



The London Green Belt Council

I find myself in an unusual situation in compiling these Notes; I simply do not know what to write about. There is no shortage of material - lots of papers about individual case decisions, and no shortage of declarations by politicians of wonderful beneficial changes to store for everybody. The trouble is that the total picture is one of confusion which seems bound to get worse. And my sympathy goes out to many planning authorities who not only have to face that situation but have got to do it while facing the abolition of regional strategic authorities which had been imposed on them so recently that neither the regional nor the local authorities had ever had a fair chance to find out whether that system really worked and what the consequences were.

So what I will do now is try to take things in a roughly chronological order, quoting ministerial or party assurances on how green belt will continue to be protected; then a couple of publications, one from each side about green belt; and finally a batch of casework decisions, quoted with the caveat that they may become irrelevant in future when most decisions will be free and democratic and everyone will be happy. But as further background to this whole I can't help feeling that as the true consequences emerge the crucial decisions about the new planning structure (if it still deserves the title 'planning') will have to be put off, so that the obsolescent casework decisions referred to above are still relevant after all.

Letters from Department for Communities and Local Government.

These need to be read in conjunction with an item on the first two pages of the last issue of Notes. This is a developing saga, aspects which have arisen since Notes 156.

1. This is a letter dated 13th September written by Mr. Alan Scott of the Department for Communities and Local Government (DCLG) in reply to one written by our former Secretary, Laurie Holt, in his private capacity. Mr. Scott signs himself as part of the Green Belt Policy and Planning Policy Review. The letter, slightly abbreviated, is as follows:

‘In the coalition agreement the Government stated that it will publish and present to Parliament a simple and consolidated National Planning Framework of policy, supported by any essential guidance, and covering all forms of development. An announcement about the Framework will be made as soon as it has been decided how best to take this work forward.

‘The implications for particular areas of policy - such as Green Belt - will then become clear. At the relevant stage of the process there will be opportunities for everyone to comment on any aspect of the Framework. I should also point out that in the coalition agreement the Government undertakes to maintain the Green Belt.

‘Meanwhile national policy on green belt remains as set out in PPG2, though the reference to ‘structure’ or regional plans should now be ignored. As I expect you know, PPG2 establishes a

presumption against inappropriate development on green belt land, and says that the most important attribute of green belts is their openness. A local planning authority has to assess each planning application on its facts and merits, in the light of its local plan policies and any other relevant factor. In relation to proposals affecting Green Belt, the policy in PPG2 is generally very relevant. PPG2 is now available on our website.'

I have two comments:

- The need to review green belt policy does not quite square with previous assurances of strong defence of it, but the answer probably arises from the consequences of abolishing regional and county structure plans. We might give them the benefit of the doubt on this one;
- The letter says that 'the policy in PPG2 is generally (my underlining) very relevant'. It is more than that: it is the basic document on green belt. Are Ministers preparing to ignore it when it is convenient to do so?

2. A second letter from Alan Scott to Laurie Holt, this one dated 6th October, included:

'...We have yet to submit to Ministers any proposal for how PPG2 might be streamlined and updated, and there is unlikely to be any text in the public domain until next year. Moreover, the ideas about a 'community right to build' are still very much in discussion, and now seem likely to emerge as one aspect of the wider effort to involve neighbourhoods more fully and actively in decisions about local planning..... Meanwhile PPG2 remains in force and, though it has some obsolete terms and ideas (e.g. 'structure plans'), I agree with you about its continuing merit as guidance to local planning authorities.'

My comment is that it does seem to confirm the general situation of turmoil, which means that we shall have to be no less vigilant over the next three years than over the last three. With the best will in the world (and I would not be so rash as to assume that it exists in our favour) policies changed/maintained/adapted in circumstances like these are almost bound to have unforeseen loopholes. To give one example, reducing the powers of the planning inspectorate could well expose some.

Documents from other interested organisations

Pro-development organisations naturally take the advantage of situations like the present to seek to influence matters in their favour, and pro-environment bodies do the same, for public consumption as well as for politicians. One example of each kind follows.

1. 'Centre for Cities' produced a paper last March which said in its Executive Summary that its programme was threefold, under 'National Leadership' making the case for more housing land in the areas of highest demand, including on green belt where appropriate; and, under another heading, devolving responsibility for the protection of green belt. I think it is worth reproducing the green belt paragraphs in full.

'Green belt is another popular but misunderstood and expensive policy. The government has an important role in protecting land with major social and environmental value, including the UK's 15 National Parks and habitats important for biodiversity. Over half of all English land is protected from development including 1.6 m ha of green belt = 13% of England's land area. To put this in perspective, the land given over to green belt is one third larger than that used for all forms of urban development and ten times that taken up by houses alone.

'Green belts impose a serious economic cost on the UK by driving up prices and preventing our most successful cities from expanding. Their main effect on urban residents is to drive up house prices and encourage more crowded cities. The problem is particularly acute for London, which is surrounded by over half a million hectares of green belt.

'Green belts are supported by 85% of survey respondents, although most people mistakenly believe their function is to protect the environment and wildlife. In fact there is no requirement for green

belt land to be of a high environmental, aesthetic or any other value. Neither is it required to be accessible. While some parts of it are outstanding natural assets, even the CPRE classify 18% (290,000 hectares) as neglected.

‘The main objective of green belt policy is to prevent urban sprawl. While suburban living is favoured by a majority of the public, it is bitterly opposed by some policy-makers, in part because of its perceived environmental costs. A comprehensive five-year study recently concluded that the small differences between future land-use options were overwhelmed by long-term social and economic trends. Allowing a more market-led approach to development would increase household and transport carbon emissions by 2%, offset by reduced overcrowding, lower house prices and less damage to biodiversity due to water run-off.

‘The point is not to promote sprawl but to reserve protection for land which has real value. Open space is an important social asset, but safeguarding farmland at the city fringe should not be a high priority. Research conducted for the Barker Review found that the public was prepared to pay ten times as much to protect urban green spaces, as they were to protect any form of agricultural land. To quote Alan Evans the current policy risks ‘the destruction of the urban environment of the many to preserve the rural environment for a few’.

My view is that this item is well written in parts but a bit muddled in other parts. The last sentence of the quotation above gives the anti-rural bias away. Green belt is not there to preserve the rural environment for a few but, as the item acknowledges elsewhere, to prevent urban sprawl, and a countryside consisting, as the item seems to favour, of more and more urban environment with more and more urban-style open space is too awful to contemplate. Moreover we must not forget that many people whose local green belt is of relatively poor quality treasure it just as much as a protection against being swamped by development as do residents in more scenic green belt areas.

2. ‘Green Belts, a Greener Future’. This joint paper by Natural England and CPRE was on the point of issue as the last Notes were sent out, and I commented then and in the Notes before that on the difficulties I had had over a long period in getting Natural England (or whatever it was called at the time) to grasp the fact that green belt does not have to be scenic but just to be there and to remain open. Improving the scenery may, of course, often be a worthy aim in some settings, but that is not the be-all and end-all of green belt. And the pseudo wild life enthusiasts too often seem to assume that the wildlife wants an ‘improved’ environment too, when all it really wants is to be left alone.

The publication is now out and it is a most creditworthy document, for which I am sure CPRE participation can take much of the credit. It quotes the crucial paragraphs of PPG2 in full so Natural England cannot ignore that in future. It has much statistical etc information presented in a comprehensible and attractive manner. But we must remain vigilant as to how Natural England in fact use it.

Case Reports

1. A charity wanted to vary conditions which had been applied in 2007 and 2008 to development in Essex green belt. It provided training services on the needs of disabled people. A condition restricted occupation to the charity, but they now wanted to be able to raise income by letting part to tenants, though they offered to accept a veto from the Council if made within a short specified period. Refusing consent, the inspector said that it would set a dangerous precedent because it would be tantamount to approving inappropriate building in the green belt without very special circumstances.

2. A new country house in a woodland setting in Surrey green belt fell short of the requirements of PPS7 (sustainable development in rural areas) even though it had a high standard of thermal insulation, ground source heat pumps, and solar panels. On refusing the application, the inspector

remarked that, even if he had accepted it, PPG2 on green belt would still apply and he would be unable to agree that the proposal provided the very special circumstances needed to satisfy PPG2.

3. A site in Cheshire green belt provided mixed educational and recreational uses, with animals, birds, ponds, wildlife habitats, a classroom, gift shop and store. There had been two enforcement notices against the firm on grounds of inappropriateness in green belt, but the firm had refused to consider relocation. The inspector upheld the enforcement notices, remarking that the inappropriate nature of the scheme was paramount.

4. A rather touching example of a planning inspector's regard for cricket arose in West Yorkshire green belt. An 18m wind turbine, which the inspector noted would not adversely affect the area's character or residents' amenity, was rejected because it might distract the attention of cricketers using a nearby pitch. He declared that this consideration tipped the balance against approval.

5. Let the green belt save the dormice at Tunbridge Wells. The local authority rejected proposals for 600 homes at Paddock Wood because the scheme put the dormice, an endangered species, in too much danger from residents' cats. [NB. This was a Council decision reported in Planning on 8th October.]

6. An application was made to expand a Jewish cemetery in north London green belt. The inspector pointed out that, though paragraph 3.4 of PPG2 says that essential facilities for cemeteries are not inappropriate in green belt, the present Proposal involved a change of use and hard surfacing, and that paragraph 3.12 of PPG2 says that a material change of use is inappropriate unless it maintains openness and does not conflict with the purposes of designation. Nevertheless she decided that the specific benefits of the site constituted the circumstances necessary to justify the harm to the green belt.

7. In 2002, Rochford District Council granted permission for stables in green belt subject to a legal obligation in a S.106 agreement to remove the stables if the land ceased to be used for grazing. In an application in 2009 to convert the stables into offices, the applicant argued that the agreement was to ensure sufficient grazing for horses and did not require the building to be removed if grazing ceased. The inspector remarked that glazed sash windows and low ceilings were not a usual feature of stables, and recognized that the Council's doubts about the intended use of the building had underpinned the obligation. If the building became offices there would be increased activity and parking levels. Though putting the parking behind the building would reduce its prominence, the aim of green belt policy was to keep land open irrespective of whether a development is publicly visible. In any event, the aim of the legal agreement was to tie the building to grazing on, adjacent land. He dismissed the appeal.

8. The owner of a residential caravan site in Worcestershire green belt had had permission for six caravans since 1966. Now he wanted 8 more, arguing that it was an intensification not a change of use, and whether intensification involved change was a matter of fact and degree. The inspector said that putting the caravans on currently grassed areas would reduce openness and alter the site's appearance; and there would be more traffic. This impact had been increased by the construction of an unauthorised access track. He dismissed the appeal.

Financial Postscript

Most of my activity recently has been concerned with administering my wife's will. I accept that these Notes are not the place to go into such private matters, but I must report one notable event after which I will not raise the subject again. It was the receipt of a cheque from one of her long-standing investments. The cheque was for one penny. If she knew of this she would be delighted.

Comments and contributions to R W G Smith, 111 Billy Lows Lane, Potters Bar, Herts, EN6 1UY. 01707 645256.