



Woolf Bond Planning

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Application of NPPF (December 2024) Green Belt Policy

1. Introduction

- 1.1. Since the planning application was submitted the NPPF has been amended. This included a new approach to development within the Green Belt. This included a new category of development that would not be inappropriate development within the Green Belt. This note explores whether the application scheme complies with the new approach to development within the Green Belt as now set out in the NPPF.

2. Appropriate development within the Green Belt?

- 2.1. There are two approaches to this issue. The first relates to NPPF paragraph 155 confirms that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate development where it would utilise grey belt land and meet a number of tests associated with this principle. Accordingly, the following analysis ascertains whether the application scheme meets the new tests set out in paragraphs 155-159. If so, the proposal would not be regarded as inappropriate development, would comply with the Golden Rules which would attract significant weight in favour of the grant of permission, and the principle of the proposal would be supported despite its location within the Green Belt.
- 2.2. In the alternative, on the basis that the proposal was not found to be in compliance with NPPF paragraphs 155-159, the proposal would be 'inappropriate development'. 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, the NPPF is clear that substantial weight should be 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. It is in this context that this statement will examine whether those 'other considerations' represent very special circumstances that clearly outweigh any Green Belt harms and any other harms.

- 2.3. However, the first main point is that the scheme represents grey belt and is not appropriate development such that very special circumstances are not required to be demonstrated.

Grey belt

- 2.4. Since the submission of the planning application, the revised version of the NPPF published (December 2024) includes a number of significant changes most notably in relation to Green Belt and the concept of grey belt. The analysis below set out the application of the new NPPF to the application site and scheme. This confirms that the proposal is now no longer inappropriate development, and that significant weight should be given in favour of the grant of planning permission.

3. Analysis and discussion

- 3.1. Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight shall be given to any harm to the Green Belt, including harm to its openness other than in the case of development on previously developed land or grey belt land where development is not inappropriate.
- 3.2. The principle of inappropriate development in the Green Belt not being approved except in very special circumstances has not changed with the publication of the new NPPF in December 2024, but what is new is the concept of 'grey belt' land, which allows for development not to be regarded as inappropriate if specified conditions are met.
- 3.3. Therefore, consideration now also needs to be given to paragraph 155 of the NPPF 2024 which discusses grey belt land and in effect adds to the list of forms of development that are not inappropriate development within the Green Belt stating:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;**
- b. There is a demonstrable unmet need for the type of development proposed;**
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and**
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”**

- 3.4. As a result, if the proposal complies with the new category of appropriate development (grey belt) within the Green Belt, the need to demonstrate very special circumstances falls away.

Grey Belt

- 3.5. ‘Grey Belt’ land, in accordance with the Annex 2 NPPF provides the definition of grey belt stating:

“Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

- 3.6. The Paragraph 143 Green Belt purposes, as referenced in the Annex 2 definition of Grey Belt, are as follows:

- 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 urban land.

- 3.7. As is clear from the definition, to be considered ‘Grey Belt’ it is necessary that the site “does not strongly contribute to any of purposes (a), (b) or (d) as listed above. The site is now tested against these Green Belt purposes.

Green Belt functions and the application site

- 3.8. It is necessary to assess the proposal against the five purposes of including the site within the Green Belt to ascertain whether it makes a strong contribution to purposes (a), (b) or (d).

Issues of safeguarding the countryside from encroachment and assisting in urban regeneration by encouraging the recycling of derelict and urban land are not relevant for the purposes of a grey belt consideration having regard to the glossary definition but come back into consideration under paragraph 155a where to be a grey belt site the land must not “fundamentally” undermine the Green Belt purposes (taken together) of the remaining Green Belt across the area of the District. Accordingly, all of the Green Belt purposes are reviewed for completeness. This is done below with reference to each of the five Green Belt purposes.

3.9. In summary, the impact of the proposal when viewed holistically in terms of Green Belt openness will be moderate.

3.10. With regard to the five purposes of including land within the Green Belt, these are assessed below.

(a), to check the unrestricted sprawl of large built up areas.

3.11. The site makes a relatively weak contribution to containing outward sprawl given the development will not function as an outward sprawl of the defined large built-up area of Letchworth which lies to the north owing to the fact that the scheme is in part replacement of an existing building; it extends that building by a very small margin in the context of the wider Green Belt; the site is contained by Willian Road to the south, a boundary that will not be breached, whilst further development associated with Willian exists to the south/south east. See below Site Wide Context Plan. As a result, the application site itself and the proposed redevelopment scheme within it will not significantly or fundamental impact on the Green Belt purpose of checking the unrestricted sprawl of a large built up area.



Site Wide Context Plan

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

- 3.12. As evident from the above Site Wide Context Plan, the application site lies on the southern side of Letchworth. The distance and degree of immediate landscape and townscape (built form) containment to the south ensures that the application site will not contribute to the purpose of Letchworth merging with the neighbouring (distant) town of Stevenage. Such a function really exists south of the Willian ('green') landscape compartment: the 'brown' arable land. As a result, the application site and the proposed development on it will not injure the Green Belt purpose of preventing neighbouring towns from merging into one another. The physical as well as perceptible gap between these neighbouring towns will remain and there will be no merging of one into the other.

(c), to assist in safeguarding the countryside from encroachment.

- 3.13. The proposed development will replace an existing building but only marginally encroach onto currently undeveloped land within the application site itself by approximately 12.5m to the south and 6m to the east. Grey belt land can and does consist of greenfield

(undeveloped land) where there will be an inevitable localised encroachment. This is why this purpose is not within the defined category of purposes to be tested to see if the land is grey belt. Nevertheless, under paragraph 155a there is still the test of whether a development would fundamentally undermine the purposes (taken together) of the remaining Green Belt purposes across the area of the plan. In this context the limited degree of encroachment (approximately 12.5m to the south and 6m to the east) and the will define and contained nature of the site means that the proposal will not come close to such a degree of effect (namely “fundamentally undermine”) on the remaining Green Belt across the area of the plan.



Proposed site layout



Wider Site Context

- 3.14. In terms of encroachment the proposal introduces a new building in the form the proposed Care Home where there are currently none. Clearly there will be a degree of very localised site specific encroachment of up to approximately 12.5m to the south and 6m to the east.
- 3.15. The site is well contained visually and physically by the Willian Road and further enclosed by a block of woodland further to the south. (Willian Arboretum). The submitted LVIA confirms that the visual impact of the proposal on the character and appearance of the area is limited. The degree of encroachment will therefore be localised and would reduce over time as the landscaping matures.

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

- 3.16. The site is not located within or adjacent to an historic town and would not therefore affect the setting of one. The site does not make any contribution to this purpose.

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

- 3.17. The existing urban areas within the borough through urban regeneration cannot address the replacement care home scheme as a form of regeneration anyway. In addition, the existing urban areas do not appear to be meeting the identified needs of the Borough, in particular in relation to delivering modern purpose-built care homes. Accordingly, the Green Belt is not serving this purpose in respect of this particular, but important care home need and the need to replace the existing care home at Guysfield.
- 3.18. In conclusion and drawing all these factors together, the proposal would cause some limited localised (site specific) harm to the purposes of including land within the Green Belt by reason of encroachment within the confines of the site itself. However, in order to be grey belt, purpose (c), encroachment, at the site specific level is not a relevant consideration. This must be right as such a consideration would preclude any form of new development within the grey belt categorisation. For example, there are now many cases where planning permissions have been granted on grey belt land comprising undeveloped greenfield sites where clearly there has been encroachment in a site specific localised context. Therefore, the relevant question is whether the site performs a “strong” function in assisting in safeguarding the countryside from encroachment when looking at the “Green Belt across the area of the plan” (district). On any analysis, this site does not perform such a strong role.
- 3.19. The Council's historic Green Belt assessments (2016 and 2018) reviewed very large parcels of Green Belt land, the character and functions of which cannot be related to the PDL site of Guysfield House and the redevelopment scheme proposed through this application.
- 3.20. The above analysis confirms that the application proposal will not therefore strongly contribute to any of the relevant Green Belt purposes (a), (b) or (d), or fundamentally undermine the Green Belt purposes taken together of the remaining Green Belt across the area of the plan and therefore falls within the Annex 2 and 155a definitions of ‘grey belt’. Additionally, there are no policies relating to the areas or assets in footnote 7 for instance the Wilian Conservation area due to the fact that the public benefits flowing from the scheme outweigh any degree of less than substantial harm to the character or appearance of the conservation area. As a result, the proposal is consistent with the heritage asset policies of the NPPF (paragraph 215). Therefore, it is considered that the site constitutes grey belt land whereby, as per paragraph 153, development is not inappropriate.

3.21. New paragraph 155 of the NPPF sets out the tests that determine whether the scheme is appropriate or inappropriate development within the Green Belt, stating:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and

d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”

3.22. Therefore, the delivery of development on this Green Belt (and Grey Belt) site is acceptable, under national Green Belt policy), so long as:

- a) The proposal would not fundamentally undermine the above purposes (taken together) of the wider strategic Green Belt. As set out above, the site does not.

There must be a demonstrable unmet need for the type of development proposed.

We have established that there is a need for the proposed care home in addition to the need to replace the current Guysfield House care home. On either premise, this criterion is met. Two points arise here. Firstly, the Council have published a more up to date Housing Land Supply Assessment dated May 2024 that covers the period April 2024-March 2029. This confirms a 3.9 year supply. Given that it does not include the minimum 5% buffer now obligated by the more recent NPPF (Dec 2024), the correct provision with the 5% buffer added to the requirement is now 6,290 dwellings rather than the 5,990 specified. This equates to 1,258dpa. With the Council’s stated supply of 4,631 this is 1,659 dwellings short resulting in a supply of 3.68 years.

NPPF footnote 56 confirms that the lack of a five-year supply of deliverable housing sites meets the criterion in paragraph 155b. In addition, the planning application demonstrates the unmet need for the care home being proposed on the site.

- b) The location must be sustainable –the site lies in a sustainable location on the edge of Letchworth. Furthermore, the application is replacing an existing care home in situ; and

c) The 'Golden Rules' must be met – see below.

3.23. The Golden Rules, as set out in paragraph 156 - 157, must be met. In summary, these require, for major development proposals:

- A) the provision of affordable housing. C2 care homes do not trigger affordable housing.
- B) delivery of the necessary improvements to local or national infrastructure. This will be secured in this case by the payment of s106 contributions; and
- C) the provision of new, or improvements to existing publicly accessible green space.

The proposed care home accommodates frail elderly residents that do not need or will be able to access green spaces. There are no Public Open Space requirements that arise from the care home development. Nevertheless, the application scheme provides significant landscaped grounds associated with the proposed care home use. These are significantly in excess of open spaces associated with these types of developments. As a result, and applying paragraph 156, the new residents by reason of the nature of the proposed care home do not need access to good quality green spaces within a short walk of their home over and above the generous good quality grounds proposed as part of the development.

3.24. Paragraph 157 relates to affordable housing thresholds and does not apply here.

3.25. Therefore, to conclude, it is clear that the site and scheme constitutes grey belt land and the proposal meets the relevant Golden Rules and is therefore Green Belt development which is not inappropriate.

3.26. As per NPPF paragraph 158, a development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission.

3.27. Finally, in respect of NPPF paragraph 159, the proposal will give rise to improvements to green spaces within the application site associated with the care home scheme to contribute positively to the landscape setting of the development and supporting nature recovery (secured through the comprehensive ecological surveys and mitigation measures including biodiversity net gain outcomes).

- 3.28. Accordingly, the proposal is aligned with the new NPPF Green Belt policy that supersedes local plan policy and now allows what would have previously been considered to be inappropriate development but is now classed as appropriate development that can and should be approved as per NPPF paragraph 158.
- 3.29. Whilst the proposed development would utilise grey belt and that the other tests of NPPF 155 and those of NPPF 156 to 159 are met, if a different view about the grey belt judgment was taken then harm to Green Belt would arise and it would be matter of whether other considerations/Very Special Circumstances tests exist that clearly outweigh any identified harm to the green belt and other harms consistent with NPPF paragraph 153. The originally submitted Planning Statement set out a case for very special circumstances that still apply in the event the grey belt point does not arise.

4. Conclusion

- 4.1. The above analysis confirms that the site and proposal represent grey belt, accords with the Golden Rules and does not comprise inappropriate development within the Green Belt. Consistent with NPPF paragraph 158, a development which complies with the Golden Rules should be given significant weight in favour of the grant of planning permission. As a result, the proposal can be supported without the need to demonstrate very special circumstances.
- 4.2. That said, and as set out in the originally submitted planning statement, very special circumstances arise in the event that the Council found the proposal to represent inappropriate development within the Green Belt.

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