

Crown Casework,
The Planning Inspectorate,



DC26/34
4 August 2026

Dear Sir/Madam,

CROWN/2026/0000005 – Haslar IRC

Please accept this letter as an objection to the above development. We would welcome the opportunity to attend any scheduled Hearing or Inquiry and trust that the matters raised below will assist the Inspector in reaching an informed decision.

Before considering the planning merits of the application there are two housekeeping matters that the Inspector should address:

- **Democratic Deficit** – The application should be considered by way of Public Hearing or Inquiry given that would have been the process, with regard to the Planning Inspectorate Procedure Guide, had the Council refused the application, as it has indicated it would have; and
- **Redacted Documents** – It was held by Mr Justice Dove, in *R (Holborn Studios Ltd) v London Borough of Hackney* [2020] EWHC 1509 (Admin), that determining bodies should disclose materials to “put members of the public in a position where they can make sensible contributions to democratic decision-making”. Given the extent of redaction, the public have not been put in such a position, prejudicing their lawful involvement.

Whilst we reserve our right to comment on unredacted versions of the application documentation we currently consider the following matters are material to the assessment of the application:

- **New Facility** – The applicant’s contention that the proposal is an extension is the incorrect premise. At 3,258sqm, and 3.6 times larger in terms of capacity (130 vs 470 persons) than the existing IRC, the proposal is tantamount to a new facility. There appears little functional interdependency between the existing IRC and the proposal given the dining and care facilities proposed;
- **Previously Developed Land** – The applicant’s premise that the land constitutes PDL should not be accepted. Reviewing satellite imagery the land does not appear to have been in use, but has rather remained an open, unused

grassed area. It does not therefore meet the definition of PDL (NPPF glossary) as it is not occupied by a permanent structure or any fixed infrastructure and cannot reasonably be held to be curtilage of the existing IRC given the western wall of that planning unit;

- **Flood Risk Sequential Test** – The application site is at fluvial flood risk so development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (NPPF 174). The applicant has not undertaken a meaningful search of alternative sites but has relied solely on the proposed site being sequentially preferable as the incorrect basis they consider it an extension. This is methodologically incorrect and the lack of consideration of alternative sites results in the failure of the sequential test;
- **Protected Species** – The badger and reptile surveys, undertaken in May and July 2023, are out of date, noting that the CIEEM states anything over three years is unlikely to still be valid. As Lords Walker, Hale, Brown, Mance and Kerr found in *R (Morge) v Hampshire County Council* [2010] EWCA Civ 608 it is unlawful to conclude acceptability without “clear and full” ecological information;
- **Habitat Regulations Assessment** – Given the above the shadow HRA has been undertaken on out-of-date information. Furthermore, the HRA scopes out lighting impacts on the basis that the proposal is within the context of other lighting; this is methodologically incorrect given the spatial extent of the application site, the scale of the proposal and the extent of lighting proposed. As Competent Authority the Inspector is therefore not in a position to conclude that there would not be an adverse impact upon designated sites;
- **Height** – Whilst not explicit it must be taken that the applicant is seeking outline permission for development up to three-storeys (12m) high. However, it is unclear whether this includes the 1.08m and 1.27m increase in FFL required by the submitted Flood Risk Assessment. The appellant also uses the incorrect barometer when comparing the proposed height to that of the existing IRC; not only is the proposal higher in any event but the majority of the built form would be predominantly at that height whereas only a modest part of the existing IRC is at the height quoted in the Planning Statement;
- **Appearance** – The indicative elevations submitted, to seek to demonstrate ‘in principle’ acceptability, do not reflect the positive characteristics of the local area and have little, if any, regard for their appearance or the contribution they could make to the character of the area (it is not lost that Historic England, known for their conservative language as the Government’s Advisor on Heritage, succinctly characterise the indicative buildings as “ugly”). The

application has therefore failed to demonstrate that a high quality, beautiful building (NPPF 131) can be accommodated on the site within the parameters proposed;

- **Heritage** – Due to the scale of the proposed development, and its indicative appearance, the proposal would result in less than substantial harm to a number of designated assets including the respective Stokes Bay and Haslar Barracks Conservation Areas, respective Grade II and II* listed buildings and scheduled ancient monuments. This harm is not outweighed by the public benefits (NPPF 215);
- **Landscape** – The conclusions of the Landscape and Visual Impact Assessment (LVIA) are implausible given the historic context of the development, the dominating effect of the proposed built form and the limiting effect the proposal would have on views. For example, noting the imposition of three-storey buildings within a residential two-storey context with far reaching historic views, it is not credible to conclude only a slight neutral impact, after mitigation, upon Fort Road. It is also unclear what parameters the LVIA used for assessing the proposed development, for example was the raising of the FFL by 1.08m - 1.27m considered and what level of lighting was modelled;
- **Outline application** – An outline application is an inappropriate mechanism for an application of such scale within the proximity of designated heritage assets, adjacent residential amenity and landscape sensitivity. Insufficient evidence has been provided for the Inspector to conclude, with confidence, that the proposed quantum of development could be acceptably accommodated on the site. As held by Lord Justice Tomlinson and Lord Justice Lindblom, in *Crystal Property (London) Ltd v SSCLG & LB Hackney EWCA Civ 1265 [2016]*, in the absence of an acceptable detailed or indicative scheme it is not for the Inspector to hypothesise or work out for themselves whether “a” acceptable scheme could be accommodated but rather such proposals should simply be refused;
- **Transport** – The Transport Assessment (TA) has been redacted to remove the proposed trip generation. However, given the proposed additional 116 new staff (FTE so could be higher number of staff with PT) and 209 parking spaces, this could result in significant traffic generation in a heavily constrained environment. The TA also does not appear to take into account committed development, such as sites consented and those allocated in the local plan, in its junction analysis;
- **Lack of Local Public Benefits** – The weight afforded to the purported public benefit, the housing of detainees, is tempered by the lack of proposed local public benefits. The proposal would also frustrate potential public benefits,

such as the delivery of the King Charles III England Coast Path and the opportunity for the collaborative development of this part of the Borough's waterfront, the importance of which has been recognised by £23.9m of recent Govt. funding; and

- **Opportunity Cost** – The planning system should be genuinely plan-led (NPPF 15). If the site is to be developed in any form then the preferred form of development should be residential, both open market and affordable, to meet the needs of the local population. Speculative development, such as that proposed, undermines the plan-led system, the democratic opportunity for local communities to shape the places they live and reduces public confidence in the planning system.

Planning balance

The proposed major development, that is not on PDL, is not in accordance with the Council's spatial strategy and would, due to its scale, result in significant heritage and landscape harms. The application also fails the flood risk sequential test and is reliant upon expired ecological surveys.

Given the impact upon the designated heritage assets constitutes a "strong reason" for refusal (NPPF footnote 7) the 'tilted balance' (NPPF 11) is not engaged and the application should therefore be assessed on the flat balance. On that basis, it is clear that the benefits the applicant relies upon are not only tempered but do not outweigh the conflict with the Development Plan and the other disbenefits that have been identified.

Not only is the Planning Inspector therefore not in a position to positively determine the application, but the application is demonstrably not in accordance with the Development Plan and there are no material considerations that would outweigh that conflict (s38 Planning and Compulsory Purchase Act 2004). The application should accordingly be refused without delay.

Yours sincerely,

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cc. Cllr Zoe Huggins BEM, Leader of Gosport Borough Council
Dame Caroline Dinenage MP