a maximum target not to be exceeded but to allow flexibility to Grant Planning Permission on other sites not subject to a Housing Allocation in the subsequent DMP.

This no doubt was due to scepticism over the validity of the housing numbers put forward by the Council as being developable over the Plan Period in stark contrast to the findings of the Council's independent consultants, Wessex Economics, commissioned to provide a report into Housing Need for the 15 year period 2013 to 2028 and evidence base to support the required Strategic Housing Market Assessment (SHMA).

2.3 This report published in June 2013 concluded that the most accurate assessment of housing need in the Plan Period was that produced by East Sussex County Council which concluded that the Council required a total of 6,863 new homes equating to a minimum 404 units p.a.

2.4 Despite objections being raised at the time, the Council proceeded to adopt the significantly reduced target contained in Policy DS1 which equates to a paltry 200 new homes p.a.

The argument advanced by the Council for this substantial reduction being that the land supply for housing development in Hastings was severely constrained by physical and political boundaries although it could be successfully argued that the assessment of potential sites has been grossly inadequate and marred by political and officer preferences as to appropriate Housing Allocations.

3. APPLICABLE CASE LAW

3.1 In the recent Court of Appeal Decision in **St Albans City and District Council v The Queen (on the application of) Hunston Properties Limited, Secretary of State for Communities and Local Government and Another** it was successfully argued that when considering whether a Council had met the requirements of paragraph 47 of the NPPF “to ensure that their Local Plan meets the **full, objectively** assessed needs for market and affordable housing” this **cannot** include consideration of constraints.

Therefore, it is mostly respectfully contended that the Council’s Planning Strategy and consequently the DMP is fundamentally ‘**unsound**’ and fails all 4 tests required to be met as set out in paragraph 182 of the NPPF.

3.2 Accordingly, in order to rectify this material defect in both the Planning Strategy and in consequence the DMP it will be necessary for the Council to seek to make an amendment to change the target for new homes delivery to 6,863 across the Plan Period equating to 404 units p.a. and comprehensively review the DMP to ensure sufficient **additional** sites are made Housing Allocations to ensure the necessary 5 year housing land supply as required by paragraph 47 of the NPPF.

3.3 The Council are not at liberty to argue that additional sites for housing development are not available when it is clear in the instance of my Clients’ landownership that no proper consideration has been given as to whether the site is capable of being both ‘**deliverable**’ and ‘**developable**’ as also required by paragraph 47 of the NPPF.

This point will be expounded upon in the second part of this Submission.