



# How to get permission for housing in the Green Belt

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Planning Day – 6th November 2023



# Outline



1. Overview of recent decisions
2. Minimising the harms
3. Maximising the opportunities



# Overview of recent decisions





# Stapleford

“Retirement Village” on edge of South Cambs village

Significant need for older persons’ housing

4ha development

19ha new ‘Countryside Park’

Restoration of depleted habitat type

234% BNG





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# Colney Heath

100 homes on boundary of 2 LPAs

Both had acute HLS shortage:

- 2.58 and 2.4 years respectively

“Extremely acute” AH shortage

No prospect of plan-led solution

Low harm site

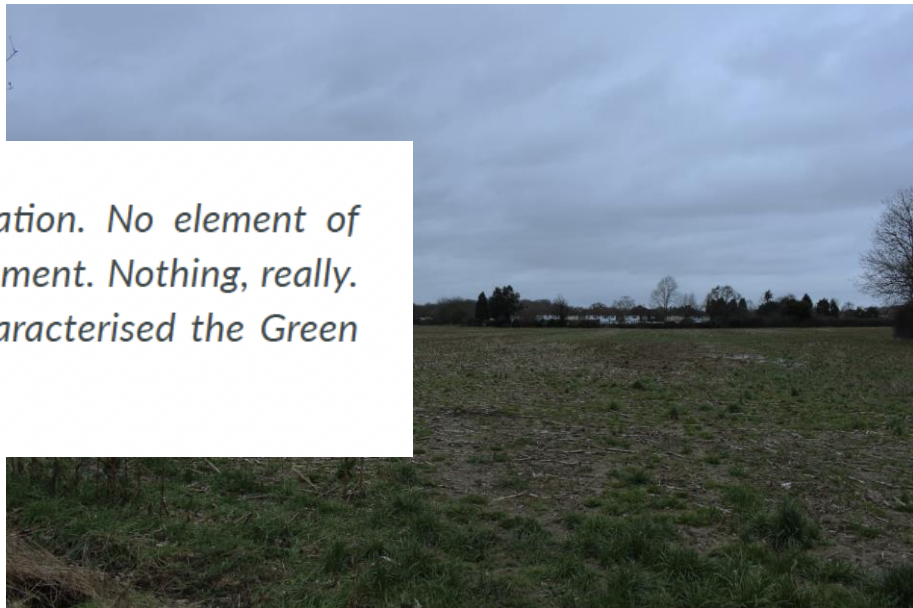




# Colney Heath



*“There was no allocation. No proposed allocation. No element of previously developed land. No enabling development. Nothing, really. None of the **extra special sauce** which has characterised the Green Belt decisions [to this point]”*



[www.planoraks.com](http://www.planoraks.com)







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# Harris Lane, Shenley



37 houses in small village

Acute HLS situation:

- 1.58 – 2.25 years

Emerging Local Plan 'set aside'

Considerable AH shortage





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# Brookmans Park



125 houses on edge of settlement

Near to railway station and visually enclosed

New care home to meet local need

Acute HLS situation:

- 1.86 – 2.64 years

Emerging Local Plan very controversial

Considerable AH shortage





# Brookman Park

125 houses on edge of settlement

Near to railway station and visually enclosed

New care home to meet local need

Acute HLS situation:

- 1.86 – 2.64 years

Emerging Local Plan very contr

Considerable AH shorta





# Minimising the harms





**Para 148 NPPF - A high bar to clear!**

# Types of Green Belt harm (?)

**Inappropriateness**

**Openness**

**Purposes**





# Inappropriateness

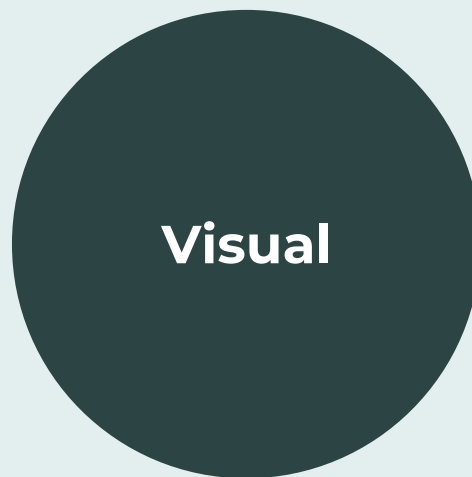


- Automatic due to type of development proposed
- Cannot be minimised

# Openness



# Two dimensions



# Purposes

138. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.



# “Any other harm” (para 138 NPPF)

Redhill Aerodrome: “any harm, not only harm to the Green Belt”.

1. Ensure technical reasons for refusal are resolved if possible.
2. Careful attention to layout and landscaping.
3. Minimise weight to policy conflicts:
  - Inevitable to meet needs?
  - Part of policy only?
  - Consistency with NPPF?



3

# Maximising the opportunities



# What are “very special circumstances”?

**Rarity may be relevant**

**A combination of factors**

**Going beyond policy requirements**



# Contribution to housing need as a VSC



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## Policy evolution:

- Original PPG; 2015 WMS
- SoS in Jotmans Lane (Apr '17 ref. 2216062)
- 2018 reorganisation of PPG

# Treatment by Inspectors since 2018

- Colney Heath (Jun '21) – high water mark?
- Land at High View (Nov '21) – *“limited weight should be attached to the WMS”*
- Land East of Manor Trading Estate (May '23) – *“In normal circumstances, the simple fact of providing housing would not amount to [VSC]. It is housing supply in the face of a very poor performance on delivery which is the consideration here...”*

# Contribution to housing need as a VSC

- See also:
  - **Codicote** – 167 dwellings – APP/X1925/W/21/3273701
  - **Warlingham** – 100 dwellings – APP/M3645/W/22/3309334
  - **Shenley Hill** – 195 dwellings – 2.25 year HLS - pending

**So what have we learned?**



PBS  
NEWS  
HOUR



# LESSON ONE

More =  
more  
weight

Spending,  
jobs etc

**GO LARGE!**

More AH

**BUT:  
More  
harm**



THE  
SESAME STREET



# LESSON TWO

All GB  
sites are  
different

Effect on  
purposes

**DON'T  
UNDERPLAY  
THE HARM**

Acknowledge  
harm

Any  
other  
harm



# LESSON THREE

Local  
Plan  
position

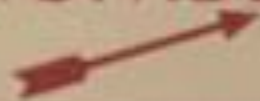
NPPF  
Changes?

**TIMING IS  
(SOMETIMES)  
EVERYTHING**

5YHLS

Can't  
always  
tell!

MAGIC  
NUMBER



# LESSON FOUR

AH %

Open  
space

**GO ABOVE &  
BEYOND  
(if you can)**

BNG

**BUT –  
Reg. 122**



# LESSON FIVE

Site  
specifics

Published  
strategies?

**DO YOUR  
HOMEWORK**

Hyper-local  
need?

Remember  
-  
VSCs





# LESSON SIX





# Thanks!

**Ask us more questions:**

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