

1. SUMMARY

1.1 The National Planning Policy Framework (NPPF) leaves established policy for Green Belts largely unchanged. However, Green Belt land is likely to be under greater threat than before as a result of the development and growth policies in the NPPF. Strong local campaigning to influence planning policies, reviews, and applications can help protect the Green Belt. It is also possible to create new Green Belt if the relevant policy tests can be met.

2. TOP TIPS

- There is strong general public understanding of, and support for, the concept of Green Belt. Loss of Green Belt stirs strong emotions that can assist effective campaigning.
- The NPPF emphasis on economic and housing growth, development viability and deliverability is leading to greater pressure to develop Green Belt rather than pursue urban regeneration. You can counter this by citing public support for Green Belts and with evidence that they both encourage regeneration in, and provide attractive countryside close to, large towns and cities.
- Situations where the Green Belt may come under pressure, or could be protected and improved, include the preparation of the evidence base for Local Plans; formal consultations; planning applications; and green infrastructure strategies.

PLANNING CAMPAIGN BRIEFING SERIES:

1. Development Plans
2. Green Belts
3. Housing
4. Energy Infrastructure
5. Transport
6. Heritage and Design
7. Light Pollution
8. Rural Economy
9. Economic Development and Town Centres
10. Wider Countryside and Protected Areas
11. Tranquillity
12. Minerals

We welcome case studies and feedback to inform future versions of these briefings.

(E mail to info@cpre.org.uk)

3. CHANGES AT A GLANCE

PRE REFORM (PPG2)	LOCALISM ACT / NPPF / PLANNING PRACTICE GUIDANCE
No policy emphasis on good land management (1.6 - 1.7; Annex A)	A stronger emphasis on the role of local authorities; they should plan positively to achieve a range of beneficial uses, such as access, sport/recreation, and enhancement of landscapes/ biodiversity.
New Green Belts exceptional and heavily discouraged (2.14)	Additional tests on demonstrating exceptional circumstances which may provide more opportunity; this may include the planning of a new settlement or urban extension.
Strict boundary definition / alteration guidance (2.6 - 2.11; Annex B)	The 'exceptional circumstances' test remains. Boundaries will be reviewed and altered through the preparation or review of Local Plans, and reviews should only take place if a local authority (as opposed to a Planning Inspector) has decided to do this. It now needs to be shown that the village makes an important contribution to the open character of the Green Belt if a village is to be included within it.
Development control guidance (3.1 - 3.16; Annexes C to E)	The 'very special circumstances' test remains. Green Belt land is expressly excluded from the presumption in favour of sustainable development, and an unmet need for traveller sites or conventional housing does not in itself constitute 'very special circumstances'. There are fewer and less prescriptive tests for the development of previously developed (brownfield) sites, 'local transport infrastructure' including park and ride schemes, or 'development brought forward under a Community Right to Build Order'.



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4. BACKGROUND

4.1 The purpose of this briefing is to assist understanding of reforms to the town and country planning system that have taken place since 2011. It outlines the main changes and the issues to be aware of (Analysis) and advises on specific campaign topics (Campaign Advice).

4.2 CPRE welcomes any feedback on the briefing as well as further evidence of outcomes (good and bad), in the form of cases that illustrate the issues we highlight. Please send material to info@cpre.org.uk.

5. WHAT ISSUES ARE YOU LIKELY TO FACE?

5.1 Green Belts cover 1,619,835 hectares (12.4% of England); land which is mostly undeveloped countryside around the largest and/or most historic towns and cities (see the map at Annex A to this briefing). Green Belts are a planning policy designation with five primary purposes, including the prevention of urban sprawl. They have stricter controls over new development than the countryside as a whole. Since their initial designation in the 1950s, Green Belts have been shown to be effective in terms of their primary purposes, and the land within them has also gained a range of environmental benefits¹.

5.2 While CPRE seeks to protect and enhance the countryside as a whole, we are a strong supporter of Green Belt designation. International comparisons show that Green Belts are vital to maintain a clear visual distinction between town and country and to prevent sprawl. Despite this, Green Belt land is under increasing pressure due to developers pressing for land to be released, mainly for housing development. Also, a number of recent reports from some think tanks have called for major releases of Green Belt land, mainly (but not only) around London. CPRE has issued a strong rebuttal of the arguments in these reports in our briefing [Green Belt myths: CPRE's guide to what you need to know](#).

5.3 The National Planning Policy Framework (NPPF) replaces Planning Policy Guidance note 2 (PPG2, 1995) as the main statement of Government policy on Green Belts. The NPPF does not change the fundamental aspects of Green Belt policy, but does make some alterations to local boundary setting processes and to the tests for allowing some forms of development. The NPPF states: *'the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*. The five purposes are stopping urban sprawl; preventing 'coalescence' (or joining together) of settlements; safeguarding the countryside from encroachment; protecting the setting of historic towns; and encouraging urban regeneration.

5.4 At the local level there are a number of sources of information as to the current state of the Green Belt and what plans there are for it in the future. Green Belt 'reviews' or 'assessments' will look at whether land should be kept in the Green Belt or developed, and are likely to take place when the local authority is under pressure to allow more development. Green Belt reviews have recently gained more political prominence due to allegations that planning inspectors have been forcing local authorities to carry them out. In an exchange of letters in March 2014, the then Planning Minister Nick Boles stated that Green Belt boundary reviews should only take place if the relevant local authority has chosen to do so and not at the behest of planning inspectors reviewing draft plans. For more details see the table that follows.

¹ CPRE / Natural England, *Green Belts: a greener future*, January 2010.



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Green Belt boundary reviews - what to look for

Question	Context and what you might need to ask for	Relevant policies and other information
<i>Has the local planning authority considered alternatives to developing Green Belt land, such as using suitable brownfield sites within the conurbation and, where appropriate, beyond the Green Belt boundary?</i>	Strategic housing land availability assessments (SHLAAs) or employment land reviews. Most Green Belts cover more than one local planning authority area, so if possible refer to evidence derived from all relevant authorities on the availability of brownfield land.	The March 2014 Nick Boles letter to the Planning Inspectorate states that Green Belt reviews should only take place if the local authority, rather than a planning inspector, has chosen to do so. NPPF paragraph 84 requires planning authorities to consider development on urban areas within and beyond the Green Belt. Paragraph 17: the reuse of brownfield land is a core planning principle. Paragraph 48 gives scope for the expected rate of use of brownfield 'windfall' sites to count against housing allocations. See also the Ashwell and St Albans ² cases and Further Information .
<i>Is the review based on an evaluation of the land against the five purposes and intentions of Green Belt policy?</i>	Sometimes reviews can be based on judgements of the environmental quality of the land, rather than Green Belt purposes.	NPPF paragraphs 79 and 80 maintain existing policy on the intentions and purposes of designation. But if a site is proposed for development, its environmental qualities should be properly understood (see below).
<i>Has there been public consultation on the review (in advance of the draft Local Plan)?</i>	Terms of reference (if the review not yet begun) or a completed study.	If a review has not undergone some specific form of public consultation then its findings may be given less weight at examination.
<i>Has the local planning authority co-operated with other local planning authorities who share the Green Belt in carrying out any review?</i>	Localised approaches may result in a failure to provide an overview of development options and alternatives to development in the Green Belt.	NPPF paragraphs 156, 178-181 require a strategic approach to planning major new development. Paragraph 83 requires planning authorities to consider development on urban areas within and beyond the Green Belt. See also guidance by PAS (Further Information).
<i>Is the review dividing up the Green Belt into notional 'parcels' of land with clear, defensible boundaries?</i>	Clear and defensible boundaries help ensure that the amount of Green Belt land developed is minimised.	NPPF paragraph 85 requires planning authorities to 'define boundaries clearly'. Guidance from the former PPG2 (not included in the NPPF), may still be a useful reference. See Annex B to this briefing.
<i>Is the review registering the environmental qualities and other relevant factors (such as flood risk) relating to the site?</i>	Green Belt, like any landscape, has a range of environmental and cultural qualities. Some qualities may be ignored by reviews.	CPRE's tranquillity maps and Green Belts: a greener future (see above). Flood risk mapping (Environment Agency website). Agricultural, geological, heritage and nature conservation designations (both local and national) will also be relevant.

² The legal precedents *Ashwell v Cambridge City Council*, [2008] EWCA Civ 1151; and *City and District Council of St Albans v Secretary of State for Communities and Local Government*, [2009] EWHC 1280 [Admin]. See Further Information for more details on how to obtain the text of these and other relevant judgments.

5.5 Engage with Green Belt reviews closely, as future decisions will be based on the resulting evidence. Concerns for the countryside are often not the main priority of either the local authority or the consultants working on the review. In particular, reviews should be monitored closely to judge whether they are assessing Green Belt with reference to the five purposes, and they should therefore focus on issues such as whether land is providing clear visual separation between urban areas, rather than the environmental quality of the land (see for example the West Lancashire example in Case Studies below). You may often be told that the reviews are merely evidence-gathering exercises and the opportunity to put your views will come at a later, formal consultation stage.

5.6 The most recent Strategic Housing Land Availability Assessment (SHLAA) or employment land reviews seek to identify suitable sites to accommodate the development needed in a local authority area. As with Green Belt reviews, these studies will form part of the evidence base for the Local Plan (see below). Some landowners in Green Belt areas will nominate their sites for development in these processes. Conversely, it is also important that any brownfield sites that are suitable for development are identified at an early stage.

5.7 Many Green Belt areas contain current or former institutions such as hospitals or Government research facilities set in landscaped, often historic, parks. These sites are normally classed as 'brownfield' and will therefore often be a target for commercial developers as the NPPF favours brownfield development. Sensitive redevelopment of these sites may often be preferable to development of open countryside elsewhere in the Green Belt. It is worth considering how best this might be done, while protecting the openness of the Green Belt. The NPPF is clear that new development should not take away from the open qualities that such sites often have. Further guidance is available at Annex C to this briefing.

5.8 Local Plans will generally set detailed policies for considering planning applications in Green Belt areas, and these should be consistent with national policy. Local Plans may also release specific sites from the Green Belt to allow new development, often based on the evidence generated by a review or assessment (see above). Local authorities need to be able to demonstrate there are 'exceptional circumstances' for changing a Green Belt boundary. It is not defined as to what 'exceptional' means, but it has been discussed in a number of key legal judgments. The most recent is the Calverton case. (See Annex D to this briefing.)

5.9 There is increasing interest in using Local Plans to 'swap' land currently designated as Green Belt for undesignated land in order to release the currently designated land for development. Some, including former Planning Minister Nick Boles, have suggested that new land could be included in the Green Belt on the basis of its environmental quality. This would in fact run counter to the NPPF, which requires exceptional circumstances to be demonstrated for the designation of new areas of Green Belt (as well as removal of land from the Green Belt), and for Green Belt land to fulfil the five purposes set out in the NPPF, which are primarily tests of whether land provides visual open separation between urban areas. The Solihull court case (see Section 7, Other Useful Information below) has clarified these points.

5.10 The NPPF largely continues established policy and sets detailed controls for what development is, and is not, appropriate in Green Belt areas. It is useful to check the draft Local Plan policies against the NPPF to make sure that the two are consistent (see campaign advice below). Similarly, planning applications for development in the Green Belt will often be considered in the light of policies in the NPPF as well as those in the relevant Local Plan.



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5.11 The NPPF calls on local planning authorities to plan positively for the beneficial use of land in the Green Belt once boundaries have been set, although boundaries should be set purely with reference to the [five planning purposes](#). Often local authorities will produce a [green infrastructure](#) strategy which aims to promote locations for recreation and/or nature conservation. Such strategies have been, and will be, prepared for a number of Green Belt areas. Sometimes these strategies overlap with [Community Forest](#) plans; 41% of the area covered by England's Community Forests is in the Green Belt. These could be a good opportunity to press the case for a better countryside along the lines of the CPRE *2026 Vision for the Countryside and Green Belts: a greener future*. In particular, there may be opportunities to encourage the production of food for local markets, or local food webs. A 2012 report produced by the [Making Local Food Work](#) consortium shows that farm businesses growing food for local markets can be commercially viable through providing a range of related 'green infrastructure' benefits such as nature conservation and educational visits.

5.12 Most forms of development are classed as 'inappropriate' in the Green Belt. Furthermore, the NPPF 'presumption in favour of sustainable development' does not apply in Green Belt areas (see paragraph 14 and footnote 9 of the NPPF). Development should generally be restricted unless it is included within the definition of 'appropriate' or if 'very special circumstances' justifying an exception to policy can be justified by the promoter. This policy has been reinforced, with specific reference to planning applications for housing development, by a written statement to Parliament on 1 July 2013 by Government Minister Brandon Lewis MP. The statement is now included in the Planning Practice Guidance: 'The single issue of unmet housing need (including for traveller sites), is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the green belt.' The statement does not apply to Local Plans or to the 'exceptional circumstances' test for changing Green Belt boundaries. (See paragraph 5.4 above.)

6. CAMPAIGN ADVICE

6.1 Green Belt is often a highly emotive issue. A campaign to either protect existing Green Belt or to create a new one has the potential to gain a large number of supporters within the area affected, though it can also arouse significant opposition from some developers and landowners. A coordinated campaign to persuade each authority, through its officers and members, will be necessary. A sound technical case will need to be combined with an effective demonstration of support.

6.2 Possible elements to a campaign could include:

- Influencing Local Plans so that as little Green Belt land as necessary is released for development. You can refer to the recent letters (see Further Information) from Nick Boles to the Planning Inspectorate which make clear that reviews of the Green Belt should only take place if a local authority has chosen this course of action. You can also make the case that, as Green Belt boundaries should only be altered in 'exceptional circumstances', no more than one or two sites should be released for development. It can be helpful to evaluate the cumulative effects of any proposed changes on the overall openness and integrity of the Green Belt, as well as assessing the five purposes individually. Similarly, point out any discrepancies that would make a policy weaker than the NPPF. Precedent has shown, for example, that there should not be general local policies allowing forms of development classed as 'inappropriate' in the NPPF. CPRE has produced [a guide](#) to influencing Local Plans (see Further Information below).



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- Calling for housing or employment land targets to be reduced (in the light of economic circumstances) or redistributed (to areas with more scope to accommodate new development).
- Highlighting that suitable brownfield sites should be redeveloped, and/or an allowance made for 'windfall' brownfield sites that become available for development after the plan has been adopted, before Green Belt land is released for development. Information on brownfield sites that may be available for development can be obtained from local authority planning officers. Due to the emphasis in the NPPF on demonstrating the commercial viability of new development, it may be helpful to call on the authority to produce a local 'brownfield strategy' to set out how such sites will be made ready for development.
- Creating new or extended Green Belt. This would also need to be taken forward through the Local Plan process; similarly, most of the points to look for when Green Belt boundaries are being reviewed will be relevant. A number of English cities do not have Green Belts. The NPPF sets onerous tests for the creation of new Green Belts. A particularly strong case for a new or extended Green Belt can be made, however, where there is either (i) a current or recent commitment to a major urban extension or new settlement; or (ii) large areas of brownfield land available which would otherwise be overlooked in favour of greenfield sites. However, it is important to stress that new Green Belt should not be seen as a like for like replacement of what is currently designated, and so proposals to 'swap' Green Belt land for undesignated land should normally be resisted unless there is a robust case that the newly designated land would better fulfil the purposes of Green Belt policy. Evidence also shows, on the basis of a comparison of Green Belt land with similar urban edge land without the designation, that Green Belt designation encourages higher levels of nature conservation and public access⁴.
- Enhancing existing Green Belt. You can call for Local Plan policies encouraging the beneficial use of Green Belt land, but it is likely to be most productive to influence a separate green infrastructure strategy (see above).
- Ensuring that speculative planning applications are effectively resisted. Applications for inappropriate development in the Green Belt should normally contravene the Local Plan. The key point to consider is usually whether the developer or local authority (if it is likely to approve the application) is able to prove 'very special circumstances' that justify why the Green Belt should be harmed. Annex D summarises some recent key planning cases where these issues arose. CPRE has produced [a guide](#) on how to respond to planning applications.

6.3 A Green Belt campaign will often involve a number of detailed policy submissions to relevant consultations and can last as long as there is scope to influence a planning policy or decision. This could mean that the campaign lasts for at least a year, and often for longer. It also reflects the point that developing good relationships with local authority officers as well as members will often be critical. Statutory agencies such as English Heritage, Historic England, and Natural England can also be helpful, but ultimately the key decisions will be made by the local planning authority. The ability to put a case in well reasoned terms can make a critical difference.

6.4 A range of resources to help you plan an effective campaign, communicate your message, and gather people to your cause can be found at: <http://www.planninghelp.org.uk/improve-where-you-live/campaign-tips>

⁴ CPRE / Natural England 2010, pages 34, 35, 37, 56, 61/2.



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7. FURTHER INFORMATION

CPRE Resources:

www.planninghelp.org.uk

Case Studies:

Case studies are provided at Annex D to this briefing. Other case studies relevant to the briefings and to future national campaigning will be stored on our website: www.cpre.org.uk/what-we-do/housing-and-planning/planning

Other Useful Information:

(i) Relevant CPRE research and guidance publications, available from www.cpre.org.uk

Branch Handbook: Chapter 7 - Local campaigning, August 2011.

Community Control or Countryside Chaos: a CPRE report analysing the first year of implementation of the National Planning Policy Framework, March 2014.

From Wasted Space to Living Spaces, November 2014.

Green Belt myths: CPRE's guide to what you need to know, August 2015.

Green Belts: a greener future (joint report with Natural England), January 2010.

Green Belt under siege: the NPPF three years on, March 2015.

How to Respond to Planning Applications, September 2011.

How to Shape Where You Live: a guide to neighbourhood planning, January 2012.

Planning Explained, December 2011.

Planning for Housing Affordability, July 2007.

2026 Vision for the Countryside, June 2009.

(ii) Relevant information on other websites

British and Irish Legal Institute (Bailii, www.bailii.org). Website hosting a database of legal judgments.

Court case (referred to in paragraph 5.8 above) *Calverton Parish Council v Nottingham City Council and others*, [2015] EWHC 1078 (Admin).

Court case (referred to in paragraph 5.9 above) *Gallagher Estates Ltd v Solihull MBC*, [2014] EWHC 1283 (Admin).



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Department for Communities and Local Government (DCLG, www.gov.uk), *National Planning Policy Framework (NPPF)*, March 2012; and Planning Practice Guidance.

Making Local Food Work (MLFW, www.localfood.org.uk), *Food from the Urban Fringe: issues and opportunities*, February 2012.

Natural England, *Our Work: Green Infrastructure*. Accessed May 2012 from www.naturalengland.org.uk.

Planning Advisory Service (PAS): *Planning on the Doorstep: The Big Issues - Green Belt*, May 2014. See www.pas.gov.uk/documents/332612/1099309/Planning+on+Your+Doorstep+-+The+Big+Issues+Green+Belt.pdf/bb5fcd90-fa29-42a0-9dd9-82b27a43f72f. The section on the 'duty to co-operate' states clearly that Green Belt is a strategic policy issue and co-operation between local authorities is needed in order to review GB boundaries.

Planning Casework Service (www.pcs.planningportal.gov.uk/pcsportal/casearch.asp). Website hosting a database of planning appeal decisions.

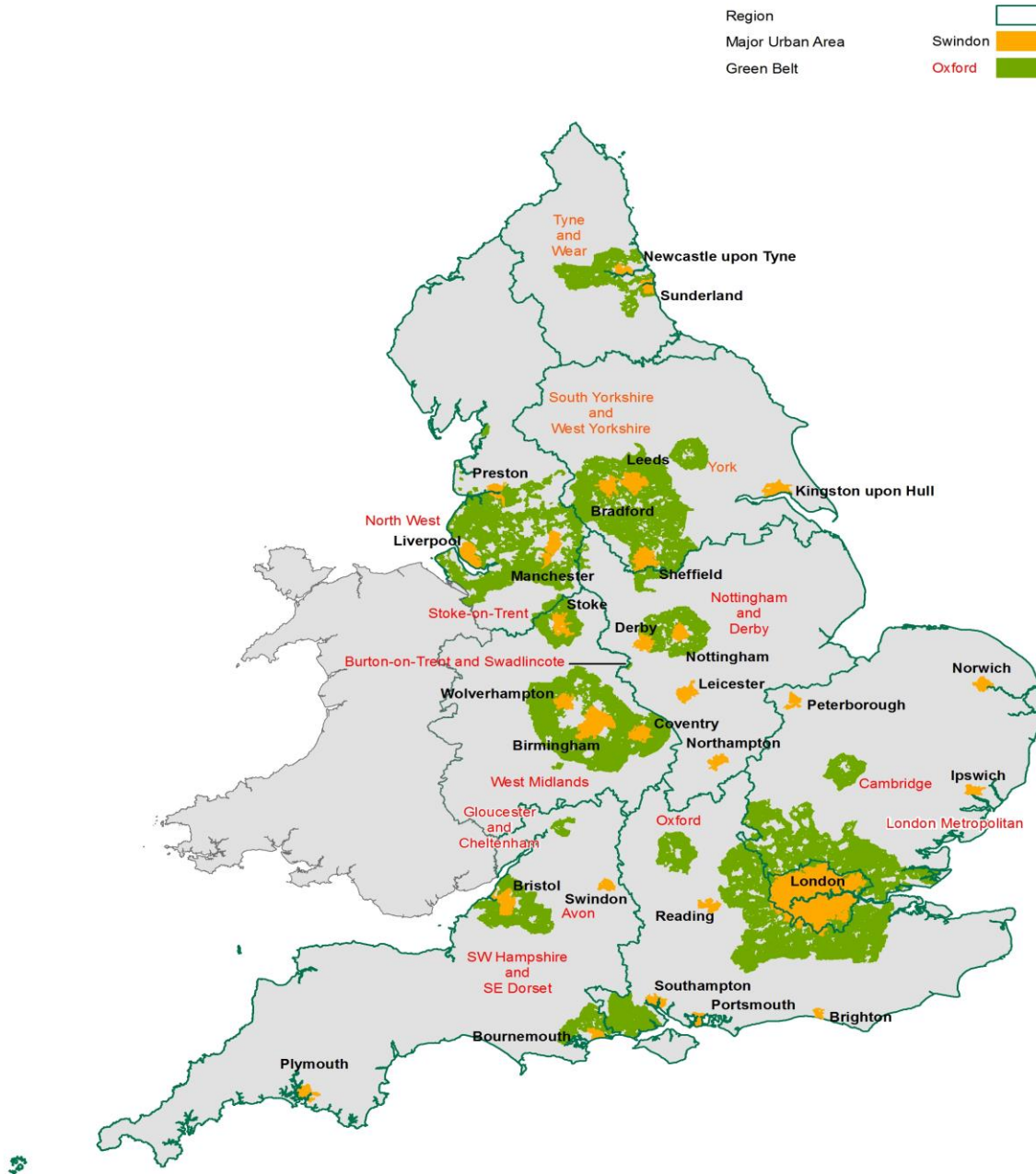
Planning Inspectorate (www.gov.uk): *Inspectors' reports on local plans: letters from Planning Minister Nick Boles and Sir Michael Pitt, Chief Executive of the Planning Inspectorate about inspectors' reports on local plans*. 17 March 2014.



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Annex A: MAP OF GREEN BELTS (source: Natural England)



Annex B: Guidance and practice examples of defining Green Belt boundaries

B1. The following two paragraphs are text taken from PPG2 *Green Belts*, 1995. This no longer has the status of Government guidance however it provides a useful introduction to the issues, and planning inspectors and others may continue to refer to it in debates around the setting of Green Belt boundaries.

2.8 Where detailed Green Belt boundaries have not yet been defined, it is necessary to establish boundaries that will endure. They should be carefully drawn so as not to include land which it is unnecessary to keep permanently open. Otherwise there is a risk that encroachment on the Green Belt may have to be allowed in order to accommodate future development. If boundaries are drawn excessively tightly around existing built-up areas it may not be possible to maintain the degree of permanence that Green Belts should have. This would devalue the concept of the Green Belt and reduce the value of local plans in making proper provision for necessary development in the future.

2.9 Wherever practicable a Green Belt should be several miles wide, so as to ensure an appreciable open zone all round the built-up area concerned. Boundaries should be clearly defined, using readily recognisable features such as roads, streams, belts of trees or woodland edges where possible. Well-defined long-term Green Belt boundaries help to ensure the future agricultural, recreational and amenity value of Green Belt land, whereas less secure boundaries would make it more difficult for farmers and other landowners to maintain and improve their land. Further advice on land management is in Annex A.

B2: Table: Features that might help determine suitable Green Belt boundaries and land coverage
(Source: *The Cheltenham Green Belt Review, Cheltenham Borough Council 2007:43*).

Strong (and therefore more suitable)	Weak (and therefore less suitable)
<ul style="list-style-type: none"> _ Motorways _ Mainline (in use) railway line _ District Distributor Roads forming boundary (not bisecting Green Belt) _ Rivers, watercourses and significant drainage features _ Prominent physical features (i.e. ridgeline, non-intermittent waterways) _ Protected hedgerows/woodlands _ Residential development with strong rear boundaries _ Other development with strong established boundaries 	<ul style="list-style-type: none"> _ Non-residential development with weak or indeterminate boundaries _ Residential curtilages _ Tree-lined public footpaths _ Other classified roads _ Disused railway lines _ Non protected hedgerows/woodlands _ Power lines _ Rights of Way _ Private/unmade roads _ Recreational field boundaries _ Park boundaries

B3: Other approaches

The West Lancashire Council Green Belt study in 2011 tested each parcel of land against the five Green Belt purposes, looking in particular at whether parcels of land can be considered 'open' and provide a clear visual gap between areas of urban development. It filtered out land that was judged to still fulfil the purposes of Green Belt and then tested the remaining sites against sustainability criteria which led to the following ranking regarding potential release for development:-

1. Prohibitive - flood zone 3a, 3b, flood storage area, historic parks and gardens, cemeteries;
2. Restrictive - flood zone 2, agricultural land grades 1,2,3a, conservation areas, regionally important geological sites, mining safeguarding areas, scheduled Ancient monuments/sites of archaeological interest, local nature/wildlife sites;
3. Limiting (could be mitigated) - setting of Conservation areas/heritage assets, surface water flooding, close proximity to prohibitive or restrictive constraints, recreation areas, TPOs/ancient woodland, contaminated land issues, local landscape designations.



Annex C: Guidance on brownfield sites in the Green Belt (taken from PPG2 Green Belts, 1995).

The following paragraphs are text taken from PPG2 Green Belts, 1995. This no longer has the status of Government guidance however it provides a useful introduction to the issues, and planning inspectors and others may continue to refer to it in debates around the setting of Green Belt boundaries.

C1 Green Belts contain some major developed sites such as factories, collieries, power stations, water and sewage treatment works, military establishments, civil airfields, hospitals, and research and education establishments. These substantial sites may be in continuing use or be redundant. They often pre-date the town and country planning system and the Green Belt designation.

C2 These sites remain subject to development control policies for Green Belts, and the Green Belt notation should be carried across them. If a major developed site is specifically identified for the purposes of this Annex in an adopted local plan, infilling or redevelopment which meets the criteria in paragraph C3 or C4 is not inappropriate development. In this context, infilling means the filling of small gaps between built development.

Infilling

C3 Limited infilling at major developed sites in continuing use may help to secure jobs and prosperity without further prejudicing the Green Belt. Where this is so, local planning authorities may in their development plans identify the site, defining the boundary of the present extent of development and setting out a policy for limited infilling for the continuing use within this boundary. Such infilling should:

- *(a) have no greater impact on the purposes of including land in the Green Belt than the existing development;*
- *(b) not exceed the height of the existing buildings; and*
- *(c) not lead to a major increase in the developed proportion of the site.*

Redevelopment

C4 Whether they are redundant or in continuing use, the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it. Where this is the case, local planning authorities may in their development plans identify the site, setting out a policy for its future redevelopment. They should consider preparing a site brief. Redevelopment should :

(a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;

(b) contribute to the achievement of the [beneficial] use of land in Green Belts;

(c) not exceed the height of the existing buildings; and

(d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

C5 The relevant area for the purposes of (d) is the aggregate ground floor area of the existing buildings (the "footprint"), excluding temporary buildings, open spaces with direct external access between wings of a building, and areas of hardstanding.

C6 The character and dispersal of proposed redevelopment will need to be considered as well as its footprint. For example many houses may together have a much smaller footprint than a few large buildings, but may be unacceptable because their dispersal over a large part of the site and enclosed gardens may have an adverse impact on the character of the Green Belt compared with the current development. The location of the new buildings should be decided having regard to the openness of the Green Belt and the purposes of including land in it, the objectives for the use of land in Green Belts, the main features of the landscape, and the need to integrate the new development with its surroundings. For instance it may be more appropriate to site new development closer to existing buildings.

C7 The site should be considered as a whole, whether or not all the buildings are to be redeveloped. The test of area in paragraph C5 relates to the redevelopment of the entire site; any proposals for partial



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redevelopment should be put forward in the context of comprehensive, long-term plans for the site as a whole.

C8 Proposals should be considered in the light of all material considerations, including for example visual amenity and the traffic and travel implications of redevelopment..

C9 Where buildings are demolished rather than being left in a semi-derelict state pending decisions about their redevelopment, it will be necessary to keep suitable records for the purposes of paragraph C5. These should be agreed between the local planning authority and the landowner.

C10 In granting any planning permission local authorities may wish to consider whether to impose conditions to ensure that buildings which are not to be retained permanently are demolished as new buildings are erected, thus keeping the total developed area under control.

Architectural and historic interest

C11 Suitable re-use is to be preferred to redevelopment where the buildings are of architectural or historic interest. Any proposals for altering or demolishing listed buildings or which affect their settings should be considered in the light of the advice in Planning Policy Guidance 15: Planning and the Historic Environment.

C12 Local planning authorities should have regard to the desirability of preserving gardens and grounds of special historic interest. The English Heritage register of historic gardens lists sites of particular importance.

Public expenditure

C13 Redevelopment should not normally require additional expenditure by the public sector on the provision of infrastructure, nor should it overload local facilities such as schools and health care facilities. Local planning authorities should take account of any additional infrastructure requirements (eg roads) which may have significant adverse effects on the Green Belt. Adequate financial provision should where necessary be made for the future maintenance of landscaped areas (taking account of [policy]... on planning obligations).

Redundant hospitals

C14 The special position of redundant hospitals in Green Belts was recognised in ... earlier advice... hospitals are covered by this Annex. As a transitional measure, pending the next local plan or UDP review, the redevelopment of redundant hospital sites which are not identified in development plans but meet the criteria in paragraph C4 above is not inappropriate development.

Higher and further education establishments

C15 Previous policy allowed "institutions standing in extensive grounds" to undertake new development, because such institutions pre-dated Green Belt policy. It was unclear how much new development was permitted. More recently this provision has been used to press for wholly new development on a scale that is inappropriate in the Green Belt. This revision of PPG2 makes it clear that development by institutions is subject to the same controls as other development in the Green Belt.

C16 ...The lack of a reasonable alternative site outside the Green Belt (whether within the urban area or elsewhere) for the proposed expansion of an HFE establishment located in or adjacent to the Green Belt should be taken into account in preparing or reviewing a development plan. Green Belt boundaries should be altered only in exceptional circumstances, after consideration of development opportunities within urban areas. Local planning authorities will wish to take an early opportunity to consult HFE establishments in or adjacent to the Green Belt about their development intentions. Plan preparation procedures provide opportunities for full public consultation on proposals to alter boundaries...

C17 Meanwhile, pending the next local plan review, the infilling or (partial or complete) redevelopment of HFE establishments on major sites in the Green Belt, which are not identified in development plans but otherwise meet the criteria in paragraph C3 or C4 of this Annex, is not inappropriate development. HFE establishments means: universities, colleges, schools and institutes of higher education; and establishments funded by the Further Education Funding Council for England, including colleges of further education, VI form colleges, and agricultural and horticultural colleges.



Annex D: Some key recent planning decisions affecting the Green Belt

(i) Planning applications - the very special circumstances test

A planning application for 135 houses on the edge of Cheltenham was rejected by a planning inspector at appeal in June 2012 (reference 2164597). The inspector referred to paragraph 14 which states that the NPPF presumption in favour of sustainable development does not apply in Green Belt areas. Overall it was ruled that the harm to the Green Belt outweighed the local planning authority's inability to demonstrate, as required by the NPPF, a five year supply of deliverable sites for new housing.

Appeal decisions since March 2013 in St Albans, Nuneaton and Bedworth and Castle Point (respective references 2192408; 2195969 and 2177157) have broadly continued this approach, with proposals for major housing development in the Green Belt being refused in each case.

These and other appeal decisions can be obtained from the Planning Casework Service (www.pcs.planningportal.gov.uk/pcsportal/casereport.asp), a website hosting a database of planning appeal decisions.

(ii) Local Plans - the exceptional circumstances test

In a key recent legal judgment the judge stated that, in order to ascertain whether 'exceptional circumstances' exist to justify reviewing a Green Belt boundary to accommodate new housing, the local planning authority should do an objective assessment of need as required by the NPPF, and then the following issues should ideally be identified and addressed:

- “(i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);
- (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;
- (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
- (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and
- (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.”³

³ *Calverton Parish Council v Nottingham City Council et al*, [2015] EWHC 1078 (Admin); paragraph 51.