

Explanatory note on Green Belt policy and villages

1. How has the policy changed?

- 1.1 Previous Green Belt policy was contained within Planning Policy Guidance 2 (PPG2). This has been superseded by the National Planning Policy Framework (NPPF), which was published in 2012. Whilst the NPPF broadly represents a continuation of previous policy, there has been a significant change in the policy approach to villages. PPG2 had previously enabled a choice to be made as to whether villages should remain washed over by the Green Belt or whether they should be inset (or removed) from the Green Belt. This is in contrast to the NPPF, which requires all those villages that do not contribute towards the openness of the Green Belt to be inset (paragraph 86, see below). A number of authorities have already chosen to inset their villages under the previous policy although Guildford did not. Given that this flexibility in approach has now been removed, we must consider this requirement as we continue to prepare a new sound Local Plan.

- 1.2 NPPF, paragraph 86 states:

*'If it is necessary to prevent development in a village primarily because of the **important contribution** which the **open character of the village** makes to the **openness of the Green Belt**, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt'.* (emphasis added)

- 1.3 As part of considering this paragraph, it is important to note that there are two aspects to it. The first is to consider whether the village does (or does not) have an open character. The second consideration is whether this open character makes an important contribution to the openness of the Green Belt. It therefore follows that merely fulfilling the first part of the paragraph, and exhibiting a somewhat open character, does not necessarily justify remaining washed over by the Green Belt.

- 1.4 The Redhill Aerodrome Court of Appeal ruling (Redhill Aerodrome Limited v Secretary of State for Communities and Local Government, Tandridge District Council, Reigate and Banstead Borough Council [2014]) has further clarified that except for the insetting requirement, Green Belt policy has broadly remained the same. The relevant paragraph in the ruling states:

*'by contrast with paragraph 86 of the Framework, which **does change the policy approach** to the inclusion of villages within the Green Belt, paragraph 87 emphasises the continuation of previous Green Belt policy (in PPG2) in respect of inappropriate development: "As with previous Green Belt policy."* (emphasis added).

2. What is Green Belt policy?

- 2.1 As the designation of Green Belt is primarily to do with the retention of openness, development in these areas is very restricted. As set out in the NPPF (paragraph 89) the construction of new buildings is inappropriate save for the following exceptions:
- i. buildings for agriculture and forestry;
 - ii. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - iii. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building¹;
 - iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - v. limited infilling in villages², and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - vi. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 2.2 Any development that does not accord with the exceptions listed is required to demonstrate very special circumstances. It goes on to say that *‘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* (paragraph 88). (emphasis added)
- ## 3. What does it mean to be inset?
- 3.1 As set out by the NPPF, those villages that do not make an important contribution to the openness of the Green Belt should be inset. This means that the relevant parts of the village are removed from the Green Belt with a new Green Belt boundary created around them. The NPPF states that Green Belt boundaries should be defensible, namely that they are defined clearly; using physical features that are readily recognisable and likely to be permanent (paragraph 85, bullet 6). This includes features such as woodlands, hedgerows, treebelts, waterways, highways and railway infrastructure.
- 3.2 The restrictions, as set out above, would therefore not apply in these villages given that any new building here would not harm the openness of the Green Belt. Therefore, any extensions and replacement buildings would fall outside the scope of the disproportionate or materially larger tests.
- 3.3 Instead, normal Development Management policies would apply in these areas. This includes policies on matters such as access, design, amenity space, character, heritage, and so on. These policies seek to ensure that any development does not cause any adverse

¹ The original building is defined as that which existed on 1 July 1948 or if there was not a building at that time then the building as originally built after that

² This is discussed in more detail in section 5

harm. In this way, development would still be controlled, however only in relation to those matters for which there might be harm caused.

3.4 It is worth stressing that the decision to inset is based on the contribution that the village, as it stands today, makes to the openness of the Green Belt. This is based on the current built up nature of the village, its relationship to the open Green Belt countryside beyond and the presence of defensible boundaries. It has **not** been based upon whether the village has been identified as having potential development areas around it.

3.5 Instead, the identification of potential development areas around villages is a separate exercise. In accordance with the NPPF (paragraph 84), any site allocations should be directed to those villages that are inset (rather than washed over). The potential development areas are identified on the basis that, should exceptional circumstances warrant extending the Green Belt boundary in order to accommodate growth that could not go elsewhere, development here would not harm the main purposes of the Green Belt. If allocated, the inset boundary would be extended to incorporate the site. It is important to note that not all inset villages will necessarily contain site allocations.

4. What does it mean to remain washed over?

4.1 As set out by the NPPF, those villages that do make an important contribution to the openness of the Green Belt should remain washed over. This means that the whole village will retain its Green Belt designation. In doing so, any planning applications within these villages would need to be considered against national Green Belt policies.

4.2 Development is therefore strictly controlled which helps to ensure that the contribution these villages make to the openness of the Green Belt is maintained rather than slowly eroded over time. In these instances therefore, any extensions and replacement buildings would fall within the scope of the disproportionate and materially larger tests.

4.3 Also appropriate under the list of exceptions limited infilling or complete redevelopment of previously developed land where it would not have a greater impact on the openness of the Green Belt. This represents a broadening of policy to that set out in PPG2, which only allowed this to occur on major developed sites identified in local plans.

5. What does limited infilling in villages mean?

5.1 The draft Local Plan (2014) included two categories of villages; inset and identified. The latter remained washed over by the Green Belt designation however included an identified settlement boundary within which the proposed policy (Policy 9) stated that limited infilling could occur, in accordance with paragraph 89 of the NPPF.

5.2 However, since then there has been a Court of Appeal ruling (Julian Wood v. The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015]) which found that the inspector in that case had misdirected himself by accepting the Local

Plan boundary as being conclusive as to whether or not the site appeared to be in the village. Instead, the inspector was required to consider whether, as a matter of fact on the ground, the site appeared to be in the village.

- 5.3 If the site is considered to be part of the village then national policy enables limited infilling to occur. It is important to note that there are two tests at play. The first being whether the site is within the village and the second being whether the proposal constitutes limited infilling (and is therefore appropriate in Green Belt terms).
- 5.4 This change in interpretation has led us to reconsider our policy on villages and the way in which we address this through the emerging plan. In the first instance, we need to clarify those settlements that we consider to constitute a 'village'. We will principally use the findings of the Settlement Hierarchy³ to define these. This document includes all settlements defined by a Census Output Area. An output area must have a minimum of 100 people and is the lowest level of geography for publishing statistics. The Settlement Hierarchy categorises villages as either a rural service centre, large village, medium village, small village or loose knit village. For the purposes of moving forward, we consider that these settlements constitute a 'village' and will be defined as such in the new Local Plan.
- 5.5 In terms of the extent of the village, we still consider that we should identify a settlement boundary in those villages where the character and nature of the village mean it would be beneficial to do so. This would help give a degree of certainty to both residents and developers regarding the first test (namely whether land is considered to be within the village or not). The decision-maker would still be required to consider the second test, and whether or not the proposal constituted limited infilling.
- 5.6 However, as clarified by the ruling, this boundary would not be definitive and any applications on land outside the boundary would still need to be considered on a case-by-case basis. In these instances, the decision-maker would need to consider whether the site appeared to be in the village, as a matter of fact on the ground, and additionally whether the proposal constituted limited infilling.
6. Next steps
- 6.1 As set out in the timetable included in the approved Local Development Scheme⁴, we expect to undertake consultation on a Regulation 19 pre-submission version of the Local Plan in June – July 2016. As part of this consultation, we will be accepting all comments that we receive, not just those related to the tests of soundness that we will need to demonstrate at examination. It is important to note that we have already received many comments in relation to villages as part of the draft Local Plan consultation. We will be looking at all of these carefully as we as we continue to prepare the new Local Plan and using them to inform the next version as appropriate.

³ www.guildford.gov.uk/settlementhierarchy

⁴ www.guildford.gov.uk/lds

