

The Green Belt paragraphs 133-147 in the National Planning Policy Framework (NPPF), revised in February 2019, and the Green Belt paragraphs in the Planning Policy Guidance (PPG) revised on 22 July 2019

Introductory Notes from the perspective of OGBN:

For ease of reference by our OGBN member Parish Council members, researchers, journalists, and the general public, OGBN has collected together here the latest versions of the two main sources of guidance which the government has issued as part of its continued policy to protect Green Belts. The National Planning Policy Guidance (NPPF) is regularly revised to take account of the practical experience of applying it and of any changes of emphasis in government policy, and there are already consultations underway with specialist Planners and Planning lawyers to examine the scope for improving even the latest version provided here.

In paragraph 134 the 5 purposes of the Green Belt are unchanged from earlier versions of the NPPF, but it is significant that the interpretation of (b) often includes the situation where a town may be prevented from merging with a nearby much smaller settlement, and of course, (d) applies specifically to Oxford.

In paragraphs 136 and 137 an outline is provided of the meaning of the “exceptional circumstances” which are needed to exist before land in the Green Belt may be removed from it for otherwise inappropriate land use. Many contentious Planning decisions have depended upon an individual Planning Inspector’s assessment of the strength of any “exceptional circumstances” claimed by building developers seeking Planning permission for otherwise inappropriate development in the Green Belt. “Inappropriate development” is defined for the purposes of this NPPF in paragraph 143. Great discretion is exercised by Planning Inspectors to judge whether or not the harm caused by permitting an otherwise inappropriate development in the Green Belt on the basis of “exceptional circumstances” is greater or less than the wider benefit from such a development, and whether redrawing the boundary of the Green Belt to accommodate this is justified. The need for this assessment is explained in paragraph 144, but even further discretion is allowed by the wording there: “ ‘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.” So much might depend on how “clearly” a Planning Inspector perceives these “other considerations”, and this may therefore be challengeable in law.

Paragraph 138 introduces the concept of “sustainable patterns of development” which is still open to very wide interpretation, often dependent on the scope of any Sustainability Appraisal (SA) and the quality of the research carried out to produce a SA. The idea is also introduced here that the environmental quality and accessibility of some protected Green Belt land may be improved by Planning authorities as a means of compensating for the loss of other land taken out of the Green Belt for development. This introduces the idea that the environmental quality of Green Belt land is a valid consideration in addition to its “openness” which has been the essential quality associated with Green Belt land in the earlier versions of the NPPF. However, case law has indicated that almost any development affects the openness of land, and the degree that it affects the openness of the Green Belt in a negative way has therefore become a matter for consideration by Planning Inspectors. In Paragraph 140 it is suggested that the quality of openness as a justification for including a village in the Green Belt should not be used when there exist other valid Planning policies for protecting the special character of a village.

Paragraph 141 is similar to the paragraph 81 in an earlier version of the NPPF, and it is helpful in introducing the idea that Planning Authorities should plan positively to enhance the beneficial use of land in a Green Belt, including to “retain and enhance landscapes, visual amenity and biodiversity”, which by implication would give some parts of the Green Belt an enhanced value beyond its essential openness. The current NPPF does not designate any specific requirements for Green Belt land to help to mitigate the effects of climate change, or to enhance public health, or to enhance biodiversity, although there are beneficial uses of Green Belt land which do currently provide such help.

In paragraph 146, amongst the list of developments which may not be inappropriate in the Green Belt if openness is preserved there, the following exceptions are frequently used for very large scale developments, and an assessment of the efficiency or degree of the preservation of openness which can be assured then becomes a pivotal factor for Local Planning Authorities and Planning Inspectors to make when Planning Applications are considered for :

(a) mineral extraction;

(b) engineering operations;

(c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

In paragraph 147, the NPPF advises that otherwise inappropriate developments for generating renewable energy in the Green Belt may be permitted if “very special circumstances” can be demonstrated, such as the wider environmental benefits of producing energy from renewable sources. In practice, the harm caused to the Green Belt needs to be proven to be very serious in order to successfully object to the location of solar farms and wind turbine farms in the Green Belt.

NPPF Paragraphs 133 to 147 as revised in February 2019:

“13. Protecting Green Belt land

133. 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.

134. Green Belt serves 5 purposes:

(a) to check the unrestricted sprawl of large built-up areas;

(b) to prevent neighbouring towns merging into one another;

(c) to assist in safeguarding the countryside from encroachment;

(d) to preserve the setting and special character of historic towns; and

(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

135. 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. Any proposals for new Green Belts should be set out in strategic policies, which should:

(a) demonstrate why normal planning and development management policies would not be adequate;

- (b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- (c) show what the consequences of the proposal would be for sustainable development;
- (d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
- (e) show how the Green Belt would meet the other objectives of the Framework.

136. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

137. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- (a) makes as much use as possible of suitable brownfield sites and underutilised land;
- (b) optimises the density of development in line with the policies in [chapter 11](#) of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- (c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

139. When defining Green Belt boundaries, plans should:

- (a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- (b) not include land which it is unnecessary to keep permanently open;
- (c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- (d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- (e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and

(f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

140. If it is necessary to restrict 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.

141. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

142. The [National Forest](#) and [Community Forests](#) offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The [National Forest Strategy](#) and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. 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.

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

- (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.

146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These 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 brought forward under a Community Right to Build Order or Neighbourhood Development Order.

147. 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.”

PPG paragraphs affecting Green Belt policy guidance, as revised 22 July 2019

“From: [Ministry of Housing, Communities & Local Government](#) - Contents

1. [What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?](#)
2. [How might plans set out ways in which the impact of removing land from the Green Belt can be offset by compensatory improvements?](#)
3. [How can the strategic policy-making authority ensure that compensatory improvements to the environmental quality and accessibility of the Green Belt will be secured?](#)

1. What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?

Assessing the impact of a proposal on the [openness of the Green Belt](#), where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Paragraph: 001 Reference ID: 64-001-20190722

Revision date: 22 07 2019

2. How might plans set out ways in which the impact of removing land from the Green Belt can be offset by compensatory improvements?

Where it has been demonstrated that it is [necessary to release Green Belt land for development](#), strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:

- new or enhanced [green infrastructure](#);
- woodland planting;

- landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
- [improvements to biodiversity](#), habitat connectivity and natural capital;
- new or enhanced walking and cycle routes; and
- improved access to new, enhanced or existing recreational and playing field provision.

Paragraph: 002 Reference ID: 64-002-20190722

Revision date: 22 07 2019

3. How can the strategic policy-making authority ensure that compensatory improvements to the environmental quality and accessibility of the Green Belt will be secured?

Identifying the scope for compensatory improvements is likely to require early engagement with landowners and other interest groups, once the areas of land necessary for release have been identified. Consideration will need to be given to:

- land ownership, in relation to both land that is proposed to be released for development and that which may be most suitable for compensatory improvements for which contributions may be sought;
- the scope of works that would be needed to implement the identified improvements, such as new public rights of way, land remediation, natural capital enhancement or habitat creation and enhancement, and their implications for [deliverability](#);
- the appropriate use of [conditions](#), [section 106 obligations](#) and the [Community Infrastructure Levy](#), to secure the improvements where possible. Section 106 agreements could be used to secure long-term maintenance of sites.
 - Paragraph: 003 Reference ID: 64-003-20190722
 - Revision date: 22 07 2019
 - Published 22 July 2019”