



BRIEFING PAPER

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Green Belt

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Summary

Government policy on protection for the green belt is set out in chapter 9 of the [National Planning Policy Framework](#) (NPPF). The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF states that the construction of new buildings should be regarded as “inappropriate” for the green belt, although there are some exceptions, which are listed.

The [Government statistics](#) on Green Belt in England in 2014/15 estimated that it covered 1,636,620 hectares, around 13% of the land area of England.

It is for local authorities to define and maintain green belt land in their local areas. The Government expects local planning authorities with green belts to establish green belt boundaries in their Local Plans, which can be altered as part of the plan review process.

Online [Planning Practice Guidance](#) issued by Government in March 2014 aimed to make clear that “unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt”. This was followed up with further changes to planning guidance issued in October 2014.

The previous Government [consulted](#) on the case for changing planning policy and practice guidance to strengthen green belt protection in regard to traveller sites. This was taken on by the current Government when it revised its [Planning Policy for Traveller Sites](#) in August 2015.

From August 2015 the current Government [announced](#) that the Planning Inspectorate would monitor all appeal decisions involving unauthorised development in the Green Belt and that in addition it would consider the recovery of a proportion of relevant appeals in the Green Belt for the Secretary of State’s decision.

A December 2015 [Government consultation](#) proposes to amend green belt policy to allow starter homes to be built in the Green Belt when a site has been identified in a neighbourhood plan and to allow for starter homes to be built on some brownfield sites in the Green Belt.

Research by Glenigan in 2015 found “a sharp increase in the number of houses securing full planning approval in the greenbelt.” According to the research in 2009/10, 2,258 homes were approved in green belt areas. In 2013/2014, the number had risen to 5,607 and in 2014/2015, it was 11,977 homes.

The 2010 Natural England and CPRE report, [Green Belts: A greener future](#), concluded green belt policy was “highly effective” in its principal purpose, but called for “more ambition” to further enhance the green belt protection for future generations. Paul Cheshire, Professor Emeritus of Economic Geography, LSE, [has argued](#) that building on the least attractive and lowest amenity parts of greenbelts could solve housing supply and affordability problems. The [OECD](#) has also criticised the green belt system for being an obstacle to house building.

This note sets out these issues in more detail. It applies to England only.

Separate Library briefing papers, [Planning for Housing](#) and [Stimulating housing supply](#), give more information on housing issues.

1. Purpose of green belt land

According to the Government's [National Planning Policy Framework](#) (NPPF), the green belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.¹

The CPRE (Campaign to Protect Rural England), describes green belts as a buffer between towns, and town and countryside whereby within their boundaries, damaged and derelict land can be improved and nature conservation encouraged.²

¹ Department for Communities and Local Government, [National Planning Policy Framework](#), March 2012, p19

² CPRE website, [Green Belts: breathing spaces for people and nature](#) [on 30 June 2015]

2. Green belt planning policy

It is for local authorities to define and maintain green belt land in their local areas. The Government expects local planning authorities with green belts to establish green belt boundaries in their Local Plans which set the framework for green belt and settlement policy. Green belt boundaries can be altered as part of the Local Plan review process. Local Plans are the plan for the future development of the local area, drawn up by the local planning authority in consultation with the community.³

To find out which land in a particular area is designated as green belt, contact the relevant local planning authority.

In March 2012 the Government replaced a large amount of the planning guidance, including *Planning Policy Guidance 2: Green Belts*, with the [National Planning Policy Framework](#) (NPPF) published on 27 March 2012. The NPPF sets out the Government's planning policies for England and how it expects these to be applied. It contains a presumption in favour of sustainable development, which it defines as having three dimensions: economic, social and environmental. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The policy on protection for the green belt is contained in section 9 of the NPPF, which sets out the fundamental aim of green belt policy:

79. The Government attaches great importance to Green Belts. 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.

The NPPF also states that new green belts should only be established in "exceptional circumstances":

The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions.

It also makes clear that the construction of new buildings should be regarded as "inappropriate" for the green belt, although there are exceptions:

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- 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;

³ Department for Communities and Local Government, [National Planning Policy Framework](#), March 2012

- 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- 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.

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

Renewable energy projects are specifically mentioned as being “inappropriate” for green belt development:

91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

2.1 Green belt in planning practice guidance

In March 2014 the Government published new web-based [Planning Practice Guidance](#) to accompany and give further detail about the policies in the NPPF. This guidance sets out that unmet housing need in a particular area is unlikely to meet the “very special circumstances” test to justify green belt development:

Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.⁴

⁴ Planning Practice Guidance, [Housing and economic land availability assessment, Methodology – Stage 5: Final evidence base](#), 6 March 2014

On 4 October 2014 the former Government announced that it had updated its [online Planning Practice Guidance](#). The aim of this was to reaffirm local authorities' abilities to "safeguard their local area against urban sprawl, and protect the green lungs around towns and cities". The then Government said that it wanted to make planning policy clear that housing need – including for traveller sites – does not justify the harm done to the green belt by inappropriate development. The new guidance reads:

Do housing and economic needs override constraints on the use of land, such as green belt?

The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.

The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as sites of special scientific interest; land designated as green belt, local green space, an area of outstanding natural beauty, heritage coast or within a national park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.

The Framework makes clear that, once established, green belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

Do local planning authorities have to meet in full housing needs identified in needs assessments?

Local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs.

However, assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a strategic housing land availability assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as green belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.⁵

In December 2014 the Planning Minister, Brandon Lewis, wrote to the Chief Executive at the Planning Inspectorate about strategic housing market assessments. This letter set out the relationship between housing figures produced as part of a Strategic Housing Market Assessment and those in a Local Plan and how to take into account constraints such as green belt land:

However, the outcome of a Strategic Housing Market Assessment is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans.

⁵ "Councils must protect our precious green belt land" [Gov.uk](#) 4 October 2014

Councils will need to consider Strategic Housing Market Assessment evidence carefully and take adequate time to consider whether there are environmental and policy constraints, such as Green Belt, which will impact on their overall final housing requirement. They also need to consider whether there are opportunities to co-operate with neighbouring planning authorities to meet needs across housing market areas. Only after these considerations are complete will the council's approach be tested at examination by an Inspector. Clearly each council will need to work through this process to take account of particular local circumstances in responding to Strategic Housing Market Assessments.⁶

There has been some disagreement however, in the specialist planning press, about how far this letter can be seen as compatible with the NPPF. An article from Planning, [Lewis letter 'may slow plans'](#), 9 January 2015, sets out the scope of differing specialist opinion and what this means for green belt reviews. Some commentators have suggested that it would allow some LPAs to resist meeting requirements for housing in their area, whereas others suggest that LPAs will still have to demonstrate how they fully meet objectively assessed housing need.

Ultimately any disagreement about the letter's compatibility with the NPPF and green belt boundaries would be a legal question for a court to determine in the case of dispute.

2.2 Use of Secretary of State "recovery" powers

In a 31 August 2015 [letter](#) to Chief Planning Officers in England, the Government set out its intention to have the Planning Inspectorate monitor appeals involving unauthorised development in the green belt. It also said that the Secretary of State would recover a "proportion of relevant appeals in the green belt:

...the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt to enable the government to assess the implementation of this policy.

In addition we will consider the recovery of a proportion of relevant appeals in the Green Belt for the Secretary of State's decision to enable him to illustrate how he would like his policy to apply in practice. Such appeals will be considered for recovery under the criterion set out in 2008: "There may on occasion be other cases which merit recovery because of the particular circumstances."

After six months we will review the situation to see whether it is delivering our objective of protecting land from intentional unauthorised development.⁷

In a [written ministerial statement](#) on 17 December 2015, the Government announced that it was "particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt." It confirmed that the Planning Inspectorate would monitor all

⁶ Letter from Brandon Lewis to the Chief Executive at the Planning Inspectorate about [strategic housing market assessments](#), 19 December 2014

⁷ Letter from Government to Chief Planning Officers in England, [Green Belt protection and intentional unauthorised development](#), 31 August 2015

appeal decisions involving unauthorised development in the Green Belt and that in addition it would “consider the recovery of a proportion of relevant appeals in the Green Belt for the Secretary of State’s decision”. This policy would apply to all new planning applications and appeals received since 31 August 2015 and the situation would be reviewed after six months to see whether it was delivering the objective of protecting land from intentional unauthorised development.⁸

For information about the Government’s attempt to recover planning appeals relating to traveller sites on green belt land, see section 2.3 below.

2.3 Traveller site issues

In a [written ministerial statement](#) to Parliament on 17 January 2014, Communities and Local Government Minister, Brandon Lewis, said that unmet need for traveller sites and housing was unlikely to justify development in the green belt:

I also noted the Secretary of State’s policy position that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt. The Secretary of State wishes to re-emphasise this policy point to both local planning authorities and planning inspectors as a material consideration in their planning decisions.⁹

Attempt to recover planning appeals relating to traveller sites on green belt land

In a [written ministerial statement](#) on 1 July 2013 the former Secretary of State announced his intention to “recover” planning appeals relating to traveller sites on green belt land for a period of six months. This would mean that the Secretary of State would take the final decision on the appeal, instead of a planning inspector.¹⁰

In a further [written ministerial statement](#) to Parliament on 17 January 2014 it was confirmed that the Secretary of State would continue to consider recovery of appeals involving traveller sites in the green belt.¹¹

The Secretary of State’s decision to recover appeals relating to traveller sites was subsequently challenged in the High Court in the case of [Moore and Coates v SCLG](#) [2015] EWHC 44 (Admin) on 21 January 2015.

The issue before the court was the approach taken by the Secretary of State for Communities and Local Government in relation to his use of recovery powers and that the use of these powers had led to delay in decision making.

In the case it was put forward that although the Secretary of State did not at first seek to recover all such appeals, he was doing so from the

⁸ 17 December 2015 [HCWS423](#)

⁹ [HC Deb 17 Jan 2014 c35WS](#)

¹⁰ [HC Deb 1 July 2013 c24WS](#)

¹¹ [HC Deb 17 Jan 2014 c35WS](#)

latter part of 2013, and did so until September 2014, when he reduced the percentage recovered to 75 per cent. As the great majority of such appeals related to pitches used by particular ethnic communities (Romany gypsies and Irish Travellers), the effect of the practice led to legal challenge.

The claimants contended that the Secretary of State had acted in breach of the provisions of the Equality Act 2010 ("EA 2010"), in a way which had led to unlawful indirect discrimination contrary to section 19 of the Act, and to a breach of the Public Sector Equality Duty imposed on him by section 149 of the Act. The intervener in this case, the Equality and Human Rights Commission (EHRC), also contend that the Secretary of State had acted in breach of Articles 6 (right to a fair trial) and 8 (right to respect for family and private life) of the European Convention of Human Rights ("ECHR").

In his judgement, Mr Justice Glibart found that the challenges based on breaches of the Equality Act 2010 and of Article 6 of the European Convention of Human Rights had succeeded, and in particular that:

"The Article 6 challenge has succeeded because substantial delays have occurred in dealing with the appeals of Mrs Moore and Ms Coates, and with many other cases. In the context of delay, Article 6 of the ECHR does no more than encapsulate the long standing principle of the common law that justice should not be unreasonably delayed, as it was and has been here. The Claimants were and are entitled to have their appeals determined within a reasonable time. The delays they have experienced have also affected those who oppose their appeals."¹²

(...)

What was unlawful was the application of the policies in WMS 1 [written ministerial statement] and WMS 2 in such a way as to recover all traveller's pitch appeals, which, due to the way the practice was approached, amounts to a breach of ss 19 and 149 of the 2010 Act. I have also found that the practice of recovering all appeals, or an arbitrary percentage thereof, was and is unlawful. The effect of the approach of the Secretary of State was also to breach Article 6 so far as Mrs Moore and Ms Coates are concerned.¹³

The judgement made clear that it was the fact that the Secretary of State had decided to recover all appeals in this area and then an arbitrary percentage of them that was unlawful. He made clear that it would *not* be unlawful to continue to recover appeals of "individual cases on their merits":

I have no doubt that the Secretary of State and his Ministers will not seek to carry on a practice which this Court has ruled unlawful. But equally, the Court does not wish to prevent the Secretary of State and his Ministers from being able to exercise their discretion to recover jurisdiction over such appeals as require it. It follows from the terms of this judgment that in the absence of the exercise required by ss 19 and 149 of the 2010 Act, a policy of recovery of all or some other arbitrary percentage is unlawful. But recovery of individual cases on their merits is not

¹² [Moore and Coates v SSCLG](#) [2015] EWHC 44 (Admin) on 21 January 2015, para 173

¹³ [Moore and Coates v SSCLG](#) [2015] EWHC 44 (Admin) on 21 January 2015, para 180

unlawful, and as indicated earlier, a properly considered decision within the parameters of the 2010 Act to recover a number of appeals would also not be unlawful.¹⁴

He also made clear that it would be unlawful for the Secretary of State to continue to recover appeals which were recovered not because of their merits but because they were cases of travellers' pitches. Mr Justice Glibart suggested that a review of cases should be conducted by the Secretary of State to sort out those cases which can be recovered on their merits and which should not actually have been recovered.

In response to the judgement, planning Minister Brandon Lewis, was quoted as saying:

"This government makes no apologies for seeking to safeguard green belt protection and trying to bring a sense of fair play to the planning system. The government's planning policy is clear that both temporary and permanent traveller sites are inappropriate development in the green belt. Today's judgment does not question that principle."¹⁵

An editorial piece in the specialist publication, *Planning*, speculated on the implications of this judgement for recovered appeals in this area:

Some commentators have immediately suggested that the ruling will have implications for all green belt traveller site appeals recovered by the secretary of state since July 2013. Indeed, the judge himself acknowledged that his ruling would "call into question the legality of many other recoveries".

But it is not immediately clear how the government will respond. Experts say that DCLG's decision not to seek leave to appeal the verdict to the Court of Appeal means that the judgement is now established legal authority that can be cited in other cases. However, the DCLG's spokeswoman would say only that the two appeals covered by the High Court ruling would be reconsidered, but declined to comment on how other cases would be treated.¹⁶

A further article in *Planning* set out opinions from a number of different planning professionals on the implications of this judgement.¹⁷

In response to a [written question](#) in the House of Lords on 23 March 2015, the Government confirmed its intention to "de-recover" appeals for traveller developments in the green belt on which a decision had not yet been reached:

This Government continues to attach great importance to safeguarding the Green Belt. It will address concerns about the harm caused when there is unauthorised development of land in advance of obtaining planning permission and there is no opportunity to appropriately limit or mitigate the harm that has already taken place. For these reasons, the Secretary of State for Communities and Local Government will introduce a new planning and recovery policy for the Green Belt early in the new Parliament to strength protection against unauthorised

¹⁴ [Moore and Coates v SSCLG](#) [2015] EWHC 44 (Admin) on 21 January 2015, para 181

¹⁵ Judge raps Pickles for breaching European Convention on Human Rights over traveller appeals" [Planning](#), 21 January 2015

¹⁶ Ministers must act to rectify traveller discrimination, by Richard Garlick", [Planning](#), 23 January 2015

¹⁷ Why Pickles' 'unlawful' intervention could prompt reviews of traveller appeals" [Planning](#), 30 January 2015

development. This new policy will apply to all development within the Green Belt. In the meantime he has also decided to de-recover those cases of appeals for Traveller development in the Green Belt on which a substantive decision has not been reached. These will be remitted back to the Planning Inspectorate and, where appropriate, we will re-assess them in light of the new recovery policy.¹⁸

Green belt and traveller sites policy update

In a [written ministerial statement](#) to Parliament on 17 January 2014, the Government said that it would consider improvements to planning policy and practice guidance to strengthen green belt protection in relation to traveller sites:

Moreover, ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen green belt protection in this regard. We also want to consider the case for changes to the planning definition of 'travellers' to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle. We are open to representations on these matters and will be launching a consultation in due course.¹⁹

A consultation was published on this matter, [Consultation: planning and travellers](#), on 14 September 2014. The current Government responded to this consultation on 31 August 2015, [Planning and travellers: proposed changes to planning policy and guidance: consultation response](#).

In its [Planning Policy for Traveller Sites](#) the Government has now changed the weight which can be given to any absence of a five year supply of permanent sites when deciding planning applications for temporary sites in land designated as Green Belt, sites protected under the Birds and Habitats Directives, sites designated as Sites of Special Scientific Interest, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park or the Broads. The consultation explained, "the absence of an up-to-date five year supply of deliverable sites would therefore no longer be a significant material consideration in favour of the grant of temporary permission for sites in these areas. It would remain a material consideration, but its weight would be a matter for the decision taker."

The Government has also changed planning policy to make clear that (subject to the best interests of the child), unmet need and personal circumstances are unlikely to clearly outweigh harm to the Green Belt, and any other harm so as to establish very special circumstances. This change applies equally to the settled and traveller communities.

For information about other changes made as a result of this consultation see Library briefing paper [Gypsies and travellers: planning provisions](#).

¹⁸ [Travellers: Caravan Sites: Written question - HL5936](#) 23 March 2015

¹⁹ [HC Deb 17 Jan 2014 c35WS](#)

2.4 Waste facilities on green belt land

On 16 October 2014 the then Secretary of State for Communities and Local Government [announced](#) that he had “strengthened the policy on planning for waste facilities such as recycling plants making clear that companies and councils looking to build these should first look for suitable sites and areas on brownfield land.” The new wording changes the previous policy, to mean that councils can now no longer give special consideration to locational needs, or wider economic benefits the site could bring, over other considerations, as justification for building waste facilities on green belt land.

The Government’s [National Planning Policy for Waste](#) was published on 16 October 2014.

2.5 Green belt boundary reviews

Although it is intended that green belt land has a degree of permanence, it is possible for a local planning authority to conduct a review of green belt land and consider redefining boundaries which add or take away green belt land in order to meet local planning requirements. Paragraph 83 of the NPPF sets this out:

Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

The para above sets out that a green belt review should only happen in “exceptional circumstances”. This concept is further elaborated on in para 82 as being “for example when planning for larger scale development such as new settlements or major urban extensions.”

The previous Government encouraged local councils to use existing laws to review and tailor the extent of green belt land in their local areas. As an incentive to use these powers, councils who review green belt land in their local plans will have their local plan examination process prioritised:

The Green Belt is an important protection against urban sprawl, providing a 'green lung' around towns and cities. The Coalition Agreement commits the Government to safeguarding Green Belt and other environmental designations, which they have been in the new National Planning Policy Framework. The Localism Act allows for the abolition of Labour's Regional Spatial Strategies which sought to bulldoze the Green Belt around thirty towns and cities across the country, subject to the Strategic Environmental Assessment process, as outlined in my Statement of 3 September 2012, Official Report, Column 5WS.

As has always been the case, councils can review local designations to promote growth. We encourage councils to use

the flexibilities set out in the National Planning Policy Framework to tailor the extent of Green Belt land in their areas to reflect local circumstances. Where Green Belt is considered in reviewing or drawing up Local Plans, we will support councils to move quickly through the process by prioritising their Local Plan examinations. There is considerable previously developed land in many Green Belt areas, which could be put to more productive use. We encourage Councils to make best use of this land, whilst protecting the openness of the Green Belt in line with the requirements in the National Planning Policy Framework.²⁰

The CPRE criticised this policy for relaxing protection of green belt land:

Paul Miner, senior planning campaigner for the CPRE, said: "This is going directly against the Government's assurance that it would maintain protection for the Green Belt.

"Green belt land is not only important to prevent the spread of urban sprawl into the countryside, it is usually very valuable to local communities for recreation and access to green areas. Green belt land has more public footpaths on it than the countryside as a whole.

"It has to be understood that the Green Belt's boundaries should only be changed exceptionally and this does not appear to be the case for us."²¹

An article in the magazine *Planning* gave Cheshire East Council as an example where there are proposals to swap parts of the existing green belt for new settlements and to designate new green belt elsewhere in the area in its place.²²

In February 2014 there were press reports that a planning inspector had told Reigate and Banstead Borough council that it must release green belt land if it is to be able to adopt its local plan.²³ Following these reports the then Planning Minister Nick Boles [wrote](#) to Sir Michael Pitt, Chief Executive of the Planning Inspectorate to emphasise that it was for the local authority to choose to review its green belt land as part of its local plan process and should not be for the Planning Inspectorate to recommend at examination stage:

It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority.

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose

²⁰ [HC Deb 6 Sep 2012 cc29WS](#)

²¹ "Swathes of green belt land sacrificed" [The Telegraph](#), 24 November 2012

²² "Council proposes green belt land swap" *Planning*, 11 January 2013

²³ "Inspector advises Surrey council to release green belt sites" [Planning](#) 4 February 2014

their words carefully and reflect government policy very clearly in all future reports.²⁴

In the case of *R (on the application of Luton Borough Council) v Central Bedfordshire Council* [2015] EWCA Civ 537, May 2015, the Court of Appeal upheld a decision to grant planning permission for development in the green belt. The Court held that that the National Planning Policy Framework (NPPF) did not create a presumption or requirement that green belt boundaries had first to be altered via the local plan before development could take place in the green belt.

²⁴ Letter from Nick Boles MP Parliamentary Under Secretary of State (Planning) to Sir Michael Pitt, Chief Executive Planning Inspectorate, [Inspectors' Reports on Local Plans](#), 3 March 2014

3. Proposed changes to green belt policy

In its December 2015 [Consultation on proposed changes to national planning policy](#) the Government proposed to amend national planning policy so that neighbourhood plans could allocate “appropriate small-scale sites” in the Green Belt specifically for starter homes, with neighbourhood areas having the discretion to determine the scope of a small-scale site.²⁵

The consultation also proposed to change policy to support the regeneration of previously developed brownfield sites in the Green Belt by allowing them to be developed in the same way as other brownfield land, providing this contributes to the delivery of starter homes, and subject to local consultation. The Government would:

...amend the current policy test in paragraph 89 of the National Planning Policy Framework that prevents development of brownfield land where there is any additional impact on the openness of the Green Belt to give more flexibility and enable suitable, sensitively designed redevelopment to come forward. We would make it clear that development on such land may be considered not inappropriate development where any harm to openness is not substantial.²⁶

The consultation estimated that based on data from the 2010 National Land Use Database, across England there were 500 to 600 hectares of brownfield land in the Green Belt viable for starter homes development and not on open land.

The consultation closes on 22 February 2016.

²⁵ HM Government, [Consultation on proposed changes to national planning policy](#), December 2015, p19-20

²⁶ HM Government, [Consultation on proposed changes to national planning policy](#), December 2015, p20

4. Size of the green belt

In 1979 the total size of the UK green belt was 721,500 hectares.²⁷ To give an indication of scale, the UKAgriculture website illustrates that a hectare is about a third bigger than the New Wembley Stadium pitch.²⁸

In 1997 the figure for green belt in England was 1,649,640 hectares.²⁹

The Government's October 2015 [Local Planning Authority Green Belt: England 2014/15 statistics](#) estimated that the extent of the designated Green Belt in England in 2014/15 was 1,636,620 hectares, around 13% of the land area of England, and that:

- Overall there has been a decrease of 2,000 hectares (around 0.1%) in area of Green Belt between 2013/14 and 2014/15. In 2014/15 eleven authorities adopted new plans which resulted in the decrease in the overall area of Green Belt compared to 2013/14. All figures have been rounded to the nearest 10 hectares.
- The revised 2013/14 Green Belt in England is estimated at 1,638,630 hectares. This is a slight increase of 20 hectares on the 2013/14 Green Belt area estimate of 1,638,610 hectares published in October 2014. This change is due to minor corrections in the areas of 16 local authorities Green Belt boundaries.
- Since these statistics were first compiled for 1997, there has been an increase of 32,000 hectares in the area of Green Belt after taking account of the re-designation of some Green Belt as part of the New Forest National Park in 2005.

The Government's statistics also has an [annex](#) giving tables of:

- area of designated green belt land by local planning authority as at 31 March 2015;
- difference in Green Belt area between 2013/14 and 2014/15; and
- trend in the area of green belt land since 1997.

The Telegraph website has an "[interactive map](#)" of green belt in England dated November 2012.

Statistics on other types of protected land, including Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty and National Parks are set out in the Government's [UK Biodiversity Indicators 2014](#), which shows that the extent of these protected areas is generally increasing.³⁰

²⁷ HC Deb 28 July 1997 c47W

²⁸ UKAgriculture, [Sizes and Scales](#) [downloaded on 30 June 2015]

²⁹ HC Deb 10 December 2008 c138W

³⁰ HM Government, [UK Biodiversity Indicators](#) 2014, Figure C1i

5. Comment and further reading on the green belt

An August 2014, report [Greenbelt under Development](#), by construction industry insight company Glenigan, examined the number of new homes granted planning permission in green belt locations:

Glenigan's analysis shows that a small but growing number of new homes are being granted on green belt locations. In 2013/14, 1.6% of planning approvals for schemes of three or more homes were on the green belt, but the number of new homes involved is growing. As the demand for new homes increases as the economy recovers, so will the potential pressure on the green belt.

This was followed by Glenigan research for the BBC's File on 4 programme in June 2015 which found "a sharp increase in the number of houses securing full planning approval in the greenbelt":

In 2009/10, 2,258 homes were approved. In 2013/2014, the number had risen to 5,607. By the following year, 2014/2015, it had more than doubled to 11,977.³¹

A December 2014 report by the London Society, [Green sprawl Our current affection for a preservation myth?](#), provided a history of the London green belt and offered a view of how the green belt should be considered in the future:

(1) Scale: There is a clear need to reconsider the area at which we plan. Whether through a new framework which reflects London's functional area or an expanded administrative area of the Greater London Authority (over which the Mayor of London has control), a larger scale would have benefits. It would better reflect the existing catchment and enable the type of planning required to consider infrastructure, growth and green belt requirements at the appropriate level. If cross-party support and a Royal Commission are required, as they may well be to secure buy-in, let's acknowledge that and take the idea forward.

(2) Approach: We must explore a joined-up approach to growth which once again twins discussion about the green belt with recognition of the need for development. In doing so, we must dispel the preservation myth that has emerged and recognise that unless actively pursuing a strategy of national spatial rebalancing which directs growth elsewhere in the country, new development will be required in London, including in some parts of the present green belt. Meeting this challenge will require strong, central leadership.³²

In an article in [The Conversation](#), 13 September 2013, Paul Cheshire, Professor Emeritus of Economic Geography, London School of Economics argued that building on the least attractive and lowest amenity parts of greenbelts could help to solve problems of housing

³¹ BBC News, "[Building on greenbelt land has soared over five years](#)" 9 June 2015

³² London Society, [Green sprawl Our current affection for a preservation myth?](#), December 2014, p15-16

supply and housing affordability.³³ See also his LSE blog article [Green belt myth is the driving force behind housing crisis](#), 7 May 2014.

The 2011 the Organisation for Economic Co-operation and Development (OECD) economic survey of the UK criticised policies that restricted housing development, including green belts:

19. The response of housing supply to demand in the United Kingdom has been one of the lowest among OECD countries over the last 20 years. Hence, making the land use planning system more flexible, more predictable and more responsive to market signals, without compromising its social and environmental objectives, is essential. Even though England is a high-density country, especially in the South, there is scope to make more land available for building houses. In particular, Green Belts constitute a major obstacle to development around cities, where housing is often needed. Replacing Green Belts by land-use restrictions that better reflect environmental designations would free up land for housing, while preserving the environment.³⁴

In February 2011, the Institute of Directors proposed a series of measures to stimulate economic growth without cost, including releasing some green belt land for development:

Approximately 90 per cent of the population live on 9 per cent of the land in the UK. Expected population growth means ever increasing pressure for higher urban densities, especially in the South East of England. Surely there is an opportunity here to release a substantial portion of green belt land for development. This could help boost the construction sector and economic recovery in the short term, whilst improving urban congestion in the long term. Greater land release could also lead to lower land and house prices and greater affordability.³⁵

In 2010, Natural England and the CPRE published a report, [Green Belts: A greener future](#) which examined the history of the green belt, its legislative and policy protections, the state of the green belt and how successful the policy had been at protecting land. The report concluded that green belt policy continues to be “highly effective” in its principal purpose:

This report shows that Green Belt policy continues to be highly effective in terms of its principle purposes of preventing urban sprawl and maintaining a clear physical distinction between town and country. Alongside this, fresh evidence has been presented on the benefits which Green Belt land is delivering and how these relate to the ecosystem services they provide. For example, it reveals that Green Belt land has a greater proportion of woodland and a more concentrated range of public access opportunities than other parts of England.³⁶

The report also called for “more ambition” to further enhance the green belt protection for future generations:

Quite separate from the debate about the location of housing growth, this report emphasises the need for multi-functional use

³³ “Greenbelt myth is the driving force behind housing crisis” [The Conversation](#), 13 September 2013

³⁴ OECD, [Economic Survey March 2011 United Kingdom Overview](#), 16 March 2011

³⁵ Institute of Directors, *Freebie growth plan published by IOD*, 7 February 2011

³⁶ Natural England and CPRE, [Green Belts: A greener future](#), 2010,p90

of land, particularly in the face of climate change and population growth. 'Green infrastructure' within and around towns and cities has an important role to play. Green Belt is already making a contribution which could have even a greater significance in the future if it is managed effectively to maximise the benefits that a natural environment can deliver.

The challenge is to find mechanisms and ways to invest in the land that realise its potential. This will involve working across public and private sectors, and across a range of disciplines. The summary document accompanying this evidence report takes this message forward and identifies opportunities to achieve a greener future for Green Belt.³⁷

A CPRE briefing paper from August 2012 sets out areas in the country where planning applications have been submitted for green belt development: [Green Belt: under renewed threat?](#)

In 2010 the historian and Labour MP Tristram Hunt argued that countries without a green belt had done worse:

In America, they chose a different path – and the relentless anywhere-nowhere sprawl of an Atlanta, Phoenix, or Los Angeles is awful to behold as “boomburbs”, “techno-burbs” and retail parks eat ever deeper into the rural hinterland. On the east Coast a vast megalopolis lurches along the seaboard from New York to Washington, taking in New Jersey and Baltimore with it. (...)

And on the Continent, it is heading in the same direction. Even with declining populations, cities along southern France’s Rhone corridor or on the Spanish coast have started to sprawl at worrying rates. In the absence of any green belts, Marseilles and Valencia as well as northern cities such as Helsinki and Copenhagen have expanded outward and not upward. And according to a recent EU report, “there is no apparent slowing in these trends” even as the ecological consequences of low-density suburban living are becoming more obvious.³⁸

³⁷ Natural England and CPRE, [Green Belts: A greener future](#), 2010,p7

³⁸ “Southmouth doesn’t exist. Thank the Green Belt”, *Times*, 28 January 2010

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