



# The London Green Belt Council

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## Government Policy towards the Green Belt

As Ronald Smith mentions below, the last few months have seen much confusion about the what the Government policy towards the Green Belt actually is. In broad terms, the Government continues to express its support for the Green Belt. But Ministers, from the Prime Minister and the Chancellor of the Exchequer downwards have made statements casting doubt on this. The problem seems to result from the Treasury trying to drive other departments' policy oblivious to realities. They consider that the planning system is holding back growth when the overwhelming evidence that it is other economic factors which are the problem. In September, the Secretary of State made a written statement to the Commons which was then debated. Some of the things Mr Pickles said were difficult to understand but potentially damaging, so our Chairman wrote to him asking for clarification. His letter, to which a reply is still awaited, is appended to these Notes.

## Permitted Development Rights

One of the ways in which the Government thinks the economy can be boosted by planning changes is a temporary relaxation of the rules setting out Permitted Development Rights. A consultation document, seeking comments by 24 December 2012, has been published. Copies can be downloaded from <http://www.communities.gov.uk/publications/planningandbuilding/extendingpdrconsultation> .

The proposed changes are summarised in the paper as follows:

Increasing the size limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses), in non-protected areas, for a period of three years. No changes are proposed for extensions of more than one storey.

Increasing the size limits for extensions to shop and professional/financial services establishments to 100m<sup>2</sup>, and allowing the building of these extensions up to the boundary of the property (except where the boundary is with a residential property), in non-protected areas, for a period of three years.

Increasing the size limits for extensions to offices to 100m<sup>2</sup>, in non-protected areas, for a period of three years.

Increasing the size limits for new industrial buildings within the curtilage of existing industrial premises to 200m<sup>2</sup>, in non-protected areas, for a period of three years.

Removing some prior approval requirements for the installation of broadband infrastructure for a period of five years.

Although the current proposals are only for developments completed within three years, in practice, unless problems have arisen, they are likely to become permanent. 'Protected areas' do not include the Green Belt. Often, the situations envisaged will arise in urban areas and not affect Green Belt. However, Green Belt boundaries sometimes run through gardens and wash over commercial premises which, perhaps, predate the Green Belt. We will try to ensure that Permitted Development Rights do not allow developments which would have been refused on Green Belt grounds if an application had to be made. Since the General Permitted Development Order is being revisited, we will try also to get action on the problems which came to light a couple of years ago as a result of the 2008 amendment to the Order. The changes then had the effect of allowing almost unlimited extensions to some houses set well away from the nearest road.

## Planning Appeals Procedure

Consultation is also taking place on proposals for changes to the rules on planning appeals. The closing date is 13 December 2012. The consultation paper can be downloaded from:

<http://www.communities.gov.uk/publications/planningandbuilding/reviewappealconsultation> .

The main change would make the parties to the appeal put in the full statement of their case at the time the appeal is lodged. As the Government say, they have six months in which to appeal so they jolly well ought to be able to assemble their full case within that time. The idea is that this will enable the target dates for a decision on the appeal to be brought forward. As third parties commenting on appeals, we currently have six weeks from the date of the appeal to submit written submissions (regardless of whether the case will be decided on written representations, by a hearing or by a full public inquiry). Providing that this does not change, it will be of considerable benefit to us to know what the appellants' case is at an early stage. There does not appear to be any intention to change the six week period, but we will need to make sure about that.

It is also proposed to introduce a simplified procedure, similar to the current 'Householder' appeals, for small commercial applications.

## Things you might take up with your local council

In the light of the Government's statements on Green Belt policy, Carshalton-on-the-Hill Residents Association wrote to the leaders of the main political groupings on Sutton Council, in the following terms, asking them to reaffirm their policy on Green Belt:

In view of the ambiguous messages that are coming from Government ministers (example attached), CHRA would like to reassure our members that all our local representatives are fully committed to preserving the Green Belt in Sutton.

The present policy (as laid down in the LBS Core Planning Strategy December 2009) states that:

**5.128** The boundaries of the Green Belt were reviewed leading to the adoption of the Sutton UDP in 2003, and the Council established at that stage that the boundaries were clear and defensible and that there was neither a regional case nor local requirement in terms of regeneration or housing provision, which would lead to the need to redefine the Metropolitan Green Belt boundary within the Borough.

We would be grateful if you could, as leader of the majority group on the Council, give a reassurance that your party will robustly oppose any application or directive that would run counter to this policy.

Other member organisations may wish to do something similar.

On 8<sup>th</sup> November, Harrow Council passed this motion, which other councils might be encouraged to emulate:

"This Council notes with rising concern, the ill thought out reforms to the UK's planning system, in particular the proposals to enable applicants to avoid local decision making by applying direct to the Secretary of State for planning permission; proposals to allow Planning Inspectors to unilaterally determine affordable housing levels within a development at a time of housing crisis and the changes to permitted development that will enable monster extensions to homes destroying amenity and value without planning permission, the changes of use from offices to residential without the necessary controls to keep employment, or minimum standards to safeguard occupiers or the means to secure necessary contributions to infrastructure such as schools and health.

At a time of unprecedented uncertainty in the development sector, these changes are causing schemes to be delayed, whilst people wait and see, and will give rise to considerable anxiety to local communities being asked to accept new homes and development. Meanwhile, those parties, including Harrow Council, who seek to engage constructively in the realisation of community benefit from new development, are finding the uncertainty compounding, rather than supporting enterprise and growth locally. The proposals run counter to the government's so called localism agenda and will instead allow important planning outcomes to be determined by Whitehall, rather than locally democratically elected Councillors.

This Council deplores the recent announcement by the Government that permitted development rights will be increased to allow house extensions of up to 8 metres to be built without local authority permission.

This Council agrees with the Local Government Association's statement that "This policy potentially gives the green light to unsightly and out-of-place development without delivering a big enough boost to the construction industry to justify the potential damage".

This Council notes that the Mayor of London has stated his opposition to this change in policy.

This Council resolves to oppose this measure and to opt out of the legislation if this is at all possible.

Council instructs the Chief Executive to communicate this motion to the Minister for Communities and Local Government, the Mayor of London, the three Harrow MPs and the GLA member for Brent and Harrow."

Cedric Hoptroff

## Planning decisions

Ronald Smith writes on Planning Decisions:-

I have commented several times recently that it is difficult to know how far back to go in selecting items for 'Notes' because much seems to be confirmed by Ministers' most emphatic pronouncements, then modified, reconfirmed, loosened etc, until we are in a state of confusion. So this time I have put most of my selected items in chronological order, though whether that will make things clearer is open to doubt because it is chronological in terms of the publication of the material not of the original taking of the decisions concerned. Against this background I ask everyone to read, if you have not already done so, the appendix to these notes, which shows the state of confusion or ignorance in Ministers' minds that we have to attempt to deal with. There are, of course, welcome decisions as well as unwelcome ones.

So now I start the reports. The oldest are only a year old in terms of publication date, and the most recent are only last month.

1. A new windmill was proposed in Hertfordshire green belt for use as a home. The appellant said that it would provide power and water for neighbours. The inspector rejected the appeal saying that he found no grounds for locating it in green belt. It would look out of place, with domestic paraphernalia, a drive, and cars etc, and would cause a loss of trees.
2. An appeal by London Thames Gateway against rejection of development on a major site of 86,000 sq. metres in the inner margin of green belt near Aveley, Essex, plus an hotel and creche was called in by the Secretary of State. The inspector said that it would introduce significant development into the countryside, and potentially undermine the regeneration of brownfield land. In his view the higher value office accommodation, etc, had not been justified by alleged economies in development. The S/S agreed and refused the application, saying that the scheme was contrary to most green belt objectives, including preventing urban sprawl; and another site was available for offices.
3. But of course golf is different. A West Midlands golf club was given retrospective permission for two practice shelters in green belt after an inspector decided that they had negligible impact on green belt.
4. By contrast, an inspector allowed the construction on Essex green belt of 17,000 sq. metres of new office space as it would contribute to the area's economic growth. The site contained scattered buildings, glass houses and large car parks 'set in mature landscaping'. Without investment it was in danger of declining. The scheme involved 20% increase in the volume of buildings and 21% increase in hard surface. The inspector said that the needs amounted to Very Special Circumstances.
5. In Surrey an inspector refused the introduction of a car valet service on to a garden centre car park in green belt because the change of use and a new building would be inappropriate.
6. This illustrates how recent revised guidance can affect development proposals which were under consideration when the new national planning policy framework was issued. The proposal concerned converting and re-siting equestrian buildings in green belt to create a 'commercial livery and natural horsemanship school', replacing a dwelling and hay store and 'landscape enhancements'. PPG2 was then in force and the parties agreed that some features of the proposals amounted to inappropriate development. The argument was whether the very special circumstances necessary to override the green belt constraints existed.

Then the National Planning Policy Framework replaced PPG2. It reiterates the great importance of green belt, but the appellant noted what he called 'subtle but significant changes' to green belt policy and the developments which could now be considered exceptions to it. [One of these appears to be that whereas PPG2 sanctioned 'limited infilling or redevelopment' in certain circumstances, paragraph 89 of the new document says limited infilling or the partial or complete redevelopment..']

The inspector found some of this inconsistent with the Tandridge local plan, but after lengthy analysis and other matters he seems to have become enthusiastically in favour of the proposals. He said 'Overall I have concluded that the appeal scheme would accord with the recent change to GB policy set out in the Framework It would improve the openness of the site, and have no greater impact than the existing use on the purpose of including land in the GB. Thus the redevelopment of a previously developed site would not be inappropriate development in the GB. Significant benefits would flow from the proposals in terms of the positive improvement to the appearance of the site; the enhancement over time of the landscape quality of the AONB as well as its biodiversity; from the cutting edge approach to energy conservation/generation and to sustainable building performance. I therefore find that there is no reason to refuse the proposal'.

7. Another case put forward when PPG2 was in force, but decided under the terms of the new framework, relates to improvements to a service station on the Oxford road at Denham. The size of buildings, areas covered by canopies, and other matters were examined in detail. The inspector notes that 'Paragraph 215 of the framework makes clear where there is more than a limited degree of conflict between the Framework and the approach of the development plan, that greater weight should be given to the framework. The replacement of all dwellings is therefore acceptable in principle'. Nevertheless he concluded that the inappropriateness of the buildings is added to by reduction of openness and adverse effects on the character and appearance of the area. The proposals would be contrary to the Framework and to the local plan, and he dismissed the appeal.

8. Another case affecting a horse manège, this time in Essex green belt, concerned lighting, not buildings. The structure would not constitute inappropriate development but the proposed lighting of six columns would, so the appeal was dismissed.

9. Proposals to relocate two high-schools from the built-up area of Bishops Stortford to a green belt site on the edge of the town were called in by the Secretary of State. He decided that the scale and mass of the proposed buildings would significantly damage openness. Extending development beyond the current settlement boundary would conflict with the green belt purpose of safeguarding the countryside from encroachment. The scheme would also harm part of a long-distance path. He accepted that various other considerations which had been mentioned, e.g. noise from the nearby Stansted Airport would not lead to unacceptable harm to residents' living conditions, but ruled that these factors were not clear enough to outweigh the harm to the green belt.

10. It seems entirely appropriate to end these notes on a batty level. There was a proposal at Wexham, Bucks, to convert a house into nine one-bedroom units for over-65s as an alternative to mobile home units; and to remove some second floor accommodation space and reassign it for two mobile homes at the bottom of the garden. The inspector, whose decision letter is dated 19.09.12, stressed the importance accorded to green belt by the new planning framework and that the essential characteristic of green belts is their openness and permanence. Rather interestingly he comments on openness as follows:

'The term openness is not defined but can be taken to mean the absence of visible development. The effect of development on the openness of the green belt is primarily a matter of its nature, scale, bulk and site coverage. That is to say its quantum and physical effect rather than any visual or other impact on the surroundings'.

In dealing with openness and visual impact he stresses that the effect of development on openness is a separate issue from whether the development is inappropriate. The present proposal would harm the green belt by reducing the openness. Also the proposal detracts from the character and appearance of the area in other respects. One is that there are bats in the existing building. The proximity of woodland and countryside enables them to roost. They are a protected species. No ecological report has been produced to demonstrate that they would not be adversely affected by the proposals. This concern cannot be addressed by way of a condition on a planning permission. The absence of such a report carries weight against the development.

The inspector concluded that the matters raised by the appellant in support of his case do not clearly outweigh the harm from inappropriateness and from other matters identified. He dismissed the appeal.