

December 2020

London Green Belt Council E-Newsletter

Ministry of Housing, Communities and Local Government

1. Announcements were made in July promoting “Build, Build, Build!” This involved trailing the White Paper and “Planning for the Future”, but Housing, Communities and Local Government also used it an opportunity to introduced new permitted development rights (PDR), which were to facilitate building upwards and demolition of vacant buildings to make way for new buildings. The upward extension of properties under PDR could deliver up to 173,000 new homes for up to 346,000 people in the country's biggest cities, of which almost 80 per cent would be in London alone according to Knight Frank. Up to 7 million sqm of rooftop space could be developed thanks to the planning exemption. The rules apply to buildings that are already at least three storeys high and the completed projects cannot exceed 30m. Listed buildings and buildings located within conservation areas or close to an airport are not covered. The study found that there were 17,000 existing developable residential buildings and mixed-use and commercial buildings that would qualify, and upward extensions would make “a significant contribution towards housing need without impinging on the Green Belt.”

The London Metropolitan Green Belt

2. **Welwyn Hatfield Borough Council** is challenging the Planning Inspectorate about its housing target. The Council submitted its draft plan for examination in May 2017 with proposals for 12,000 homes through to 2032. The Inspector then countered by requesting the total be uplifted to 16,000. The Council in January this year responded by revising the figure to 14,000. The Inspector has now replied in frustration at the continuing delay and slippage in the agreed timetable stating that the 16,000 target was justified. If the Council did not comply by suggesting additional sites to meet the 16,000-home figure, the plan should be withdrawn. The Council is now arguing that the recent 2018-based household projections result in a reduced need for housing and so is standing its ground with an objectively assessed need figure of 13,800 homes over the plan period. Protecting the Green Belt and preserving the character of its towns and villages needs to be balanced with delivering new homes and jobs. Officers have identified risks in taking this course of action including the continued difficulty of resisting applications on Green Belt land, the plan being found unsound and government arranging for the plan preparation being taken over.
3. **Tonbridge and Malling Borough Council** has had its local plan examination hearings cancelled by the Planning Inspectorate. These were due to have taken place in early November, but after the stage 1 hearings in early October, which were focused on legal compliance and the duty to cooperate, the Planning Inspectorate has serious concerns about the legal compliance of the plan as submitted. The plan which was submitted in January 2019 would include a 3,000-home garden village, new schools, healthcare facilities and road improvements. The Plan would also include a policy for limited development of homes in rural areas where development would not

normally be acceptable, including the Green Belt. This would be dependent on the land being used solely for affordable housing, to provide for local households and in proven cases to assist local key worker needs. The Inspectors have yet to provide more in-depth details following the early notification of the concerns arising.

4. An appeal about the building of 55 residential park homes on the site of an old public house has been dismissed. The proposal would have involved knocking down all the buildings on the 4.5acre site and replacing them with the 55 new chalet homes. The proposal was refused by the **Royal Borough of Windsor and Maidenhead** on the grounds that it represented inappropriate development in the Green Belt. The appellant had contested this claiming council housing need was a very special circumstance, especially affordable and social housing. The Inspector decided that the development would have a substantially greater impact on the openness of the Green Belt than the existing uses and buildings that occupied the site.
5. An appeal has been dismissed about an outline proposal submitted to a **Surrey Council** for 88 affordable dwellings in the Green Belt. Harm to the openness of the Green Belt and the character and appearance of the rural area were reasons given, as well as the unsuitability of the site for housing, being high density and having a suburban pattern of development. These grounds were deemed to outweigh the benefits of affordable housing, which had not been secured by a legal agreement. The inspector considered in both spatial and visual terms the proposed development would have a greater impact on the openness of the Green Belt than the existing surroundings.
6. An appeal against the decision to refuse a proposal for the storage up to 64 containers in a site in the Green Belt has been dismissed as it would harm the openness and character of the area. The appellant made the case that the storage was not for operational development but just for the use of the land at the site. The **West London Council** made the case that the storage containers would be effectively permanent features of the site and so would be viewed as buildings, therefore changing the character of the site. Such an arrangement would reduce the openness of the land and would result in harm to the character of the area.

Green Belts Generally

7. **CPRE Warwickshire** lodged a complaint in November with the Office for National Statistics (ONS) about the handling of population figures and projections for **Coventry**, arguing that both the mid-year population estimates and the population projections for Coventry have been very greatly inflated by ONS without adequate justification or good reason. The extremely high figures for Coventry have pushed that authority and neighbouring Warwickshire authorities to over-allocate land for housing in their local plans. This has resulted in major incursions into the countryside with large amounts of the historic Forest of Arden having been removed from Green Belt in and around Coventry and allocated to unnecessary housing. An independent review has been requested and The Director General for Regulation has now responded deciding to undertake a review of the population projections and population estimates produced by the ONS and how they are used. As part of the review, the ONS and MHCLG will be engaged as well as other key stakeholder parties. See exchange of correspondence - [CPRE Warwickshire – Office for Statistics Regulation \(statisticsauthority.gov.uk\)](#)

8. The saga at **South Oxfordshire District Council** and the adoption of its Local Plan looks as if it is concluding. The Inspector's Report was issued in November formally marking the end of the examination stage, and this includes the schedule of main modifications required to make the plan sound. The Plan had been submitted for examination in March 2019, but because of the local elections in the May, a change in council administration took place. The plan involved substantial releases of Green Belt, the loss of which had been a major campaign by residents in the run-up to the elections. In the following October, at the point of withdrawing the plan from examination, the Secretary of State stepped in, threatening further intervention if the plan were not adopted. Examination hearings took place in the summer this year resulting in the findings now presented. Officers have advised that there would be consequences if the plan were not now adopted. The Local Plan is now to be recommended to the full Council on 10th December for approval to adopt the South Oxfordshire Local Plan 2035.
9. The Secretary of State has supported a decision by an Inspector who dismissed an appeal against a decision by a **Cheshire Council** to refuse permission for a national distribution centre on agricultural land in the Green Belt. The proposal would have resulted in severe harm to the Green Belt that would have outweighed the economic benefits of the scheme, including 730 new jobs. The appellant had argued that a road-based freight proposal would be acceptable in this location and there were no suitable alternatives available. However, the large building and its associated vehicular activity would have a significant impact on the spatial aspect of openness as well as a severe visual impact on openness. It would represent encroachment into the countryside.
10. The Secretary of State has supported the decision by an Inspector who dismissed plans for a large distribution centre in 14 hectares in Appleton near the M6 / M62 intersection because the harm to the Green Belt would outweigh the significant economic benefits of the proposal. The proposal would have resulted in many full-time jobs and supporting existing businesses. **Warrington Borough Council** is currently in the process of updating its local plan adopted in 2014 and one of its main employment sites proposed for allocation by the draft plan is an area that includes the appeal site. However, as this work is at an early stage, it could only be apportioned limited weight. The harm arising from the proposal would be inappropriate development, coupled with the significant harm to the Green Belt purposes and the severe and significant harm to its openness.

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