

# The Green Belt: past, present and future

**Zack Simons**

**17<sup>th</sup> September 2018**

**Parliament Chamber, Inner Temple**

# Origin of the Green Belt



TM on 5.3.18:

*“That’s why the answer to our housing crisis does not lie in tearing up the Green Belt. Barely 13 per cent of this country is covered by such a designation, but it serves a valuable and very specific purpose.*

*[...] the defining characteristic of Green Belt land is not its beauty or its greenness, but its openness. Green Belts exist not to preserve landscapes but to prevent urban sprawl. That is what they were created for in the 1950s and that is the valuable purpose they still serve today.*

*[...]*

*Planning rules already say that Green Belt boundaries should be changed only in “exceptional circumstances”. But too many local authorities and developers have been taking a lax view of what “exceptional” means. They’ve been allocating Green Belt sites for development as an easy option rather than a last resort.”*



# Origin of the Green Belt



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# Origin of the Green Belt



## 1898

- Sir Ebenezer Howard's *"To-morrow: a Peaceful Path to Real Reform"* described Garden Cities as:

*"planned, self-contained, communities surrounded by greenbelts, containing carefully balanced areas of residences, industry, and agriculture"*

## 1935

- Greater London Regional Planning Committee proposed:

*"to provide a reserve supply of public open spaces and of recreational areas and to establish a green belt or girdle of open space"*

# Origin of the Green Belt



**1938**

- Green Belt (London and Home Counties) Act 1938:

*“to make provision for the preservation from industrial or building development of areas of land in and around the administrative county of London to confer powers for that purpose upon the London County Council and certain other authorities and persons and for other purposes... with the object of enhancing the amenities of the administrative county of London and in the interests of the health of the inhabitants of that county”*

# Origin of the Green Belt



## 1944

- Sir Patrick Abercrombie's Great London Plan:

When a reasonable size was decided upon, and a certain margin of choice allowed for *“the green belt should be the final barrier—a fortified urban fence—into which the town should not be allowed to extend”*.

## 1947

- Town and Country Planning Act 1947 required development plans to:

*“define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan”*

# Origin of the Green Belt



1955

- Duncan Sands MP, Minister for Housing and Local Government:

*"I am convinced that, for the well-being of our people and for the preservation of the countryside, we have a clear duty to do all we can to prevent the further unrestricted sprawl of the great cities."*

- Circular 42/55

*"[...] checking the unrestricted sprawl of the built-up areas, and safeguarding the surrounding countryside against further encroachment.*

*The minister is satisfied that the only really effective way to achieve this object is by the formal designation of clearly defined Green Belts around the areas concerned."*



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MINISTRY OF HOUSING AND LOCAL GOVERNMENT  
WHITEHALL, LONDON, S.W.1

SIR,

3rd August, 1955

GREEN BELTS

1. Following upon his statement in the House of Commons on April 26th last (copy attached), I am directed by the Minister of Housing and Local Government to draw your attention to the importance of checking the unrestricted sprawl of the built-up areas, and of safeguarding the surrounding countryside against further encroachment.

2. He is satisfied that the only really effective way to achieve this object is by the formal designation of clearly defined Green Belts around the areas concerned.

3. The Minister accordingly recommends Planning Authorities to consider establishing a Green Belt wherever this is desirable in order:

- (a) to check the further growth of a large built-up area;
- (b) to prevent neighbouring towns from merging into one another; or
- (c) to preserve the special character of a town.

4. Wherever practicable, a Green Belt should be several miles wide, so as to ensure an appreciable rural zone all round the built-up area concerned.

5. Inside a Green Belt, approval should not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture, sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area.

6. Apart from a strictly limited amount of "infilling" or "rounding off" (within boundaries to be defined in Town Maps) existing towns and villages inside a Green Belt should not be allowed to expand further. Even within the urban areas thus defined, every effort should be made to prevent any further building for industrial or commercial purposes; since this, if allowed, would lead to a demand for more labour, which in turn would create a need for the development of additional land for housing.



# Origin of the Green Belt

1988



- PPG2:

*“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness.”*

- PPG2 policy **not fundamentally changed** in NPPF1 : see e.g.
  - *Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government* [2015] P.T.S.R. 274
  - *Turner v Secretary of State for Communities and Local Government* [2017] 2 P. & C.R. 1
- Or in NPPF2.

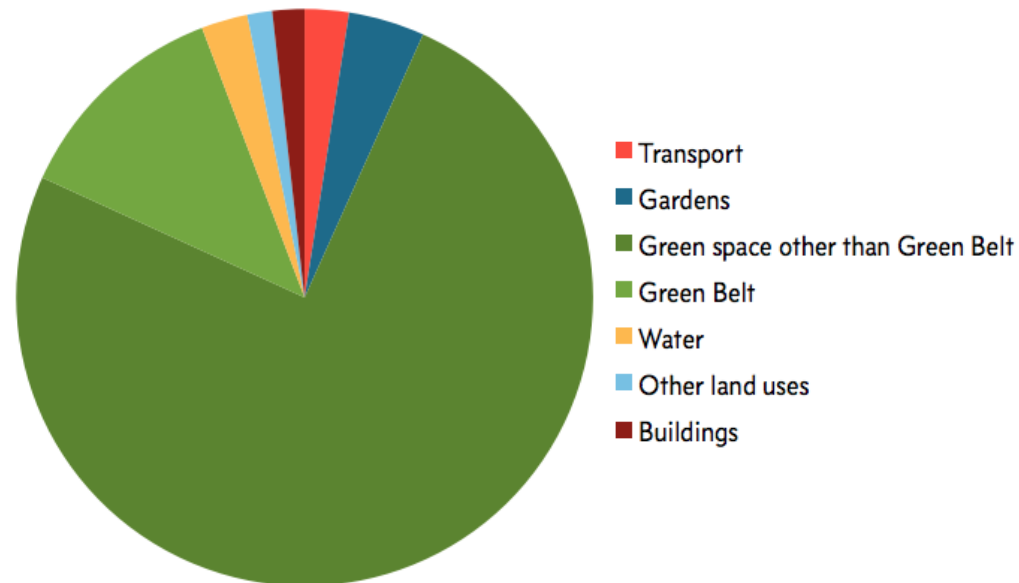
## Green Belt in the Courts

- Extensively litigated as far back as the 1940s
  - *Epsom and Ewell Corporation v Streatham Property Investment Limited* [1949] Ch. 38 (whether putative GB designation should require the Corporation to acquire the land)
- Dozens of cases each year in the High Court in recent years (see subsequent talks)

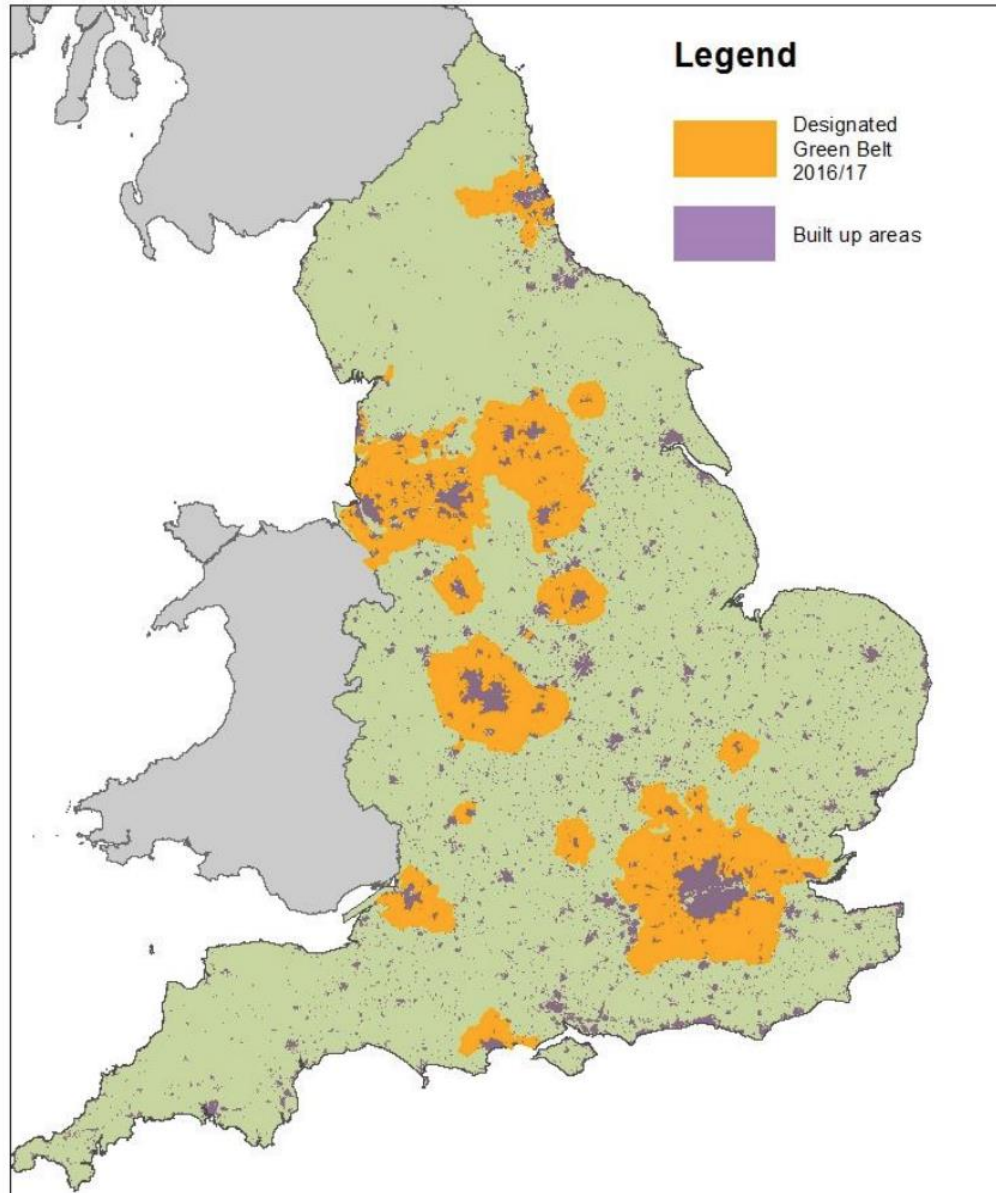
**Green Belt now...**

## Green Belt now

- England:
  - Approx. 13 million Ha.
  - 11% = developed.
- Across UK as a whole:
  - Under 7% = developed (including parks, gardens, allotments and sports pitches).
  - Excluding those – under 3% developed.



# Extent of Green Belt as at 31st March 2017

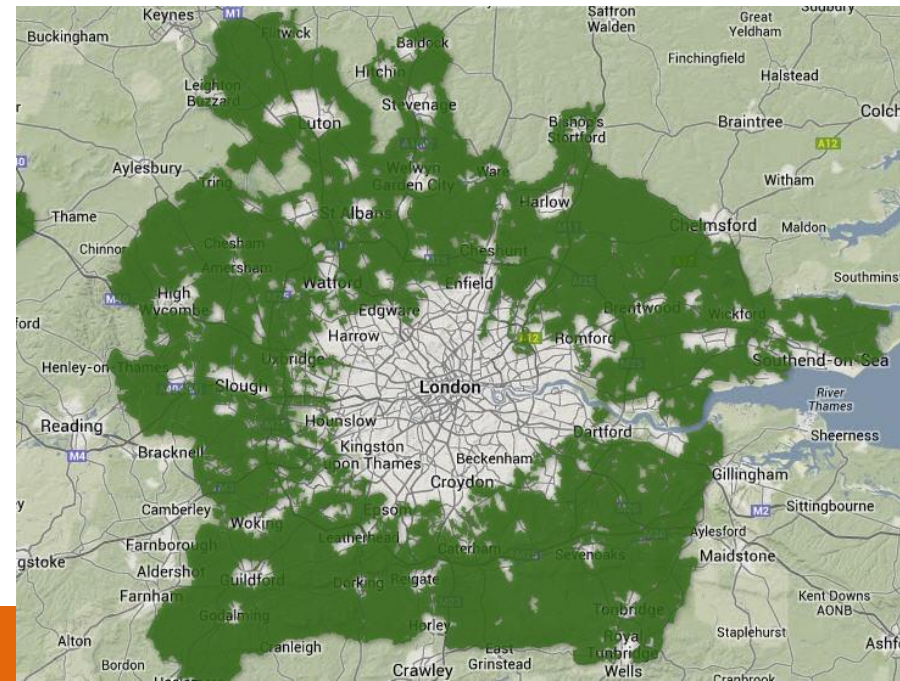


## Green Belt now

- In England:
  - 14 GBs, covering 1.634 million Ha = **13%**.
  - Mostly farmland.
  - About  $\frac{1}{4}$  open to the public.
  - In 2016/17, GB decreased by 790 Ha = 0.05%.
  - CPRE in “State of the Green Belt 2018” report that the rate of the loss of Green Belt is increasing although figures are hotly contested
  - MHCLG figures suggest loss of 0.2% between 2009/10 and 2016/17 (although that is still 4,780 hectares)

## Green Belt now

- Metropolitan GB:
  - c. 516,000 Ha
  - Touches on 68 local authority areas.
  - Three times bigger than Greater London.
  - Larger than Trinidad and Tobago.
  - Twice the size of Luxembourg.



## Particular GB battlegrounds

- The “amenity” function of Green Belt – i.e. whether serving original purpose.
- Leapfrog development
- The benefit of GB in encouraging recycling of previously developed land in urban areas
- The role of GB in housing affordability:
  - Note CPRE’s complaint that new most new housing in the GB is not affordable vs. e.g.
  - Adam Smith Institute’s argument that GB increases social inequality by acting as a wall that confines urban dwellers at increasingly higher densities.



## Particular GB battlegrounds

- Relationship to the housing crisis:
  - Gov target of 300k net additional dwellings.
  - In 2016/17, we built 217,000 net additional dwellings.
  - First time that number exceeded 200k since the 2008 recession.
  - E.g. Adam Smith Institute suggests that removing from GB *“land 10 minutes’ walk of a railway station would allow the development of **1 million more homes** within the Green Belt surrounding London alone”*

## The future

- Continuing controversy + media attention.
- V. consistent national policy. No proposals for reform.
- Continued litigation... see the following talks!





# Landmark

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## CHAMBERS

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