

Guidance for Assessing Planning Applications in the Green Belt in Castle Point

Castle Point Borough Council

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1 Introduction

Scope and Purpose

- 1.1 This guidance note provides targeted local guidance for Castle Point Borough Council planning officers who will use the template for assessing Green Belt applications in assessing primarily residential planning applications in the Green Belt in the context of national planning policy, guidance and case law. The note is intended to support the Council in identifying a consistent and comprehensive approach to assessing applications in the Green Belt.
- 1.2 **Appendix 2 provides a template which is intended to support decision making in relation to primarily residential applications in the Green Belt. In using the template, regard should be had to the guidance set out in this note and particularly the stages explained in section 6.**
- 1.3 In addition, Appendix 3 of the note provides Advice for Members on Determining Planning Applications. This is in support of paragraph 7.3 below which emphasises that in cases where Members come to a different conclusion to officers regarding Green Belt planning applications, Members should undertake the same process presented in this note to ensure a robust and consistent approach is taken.
- 1.4 Approximately 60% of the Borough is formed of Green Belt land. A number of primarily residential planning applications have come forward within land designated as Green Belt¹ since the withdrawal of the Castle Point Local Plan in June 2022².
- 1.5 In accordance with section 70 of the Town and Country Planning Act 1990 (“the TCPA 1990”) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (the “PCPA 2004”) planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. National planning policy, provided by the National Planning Policy Framework (NPPF, 2023) constitutes a material consideration.
- 1.6 Paragraphs 147 and 148 of the NPPF set out that inappropriate development in the Green Belt (as defined by paragraph 149) should not be approved except in “very special circumstances”. The starting position in paragraph 147 is that inappropriate development should not be permitted in the Green Belt and any harm to the Green Belt is to be given substantial weight. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness (definitional harm), and any other harm resulting from the proposal (including specific Green Belt and non-Green Belt harm), is **clearly** outweighed by other considerations.
- 1.7 Proposals for primarily new residential development in the Green Belt are likely to constitute inappropriate development (although there are notable exceptions, including redevelopment of previously developed land³). Inappropriate development is considered by the NPPF to be harmful to the Green Belt⁴. The NPPF requires that local planning authorities apply substantial weight to any harm to the Green Belt, and proposals for inappropriate development will not

¹ The Green Belt is identified in the [Proposals Map of the adopted Local Plan](#).

² <https://www.castlepoint.gov.uk/news/castle-point-local-plan-2801/>

³ Exceptions to this are provided for by paragraph 149 of the NPPF

⁴ Paragraph 147 of the NPPF

normally be granted planning permission. The harm caused to the Green Belt should be clearly outweighed by other considerations for the development to go ahead⁵.

- 1.8 This note is the outcome of a desk-based exercise to identify a robust and consistent approach to assessing primarily residential planning applications in the Green Belt in Castle Point Borough. The desk-based exercise looked at national planning policy and guidance, ministerial statements and the Government's position with regard to Green Belt development, the development plan in Castle Point, Authority Monitoring Report data, relevant planning appeals in the last two years dealing with inappropriate development nationally and a similar approach utilised by another local authority when assessing Green Belt applications.

Content

- 1.9 Section 2 of this note sets out the local planning policy context for Castle Point and the current development context including housing need and delivery. Section 3 sets out the national context for assessing applications on proposed development on Green Belt land, proposed planning reforms and recent Ministerial statements evidencing the Government's latest position on Green Belt development. Section 4 draws out key information from recent relevant Green Belt planning appeals which dealt with the consideration of inappropriate development and very special circumstances. Section 5 looks at an approach taken by Chorley District Council in assessing Green Belt planning applications. Based on the findings from the previous sections, Section 6 proposes a staged approach for officers to use and provides a non-exhaustive list of suggested other considerations to evaluate when determining very special circumstances for Green Belt applications. Section 7 provides a conclusion and explains how the approach should be used by officers and members. A template is provided in Appendix 2 to assist in assessing Green Belt applications using the approach.

Approach and Limitations

- 1.10 This guidance note provides a staged approach to assessing applications for proposed new primarily residential development in the Green Belt in the context of the current local and national planning policy position at the time of writing. The process is broken down into several stages: determination of inappropriate development and definitional harm to the Green Belt, evaluation of harm to the openness and purposes of the Green Belt, evaluation of non-Green Belt harm, other considerations, and conclusion as to whether very special circumstances exist.
- 1.11 This note should be used alongside national and local planning policy guidance in assessing relevant Green Belt planning applications. **All applications should be assessed on a case by case basis and in accordance with section 70 of the TCPA and section 38(6) of the PCPA 2004.**
- 1.12 The approach is intended to inform the overall assessment of relevant planning applications in the Green Belt. **The application of this guidance should not in itself be determinative in assessing planning applications. This guidance note is advisory only.**

⁵ Paragraph 148 of the NPPF

2 National Context

National Planning Policy and Guidance

Openness of the Green Belt

- 2.1 When assessing Green Belt applications, the impact to openness and the purposes of the Green Belt should be considered. NPPF paragraph 137 states that:

“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

- 2.2 Planning Practice Guidance provides additional guidance for assessing the impact of a proposal on the openness of the Green Belt and proposes some matters which should be considered: spatial and visual impacts, duration of the development, its remediability and degree of activity likely to be generated⁶.

Purposes of the Green Belt

- 2.3 The five purposes of the Green Belt are set out in paragraph 138 of the NPPF. These are:

- 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.*

Green Belt and Plan Making - Exceptional Circumstances

- 2.4 In terms of plan-making and the Green Belt, paragraph 140 of the NPPF states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified “through the preparation or updating of plans”.

Proposals Affecting the Green Belt

- 2.5 Paragraphs 147 to 151 of the NPPF apply to the current development context in Castle Point Borough. A number of proposals for new primarily residential development in the Green Belt have come forward in Castle Point Borough since the withdrawal of the Local Plan in 2022 (see Section 3 below). Paragraphs 147 and 148 explain that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.*

Inappropriate Development and Very Special Circumstances

- 2.6 The Council must assess whether the proposed developments that have come forward represent ‘inappropriate development’ and would therefore be harmful to the Green Belt by definition; and whether ‘very special circumstances’ exist that would clearly outweigh the

⁶ PPG, Green Belt, Paragraph: 001 Reference ID: 64-001-20190722

substantial weight that decision-makers should ensure is given to any harm, definitional or otherwise, to the Green Belt.

- 2.7 The process planning authorities should take regarding paragraphs 147 and 148 of the NPPF was recently explained in *Sefton Metropolitan Borough Council v Secretary of State for Housing, Communities, and Local Government* [2021] EWHC 1082 (Admin) ("**Sefton**"). HHJ Eyre QC (sitting as a Deputy High Court Judge) sets out the process as follows in paragraph 34 of the judgement:

"When paragraphs [147] and [148] are read together they can be seen as explaining that very special circumstances are needed before inappropriate development in the Green Belt can be permitted. In setting out that explanation they emphasise the seriousness of harm to the Green Belt in order to ensure that the decision maker understands and has in mind the nature of the very special circumstances requirement. They require the decision maker to have real regard to the importance of the Green Belt and the seriousness of any harm to it. They do not, however, require a particular mathematical exercise nor do they require substantial weight to be allocated to each element of harm as a mathematical exercise with each tranche of substantial weight then to be added to a balance. The exercise of planning judgement is not to be an artificially sequenced two-stage process but a single exercise of judgement to assess whether there are very special circumstances which justify the grant of permission notwithstanding the particular importance of the Green Belt."

- 2.8 Paragraph 149 explains that the construction of new buildings in the Green Belt is generally considered to be inappropriate. Exceptions to this are as follows:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

– not have a greater impact on the openness of the Green Belt than the existing development;
or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 2.9 Paragraph 150 details other forms of development which would not be considered inappropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These forms of development are:

- a) *mineral extraction;*
 - b) *engineering operations;*
 - c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - f) *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*
- 2.10 The courts have said that Paragraph 150 (e) provides a non-exhaustive list but any proposal must have a commonality of use with the examples provided⁷.
- 2.11 In reviewing paragraphs 149 and 150 it is important to note that some of the exceptions are simply not inappropriate, but others are qualified such as proposals on previously developed land and those development proposals which include forms of development listed in paragraph 150. In those cases it is important that proposed developments are assessed in terms of their impact on the openness of the Green belt and do not conflict with the purposes of including land within the Green Belt, to determine whether they constitute inappropriate development.
- 2.12 Development proposals that fall under the exceptions which are not considered to be inappropriate in the Green Belt must be considered normally in accordance with usual planning principles and a standard planning balance⁸.

Summary – National Planning Policy

- 2.13 If the development proposal does not fall under the exceptions set out in paragraphs 149 and 150, then it constitutes inappropriate development. The development proposal must then be subject to the test of very special circumstances and the starting position is that it will not be permitted unless other considerations amount to the existence of very special circumstances which clearly outweigh the definitional harm and any other harm (Green Belt or other harms).
- 2.14 Any harm to the Green Belt by inappropriate development and any other Green Belt harm must be given substantial weight. Harm to the Green Belt by reason of inappropriateness and any other harm (Green Belt or non-Green Belt) must be clearly outweighed by other considerations in order to be approved in very special circumstances. Further details and examples of very special circumstances are provided in the remainder of this Guidance, in particular under Sections 4 and 6 below.

Government Position

Ministerial Statements and Reforms

- 2.15 The NPPF (para 6) states that statements of government policy, including relevant Written Ministerial Statements, may be material considerations when deciding applications. This

⁷ Kingston upon Thames v SSLUHC [2023] EWHC 2055 (Admin)

⁸ R (Lee Valley Regional Park Authority) v Epping Forest District Council [2016] EWCA Civ 404 at [21]

section sets out recent Ministerial Statements indicating the Government's position regarding Green Belt development.

- 2.16 Unmet housing need is unlikely to amount to very special circumstances capable of clearly outweighing the substantial harm to the Green Belt caused by inappropriate development. This position was set out in a circular letter on 9 July 2015 and a Written Ministerial Statement to the House of Commons on 17 December 2015. The relevance of these statements was discussed in an appeal in 2021 where the Inspector in this particular instance gave limited weight to the Ministerial Statement⁹:

I am aware of the Written Ministerial Statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances. However, in common with the appeal decision referred to, I note that this provision has not been incorporated within the Framework which has subsequently been updated and similar guidance within the Planning Practice Guidance has been removed. I can therefore see no reason to give this anything other than little weight as a material consideration.¹⁰

- 2.17 In December 2022 the Government announced amendments to the Levelling-Up and Regeneration Bill. On 6 December 2022, the Secretary of State also restated the Government's commitment to a "brownfield first" strategy, with significant funding being provided to support the provision of homes and infrastructure on brownfield land. The Secretary of State confirmed in his letter to MPs on the same day that:

"[the Government] will be clear that local planning authorities are not expected to review the Green Belt to deliver housing. This is in line with commitments made by the Prime Minister in the Summer".

- 2.18 In the Secretary of State's [speech](#) on the long-term plan for housing from July 2023, Michael Gove restated the Government's position for "green belt protection". Further clarification is expected to be set out in the updated NPPF once published – expected later in 2023 once the Levelling Up and Regeneration Bill receives Royal Assent.

⁹ The weight to be attributed to Written Ministerial Statements should be considered on a case-by-case basis by the decision maker

¹⁰ Paragraph 47 (APP/B1930/W/20/3265925)

3 Local Context

Local Planning Policy Context

- 3.1 Section 38 (6) of the PCPA 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. The NPPF reaffirms this position (para 2). The development plan for Castle Point is formed of the saved policies from the Adopted Local Plan¹¹, the Essex Minerals Local Plan, and the Essex and Southend-on-Sea Waste Local Plan.

Adopted Local Plan

- 3.2 The current Castle Point Local Plan was adopted in November 1998 and a number of policies were saved in September 2007. The following policies relating to the Green Belt were saved:
- GB2 Re-use of Buildings in the Green Belt
 - GB3 Redevelopment or Replacement of Industrial Development
 - GB4 Rebuilding of Existing Dwellings in the Green Belt
 - GB5 Extensions to Dwellings
 - GB6 Garden Extensions
 - GB7 Agricultural Dwellings.
- 3.3 Policy GB1 of the Plan, which made specific reference to the Green Belt in reference to the Proposal Map, was not saved. In 2014, it was argued that the Green Belt disappeared without Policy GB1¹². This position was refuted, and the status of the Green Belt remains as identified on the Proposals Map. However, Annex 1 of the NPPF is applicable when determining the weight to attach to Local Plan policy.

Supplementary Planning Guidance

- 3.4 The Council has a range of Supplementary Planning Documents which are relevant to the determination of planning applications, including:
- Developer Contributions Guidance (2023)
 - Urban Place Supplement Adoption Statement (2007)
 - Essex Vehicle Parking Standards (2009)
 - Canvey Town Centre Masterplan (2012)
 - Residential Design Guidance (2013)
 - Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (2020).

Withdrawn Local Plan

- 3.5 The Council took the decision to withdraw the Local Plan in June 2022. A Local Development Scheme for the preparation of a new local plan was approved on 30 November 2022.
- 3.6 The withdrawn Castle Point Local Plan covered a plan period from 2018 to 2033 and was examined in 2021. The withdrawn Local Plan included the proposed release of Green Belt land which was evidenced by documents including the Green Belt Review 2018 Parts 1 and 2.

¹¹ <https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjjm4n1267.pdf&ver=1498>

¹² Fox Land and Property Ltd v Secretary of State for Communities and Local Government (C1/2014/0394)

- 3.7 The purpose of the Green Belt Review Part 1 was to review the Green Belt boundaries against the purposes of the Green Belt as set out in the NPPG (para 138). The Green Belt Review Part 1 informed work assessing specific sites within Green Belt parcels in Green Belt Review Part 2.
- 3.8 The Part 2 Review assessed the potential degree of harm that would occur on the Green Belt if the sites were allocated for development and did not in itself allocate land for development. The Council then utilised the findings of the Green Belt Reviews to inform the decisions relating to whether or not exceptional circumstances existed having regard to national policy and local circumstances at that time, and alongside the Strategic Housing Land Availability Assessment, Sustainability and other technical evidence.
- 3.9 The [Inspector appointed to undertake the Independent Examination of the Local Plan concluded](#) that the methodology of the Green Belt Review was clear and adequate (para 40) and found that there were exceptional circumstances to remove land from the Green Belt (para 138). In other words, the Inspector concluded that the approach taken at that time by the (now withdrawn) Local Plan was sound. However, the Council decided not to progress with the adoption of the plan to protect the Green Belt, focus development on brownfield land and reassess the housing target. Therefore, the withdrawn Plan, including the allocations and amendments to the Green Belt proposed within it, have no development plan status. However, as discussed in more detail under Section 4 below, the withdrawn Plan and the associated evidence base may however be a material consideration and the weight to be attributed will be a matter for the decision-maker to determine in the circumstances of each application.

Current Development Context

Housing Need

- 3.10 Planning policy regarding housing is currently set out in Chapter 4 of the Adopted Local Plan 1998. There is no target in the adopted plan for housing delivery in Castle Point past 2001. Paragraph 61 of the NPPF states that:
- “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals”.*
- 3.11 A Housing Needs Assessment is currently being produced to inform the production of the new Local Plan. It is expected that the Assessment will be published imminently.
- 3.12 The Standard Method as set out in national planning policy and guidance calculates local housing need as being 351 dwellings per annum (as of April 2023).

Housing Delivery

- 3.13 The Authority Monitoring Report is updated annually and contains the latest information on housing delivery progress, assessed housing land supply, effectiveness of planning policies and progress in plan preparation compared to the Local Development Scheme. During the latest reporting year 2021/2022, the housing target was not achieved with a net addition of 205 homes delivered representing around 58% of the required provision. Over the period

2022/2027 there is currently a five year housing land supply of 1.87 years¹³. In the absence of an up-to-date Local Plan, the Council has consistently been unable to demonstrate a five year supply of housing. Therefore, the presumption in favour of sustainable development applies.

- 3.14 In April 2023 there were over 600 households on the Council's Housing Register. The affordability ratio in Castle Point is around 12 x incomes. There is therefore a clear need for affordable housing provision in the borough. No affordable homes were delivered in 2021/2022. Further information on current affordable housing needs will be presented within the Housing Needs Assessment due to be published imminently.
- 3.15 In 2021/2022, 95% of gross development was on previously developed land.

¹³ Castle Point Authority Monitoring Report 2021-2022
<https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjm4n6904.pdf&ver=11823>

4 Planning Appeals

Introduction

- 4.1 This section presents the findings and conclusions of recent relevant planning appeals which dealt issues particularly pertinent to this Guidance. Appeal decisions issued by the Planning Inspectorate provide information on how proposals have been assessed in terms of inappropriate development, the weight of considerations in the overall planning balance for harm to the Green Belt and whether very special circumstances applied.
- 4.2 Relevant appeals are summarised in Table 1 at the end of this Section. The appeals also indicate the weight placed by Inspectors on withdrawn or emerging Local Plans and their associated evidence base.

Weight Accorded to Withdrawn Local Plans

- 4.3 The weight of the withdrawn Castle Point Local Plan and associated evidence base may be a consideration for Inspectors. The weight to be attached to it will be a matter for the decision-maker to determine in the circumstances of each application. The following examples demonstrate that Inspectors are likely to place weight on the evidence base of the withdrawn Local Plans, especially where the sites for the proposed developments had been assessed and found sound in respect of demonstrating that exceptional circumstances can exist for altering Green Belt boundaries.
- 4.4 In the Basildon, Chiltern and South Buckinghamshire appeals set out below, the Inspectors placed weight on the evidence base of the withdrawn Local Plans, and noted in particular that the sites for the proposed developments had been assessed and found suitable for Green Belt release.

Land at Maitland Lodge, Southend Road, Billericay (November 2022) [APP/V1505/W/22/3296116](#)

- 4.5 The Inspector allowed an appeal for the construction of 47 dwellings in Basildon Borough. This came after the Council withdrew its Local Plan earlier in March 2022. The Inspector noted that while the withdrawn plan's policies have no weight (para 2) *"the plan and its evidence base remain material considerations in the determination of the appeal"*. The Inspector further explained (paras 37-38) that:

"It would be preferable if the GB release could be managed through the emerging Local Plan process, as set out at paragraphs 15 and 140 of the Framework. However, as set out above, a new Local Plan is at least five, and potentially many more, years from being adopted. It is therefore necessary to consider proposals that come forward in the GB ahead of adoption of the new Local Plan.

In this regard, the now withdrawn Local Plan and its evidence base is still a material consideration. The evidence base allocated the site for development and the withdrawn Plan carried this through to a site allocation (Site H21b), albeit for around 20 self-build homes rather than the 47 dwellings proposed as part of the appeal proposal. However, the important consideration is that the site was found to be suitable for development and to be removed from

the GB. In addition, this inquiry has established that the GB element of the appeal site is all PDL."

- 4.6 The proposal was refused by Planning Committee on the basis of inappropriate development and the absence of very special circumstances, substantial harm to the openness of the Green Belt and poor design. Reasons for refusal also included failure to secure adequate provision for on and off-site infrastructure, effects on the Essex Coast RAMS and the provision of affordable housing.
- 4.7 The Inspector concluded the proposal was not inappropriate development since the site is on previously developed land (para 9) and contributes to meeting affordable housing need (para 10), which meets the exceptions to inappropriate development set out in para 149 part g) of the NPPF. The Inspector also found that while resulting in an increase in built form and harm to the openness of the site, the site is visually self-contained (para 16). This would result in moderate harm to the overall openness of the Green Belt, less than the 'substantial harm' outlined in paragraph 149 of the NPPF.

[*Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham APP/X0415/W/22/3303868*](#)

- 4.8 The Chiltern and South Bucks Local Plan was withdrawn in October 2020 after it was submitted to the Secretary of State for Independent Examination in September 2019. The Inspector expressed concerns in relation to the Duty to Cooperate. In a recent appeal decision for Chiltern and South Bucks (APP/X0415/W/22/3303868), the [*Inspector considered*](#) that the policies of the withdrawn Local Plan "*carry no weight in this decision although the main parties consider that its background evidence is a material consideration. In my view, any weight is limited as it has not been formally tested*".
- 4.9 However, the Inspector went on to confirm that the Green Belt assessments should be accorded significant weight (para 18):
- "The site's allocation (SP BP6), within the withdrawn joint local plan carries no weight. However, I recognise that the Green Belt assessments which informed the allocation do carry significant weight. These assessments included the appeal site as part of larger sites."*

Inappropriate Development and Very Special Circumstances

- 4.10 In the following appeals, the Inspector assessed whether very special circumstances exist for proposals which constitute inappropriate development. The quantum of development in the examples below range from 37 to 116 dwellings. The appeals are in local authority areas with Green Belt land, emerging Local Plans and high levels of unmet housing need.

[*Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath \(June 2021\) APP/B1930/W/20/3265925*](#)

- 4.11 This appeal involved an application for up to 100 dwellings, including 45% affordable homes on greenfield land in the Green Belt located in both St Albans and Welwyn Hatfield Councils. The

site was not proposed for allocation in any emerging Local Plans. The Inspector allowed the appeal.

- 4.12 The Councils and appellant agreed that the site would represent inappropriate development in the Green Belt. The Inspector found that the proposal would cause substantial harm to the openness of the Green Belt, and limited harm to the character and appearance of the area to which the Inspector gave moderate weight.
- 4.13 The Inspector dismissed the Councils' arguments that the proposal would result in harm to the setting of a nearby Listed Building, highways or ecology. The Inspector also found that contrary to the Councils' position, the proposed development would be in a sustainable location.
- 4.14 The Inspector placed very substantial weight to the delivery of market and affordable housing, and substantial weight to the provision of self-build dwellings. Unmet housing need and the absence of up to date Local Plans were the tipping point in the balance of harm to the Green Belt. The Inspector explains (para 78) that:

"these appeals involve two local authority areas, both of which have acute housing delivery shortages and acute affordable housing need. The proposals would make a contribution towards addressing these needs in the form of market, self build and affordable housing in both WHBC and SADC. I have attached very substantial weight to the provision of both market housing and affordable housing. I have attached substantial weight to the provision of self build housing. These factors, when considered collectively demonstrate that very special circumstances do exist."

Land West of Limpsfield Road, Warlingham (March 2023) [APP/M3645/W/22/3309334](#)

- 4.15 The Inspector allowed an appeal for 100 dwellings, of which 40 are affordable, in Tandridge District Council. The site was proposed to be a housing allocation in the emerging Tandridge Local Plan 2033 (the Inspector has subsequently found that the emerging plan is incapable of being found sound).
- 4.16 The Inspector found that the appeal proposal represents inappropriate development in the Green Belt due to proposed residential development. The proposal would "cause low to a moderate level of harm to openness and limited harm to the two purposes of including the appeal site in the Green Belt" (para 93). The appeal decision concluded that the harm to the Green Belt would be clearly outweighed for the following reasons (para 95):

"...the appeal scheme would assist in addressing the acute and persistent housing supply shortfall and would deliver affordable housing in an area of high need. I attach substantial weight to the critically needed housing benefits of the scheme. The appeal scheme would provide other benefits including the re-provision of enhanced sports facilities, a net gain in biodiversity and the accumulation of economic, social and environmental benefits that add moderate weight in favour of the proposal. Emerging policy also seeks to release the appeal site from the Green Belt for housing and is a matter that adds further moderate weight in favour of the proposal. Overall, in my view, I consider that collectively the other considerations in this particular case are of a very high order."

- 4.17 Cumulatively, acute housing need, affordable housing provision, enhanced sports facilities, biodiversity net gain, economic, social and environmental benefits, and the site's proposed

allocation in the emerging Tandridge Local Plan clearly outweighed the substantial harm to the Green Belt presented by inappropriate development.

Land adjacent and to the rear of 52 Harris Lane, Shenley (May 2023) [APP/N1920/W/22/3311193](#)

- 4.18 The Inspector dismissed an appeal for an outline application for 37 dwellings. The site was proposed for allocation in the emerging Hertsmere Local Plan, however the Inspector determined the draft Plan carried no weight as it has not reached an advanced stage (Regulation 18) and “has since been set aside...”. Nevertheless the Inspector stated that “the evidence supporting the DLP is capable of being a material consideration” (para 10).
- 4.19 With regard to the evidence base, the Inspector states that “Evidence relating to the local role of the Green Belt purposes also includes the Hertsmere Green Belt Assessment (GBA)...There have been no material changes since the GBA was published, and in the absence of any adopted policy or guidance to advise specifically on this matter, the GBA is a material consideration...”. The Inspector goes on to say that “...the GBA is not intended to assist with the determination of individual planning applications...Be that as it may, I agree with the GBA insofar as, in relation to the Green Belt purposes it is physically enclosed and the far north-western part of SA27...does not play a fundamental role in relation to the wider Green Belt...There is however, no contention between the main parties that the proposal would conflict with purpose (c) to assist in safeguarding the countryside from encroachment, although the extent to which the appeal site contributes to this purpose is disputed.
- 4.20 Both parties agreed that the proposal would be inappropriate development (para 11). The Inspector found that the proposal would “amount to a significant level of harm to the openness of the Green Belt” (para 18) and there would be a moderate degree of conflict with purpose (c) of the Green Belt (para 25). In accordance with the NPPF, substantial weight is attributed to any harm to the Green Belt. The proposed development would create moderate harm on the character and appearance of the area (para 36).
- 4.21 In terms of benefits, the Inspector noted the proposal would make a significant contribution to the overall housing land supply and affordable housing supply, limited contribution to self-build plots, moderate weight with biodiversity net gain, limited weight from economic and social benefits, and limited benefits from public open space provision (para 56).
- 4.22 Overall, the Inspector concluded (para 58) that “the harm by reason of inappropriateness, and any other harm, is not **clearly** outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist.” (our emphasis). The appeal was therefore dismissed.

Appeal A - North Lodge Farm, Lower Road, Effingham, Leatherhead (November 2022) [APP/Y3615/W/22/3298341](#)

Appeal B - Howard of Effingham School, Lower Road, Effingham (November 2022) [APP/Y3615/W/22/3298390](#)

- 4.23 The Inspector allowed Appeal A, outline permission for 4 self-build dwellings and 110 dwellings, and dismissed Appeal B for 99 dwellings. Only Appeal A is discussed here, as it falls within Green Belt land. The site was not allocated in the adopted Guildford Borough Local Plan.

- 4.24 Both parties agreed that Appeal A constituted inappropriate development. The Inspector found that Appeal A would significantly reduce the openness of the Green Belt, conflict with the purposes of the Green Belt, and moderately impact the character and appearance of the area.
- 4.25 The Inspector assessed the considerations for the proposal and concluded that the proposal would make a very significant contribution to housing supply and affordable homes. The Inspector placed very limited weight on the five year housing land supply due to the Council's position (the Inspector states in paragraph 32 that *"based on the evidence before me, the appellant's figure of 1,011 homes appears to be the more accurate of the two 5YHLS shortfall figures put forward"*). Appeal A would enable the construction of a school and the Cullum Centre for students with autism-spectrum disorder for which the Inspector placed substantial weight.

World of Pets, Thorley Lane, Timperley (February 2023) [APP/Q4245/W/22/3306715](#)

- 4.26 The Inspector allowed an appeal for up to 116 residential dwellings. The site is proposed for allocation in the emerging Trafford Local Plan, supported by a masterplan. Due to unresolved objections to the draft Plan, the Inspector concluded that it could only be afforded limited weight. In regard to inappropriate development, the Inspector asserted (para 5) that:
- "All parties at the inquiry agreed that the appeal scheme would not be one of the types of development listed in Paragraphs 149 and 150 of the National Planning Policy Framework (the 'Framework'). Thus, the appeal scheme would be inappropriate development within the GB which is, by definition, harmful."*
- 4.27 The Inspector found that harm from the proposed development on openness would be significant and permanent and that it would have a moderate impact on the purposes of the Green Belt. While the Inspector found that the proposal would be at odds with the spatial strategy in the adopted Plan, they stated that the housing figure and strategy were out of date and therefore any conflict with the strategy carried limited weight. Cumulatively, the harm to the Green Belt would be very substantial.
- 4.28 The Inspector concluded that the proposal would carry very significant weight in the context Trafford Council's acute housing supply shortfall, and significant weight with the delivery of affordable housing and reuse of previously developed land. Additional benefits include economic (significant), biodiversity net gain (limited), SuDS provision (modest), open space provision (modest), electric vehicle charging points (modest), and exemplar design process (modest). The appellant proposed a fallback scheme with reduced dwellings, which was given very modest weight. In light of the benefits, the Inspector ruled that harm to the Green Belt would be clearly outweighed by the other considerations, resulting in very special circumstances.

Land at Little Bushey Lane, Bushey (July 2023) [APP/N1920/W/23/3314268](#)

- 4.29 The Inspector dismissed an appeal for 310 dwellings on Green Belt land within Hertsmere. The site formed part of an allocation in the draft Hertsmere Local Plan, although the draft Plan was not taken forward. The Inspector noted that (para 32):

“Although the DHLP underwent public consultation, the Council decided on 27 April 2022 to set aside the DHLP. It is agreed that no weight should be afforded to the DHLP, though the evidence base for the DHLP is a material consideration.”

4.30 The Inspector went on to consider the weight of the Green Belt assessments and stated (para 37) that:

“Notwithstanding that the DHLP was set aside prior to examination and albeit that larger parcels than the site itself were assessed at both stages, the Stage 1 and 2 assessments provide helpful assessment. While I note Mr Radmall’s view that the Stage 1 and 2 Green Belt assessments are different in their strategic scope from his locally focused evidence, I afford the assessments significant weight as material considerations.”

4.31 The Inspector found that the development would cause significant harm to openness, very limited harm to purpose b), modest harm to purpose c) and significant harm to the character and appearance of the Green Belt. The site falls within Flood Zones 1, 2 and 3, leading the Inspector to conclude it was not in a suitable location with regard to flood risk, which carries very substantial risk.

4.32 Due to the current and likely future shortfall in housing and affordable housing, the Inspector gave this very substantial weight, and substantial weight to the provision of serviced plots. The Council had a 5 year land supply of 2.25 years in 2021-2022¹⁴. The Inspector also gave significant weight to economic benefits from the proposal, moderate weight to biodiversity net gain, the provision of land for a primary school, sustainable transport measures and a mobility hub through planning obligation, and limited weight to accessible open space and sustainable building measures.

4.33 In light of the other considerations, the Inspector concluded *“these do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist”* (para 130) and dismissed the appeal.

Conclusions

4.34 The Green Belt appeals explored in this section take a staged approach in evaluating the proposed developments. First, the Inspectors determine whether or not the proposed development constitutes inappropriate development, according to paragraphs 149 and 150 of the NPPF. After determining the proposals are inappropriate development, to which substantial weight should be given, they assess the level of harm caused by the proposal to the openness of the Green Belt and the purposes of the Green Belt, again to which substantial weight should be given. The Inspectors also look at the status of the adopted and / or emerging Local Plans and determine the weight which can be attributed to them and associated evidence base concerning the Green Belt.

4.35 The Inspectors then examine other considerations, often including housing land supply, affordable housing supply, economic and social benefits, education infrastructure and biodiversity net gain. The weight of each consideration is evaluated individually, before being

¹⁴ Five Year Land Supply Update 2021/22. <https://www.hertsmere.gov.uk/Documents/09-Planning–Building-Control/Planning-Policy/Planning-Publications/21-22-5-Year-Housing-Land-Supply-PDF-871Kb.pdf>

taken as a whole to determine whether or not they clearly outweigh the level of identified harm to the Green Belt and any other harm.

- 4.36 The fact that the proposed developments were located on allocations in emerging Local Plans were not decisive factors in the appeals. The evidence base underpinning withdrawn Local Plans is given weight in the appeals, but again is not a decisive factor.
- 4.37 It is important to acknowledge that the staged approach described above is not intended to remove the single exercise of judgement, required to assess whether or not there are very special circumstances which justify the proposal (see paragraph 2.7 above¹⁵), but it is taken to show a clear and consistent method for coming to a judgement, in line with the requirements of national policy. It is for this reason that stages are used in this proposed approach to recording the deliberations of planning officers in their consideration of planning proposals in the Green Belt.

¹⁵ Sefton Metropolitan Borough Council v Secretary of State for Housing, Communities, and Local Government [2021] EWHC 1082 (Admin) (“Sefton”)

Table 1 Summary of Appeals for Inappropriate Development

Appeal Ref	Proposal Description	Inappropriate Development in the Green Belt? (Yes/No)	Green Belt Harm	Non-Green Belt Harm	Weight Given to Other Considerations	Outcome of Appeal
Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath APP/B1930/W/20/3265925	100 dwellings	Yes	<ul style="list-style-type: none"> • Openness - substantial • Green Belt harm therefore Substantial 	<ul style="list-style-type: none"> • Character and appearance - moderate 	<ul style="list-style-type: none"> • Housing need - very substantial • Affordable housing need - very substantial • Self-build - substantial 	Allowed
Land West of Limpsfield Road, Warlingham APP/M3645/W/22/3309334	100 dwellings	Yes	<ul style="list-style-type: none"> • Openness - low to moderate • Contribution a) and c) of the Green Belt - limited • Green Belt harm therefore Substantial 	<ul style="list-style-type: none"> • No other harm to add to the harm to the Green Belt 	<ul style="list-style-type: none"> • Housing need - substantial • Emerging policy allocating site - moderate • Environmental, economic and social benefits - moderate • Biodiversity - moderate • Enhanced sports facilities - moderate • Pedestrian connectivity improvements - moderate 	Allowed

<p>Land adjacent and to the rear of 52 Harris Lane, Shenley APP/N1920/W/22/3311193</p>	<p>37 dwellings</p>	<p>Yes</p>	<ul style="list-style-type: none"> • Openness - significant • Contribution c) of the Green Belt - conflict • Green Belt harm therefore Substantial • 	<ul style="list-style-type: none"> • Character and appearance - moderate 	<ul style="list-style-type: none"> • Housing provision - substantial • Affordable housing provision - substantial • Self-build - limited • Biodiversity net gain - moderate • Economic, social, public open space - limited 	<p>Dismissed - No Very Special Circumstances</p>
<p>Appeal A - North Lodge Farm, Lower Road, Effingham, Leatherhead APP/Y3615/W/22/3298341</p>	<p>4 self-build 110 dwellings</p>	<p>Yes</p>	<ul style="list-style-type: none"> • Openness - significant • Green Belt purposes - conflict • Green Belt harm therefore Substantial 	<ul style="list-style-type: none"> • Character and appearance - moderate 	<ul style="list-style-type: none"> • Housing provision - very significant • Affordable housing provision - very significant • School provision - substantial 	<p>Appeal A - Allowed</p>
<p>World of Pets, Thorley Lane, Timperley APP/Q4245/W/22/3306715</p>	<p>116 dwellings</p>	<p>Yes</p>	<ul style="list-style-type: none"> • Openness - significant • Green Belt purposes - moderate • Green Belt harm therefore Substantial 	<ul style="list-style-type: none"> • Conflict spatial strategy - limited 	<ul style="list-style-type: none"> • Housing shortfall - very significant • Affordable housing provision - significant • Reuse previously 	<p>Allowed</p>

					<ul style="list-style-type: none"> developed land - significant • Economic - significant • Biodiversity net gain - limited • SuDS provision - modest • Open space provision - modest • Electric vehicle charging points - modest • Exemplar design process - modest • Fallback proposal - limited 	
Land at Little Bushey Lane, Bushey APP/N1920/W/23/3314268	Up to 310 dwellings	Yes	<ul style="list-style-type: none"> • Openness - significant • Purpose b) - very limited • Purpose c) - modest • Harm therefore Substantial 	<ul style="list-style-type: none"> • Character and appearance - significant • Flood risk - very substantial 	<ul style="list-style-type: none"> • Market housing provision - very substantial • Affordable housing - very substantial • Self and custom-build housing - substantial • Economic benefits - significant 	Dismissed

					<ul style="list-style-type: none"> • Biodiversity net gain, land for the primary school, sustainable transport measures, mobility hub, accessible open space - moderate • Enhanced access to the countryside, enrichment of blue/green infrastructure, and sustainable building measures - limited 	
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5 Case Study

Chorley District Council

- 5.1 This section sets out an approach used by Chorley District Council in assessing Green Belt planning applications.
- 5.2 In a Supplementary Report to Members in the Chorley Planning Committee (Appendix 1), officers used a tabular approach to assess the ‘benefits’ and ‘disbenefits’ of a Green Belt planning application considered to be inappropriate development. This informed their overall assessment of the planning application. The Chorley approach breaks down the assessment into two parts (
- 5.3 Figure 1, Figure 2) to evaluate the planning application.

Benefits

- 5.4 The example in
- 5.5 Figure 1 uses a rating scale for each identified benefit listed under the ‘material consideration’ column. The benefits are assessed against national and local planning policy in the third column in
- 5.6 Figure 1 below for ‘very special circumstances’¹⁶. Based on the assessment, they are then given a weight ranging from limited / moderate / substantial and an impact rating of negative / neutral / positive. A similar exercise is reproduced for the disbenefits in Figure 2.

Figure 1 Chorley Approach to Assessing Benefits of Inappropriate Development

	Material Consideration	Very Special Circumstance (Green Belt Policy)	Exceptional Circumstances (Policy 1 of the Core Strategy Test)	Weight to be afforded (limited/ moderate/ substantial)	Impact in balancing exercise (negative/ neutral/ positive)
BENEFITS					
1	The development will contribute to the housing land supply within the Borough.	This is a benefit as nationally the guidance is to boost significantly the supply of housing.	This is not an exceptional circumstance locally because the Council currently has a 7.3 year supply of housing which results in no urgent need to release the site at this time.	Moderate	Neutral
2	The site is previously developed land.	This is a benefit as nationally the Government encourages the effective use of land by re-using land that has been previously developed (brownfield land). At a local level the Council has a brownfield target of 70% of all new housing on such sites. Without Camelot over the plan period there would be 59.2% of new housing on Brownfield land which is short of the target. With Camelot this increases to 61.2% (based on 2013 figures)	This is an exceptional circumstance as the designation as previously developed land within the Adopted and emerging Local Plan (Policy BNE5) supports the principle of redevelopment in terms of the development plan and the proposals would assist in meeting the Council’s brownfield land target for new dwellings.	Substantial	Positive

¹⁶ The fourth column for ‘exceptional circumstances’ is not relevant to this exercise and should be disregarded.

Disbenefits

- 5.7 The disbenefits are concerned both with impacts to the Green Belt from the planning application, and other considerations, which in this case include visual impact. It is important to note in Figure 2 that the Chorley approach ensures that substantial weight is given to any Green Belt harm.
- 5.8 The issues in Figure 2 are similar to the harm to the Green Belt, non-Green Belt harm and other considerations, as set out in the planning appeals in Section 4 of this note. Taken as a whole, these considerations are weighed collectively to make a judgement on whether the potential substantial harm caused by inappropriate development and other Green Belt harm, and any other harm is clearly outweighed by other considerations.

Figure 2 Chorley Approach to Assessing Disbenefits of Inappropriate Development

	Material Consideration	Concerns	Weight to be afforded (limited/ moderate/ substantial)	Impact in balancing exercise (negative/ neutral/ positive)
DISBENEFITS				
1	Inappropriate development in the Green Belt	The proposals are inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt	Substantial	Negative
2	Impact on openness	It has been concluded that the proposals will impact on the openness of the Green Belt. Substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.	Substantial	Negative
3	Visual impact- primary access point	In the short term the tree/ hedgerow removal to facilitate the primary access point will make this part of the site more visible within the surrounding area	Moderate (in the short term). Limited (in the long term when the replacement planting matures)	Neutral
4	Visual Impact- The new secondary	The proposals involve opening up a new access point in a currently position	Substantial (in	Negative

6 Approach to Assessing Green Belt Planning Applications

Introduction

- 6.1 This section sets out an approach to assessing planning applications for primarily residential development in the Green Belt within Castle Point. The approach is designed to serve as an aid to officers when evaluating applications, however the application of this approach should not in itself be determinative. **Each planning application must be assessed on a case-by-case basis against the statutory development plan in accordance with section 70 of the TCPA and section 38(6) of the PCPA 2004.** It is also important to have regard to relevant case law (see particularly paragraph 2.7 above¹⁷) and ensure that the assessment does not become overly mathematical. It is intended to be a single exercise of planning judgement whereby stages 1 - 5 described below are important for collecting information and stage 6 is the single decision-making stage based on the information collected.

Approach

- 6.2 Drawing on the previous sections and the Chorley case study, and while recognising that the assessment requires a single exercise of planning judgment factoring in all relevant considerations, it can assist to break down the approach to assessing Green Belt planning applications into several stages. This will help to ensure that the assessment factors in the material elements necessary to the planning judgment required. The approach is designed for applications in the Green Belt and tests whether the proposals are considered to be inappropriate development and if so, whether very special circumstances exist such as to clearly outweigh identified harm to the Green Belt and any other harm.
- 6.3 The assessment process can be broken down into the following six stages and further subdivided into the following questions:

Table 6.1 Assessment Stages 1 to 6

Stage	Question
Stage 1 Proposal	1. Is the development proposal in the Green Belt?
Stage 2 Inappropriate Development	2. Is the development proposal inappropriate development according to NPPF para 149?
	3. Is the development proposal inappropriate development according to NPPF para 150?
Stage 3 Level of Harm on the Green Belt	4. What harm would arise from the development proposal on the Green Belt (para 148)?
	5. What harm would arise from the development proposal on the openness of the Green Belt (para 137)?

¹⁷ Sefton Metropolitan Borough Council v Secretary of State for Housing, Communities, and Local Government [2021] EWHC 1082 (Admin) (“Sefton”)

(Stage 3 ONLY IF the development considered 'inappropriate development')	6. What harm would arise from the development proposal on the purposes of the Green Belt (para 138)?
Stage 4 Non-Green Belt Harm Considerations	7. For example - weight attributed to harm on the character and appearance of the area, biodiversity, a designated heritage asset?
Stage 5 Other Considerations	8. What are the other considerations for the development proposal?
	9. What weight is attributed to the other considerations of the development proposal?
Stage 6 Very Special Circumstances	10. Do very special circumstances exist to clearly outweigh harm to the Green Belt (para 148)?

The Assessment

- 6.4 Appendix 2 presents a template to assist in assessing whether applications for primarily residential development proposals in the Green Belt are considered to be inappropriate development and whether very special circumstances exist. The template can be used to complete each stage. The following section describes each stage of the assessment.
- 6.5 To ensure consistency in the assessment, the weight attributed to harm and other considerations in Stages 3 - 5 should be recorded as either limited, moderate or significant. All Green Belt harm, definitional (by reason of inappropriateness) and otherwise must be recorded as 'substantial' in accordance with paragraph 147 of the NPPF.

Assessment Stages 1 to 6

Assessment Stage 1 - Proposal

- 6.6 The first stage of the assessment is to determine the nature of the proposal and consider whether the proposal is located in the Green Belt. If the proposal is in Green Belt land, then stages 2 to 5 will assist in determining whether the proposal is inappropriate development and whether very special circumstances exist.

Assessment Stage 2 - Inappropriate Development

- 6.7 If the application is in the Green Belt, then it should be assessed against paragraphs 149 and 150 of the NPPF. The assessment table for Stage 2 in the template presented in Appendix 2 below sets out the exceptions to Green Belt development from the NPPF and includes a section for officers to use to explain the reasoning behind why the proposal is or is not considered to be inappropriate development.
- 6.8 As set out in paragraph 2.11 above, some exceptions are simply not inappropriate, but others are qualified such as proposals on previously developed land and those development proposals which include forms of development listed in paragraph 150. When undertaking Stage 2, it is therefore important that detailed consideration is given to the qualifications for exemption, in accordance with paragraphs 149 and 150 of the NPPF.
- 6.9 If the proposal does not qualify under either paragraph, then it is considered to be inappropriate development in the Green Belt, which is harmful by reason of inappropriateness.

That harm by reason of inappropriateness should be accorded substantial weight. This then requires an assessment of whether very special circumstances exist to clearly outweigh the harm by reason of inappropriateness and any other harm (including Green Belt harm to which substantial weight must be attributed and non-Green Belt harm to which weight must be determined).

Assessment Stages 3 and 4 – Green Belt Harm and Non-Green Belt Harm

- 6.10 In order to determine whether very special circumstances exist, the harm to the Green Belt should be identified and assessed. Any harm to the Green Belt should be accorded substantial weight. Stage 3 involves assessing harm to the Green Belt from the proposal and provides suggested impacts to the Green Belt against which to evaluate the proposal. Stage 4 involves assessing non-Green Belt harm from the proposal. The impacts are drawn from the NPPF and the appeals set out in Section 4 of this note.

Assessment Stage 5 – Other Considerations

- 6.11 Stage 5 involves assessing the other considerations of the proposal. Other considerations are benefits which may be sufficient to clearly outweigh harm from the proposal to the Green Belt. The template provides a guide to identify and assess other considerations. It is recommended that considerations are organised within social, environmental and economic categories.
- 6.12 To aid stage 5 of the assessment, we have compiled a list of suggested other considerations which may or may not apply to proposals assessed using this approach (presented in Table 6.2 below). The list contains considerations cited in recent relevant planning appeals, however the list is non-exhaustive. There will be site-specific considerations which are not covered by the list, but which should be identified when assessing proposals in their own context, on a case-by-case basis.
- 6.13 While the approach examines each consideration individually, the overall assessment should also consider the combined implications of the identified considerations in Stage 5.

Table 6.2 List of Suggested Other Considerations for Stage 5

List of Other Considerations for Stage 5		
Social	Environment	Economic
Gypsy and traveller provision and need	Enhancement of Green Belt uses	Contribution to local economy from use
Unmet housing need	Enhancement of biodiversity	Contribution to local tourism
Affordable housing need and provision	RAMS mitigation	Contribution to local employment from use
Specialist housing provision and need	Open space provision	
Essential community facilities		
Infrastructure provision		
Contribution to local culture		
Architectural merit		
Self-build custom housing		
Recreational facilities		
Rural worker accommodation		
Provision of transportation links on site		

Proximity to existing transportation links		
Enables conservation of a listed building		

6.14 Note that for residential development, site specific circumstances can have a significant impact on the assessment of benefits and associated weighting. In addition, when assessing the considerations, determine whether or not is it essential for the proposed use to be located on the application site or whether it can feasibly be located somewhere else, outside of the Green Belt.

Assessment Stage 6 - Very Special Circumstances

6.15 At this stage, it is possible to draw a conclusion on whether or not very special circumstances exist (with reference to paragraph 148 of the NPPF) for the planning application in question. The other considerations and harms to the Green Belt by reason of inappropriateness and any other harm should be considered together in this exercise. Stage 5 of this approach involves an assessment of the weight of the other considerations individually. Stage 6 involves an evaluation of the weight from the other consideration as a whole. Cumulatively, the other considerations may amount to very special circumstances if they clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, bearing in mind that any harm to the Green Belt should be accorded substantial weight.

6.16 The weight given to factors in development management decisions is usually subjective and dependent on planning judgment, making it a matter of discretion for the decision-maker. However, policy requires that Green Belt harm is accorded substantial weight. Beyond that, there is no fixed 'scientific' formula to address green belt development questions, nor a definitive way to determine if a factor qualifies as a 'very special circumstance,' with numerous potential considerations. It is not a mathematical exercise. Ultimately, decision-makers must rely on qualitative planning balance and value judgments, providing them with significant latitude within the development management framework.

6.17 While this remains a highly subjective exercise, this approach can be used to clearly demonstrate the assessment undertaken by the Council to inform the decision-making process.

7 Conclusion

- 7.1 The approach set out in this guidance note in assessing Green Belt planning applications in Castle Point Borough provides a simple and transparent method which can be consistently used to evaluate whether proposals in the Green Belt constitute inappropriate development and whether or not very special circumstances exist. The approach has been developed in accordance with national planning policy and guidance, and following consideration of relevant planning appeals and case law.

Use of the Approach for Officers

- 7.2 The approach will enable officers to take a consistent and evidenced approach to assessing Green Belt planning applications. Officers could benefit from using the approach consistently at Committee in presenting to Members. The approach should be used to help inform the determination of Green Belt planning applications alongside national planning policy and guidance and local planning policy, as well as other material considerations.

Use of the Approach for Members

- 7.3 It is recommended officers explain the purpose and method of this approach to Members. Where Members may come to a different conclusion to officers regarding Green Belt planning applications from officers, it should be made clear that Members should undertake the same staged assessment process presented in this note to ensure a robust and consistent approach is taken.
- 7.4 Further advice for Members on determining planning applications is presented in Appendix 3 of this note.

8 Appendices

Appendix 1 Chorley Assessment of Inappropriate Development in the Green Belt

	Material Consideration	Very Special Circumstance (Green Belt Policy)	Exceptional Circumstances (Policy 1 of the Core Strategy Test)	Weight to be afforded (limited/moderate/substantial)	Impact in balancing exercise (negative/neutral/positive)
BENEFITS					
1	The development will contribute to the housing land supply within the Borough.	This is a benefit as nationally the guidance is to boost significantly the supply of housing.	This is not an exceptional circumstance locally because the Council currently has a 7.3 year supply of housing which results in no urgent need to release the site at this time.	Moderate	Neutral
2	The site is previously developed land.	This is a benefit as nationally the Government encourages the effective use of land by re-using land that has been previously developed (brownfield land). At a local level the Council has a brownfield target of 70% of all new housing on such sites. Without Camelot over the plan period there would be 59.2% of new housing on Brownfield land which is short of the target. With Camelot this increases to 61.2% (based on 2013 figures)	This is an exceptional circumstance as the designation as previously developed land within the Adopted and emerging Local Plan (Policy BNE5) supports the principle of redevelopment in terms of the development plan and the proposals would assist in meeting the Council’s brownfield land target for new dwellings.	Substantial	Positive
3	Removal of existing tall structures	This is a benefit as the existing site is fairly well contained with the tall structures the only element visible within the surrounding area. From a visual amenity perspective the proposals will reduce the impact	This is an exceptional circumstance as the site is proposed to be maintained as a previously developed site allocation within the emerging Local Plan which establishes the principle of an alternative use and by securing a viable re-use ensures that the redeveloped site can contribute to the 5	Substantial	Positive

		on the visual assessment of the area	purposes of Green Belt.		
4	Enhanced buffer planting creating a self-contained site.	From a visual amenity perspective the proposals will reduce the impact of the development on the visual assessment of the area	This is an exceptional circumstance as the site is proposed to be maintained as a previously developed site allocation within the emerging Local Plan which establishes the principle of an alternative use and by securing a viable re-use ensures that the redeveloped site can contribute to the 5 purposes of Green Belt.	Substantial	Positive
5	The development will create construction jobs, which have acknowledged economic benefits along the supply chain.	At a national level the Government is committed to securing economic growth in order to create jobs and confirms that significant weight should be placed on the need to support economic growth through the planning system. At a Local level the Corporate Strategy includes creating a strong local economy which this would assist with	This is not an exceptional circumstance as any redevelopment secured at this site (which its allocation within both the current and emerging local plan establishes) would have associated construction jobs	Moderate (over the 10 year life of the planning approval)	Neutral
6	The proposals will generate an associated population increase which will increase the potential to improve the local spending profile (such as at local centres, villages and the town centre)	The proposals will increase the population in the area with an associated spending profile. At a Local level the Corporate Strategy includes creating a strong local economy which this would assist with.	This is not an exceptional circumstance as any redevelopment of this site has the potential to generate an associated workforce/ trip generation with associated spend	Limited	Neutral
7	There will be a New Homes Bonus	This is a benefit associated with any new housing development	This is not an exceptional circumstance as currently is a result of any new housing development and there is no certainty over	Limited	Neutral

			the future of this funding stream		
8	A contribution to local Council Tax	This is a benefit associated with any new housing development	This is not an exceptional circumstance as currently this is a result of any new housing development and other potential uses of the site may be subject to Council tax	Limited	Neutral
9	CIL levy which will contribute to improving local infrastructure.	CIL secured from this scheme would benefit both the future residents of the site and the surrounding towns/ villages by providing a significant contribution to improving local infrastructure	This could be considered to be an exceptional circumstance as although it would be applicable to all housing schemes alternative uses on this site may not generate such a levy which would mean the benefits to the surrounding areas are reduced.	Moderate	Positive
10	Reduction in the amount of surface water run-off affecting the watercourses	This is a benefit as at a local level there is a clear drive towards reducing flood risks particularly at Croston	This is an exceptional circumstance as the current site adds to the flooding issues along the River Yarrow and the proposed developments will reduce the amount of surface water entering the River which will be a significant benefit.	Substantial	Positive
11	Affordable Housing	Increasing the supply of affordable housing is a Corporate Strategy, a Strategic objective within the core Strategy and accords with the Governments guidance to boost significantly the supply of housing including affordable housing	This is an exceptional circumstance as this is an opportunity to provide affordable housing on a previously developed windfall site within this rural location. This provision will be phased over the lifetime of the development- providing a supply of units over several years- and this provision has never formed part of the Council's affordable housing delivery scheme	Substantial	Positive
12	Increase the frequency of the bus service between Chorley and Eccleston	This is a benefit as it will provide more accessibility between Chorley and Eccleston which assisting in maintaining the existing bus service provision within this rural part of the	This is an exceptional circumstance as it promotes more sustainable modes of travel and will improve movement around Chorley (Strategic Objectives of the Core Strategy). Alternative uses at this site may not facilitate such improvements.	Substantial	Positive

		Borough			
13	Ensuring that the existing bus service provision is maintained	This is a benefit as rural bus services are constantly at threat whereas this development will assist in the commercial viability of the bus service	This is an exceptional circumstance as it promotes more sustainable modes of travel and will improve movement around Chorley (Strategic Objectives of the Core Strategy). Alternative uses at this site may not facilitate such improvements.	Substantial	Positive
14	The provision of a bus stop within a central location on the site with associated bus diversion	This is a benefit to the existing businesses on site who will be within walking distance of a bus stop	This is an exceptional circumstance as it promotes more sustainable modes of travel and will improve movement around Chorley (Strategic Objectives of the Core Strategy). Alternative uses at this site may not facilitate such improvements.	Substantial	Positive
15	The proposed footpaths improvements	This is a benefit as it improves the accessibility of the site	This is an exceptional circumstance as it will improve accessibility to the rural area/ countryside. Any alternative uses/ reduced scale of development may not generate the ability to provide this connectivity within this rural area.	Substantial	Positive
16	The link to the MSA	This is a benefit as it enables a direct link to shop facilities	Whilst the link to the MSA does not necessarily on its own constitute an exceptional circumstance as this will effectively generate trips for top up shopping not taking away the need to travel for leisure/ business/ main food shopping on the other hand the principle of redeveloping this site has been established and any such links are a benefit	Moderate	Neutral
17	Providing a contribution to enhancing the National Cycle Route between Eccleston and Chorley	Improvements to Eccleston to Chorley cycle route is identified as a route to be improved within the emerging Local Plan	This is an exceptional circumstance as it represents improvements to a national route and enhances and cycling opportunities at the site which will benefit the wider area.	Substantial	Positive

18	Creation of/ improvement of POS in the Borough (off site)	This is a benefit as there is an identified deficit of certain categories of open space within the Borough which this scheme will contribute to.	This is not an exceptional circumstance as it would be generated from any housing scheme although it should be noted that alternative uses/ reduced scale of development would not generate any/ the same extent of contribution.	Moderate	Neutral
19	Woodland Access	This is a benefit as the proposals will enable wider access to the surrounding countryside and areas of Woodland	This is not an exceptional circumstance as the linkages are already in place outside of the site the proposals will just secure improvements which widens the potential for such access	Moderate	Neutral
20	Deculverting an existing watercourse which is an ecological benefit.	This is a benefit as it seeks to meet the Government's objectives of providing net gains in biodiversity	This is not an exceptional circumstance as the deculverting is not necessarily a product of the proposed development and could be undertaken as part of any redevelopment at this site.	Limited	Neutral
21	Provide an attractive and secure environment for the existing businesses on this site and assist in securing their survival at this site.	This is a benefit as the existing hotel and businesses currently are located within the middle of a derelict theme park and the hotel has acknowledged that the worst case scenario from their perspective is to leave the site derelict. There is currently a large number of jobs at the existing businesses which will be maintained.	This is not an exceptional circumstance as the Council could exercise its powers and serve S215 notices for the site owners to clean up the site although it would still result in existing businesses being located in the middle of an unused previously developed site. It is acknowledged that there is a fear of crime associated with such a large site however it is the land owners responsibility to secure the site	Moderate	Neutral
22	Biodiversity/ Ecological Enhancements- removal of invasive species	This is a benefit as this will result in a net benefit to biodiversity	The Environment Agency have no powers to require land owners to remove invasive species of this site and as such this is an exceptional circumstance in this these species will be removed from the site which	Moderate	Positive

			is a net biodiversity benefit.		
23	Biodiversity/ Ecological Enhancements- Woodland Management Plan	This is a benefit as this will provide a suitable framework for management of the existing woodland/ biodiversity areas which is considered to contribute to good woodland management and result in a net biodiversity gain	This is not an exceptional circumstance as whilst management of woodland is always considered to be a benefit if the site was left undeveloped the existing ecological assets on the site may have the opportunity to rejuvenate which could also result in a net biodiversity gain.	Moderate	Neutral
	Material Consideration	Concerns		Weight to be afforded (limited/ moderate/ substantial)	Impact in balancing exercise (negative/ neutral/ positive)
DISBENEFITS					
1	Inappropriate development in the Green Belt	The proposals are inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt		Substantial	Negative
2	Impact on openness	It has been concluded that the proposals will impact on the openness of the Green Belt. Substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.		Substantial	Negative
3	Visual impact- primary access point	In the short term the tree/ hedgerow removal to facilitate the primary access point will make this part of the site more visible within the surrounding area		Moderate (in the short term). Limited (in the long term when the replacement planting matures)	Neutral
4	Visual Impact- The new secondary	The proposals involve opening up a new access point in a currently position		Substantial (in	Negative

	access point	which is not open and is effectively screened by the highway planting	the short term). Moderate (in the long term when the replacement planting matures)	
5	Visual Impact- motorway/public vantage points	There are identified sensitive locations within the site from a visual impact perspective which include the northern part of the site and those parts currently visible from the network of footpaths which already exists around the site.	Moderate (in the short term). Limited (in the long term when the replacement planting matures)	Neutral

Appendix 2 Assessment Template

Template for Assessing Green Belt Planning Applications		
Stage	Question	Has this question been answered? Y/N
Stage 1 Proposal	1. Is the development proposal in Green Belt land?	
Stage 2 Inappropriate Development	2. Is the development proposal inappropriate development according to NPPF para 149?	
	3. Is the development proposal inappropriate development according to NPPF para 150?	
Stage 3 Weight of Harm on the Green Belt	4. What are the harms arising from the development proposal on the Green Belt?	
	5. What weight is attributed to harm from the development proposal on the openness of the Green Belt?	
	6. What weight is attributed to harm from the development proposal on the purposes of the Green Belt?	
Stage 4 Other Non-Green Belt Harms	7. Example: What weight is attributed to harm on the character and appearance of the area?	
Stage 5 Other Considerations	8. What are the other considerations for the development proposal?	
	9. What weight is attributed to the other considerations of the development proposal?	
Stage 6 Very Special Circumstances	10. Do very special circumstances exist to clearly outweigh harm to the Green Belt?	

Stage 1 Proposal - Template for Assessing Green Belt Planning Applications	
Planning Application (Reference)	Located in the Green Belt? Y/N

Stage 2 Inappropriate Development – Template for Assessing Green Belt Planning Applications		
<p>National Planning Policy Framework Paragraph 149 states: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are listed in the column below. Note that there are qualifications in relation to the exceptions which should be considered noted in this table.</p>	<p>Does the development proposal meet one (or more) of the types of development in paragraph 149?</p> <p>State ‘Yes’ or ‘No’ and where answering ‘Yes’ provide a description in the rows below.</p> <p>Where the development proposal does not meet one (or more) of the types of development in paragraph 149, provide a summary of the development proposal in the Conclusion section below.</p>	<p>Using the answers provided in the rows below, explain why or why not the development proposal is considered to be inappropriate development in the Green Belt.</p> <p>Where the development proposal does not meet one (or more) of the types of development in paragraph 149, provide a summary of the development proposal in the Conclusion section below.</p>
<p><i>a) buildings for agriculture and forestry;</i></p>		
<p><i>b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;</i></p>		
<p><i>c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;</i></p>		
<p><i>d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;</i></p>		
<p><i>e) limited infilling in villages;</i></p>		
<p><i>f) limited affordable housing for local community needs under policies set out</i></p>		

<p><i>in the development plan (including policies for rural exception sites); and</i></p>		
<p><i>g) limited infilling or the partial or complete redevelopment of previously developed land¹⁸, whether redundant or in continuing use (excluding temporary buildings), which would:</i></p> <ul style="list-style-type: none"> <i>– not have a greater impact on the openness of the Green Belt than the existing development; or</i> <i>– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.</i> 		
<p>Conclusion:</p>		
<p>National Planning Policy Framework Paragraph 150</p>	<p>Does the development proposal meet one (or more) of the types of development in paragraph 150, does it preserve the openness of the Green Belt and not conflict with the purposes of including land within it?</p>	<p>Explain why the development proposal is or is not considered to be inappropriate development in the Green Belt?</p>
<p><i>a) mineral extraction;</i></p>		
<p><i>b) engineering operations;</i></p>		
<p><i>c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;</i></p>		
<p><i>d) the re-use of buildings provided that the buildings are of permanent and substantial construction;</i></p>		

¹⁸ For the definition of Previously Developed Land, refer to the [National Planning Policy Framework, Annex 2: Glossary](#).

<p>e) <i>material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and</i></p>		
<p>f) <i>development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.</i></p>		
<p>Conclusion:</p>		

Stage 3 Green Belt Harm - Template for Assessing Green Belt Planning Applications			
What are the harms arising from the development proposal on the Green Belt?			
Green Belt Harm	Assessment of Harm on the Green Belt	Weight of Harm Limited - Moderate - Substantial	Notes
<i>Impact on openness</i>		Substantial	
Green Belt purposes (NPPF, paragraph 138)	Assessment of Harm on Purposes of the Green Belt	Weight of Harm Limited - Moderate - Substantial	Notes
<i>a) to check the unrestricted sprawl of large built-up areas</i>		Substantial	
<i>b) to prevent neighbouring towns merging into one another</i>		Substantial	
<i>c) to assist in safeguarding the countryside from encroachment</i>		Substantial	
<i>d) to preserve the setting and special character of historic towns</i>		Substantial	
<i>e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.</i>		Substantial	

Stage 4 Non-Green Belt Harm
What are the Non-Green Belt harms arising from the development proposal?

Other Harm	Assessment of Harm	Weight of Harm Limited - Moderate - Substantial	Notes
<i>Examples:</i> <i>Impact on character and appearance of area</i> <i>Biodiversity</i> <i>Harm to designated heritage Asset</i>			

Stage 5 Other Considerations – Template for Assessing Green Belt Planning Applications				
What are the other considerations for the development proposal? (see Table 5.2 above for examples)				
Category	Other Considerations	Assessment of Other Considerations	Weight of Other Considerations <i>Limited - Moderate - Substantial</i>	Notes
<i>Social</i>				
<i>Environmental</i>				
<i>Economic</i>				

Stage 6 Very special circumstances - Template for Assessing Green Belt Planning Applications	
Do very special circumstances exist? Y/N	Explain why very special circumstances do or do not exist.

Appendix 3 Advice for Members on Determining Planning Applications

Good Decision Making

- 8.1 Good decision making is about delivering the aims and objectives of the Local Plan and other Council strategies. Good decision making should also support good quality sustainable development in accordance with the aims of national planning policy.
- 8.2 When making decisions for the benefit of the whole Borough, it is important to take a balanced view and consider the implications for the whole community and a range of views, not just those with the loudest voices. It is also important to avoid being parochial, supporting political factions or individuals and bias. Reasonable decisions should also be:
 - Well considered
 - Sensible and sound
 - Clear and transparent
 - Consistent
 - Evidence based.

Risks of Bad Decision-Making

- 8.3 Bad decision making risks leading to poor quality development or reputational damage for the Council. This could be in terms of professional reputation, or the reputation with the local community or development industry.
- 8.4 Additionally, bad decision making can result in appeals and appeal losses, leading to increased appeal costs, as well as costs applications for unreasonableness. There is also the risk of judicial review, or ombudsman and complaints procedures.

Advice on Making Good Decisions

- 8.5 It is important to always start with planning policy when making a decision. Knowing and understanding relevant Development Plan Documents is essential as set out in legislation: *“have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”* (s. 70 TCPA 1990) and to determine applications in accordance with the development plan unless material considerations indicate otherwise (s. 38(6) of the Planning and Compulsory Purchase Act 2004).
- 8.6 The Development Plan should always be referenced and where decisions may conflict with the Development Plan, these must be clearly justified. Consider carefully what are the relevant material considerations and the appropriate weight they should carry. Additionally, the requirements of the NPPF and sustainable development should be considered. Precedents from other Committee and appeal decisions should be taken into account to ensure consistency.

Approaching Decision Making

- 8.7 Any relevant pecuniary (business) and non-pecuniary (personal or family) interests must be declared in relation to the application.

- 8.8 Maintaining an open mind and avoiding predispositions is key. There should be no predetermination or appearance of predetermination relating to an application, this includes statements declaring support for local residents by voting against the development due to the harm it will cause.
- 8.9 To prepare properly in advance of Planning Committee meetings, it is recommended to:
- Read and understand the Committee report and any relevant representations on the application
 - Provide questions and concerns to officers and the Chair
 - Attend the technical briefing session
 - Consider, rehearse, and test potential conditions / reasons.

Departing from Officer Recommendations

- 8.10 Officers and experts provide expert advice to help make a balanced decision and to ensure reasons are legally sound, enforceable and reasonable. Planning Committee can make a different decision to officers. However, when doing this, the Committee should provide clear, justified planning reasons as to why an alternative decision should be made and should consider how the decision could be defended at appeal, if there is a clear defensible position.
- 8.11 The reasons for a decision should be:
- Accurate.
 - Reasonable = well considered, sensible, sound, clear, transparent, consistent, balanced, evidence based.
 - Unambiguous and easy to understand.
 - Directly related to the development proposal.
 - Supported by Local Plan policies.
 - Related to identified and accepted material considerations.
- 8.12 Departing from Officer recommendations is a risk and should be recognised as such. When departing from Officer recommendations, it is beneficial to work together to test proposed reasons with Officers and available experts. Departing from Officer recommendations should only be done when there is strong confidence in the decision being made and strong assurance that the decision can stand challenge and scrutiny at appeal. The risk should be considered acceptable and the use of Council resources to defend the decision should also be evaluated.