

City of York Council
Examination of the City of York Local Plan
2017 – 2033

Phase 4 Hearings

Matter 6

Development in the Green Belt

SUBMISSION ON BEHALF OF:

Galtres Garden Village Development Company
Ref: SID 620

RESPONSE TO SCHEDULE OF MATTERS, ISSUES
AND QUESTIONS FOR THE EXAMINATION



Chartered Town Planning Consultants

August 2022

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Phase 3 hearings

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MATTER 6 – DEVELOPMENT IN THE GREEN BELT

Introduction

This statement has been prepared on behalf of Galtres Garden Village Development Company (GGVDC) who have submitted representations at all stages of the Emerging Local Plan. That is representations on:

- Local Plan Preferred Sites consultation August 2016
- Local Plan Pre-Publication Draft (regulation 18 Consultation) Sept 2017
- Submission Draft Local Plan May 2018
- Local Plan Proposed Modifications Consultation June 2019:
- Proposed Modifications and Evidence Base Consultation June 2021

The GGVDC refence is SID620

GDDVC also attend the Phase 1 hearings in December 2019 for Matters 1, 2 and 3, and the Phase 2 hearings in May 2022 on Matters 2, 4, 5 and 7

National Policy Context

- (i) The NPPF 2012 sets out the process for local plan preparation and in particular the establishment of Green Belt boundaries. At its heart is the presumption in favour of sustainable development, (para14). One of the principles underpinning plan making is that local planning authorities are tasked to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. For housing, plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area (Para 17).
- (ii) To **boost significantly** the supply of housing (para 47) local Planning Authorities should use their evidence base:
 - to ensure their local plan meets the full objectively assesses needs for market housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;

- identify a supply of specific developable site or broad locations for growth for market and affordable housing and illustrate the expected rate of housing delivery through a housing trajectory for the plan period
- (iii) Local plans should be consistent with the principles and policies set out in the Framework, including the presumption in favour of sustainable development, (para 151). They should be aspirational but realistic and they should address the spatial implications of economic, social and environmental change (para 154).
- (iv) Each LPA should ensure that the Local Plan is based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area, (Para 158). They should have a clear understanding of housing need in their area and should prepare a Strategic Housing Market Assessment to ensure they meet household and population projections and cater for housing demand and the scale of housing supply necessary to meet this demand (Para159).
- (v) The Local Plan submitted for examination should be 'sound', that is. positively prepared; justified; effective and consistent with national policy, (Para 182).

INSPECTORS QUESTIONS

6.1 Does Policy GB1 accord with national policy?

- 6.1.1 No, it does not. Criteria i) to iii) attempt to introduce additional restrictions on development that is not inappropriate development. These additional restrictions 'double up' on some of the criteria already included in paragraph 149 of the NPPF and would introduce restrictions on 'appropriate' development in the Green Belt.
- 6.1.2 For example, the first criteria would introduce a consideration of openness to all development in paragraph 148. But the NPPF is specific about the circumstances in which considerations of openness are particularly relevant, for example 148 b) – the provision of facilities for outdoor sport and recreation and for all the types of development listed in Paragraph 149. Criteria i) of GB 1 would introduce that consideration to all the other forms of development listed in paragraph 148.
- 6.1.3 If the NPPF considered the matters listed in GB1 i) necessary for all the types of development listed in paragraph 148 it would have made that clear.
- 6.1.4 Likewise, the NPPF does not envisage that the requirement in GB1 ii) that development should not conflict with the purposes of including land within the Green Belt should apply to all types of development in paragraph 148
- 6.1.5 The wording of the criteria in bullet point seven of GB1 does not reflect the intention of NPPF paragraph 149 g).
- 6.1.6 The significant inconsistencies between national policy and GB1 can be addressed by completely rewriting and simplifying the policy along the following lines:
- Stating that the primary purpose of the GB around York is to preserve the setting and special character of York;
 - Stating that proposals for development in the Green Belt will be assessed against criteria in paragraphs 147 to 151 of the NPPF and any other relevant policies of the Plan
- 6.1.7 An example of how the simplified policy could look is provided by Policy S6 of the recently adopted Hambleton Local Plan (Appendix 1).

6.2 *Is Policy GB2 a sound approach to development in settlements in (washed over by) the Green Belt?*

6.2.1 Nothing further to add.

6.3 *Does the approach of Policy GB3 to the re-use of buildings an appropriate one?*

6.3.1 Policy GB3 is not entirely appropriate because it seeks to restrict the re-use of buildings beyond the scope of the NPPF without adequate justification.

6.3.2 In criterion ii) the words “...and are capable of conversion without major or complete reconstruction.” are superfluous and should be deleted because that point is covered by criterion iii).

6.3.3 Criterion iv) should be deleted because it introduces new restrictions that go beyond the restrictions set out in the NPPF and go against the generally positive intention of paragraph 150 d).

6.3.4 Criterion vi) should be deleted because it goes well beyond the limits of national policy. Many buildings in the Green Belt will be in countryside and without a defined curtilage. There is no justification put forward in the plan for the requirement for a curtilage.

6.3.5 Criterion vii) should be deleted because it will simply frustrate the intentions of NPPF paragraph 150 d). By their nature many buildings in the Green Belt will be in open countryside and not close to a defined settlement limit. If this was of such importance, it would have been included in the NPPF. Paragraph 80 of the NPPF deals with the issue of isolated homes in the countryside and imposes no such restriction.

6.4 *Is Policy GB4 that deals with exception sites in the Green Belt in accord with national policy?*

6.4.1 Paragraph 78 of the NPPF strikes a positive note in seeking to make provision for affordable housing in rural areas. This positivity is carried through in paragraph 149 f).

6.4.2 However, there are some aspects of policy GB4 that do not accord with national policy and that introduce extra levels of restriction not envisaged by national policy. The following changes are recommended to address the inconsistencies with national policy:

- At criterion i) the words “...as illustrated by an up-to-date housing needs assessment.” Should be deleted.

Reason: NPPF paragraph 78 refers to affordable housing “..to meet identified local needs...”. Producing housing needs assessments can be expensive and time consuming, particularly for small developers or community groups seeking to bring forward a rural exception scheme. Local needs can be identified through means other than an up-to-date housing needs assessment for example by parish councils or housing associations working in the area.

- Criteria iii) and iv) should be deleted from the policy.

Reason: The very purpose of exceptions policy is to provide an element of flexibility in an otherwise restrictive environment. Introducing the criteria set out in GB4 iii) and iv) simply negates that flexibility. The location of rural exception sites is not prescribed in the Framework nor is it prescribed in national Planning Practice Guidance. However, the location of exception sites is subject to the guidance in paragraph 79 which advises that housing should be located where it will enhance or maintain the vitality of local communities. That allows a degree of planning judgement envisaged by the NPPF rather than prescriptive approach of criteria iii) and iv).

- In the last bullet point of the policy the words “...and is based on reasonable land values.” Should be deleted.

Reason: Whether land values are reasonable are not a matter for this policy. The issue of land values is addressed in the national guidance on viability assessment which would govern the viability appraisal required to determine the level of appropriate market housing.

6.4.3 At the Phase 3 Hearings, Matter 1 (Affordable Housing), question 4 asked “*Will the alternative source of supply (in Policy GB4) make any material difference in terms of supply?*”

6.4.4 Our response was that it would not. We are not aware of any such exception schemes since the beginning of the Plan period and data from the York, North Yorkshire and East Riding Strategic Housing partnership indicates that no rural exception sites have been developed in York since 2011 – See Appendix 2.

6.4.5 We suggest that one of the reasons for absence of rural exception sites is the restrictive elements of Policy GB4 to which we are suggesting changes.

6.5 *Does Policy SS2 properly reflect the role of York's Green Belt?*

6.5.1 We have addressed this issue in our response on housing needs and requirement and in our previous submissions on Green Belt (Matter 3) at the Phase 1 hearings. In relation to the final paragraph of the policy we would reiterate our previous submissions to the Examination, that the Plan has not allocated sufficient land to meet development needs during the plan period or for the further five years to 2038.

APPENDIX 1

Hambleton Local Plan Policy S6

S6: York Green Belt

- 3.58 The purpose of this policy is to set out the adoption of the national planning policy for the York Green Belt.

S6: York Green Belt

Within the Green Belt there is a need to maintain strict controls over the types of development which can be permitted. Proposals for development in the Green Belt will be determined in accordance with relevant national policy.

The extent of the York Green Belt is shown on the Policies Map.

Return to front of 'Hambleton Local Plan'

Justification

- 3.59 National green belt policy aims to prevent urban sprawl by keeping land permanently open. Within the green belt inappropriate development, as defined by [National Planning Policy Framework](#), will not be approved except in very special circumstances, in accordance with national policy. A small area in the south of the district is located within the York Green Belt, the primary purpose of which is to preserve the setting and special character of the city. The extent of the green belt in Hambleton has been established through previous development plans. Government policy provides that, once established, green belt boundaries should be altered only in exceptional circumstances. Due to the availability of sites for development outside the green belt designation, the Council does not consider it necessary to review the boundaries of the green belt through this local plan. The extent of the green belt is defined on the policies map.
- 3.60 The policy approach to be taken in considering proposals for development in the green belt is set out in national planning policy. This provides that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. When determining applications the Council will give substantial weight to any harm to the green belt and 'very special circumstances' will not be considered to exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The construction of new buildings will be regarded as inappropriate in the green belt subject to those exceptions set out in national planning policy.

APPENDIX 2

Map showing exception site development in York and North Yorkshire 2011 to
present



Plan showing locations of Rural Exception sites delivered since 2011

Source: York, North Yorkshire and East Yorkshire Strategic Housing Partnership