



The London Green Belt Council

I began the last issue of Notes by referring to the confusion that seems to be dominating the planning system, particularly that arising from the draft new National Planning Policy Framework (NPPF). The confusion has, I think, got worse in the last four months and has infuriated many environmental bodies. Although green belt seems to have got off more lightly than most countryside and urban open spaces, criticism is so wide-ranging that I feel that I ought to try to convey the concerns to members by giving more space than I usually do to non-green-belt aspects of proposals.

There is no denying that planning legislation and official advice has become extremely voluminous and complicated and that simplification would be welcome if it does not leave the situation so unclear that it gives rise to worse confusion than before.

That, it seems to me, is already happening and can only get even worse if the government does not substantially redraft its ill-thought-out document. So I first quote comments from three organisations on the proposals as a whole, then come to green belt aspects of proposals. I should point out that there have been several consultations going on simultaneously, but we are here concerned with two, the Localism Bill, which became law on 15 November and concerns the revision of the planning system as a whole, and the proposed statement of the National Planning Policy Framework (NPPF) which is open to very severe criticism.

Comments by the National Trust.

I have shortened this letter by Sir Simon Jenkins, Chairman of The National Trust, published in The Times on 20th September.

‘An assortment of tycoons and chief executives claimed in The Times yesterday that England’s planning system is rotten, impedes new building, ‘puts a brake on UK business’ and harms growth. This is self serving rubbish. The writers....have been conned by a group of housing developers eager to grab some attractive greenfield sites for their portfolios.....

‘Latest figures show commercial land vacancy at 14%, with business parks 17% empty and 1.6 million square feet free for letting. The decline of manufacturing has left more vacant land, close to labour and with infrastructure installed, than ever in British history. As for housing, there may indeed be villages where the residents would like their children living cheaply and locally. We all would. But that is nothing to do with growth.

‘Land cannot be a curb on housing when there are permissions in developers’ land banks for 330,000 unbuilt houses, not to mention 750,000 houses lying empty, a majority for more than six months. Builders are not interested in so-called brownfield sites because they are less desirable. Building on green fields is more profitable, with the state often having to supply the infrastructure. But this is nothing to do with Planning....

‘The rural landscape they want to see is no mystery. It will not be ‘concreted over’. It will be more like Ireland, Portugal, Long Island or New Jersey, bungalows and buildings spattered in every field, advertising hoardings, pylons and turbines along main roads, mini-malls outside towns, and boarded-up streets in their centres. Such urbanisation will link Reading to Newbury, Gloucester to

Cheltenham, and Nottingham to Derby. It is the one thing that British town and country planning has held more or less at bay for half a century....The proposal that local forums should be able to push through buildings, even where the planning authority disagrees, is equally mad, as is the refusal to let them stop building where it 'conforms to national policy'. As for defining as 'sustainable' anything that yields jobs or profit, this is palpably absurd.

'The National Trust rarely enters into public debate, but these changes are serious. They embrace the concern of millions of people who share the Trust's statutory mission to protect England's open spaces and countryside. The present planning framework needs reform, not a car crash. If we can recognise that, we can get together and wrestle the wheel back on course'.

Myth Busting, by the RTPI

Recently there has been a spate of documents answering alleged myths which have been put forward in criticisms of the existing planning system. I intended at first to summarise them all, but found the situation so confusing that I could not tell fact from alleged fiction, and myth from either of them. So I give here a brief item in 'Planning', further abbreviated by me, about an attack launched by the RTPI on myths which have grown up blaming the planning system in one way or another. It was introduced by the President of the RTPI, who said 'It's time that many of the myths about planning were dispelled. Good planning can help provide new housing, act as a catalyst for growth and jobs, protect the environment and give local people a genuine say in developing the character of the places where they live and work. It also prevents a free-for-all where anyone can build what they like, where they like and when they like'. It summarises five myths and the responses to them as follows:

Myth 1: that the default response to a planning application is 'no'. Answer: Government statistics show that, for at least a decade, more than 80% of planning applications have been granted. The figure for major commercial applications, which are critical for economic growth, is even higher at around 90%.

Myth 2: that planning is slow. Answer: Councils as a whole meet or exceed the 8 or 13 week decision targets, set for them by the government. Only 0.7%, of planning applications take longer than 12 months to decide.

Myth 3: that planning is costly. Answer: Costs continue to fall. Application fees are very small compared with the potential profits that development can bring.

Myth 4: that planning is a drag on economic growth. Answer: Planning significantly contributes to prosperity. The certainty that the planning system provides is essential to supporting the investment decisions of the private sector.

Myth 5: that planning forces up house prices. Answer: The current slump in house building is the result of a lack of finance, both for home buyers and house builders, that has been prevalent since the credit crunch. The slowdown in the number of planning permissions granted is the result of a lack of planning applications. There is not a lack of houses, premises to convert or sites to build on. In England there are around 750,000 empty houses, nearly half of which have been vacant for more than six months, and developers have permission for around 300,000 houses that they are not currently building.

Comments by the CPRE

The Winter 2011 edition of the CPRE journal, *Countryside Voice*, contains several scathing items about the government's proposals, and I give three extracts below.

1) From an editorial item headed 'Planning Peril'. 'As the government's 'Development at almost any cost' stance has unfolded in this year's Localism Bill and new the NPPF, CPRE has become concerned that it could damage the countryside and hamper the ability of communities to protect the places they love. At times the planning debate has turned bitter with Ministers accusing anyone who expressed any criticism of their consultation document of being 'vested interests', demonstrating 'nihilistic selfishness' or being 'semi-hysterical'.

2) From 'In focus'. 'Recognition of the intrinsic value of ordinary countryside (about half of England) has been dropped in the draft. CPRE and other organisations have been vocal in calling for this to be reinstated, as well as demanding stronger policies to protect green belt land and other specially designated areas. While promising a 'presumption in favour of sustainable development' the NPPF alarmingly fails to spell out what 'sustainable' actually means. CPRE has pushed for the government to define the term to take account of environmental limits, rather than promoting economic development over environmental and social considerations. We are also calling for the NPPF to clearly reinstate the brownfield first policy that requires developers to prioritise building on previously developed land, rather than greenfield'.

3) From an article headed 'Planning in Chaos?' by an environmental journalist. 'It does beggar belief that the coalition can propose the most radical reform of the planning system in 50 years without suspecting that these proposals would be greeted with as much horror among its supporters as among its opponents. The improbable reprise of the attempt to privatise the forestry industry earlier this year ranks as another astonishing example of political clique misjudging the public that they serve are the proposals really that bad? Yes, I am afraid they are. You could agree with the idea of editing down the 1000 odd pages of planning policy statements laboriously produced under labour, which compare unfavourably with some of the much shorter planning guidance written in the early 1990s but the idea that the planning system should relentlessly promote growth, as the Chancellor promised in his budget speech, and as key bits of the draft NPPF repeat, is something new in the 60+ years of the planning system.... There are opportunities for sense to prevail, but they are fleeting and few - when the Localism Bill has been thoroughly scrutinised by the Lords and in the Government's response to this rushed consultation.. Both need to be grasped in a joined-up way, otherwise the proposed NPPF actually has the effect of undermining local wishes, which is contrary to what the coalition promised when it was in the Commons. By the time you read this, I hope this has happened – otherwise the prospects for the countryside could be bleak indeed.

Comments by the LGBC

When the government announced its decision greatly to shorten the many forms of planning guidance which had built up over the years we welcomed the indication that green belt would be protected. When the draft version of the shortened guidance came out for public consultation we thought that we should wait a few weeks before we sent in the LGBC formal response, so as to give members time to consult us. But I was so horrified by the slick omission of the most fundamental feature of green belt policy that I thought I ought to complain to the Prime Minister at once. My letter, dated 2nd August, is as follows:

Dear Prime Minister,

Draft revised Planning Guidance: Green Belt

The London Green Belt Council is being consulted by the DCLG in connection with the proposed simplification of planning guidance, specifically so far as we are concerned with that relating to Green Belt. We are pleased that most of it seems unexceptionable, but there is one aspect of it that so horrifies us that I feel that I should write to you about it now. Our general comments on the draft paper will be submitted later.

What so disturbs us is not what is in the paper but one absolutely fundamental feature of green belt policy which has been left out. It arises from the fact that green belt includes poorer quality landscapes as well as superb scenery. But the quality of the scenery is irrelevant in including land in green belt and in protecting it subsequently. This principle is very clearly set out in paragraph 1.7 of PPG2, the present guidance on green belts (see attached sheet) but it appears nowhere in the proposed revised version. You will appreciate that development interests often seek to argue that a particular green belt site is not very attractive and might as well be built upon, but this entry in PPG2 has been cited by governments of all persuasions, including the present one, and frequently quoted by planning inspectors, as justifying the rejection of any such arguments. It seems to us beyond belief that your Government should, in the face of its many recent assurances of its determination to protect green belt, seek to overturn this policy.

If this omission is not corrected it is likely that many applications to develop allegedly

inferior green belt will follow, to the distress of many people. Our experience is that, where inferior green belt is bordered by more modest housing, that green belt is valued as highly by those living there as high quality green belt is by the more affluent residents of those areas. The former are saved by the long established and quite clearly expressed principle that the quality of the scenery has nothing to do with it.

We suggest that the words from paragraph 1.7 of PPG2 'The quality of the landscape is not relevant to the inclusion of land within a green belt or to its continued protection' should be added to paragraph 133 of the draft.

I am sending a copy of this letter to Mr. Eric Pickles as the Secretary of State responsible for this subject and to our President, Gareth Thomas MP.

Our formal response to the public consultation on the draft NPPF was dated 1.9.2011. It repeated the objection to the omission of the fact that the quality of the landscape was not a consideration in including land in a green belt and protecting it thereafter; and made two other points. The first was that the framework would allow any development under the new, 'Community Right to Build Orders' to override green belt policy. The second is as follows: 'Although we note the final sentence of the introduction to the Framework that it should be read and interpreted as a whole, the relationship between the Green Belt section of the Framework and the more general parts of the draft is not clear. Already people are seeing paragraph 14 as a presumption in favour of development, giving little weight to the 'sustainable' qualification. In addition to its economic and environmental aspects, sustainability requires development to be sustainable in social and community terms. The openness and proximity of the Green Belt to communities is an essential element in assuring the social sustainability of development'.

If I may wind up this section with some more personal comments, the whole process of compiling the abbreviated national planning policy statement seems to me to be a fiasco. Despite the Ministerial (including Prime Ministerial) assurances of strong support for the green belt I find it impossible to believe that the omission of the fundamental feature of green belt policy, that the quality of the landscape is not relevant, was an unfortunate little oversight. The whole process gives the impression that the four authors of the draft (two of them, advisors to developers, supermarkets, and the housebuilding industry, one a Conservative councillor, and the fourth the head of planning at the RSPB) were left to put in (or leave out) whatever they thought they could get away with, and that that was published by the Department, without further guidance, to see what reactions were. This seems to me a disreputable way of going about sensitive matters, leading to a biased and unbalanced outcome. But it is nice to know that the birds were consulted.

Coventry's Hub and Spoke approach

The previous Coventry council had proposed to build 3,000 houses over 20 years (it is not clear how many were to be in green belt), but that council was toppled in 2010 and its successor does not want to build in green belt, so it is proposing green 'hub and spoke' approach which encourages employment in the city centre and in regeneration areas on brownfield land, but not building houses in green belt.

Planning Decisions

NB. Members will be aware that, though our information about planning decisions comes from various sources, the majority comes from case reports in the journal 'Planning'. This journal now does not say where the cases reported are located, except at county level. Instead it gives a decision reference number; and a footnote to its 'Casebook' page states 'Buy the full text of these decisions from COMPASSSEARCH.co.uk; or call 01452 835820, or email dcs@haymarket.com. In future I will quote the case reference where this applies. [If you can identify the appeal by other means, the decision can be downloaded from the Planning Inspectorate website free of charge - <http://www.planningportal.gov.uk/planning/appeals/online/search>]

1. Do balconies count as floorspace? Planning permission was granted this year for a replacement detached dwelling and outbuildings. That is being implemented but a revised application included four balconies. Existing policy is that additions should not increase the overall area of the original dwelling by more than 50%. The appellant argued that the balconies should not be included in the

calculation as they are transparent and could not be roofed over without permission. The inspector dismissed the appeal saying that the balconies clearly increased the floorspace and bulk of the building, that they reduced openness (which is often defined as the absence of development), and that the absence of public views of the development is not relevant to consideration of openness.

2. From balconies to casements. An application at Wexham, Bucks, was to create a glazed structure to connect an existing cottage and double-storey garage with a new basement for leisure uses. This would more than double the existing floorspace. The inspector dismissed the appeal because the scale of the building would represent inappropriate development in the green belt, and would affect openness. It would not be widely visible but ‘the retention of openness is not about public visibility’.

3. Is a golf course justified by waste recovery? A proposed golf course in Essex green belt would use up to 65,000 cubic metres of inert waste to contour the land and form fairways and greens. The inspector found that the total development would eventually involve importing 468,000 cubic metres of waste, and she was unconvinced that this could be classified as a form of waste recovery. She ruled that the manmade landscape and its engineered appearance, the impact on protected species, rights of way, and living conditions for local residents out weighed the need for such a scheme. [DCS no. 100-072-793].

4. Gypsies and Human Rights. Gypsies on a site in Berkshire had been served with an enforcement order to vacate a site which had a number of plots with fencing and a hard-core road. The appellant claimed a need for more sites. The S/S called in the appeal for his own decision. He confirmed that more sites were required and that the absence of them in the local plan gave some weight to the appeal, but the generally unsustainable location and its being in the green belt were decisive factors. He dismissed the appeal, commenting that the fact that plots had been created without permission reduced the weight that could be attributed to the appellant’s human rights. The European Convention on Human Rights did not give gypsies and travellers the right to contravene planning controls. [DCS no. 100-073-330].

5. Another proposed waterway marina in green belt rejected. The last issue of notes included an item on the rejection of a marina on the Shropshire Union canal where it crossed green belt. A similar application was rejected on the Leeds and Liverpool canal in Merseyside. The inspector said that her view was that there was no demonstrable need in a green belt location and that it would extend built settlements, and traffic problems caused by bridge openings. The claimed beneficial impacts including biodiversity, towpath widening, and parking for anglers did not change her decision. [DCS no. 100-073-938].

6. Expansion of storage and lorry parking in Surrey green belt rejected. Part of the site was designated a major developed site in green belt and the rest was ancient woodland. The scheme involved hard-standing so that pallets could be stacked up to seven metres high, and there would be lorry, trailer and tractor units. The inspector noted an apparent short-term need for open storage sites and that the scheme could generate about 200 jobs. But as the site was not allocated for employment and there was no compelling evidence that it was needed to enable employment, land and job targets to be met, green belt considerations were paramount. [DCS no. 100-073-926].

7. Another basement area case. This proposed replacement dwelling is in Cheshire green belt. The appellant claimed that the new dwelling would be only 4% bigger than the old one, but the inspector found that the inclusion of a large basement in the new dwelling made it 77% bigger than the old one, so she ruled that it would be inappropriate in green belt. [DCS no. 100-072-811].

8. Does the protection of hay and straw justify a new dwelling in green belt? This was in Cheshire green belt. The inspector decided not. [DCS no. 100-072-3179].

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