



The London Green Belt Council

National Planning Policy Framework

I delayed this issue of Notes pending the Government's issue of its new condensed statement of planning matters since there was no point in my making comments which might be out of date (for better or worse, but one feared for worse) within a few days. The notes have now been issued, and the 14 paragraphs comprising the green belt section are attached as an appendix. I thought it worth doing this because they are likely to be the basis of statements of Government policy on the subject for years to come.

But of course we must not ignore the many aspects of spatial planning which exist alongside green belt. Relatively, ours is a small, specialised category, compared with the huge areas of general countryside which seemed threatened with an even more ghastly future, and which many major national planning and amenity and heritage bodies were desperate to save. The general picture, particularly over the last couple of years, has been of a Government which just did not understand how greatly the nation as a whole treasured its countryside heritage, and which seemed to give excessive weight to financial interests.

The outcome on the broader front seems to be one of relief that the proposals are less drastic than feared, the government having at last begun to appreciate nationwide feelings on the matter. On the green belt front the position is slightly different: there had often been assurances of continued defence of green belt but there were still gaps in existing or proposed policy which left us sceptical. Some have been covered - but only time will show how firmly - while one or two have not. The general picture, however, is less gloomy than it looked like being.

One example is as follows. Paragraph 1.5 of PPG2 has long set out the purposes of including land in green belt. Those are now given word for word in paragraph 80 of the new statement.

Paragraph 1.6 of PPG2 sets out six objectives for land in green belt to serve. These are given, with some rewording, in paragraph 82 of the new document. But paragraph 1.7 of PPG2, which contains a fundamental statement of policy, is omitted. In PPG2 it says:

'The extent to which the use of land fulfils these objectives is however not itself a material factor in the inclusion of land within a Green Belt or its continued protection. For example, although Green Belts often contain areas of attractive landscape, the quality of the landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection. The purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives'.

Thus, despite repeated promises of protection for green belt the new guidance has omitted from the beginning a key factor of green belt policy, that the quality of the scenery is not relevant to the inclusion or continued protection of land in green belts. This change has not been justified, just done in the hope that no-one would notice. Needless to say, that has not happened. We objected strongly, including to the Prime Minister, but objections were just ignored. There is nothing wrong with trying to improve the scenery, but in future existing poorer quality green belt, particularly

when on its boundaries, will be at greater risk from development. And as we have repeatedly pointed out, that land is as highly treasured by the less affluent people living near it as higher quality green belt is by the more affluent living in those areas. It is the openness that counts, not the quality of the scenery. I shall be glad to be told if members learn of cases affected by this change. We may need to deploy the argument that, since the Framework was intended to be a streamlining of the mass of existing planning policy guidance, the fact that something no longer appears in it does not necessarily imply that the policy has been abandoned.

Although much of PPG2 has been retained with comparatively little change, other guidance has been redrafted in more general terms. One example of such a general policy is the provision: ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.’

There was concern that this provision might override green belt policy, but I am glad to say that in the final version, it is made clear that development is not to be considered ‘sustainable’ if specific policies in the Framework (including Green Belt) indicate that it should be restricted.

Other Planning Decisions

The new planning guidelines came into effect immediately on publication at the end of March. The cases cited below were obviously decided before that so, though the decisions presumably stand unless appealed against or replaced by new applications, one cannot assume that similar cases would lead to similar conclusions. But I have selected a few where it seems likely that they would.

1) Pinewood Studios. Many of us affectionately remember the studios as the home of much that we value as film makers. The site needed to be expanded and modernised, but must that be done in green belt? The application was rejected by South Bucks DC, the appeal was called in by the S/S in April 2010, the consequent inspector’s report was dated April 2011 and the S/S announced his decision in January 2012. The large scope of the application is summarised in the introduction to the decision letter as ‘development of a living and working community for the creative industries comprising external streetscapes for filming, employment uses, education provision, residential development, landscaping and reprofiling of a former landfill area, formal and informal recreation provision, local retail and community facilities, an energy centre, access road, car parking and ancillary facilities, on land adjacent to Pinewood Studios’.

Many of us, knowing the scale of the proposal, awaited the outcome with trepidation. It would be dreadful to impose it on green belt, but would Ministers think that it was so big and so valuable that it constituted ‘Very Special Circumstances’? I give below some excerpts from the decision letter but first I note that among policy considerations the S/S notes that a draft National Planning Policy Framework has been published for consultation. It is a material consideration but as it is under review and is subject for change the S/S has given it little weight.

This is, of course, the document which has just come into force. If it had come out six weeks earlier would that have changed it? The S/S’ comments, abbreviated by me, include

- the loss of openness would not only be visually apparent but would all but destroy the concept of the site as part of open Green Belt land;
- the proposal would amount to urban sprawl of the type Green Belt is seeking to contain;
- it would undermine the specific purpose of preventing merger of neighbouring towns or settlements;
- the Green Belt purpose of preventing encroachment into the countryside would be considerably compromised.

The S/S makes similar comments under the heading of protected trees and biodiversity. Under the heading Sustainable Development the letter says ‘The S/S notes that a number of measures would serve to enhance the sustainability of the proposal, such as the improved potential for residents to use cycles, buses and trains in place of cars to access their workplace, and that the community centre and school delivered through Sec.106 planning obligations would reduce the need for travel

to access facilities. However, he agrees with the inspector that the appeal site is an inherently unsustainable location.' He dismissed the appeal. Two minor appeals on highway improvements were allowed.

2) I usually look through a number of planning journals to find items which may be of interest to our members [may I pay tribute here to the unfailing diligence of our former secretary Laurie Holt who does a lot of this work]. But it has been notable over the last couple of months that the number of references in the journals on planning decisions has declined, to be replaced by uncomplimentary comments on the emerging new planning system. Here are a few examples:

a) The government announced 12 new sites to be known as Nature Improvement Areas, but a journal said that confusion surrounded their planning status, particularly in relation to national sites and Areas of Outstanding Natural Beauty.

b) Another article headed 'Whitehall Inanities Bode Ill for Policy' criticizes the government's (then) ideas on planning reform under several headings, and its intent 'to persuade people to think differently about growth'. Local Enterprise Partnerships are described as 'democratically unrepresentative and biased towards business'. There is also comment about the falling number of young people who want to take up planning as a career.

3) So let me finish with a nice easy issue. A proposal to build four buildings in Humberside as a centre for animal research was rejected as it would detract from the setting of a listed wall and the S/S dismissed the appeal. Thousands of objections were also made on the grounds that research using animals was wrong, but the S/S noted that the courts have determined that moral concerns are not normally material to planning decisions.

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Appendix

Green Belt Section of the national Planning Policy Framework

9. Protecting Green Belt land

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

82. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale

development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:

- demonstrate why normal planning and development management policies would not be adequate;
- set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- show what the consequences of the proposal would be for sustainable development;
- demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and
- show how the Green Belt would meet the other objectives of the Framework.

83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

84. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.85. When defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

86. If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

92. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.