

THE LONDON GREEN BELT COUNCIL

Notes 150

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Is Green Belt Policy Tired?

The development and some professional planning interests continue to attack green belt policy, now alleging that it is 'tired'. They have been joined by Natural England, which ought to know better. A common feature of many of these attacks is to ignore or gloss over the fact that it is fundamental to green belt policy that green belt status is not to be related to the quality of the scenery, either in designating land as green belt or in continuing to protect it once designated. I think members ought to have more detail of the points made, so as to help in countering the attacks on green belt. So a large part of this issue of Notes is devoted to this subject.

The last issue of Notes gave our response to the Government's White Paper on Land Use Planning and Major Infrastructure Planning. Our response was generally favourable though we have, as always, to keep an eye on how things work out in practice. I was encouraged by the fury of the response from some planning interests. For instance, in an item in Planning of 14th September, Kevin MacDonald, Chief Policy Adviser to the RTPI, said (abbreviated by me),

'Green Belt policy is now tired. It was a pioneer planning tool 60 years ago to limit urban sprawl, but it must now be sharpened up. Worse than being blunt it may even be a problem in that it leads to increased carbon emissions. An RTPI study shows a clear ring of people around London commuting long distances. A moratorium on development in the city's green belt is a key cause.... We should be building on the green belt where it makes environmental sense to do so and protecting it where that makes more sense. We should be bringing green space into cities, not slavishly increasing belts of protected land around them.... The RTPI believes that siting new homes near existing schools, shops, businesses and public transport, even if they are in green belt is better than creating car-dependent dormitory towns. We support urban green space and if this means building into the green belt then we must be able to make the decision based on evidence rather than sentiment... 'But politicians seem happy to maintain the myth of the green belt and its emotive language because it is easier than talking about physical and social realities. This may be a situation where planners have to set out and show politicians the way'.

Then on 10th October, a policy paper, produced for the managing Board of Natural England and designed 'to provide the Board with an overview of the potential scope of Natural England's policy position in relation to housing growth and green infrastructure' floated such outrageous ideas that it was necessary to protest direct to the Board at once. This is my letter, omitting an introductory paragraph and a note about The London Green Belt Council at the end.

To The Chairman of the Board, Natural England

National England's Policy on Green Belt

We have obtained a copy of the Natural England Board Paper NEB P 07 28 dated 10th October, and we are extremely concerned at the attitude which it adopts towards green belt. We realise, of course, that a paper discussing policy options for an organisation like yours can legitimately cast its net very widely, considering ideas which are acceptable and ideas which are unacceptable. There are, however, very serious flaws in the paper's approach to green belt which make it quite unacceptable to us and which I think should be drawn to your attention. Some can only be in direct conflict with the Prime Minister's promise in a statement about housing in the House of Commons on

11th July to maintain a 'robust defence' of green belt. I elaborate on this below,

Firstly, though paragraph 4,1 proposes calling for a review of green belt policy 'not in a way that will provoke accusations of dismantling or concreting over the countryside but as a mature examination of green belt principles to see if and how they can evolve to fit twenty-first century circumstances', in effect the succeeding paragraphs fall far short of that aspiration. For example,

a) Para. 4.2 says 'we have to consider the option of permitting development on the green belt in order to minimise impacts on a natural environment elsewhere'. The green belt is not for trading off against other land which Natural England feels more kindly towards, and Natural England most emphatically does not have to consider the option. See also para. 4 below.

b) Para 4.2 also acknowledges with a tinge of regret 'of course, some green belt land will not be suitable for development'. It is apparently envisaged that Natural England will graciously permit such land to remain green belt - except that it will no longer be a belt.

c) Para 4-2 also repeats the doctrine of the self-interested planning and development professions that green belt is exacerbating global warming by encouraging travel to locations beyond the green belt. Are people to be refused permission to live in the countryside or small rural settlements (green belt or other) unless their livelihood is on the land?

d) The paper's favoured solution of 'green gaps, green wedges, and buffers' fails entirely to mention that this would in effect be a reversion to ribbon development, the disastrous policy of the immediate post-war years, which green belts were invented to end - and generally did so most effectively. One only has to see many cities in the USA to see how awful the results of such free-lance policies are; and one only has to hear many visitors from the USA to learn how they marvel at the clean break between, town and country that we so often achieve.

But underlying all this is the paper's biggest fallacy of all. It fails to mention that it is an explicit and fundamental feature of green belt policy that green belt status is not related to the quality of the scenery, either in designating land as green belt or in protecting it once designated. The purpose of the green belt is to be there, not inherently to be good, bad, or indifferent in scenic terms. Of course, all three categories are present, but that is irrelevant. All our experience is that people whose immediate green belt is of poor scenic quality value it as much as the residents of more affluent areas value the more attractive green belt near them and they do so because it stops them from being swamped by more development. That development may be housing estates or may be planners dreams of more modern, multi-purpose estates with tongues of development and doctored countryside; it is still development.

. Whilst recognising that it was legitimate to mention calling for a review of green belt policy as a possible option we ask the Board to dismiss that option as completely inappropriate. We ask Natural England to respect the retention of one of the finest planning tools we have devised, and not to swallow the ploy of developers and professional interests to destroy more countryside under the pretence of saving it.

. We shall press Ministers to honour their promises of robust defence of the green belt.

Yours sincerely,

R.W.G. Smith Vice-president

As stated above, Natural England's paper was dated 10th October, but according to Planning of 19th October Natural England's Board accepted its paper 'last week'. The Friday of 'last week' was 12th October, so, if the report was correct, it would have been virtually impossible to get any comments in in time. Therefore we have to watch carefully for any sign of Natural England's taking or seeking to take the sort of action envisaged in the paper, and to alert Ministers to the dangers of what

was proposed. Fortunately I had sent copies of my letter to the Dept. for Communities and Local Government, and to 10 Downing St, but for information at that stage. Planning of 19th October also quotes an RTPi spokesman as saying that Natural England's Board paper was important in building an open debate on green belts: 'There may be occasions when it is more environmentally sound to build out into the green belt as this can protect green areas in cities. On other occasions, maintaining, preserving and enhancing green belt will be the best solution.

I have three comments so far (more later!). First, to go back to the beginning, it is absurd to describe green belt policy as 'tired'. It is as treasured by the ordinary public as ever, which is why there is all this fuss. It is the planners and developers who are tired - tired of having to continue to fight on and on to get hold of green belt for development. Secondly, why are Natural England interfering in this area anyway? By doing so they are trying to create an unnatural England. Thirdly, what is the 'myth' of green belt referred to by RTPi's Chief Policy Adviser? And lastly, I have to confess to an error in my own letter, which I noticed only after it had gone. I was, of course, wrong to say in para 3(d) that ribbon development was a post-war development. It was pre-war, early to mid 1930s. The error does not weaken the point at issue, but I can only imagine that I made it because of the rush.

Another item in Planning, printed on 5th October, ie before Natural England's paper appeared, was by a barrister in the real estate team at a law firm. It, too, argued that green belt will inevitably come under pressure:

'The belt must lose out and move out if the desired housing figures are to be achieved'. Though we would not, of course, accept this, it is a much better argued paper than the others mentioned; and it does lead to one conclusion which I have always thought must be the ultimate conclusion. It presents, as the last of four options, 'to develop on greenfield land away from existing infrastructure, located beyond the green belt. This element only works if the proposal has sufficient critical mass to warrant its own infrastructure being developed - in other words the creation of a whole new town'.

I have often said that we should stop talking about moving the housing etc to the work and start talking about moving the work to the people, which in effect would often mean moving both to new sites.

To close this whole item (temporarily) I offer three more thoughts:

- a) We have the great benefit of a strong and recent statement by the Government, We must try to ensure that it - and any future Government - sticks to that line,
- b) As an aspect of that we must ensure that the central feature of green belt policy, that the quality of the landscape is irrelevant, is not weakened or undermined in any way.
- c) This experience shows again that green belt policy is not a party-political issue. We must not do or say anything that would reduce it to that level.

Minute Secretary needed

Now that our former Minute Secretary has become our Chairman we need, as Cedric Hoptroff has said in the minutes, a new Minute Secretary. Laurie Holt, who has been our General Secretary for 21 years, is still invaluablely active in many ways but his hearing is not now good enough to enable him to take minutes at meetings. It is not practicable, except on isolated occasions, to combine the jobs of chairman and minute taker, so we really do need someone to volunteer to take the minutes to enable us to continue. Please think about this very seriously, and if you think you can help please ring Cedric on *(please email for phone number)*

Gift from the Croydon Society

I am very sorry to report that the Croydon Society has disbanded. It has been a member of the LGBC for 26 years and will be missed. We are grateful, however, for its action, on winding up, in generously donating 5% of its closing funds to the LGBC.

Planning for Travelling Showpeople

The Dept. for Communities and Local Government Circular 04/2007, dated 21.8.07, was issued because experience has shown that treating travelling showpeople as gypsies or travellers does not fairly meet their needs. Their culture and traditions are often different, and their sites are for a mixture of residential and business use, and include provision for storage and maintenance of equipment in circumstances which can have a visual and noise impact on surrounding areas. Their needs therefore do not fit easily into existing land-use categories. But green belt restrictions apply to them in the same way as to anyone else. Paragraph 43 reads:

'There is a general presumption against inappropriate development within green belts. Planning Policy Guidance Note 2 'Green Belts', which sets out policy on green belts, defines inappropriate development in section 3. Very special circumstances have to be demonstrated to justify allowing inappropriate development in the green belt. Nothing in this circular contradicts current restrictions on development in specially protected areas, as set out in other circulars. Planning Policy Guidance Notes, and Planning Policy Statements.'

DCLG Reply to Laurie Holt

In July Laurie Holt wrote to the Prime Minister in his (i.e. Laurie's) private capacity about the need for continued green belt protection, and received the following reply from the DCLG:

'The recent Planning White Paper 'Planning for a Sustainable Future' reinforced the Government's commitment to the green belt. It made clear that it would make no fundamental change to planning policy as set out in Planning Policy Guidance Note 2. The green belt has served us well for over 50 years and will continue to do so in the future. 'Reviews of green belt boundaries are matters for regional planning bodies and local planning authorities. Their boundaries can only be changed in exceptional circumstances through the development plan process after full public consultation. Changes to the general extent must occur at the regional level, through the Regional Spatial strategy, and changes to detailed boundaries can be made at the local level, through the Local Development Framework.'

Planning decisions

A. I start this section with a report of the extraordinary overruling by the Secretary of State of the recommendations of an inspector to reject an appeal against the refusal of a massive development and use of land as a Forest Holiday Village in mid-Bedfordshire. The proposal included 700 villas, swimming pool, bowling alley, restaurants, sports hall, 75 bed hotel, Aqua Sana and 12 spa apartments, retail units and conference facilities, outdoor sports facilities, 20 units of staff accommodation, and a 1400 space car park. The Inspector's report explaining why the appeal should be dismissed is 160 pages long, and the S/S' decision letter overriding the inspector is ten pages long plus a four-page appendix. The letter consists mainly of paragraphs expressing how much she agrees with the inspector except that she gives more weight to the development aspects of the scheme. Put very briefly, the main points seem to be:

- 1) Everyone agrees that the scheme is inappropriate in green belt and should be allowed only if the harm to it, and any other harm, is clearly outweighed by very special circumstances. The harm to green belt is agreed to be very considerable.
- 2) The S/S agrees with the inspector that the nature of the development is not a very special circumstance, and the need for a rural location does not in itself justify a green belt location.
- 3) She agrees that there is nothing in the development plan to demonstrate a need for this proposal but the number of jobs that the scheme would generate 'contributes to the establishment of very special circumstances' She also agrees that no overriding need for the facility has been generated but that that 'may contribute to a small extent' to an assessment of very special circumstances.

4) She agrees that the scheme's contribution, to national tourism is uncertain but gives that more weight, having regard to the Regional Economic Strategy and the Sustainable Tourism Strategy for the East of England. She also gives more weight to the need to find jobs in the Milton Keynes South Midlands Growth Area as defined in the Sustainable Communities Plan of 2003.

5) She agrees that the balance of benefits and harm to the area as regards transport considerations is far from clear cut.

6) She agrees that the proposals for enhancing the biodiversity of the site are clearly a benefit, but gives greater weight to this than the inspector does.

She concludes that the economic and employment benefits of the proposal, together with agreed ecological and biodiversity benefits 'and all the other advantages identified above' clearly outweigh the harm to the green belt. There are 24 conditions, including one which prohibits work within 30 metres of a badger sett, work during the bird nesting season, work which would upset lizards, and any work to the watercourse on the southern boundary except for the purpose of enhancing its habitat structure; all the preceding unless there is written agreement with the local authority.

One is left with the strong impression that the Secretary of State was determined to allow the scheme whatever anyone else might think, and that the length and verbosity of the letter is largely designed to fool the public into thinking that the inquiry had served a useful purpose. I might have been fooled if I were a lizard, anyway

B. Bromley Council rejected a scheme to build up to 94 housing units on green belt, 40% of which would be affordable housing units which would be transferred to a registered social landlord. Having stated that the proposal was inappropriate in green belt the appeal inspector examined the factors which might constitute very special circumstances. This led to complicated calculations of need, availability of sites, etc. He concluded that at the end of the relevant 5-year period there would be a deficiency conflicting with the London plan. All this, and the 40% supply of affordable housing weighed in favour of the proposal, but 'of particular importance is that the aims of PPS3 [Housing] must sit alongside the Government's continued commitment to the protection of the green belt. The inspector who had conducted the Development Plan inquiry had concluded that the site, between Bromley and Croydon, was properly designated green belt, and the appeal inspector agreed. He therefore concluded that, important though the shortfall in housing was, 'the harm to the green belt in this case simply cannot be justified'.

C. A claim that a permanent caravan was necessary to protect a garden centre in open countryside in Hertfordshire was rejected on appeal. It would have to count as a new dwelling, and that could be regarded as appropriate only if needed for agricultural purposes.

D. The general state of confusion (as it seems to me) over the needs of travelling showmen, travellers who are not showmen, and gypsies who may be any two or all three, are illustrated by the following recent decisions;

i) A 4-year temporary permission was granted to a gypsy family to live on an Essex green belt site because the family's education needed a settled base and the need for additional sites had not been met. That constituted very special circumstances.

ii) In a case in Gloucestershire green belt the appeal inspector recommended, and the S/S agreed, that although the appellant had been associated with the site for six years he had not demonstrated a

need for a base in the area, and his personal and family circumstances were not of overriding weight.

iii) A travelling showman stored his equipment in Dorset green belt and relied on people letting him use unauthorised sites. The site in question had been used as a nursery and contained sheds and polytunnels. The appellant lived in an adjoining bungalow and stored some of his equipment in the polytunnels and some in the open. The inspector decided that the appellant's need was significant and he had tried to find accommodation elsewhere (e.g. Hampshire, Surrey and Berkshire). All this amounted to very special circumstances.

E. In a slightly bizarre case in Hertfordshire a stately home in a listed mansion which was run as a country club and golf course included a tennis dome. The owner alleged that the building had been neglected, and he wanted to enlarge it and have it run as a four-star hotel. He claimed that the removal of the tennis dome would benefit visual amenities, and the extension would enhance the mansion's character, thus constituting very special circumstances overriding harm to the green belt. The inspector and S/S did not agree: the building had been substantially repaired in the 1990s and did not show extensive signs of neglect. The dome was a temporary inflatable structure anyway. Appeal dismissed.

Comments and contributions to R.W.G. Smith,. (please email them)