



The London Green Belt Council

New Committee Member

We are pleased to be able to report that Richard Knox-Johnston has agreed to be co-opted on to the committee. Richard is just coming to the end of a successful spell as Chairman of Protect Kent, the county branch of the CPRE, is keen to help the London Green Belt Council.

The Capital Downs Landscape Partnership



Common Blue on Hutchinson's Bank, New Addington

The Capital Downs Landscape Partnership has been set up to protect, and facilitate access to, the chalk landscape of the North Downs in Surrey and on the southern fringe of London. The London Wildlife Trust, a leading member of the Partnership, has a number of volunteers helping to restore grassland areas and keep them scrub-free. We have written in support of the Partnership's bid for funding.

Polytunnels in the Green Belt

An application to cover an 8.6ha site in Fooks Cray with polytunnels made us look again at the principles governing such proposals in the Green Belt. The position appears to be as follows but if anyone disagrees, or has further experience or ideas, please let us know.

The first thing which has to be decided is whether the proposal is development at all and if so whether it is permitted by the General Permitted Development Order (GDPO). The question of whether it is development turns on whether the polytunnels are 'buildings'. The factors which have to be taken into account when deciding this are the size of the polytunnels, how firmly they are attached to the ground, the area the whole collection covers and the length of time they are in place. It is a matter of degree, but big walk-in polytunnels covering 8.6ha are clearly buildings. These take considerable work to erect and dismantle and will be likely to be in place for several months at a time. On the other hand, cloches protecting crops in the ground are probably not buildings.



Proposed site for 8.6ha polytunnels - Fooks Cray

The GDPO permits two possible relevant types of development.

- (a) buildings and other structures in connection with operations being carried out on the land
- (b) the use of land for a short period of time.

It has been held that horticulture under polytunnels is not an 'operation' as meant by (a); it is a use of the land. However, polytunnels will be in place for too long to benefit from (b).

Having established that polytunnels are a form of development which requires planning permission, polytunnels in Green Belt must comply with Green Belt policy. It seems to be generally accepted that polytunnels used to grow crops are buildings for the purpose of agriculture (which includes horticulture) and therefore are not inappropriate development in the Green Belt. Consequently, it is not necessary to show that there are very special circumstances why they should be allowed.

However, just because polytunnels are not inappropriate development does not necessarily mean that they must be allowed. The inspector's decision in Appeal No. APP/K3415/A/10/2139397, for example, is clear that "This does not negate the need to have regard to the fundamental aim of Green Belt policy which is to keep land permanently open or the need to protect its visual amenities, as identified in PPG2. These are the main concerns of the Council which considers the prominent and incongruous form of the development to detract from the openness of the site and the wider landscape." In that case the inspector did not agree with the Council's view (the polytunnel covered only about 200 sq m.) and allowed the appeal, but the principle is clear.

All London Green Grid

Although it has been published for over a year now, the Mayor of London's Supplementary Planning Guidance document on the 'All London Green Grid' has not had a high profile and may not be known to members. A considerable amount of work has gone into producing the document. It takes stock of all London's green spaces including Green Belt, Metropolitan Open Land and various other green places and corridors. The document also sets out policies for connecting these green places and making the most of London's green infrastructure. It is confined to the Greater London Authority area. The document may be downloaded from:

www.london.gov.uk/priorities/planning/publications/all-london-green-grid-spg

The Growth & Infrastructure Act 2013

The Act became law on 25 April. In spite of strenuous efforts by the Open Spaces Society in particular, this Act will have the effect of preventing an area of land being registered as a town or village green if a planning application for the site has been published or the land is identified in a draft or adopted local plan for development. Members will wish to consider as soon as possible whether there are potential greens in their area that should be registered before they come under a specific threat. The Department for Environment, Food and Rural Affairs have published a useful guide called "Interim Guidance to Commons Registration Authorities on Section 15C of the Commons Act 2006" It can be downloaded from

www.defraconnect.defra.gov.uk/assets/e/3/e/b/bb093ecc3062d769f8f1d73e998051768a426570f364306638/Interim%20Guidance%20-%20FINAL.pdf

Prime Minister's letter on Green Belt when there is no up-to-date Local Plan

In reply to Crispin Blunt (MP for Reigate), the Prime Minister wrote as follows: –

Thank you for your letter of 11 February about the protection of Green Belt where there is no up-to-date Local Plan, and the assessment of housing need.

My support for Green Belt is a matter of public record. A Green Belt boundary can be altered only in exceptional circumstances, through the Local Plan process, with local consultation and robust examination of any proposed change.

The National Planning Policy Framework also asks local authorities to plan to meet assessed local housing needs in full wherever possible. Evidence of housing need (and any evidence about windfall sites) should be gathered locally, and put forward for consideration at examination. You will understand that I cannot get into a discussion about numbers. We simply must build many more homes and - while we all want to see more on brownfield sites - it may be necessary to build some on greenfield sites. That is for local authorities and communities to decide, and highlights the importance of having an up-to-date Local Plan in place.

If no up-to-date Plan is in place, the presumption in favour of sustainable development would apply. However, the Framework makes clear that this presumption would not apply if specific

policies - such as those protecting Green Belt - indicate that development should be restricted. The presumption therefore does not 'trump' Green Belt policy,

All I would add is that a local authority must ensure it considers all options when preparing its Plan, especially where there is large housing need that, as matters stand, will not be met. It is up to the authority to decide what course to take, but it will be expected to balance all relevant considerations, including any compelling case for Green Belt review. It will also need to demonstrate at examination that the Local Plan has been positively prepared, is justified, effective, and consistent with national policy.

From the Green Belt point of view, probably the main achievement of the lobbying that went into the National Planning Policy Framework was the inclusion of paragraph 14. From that paragraph, it seems that, even in the absence of an plan, decisions on planning applications must still respect the Green Belt as one of the NPPF policies indicating that development should be restricted. It is good to see that the PM is endorsing that interpretation.

However, there is a difficulty latent in the final paragraph of the PM's letter. In order to apply a Green Belt policy, there must be a defined Green Belt area and, for this, one has to go back to the current plan. This may open the way to arguments that the boundaries of the Green Belt are out of date because it has not been recently considered whether, in the light of other policy considerations, such as housing demand, a boundary review is, exceptionally, needed.

Planning Decisions

Ronald Smith writes:

Rather surprisingly I find it harder to gather a helpful selection of green belt cases for Notes now than I did when rules governing green belt were more detailed. There could be several reasons for this:

- a) the system is now running so well that there are fewer disputes;
- b) Government policy is so confused that one doesn't know where to begin.

All the items which follow date from the last few months though some may originate much further back than that. We have repeated Ministerial assurances that, subject to subtly worded limitations, green belt policy is valued and will be maintained. It is fair to say that in some areas this does seem to be the case, but too much depends on the determination of the local authority to uphold standards. Local councils now have too much scope for interpreting the more relaxed guidelines as they wish; and the following include examples of this.

1) Replacement building. There was an appeal against refusal of a replacement dwelling in green belt. The increase in floor space would be 72% though the local plan stipulated a maximum of 50%. Moreover the footprint would be less than that of the existing building. The inspector said that it was inappropriate development. He also considered the effect on the openness of the green belt. 'Open means the absence of development irrespective of the degree of visibility of the land in question from public vantage points A combination of the proposed roof form and the rotation of the dwelling such that the house would appear longer fronting the private drive and would be appreciably closer to the side boundaries would impinge on the sense of spaciousness which is an important characteristic of the site at present and its surrounds'. He concluded that these features conflicted with green belt objectives, and rejected the appeal.

2) Green Belt strip and parking. A Sainsbury's site in Maidenhead included a 17m wide strip of open land of grass, trees and scrub bordering farmland. Sainsbury's wanted to put 43 parking spaces on it, and the local council refused, The inspector thought that the proposals would not, as claimed by the appellant, preserve the openness of the green belt. It would amount to urban encroachment into the countryside which, though not great, would not be so small as to be immaterial It was thus inappropriate development.

3) Waste facilities. The S/S called in a proposal for a non-hazardous waste incinerator and energy recovery facility in Worcestershire green belt. Though all parties agreed that it was inappropriate in green belt, the site was within the built-up area of an extensive industrial estate and had extant planning permission for industrial development. It had no direct green belt role in checking sprawl,

preventing merger of towns, or safeguarding countryside, He approved the proposal.

4) Do not seek to celebrate your wedding in a barn in the green belt. A proposal, to hold a reception in a Cambridgeshire green belt barn was rejected because it could be too noisy and disturb neighbours. There could be up to 200 people at events there. Though the appellant's acoustic report suggested that this noise could be within World Health Organisation guidelines, the inspector was not impressed by that; he thought that tranquility could reasonably be expected in a small village where evening noise and disturbance were minimal. (Did you consider World Health Organisation noise standards when deciding where to have your wedding reception?).

5) 450 Homes in green belt. Broxtowe Borough Council are minded to allow a proposal for 450 homes at Stapleford in the Nottinghamshire green belt. The decision was based on the lack of a sufficient housing supply and the view that there was little harm to the green belt beyond the intrinsic harm of inappropriate development. The application has been referred to the Secretary of State to consider whether to call it in.

6) What matters is whether your pigs are pets or for consumption. Proposal to build a shelter to house rare pigs in Hertfordshire green belt has been rejected as inappropriate development. They were to be sold on to other breeders and rare breed farms, Though the new National Planning Policy Framework allows new buildings for agricultural and forestry purposes, the breeding of animals is not agricultural if they are to be sold on as pets, or bred as a hobby.

7) More on pigs etc. A 30 acre site in Greater Manchester green belt was a former landfill site which has been reclaimed and returned to agriculture. Various buildings and enclosures had been created to house chickens, ducks, pigs, sheep, and goats, Visitors paid a fee to see and 'interact with' the animals. The local authority had ordered the closure of the farm, and the owner appealed. The inspector noted that the new planning policy framework encouraged authorities to enhance beneficial use of green belt including increasing access and supporting outdoor sport and recreation. He ruled that this proposal did not conflict with green belt policy.

8) Retirement Community. Following a call-in inquiry, plans for a continuing care retirement community in Yorkshire, made up of 145 extra care housing units and a 50-bed extra care home have been refused on green belt grounds.

9) Gypsy Site. An application for a change of use of green belt land in Nottinghamshire to a residential site for three gypsy families has been rejected by the S/S as inappropriate development. He acknowledged that this would leave their accommodation needs unmet, leading to interference with their human rights, but did not consider that this outweighed the harm caused by the development.

10) Remodelling a Golf Course. A golf club in Kent green belt has secured permission to remodel its course by importing 237,000 tons of inert waste, raising the course by up to four metres in height. The council had argued that it would reduce openness and reduce amenities for local residents and bridleway users. The inspector decided that the remodeling would not result in an alien topography or artificial landscape. Replacing conifers with native trees would improve the landscape and make it more green. Overall it did not involve inappropriate development.

11) Football Clubhouse. The construction of a clubhouse to support a youth football team has been rejected in Essex green belt because of concern over its visual impact and the precedent it would create for further development.

12) ? Muddled thinking. What seems to me to be more than usually muddled thinking has occurred in a case in Staffordshire green belt. A mixed-use scheme including a craft village, housing and a nursing home has been allowed on the grounds that it would improve the openness of the green belt and meet sustainable development plans. The inspector found that the scheme would entail redevelopment of a major developed site and so would not conflict with the purposes of green belt designation. The replacement buildings would have a smaller footprint than the existing one and be lower. The scheme would protect openness and the green belt's character and appearance.

R.W.G. Smith