

Dealing with housing need in a Green Belt authority



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Addressing housing need in a Green Belt authority

- How an authority can meet its housing OAN requirements in plan-making context: (a) provide outside GB; (b) provide for need in another authority's area to avoid/minimize GB release; (c) through removal of land from the Green belt; (d) not release GB land and not provide for OAN.
- Issues I'll be dealing with:
 1. Removing Land from the Green Belt: Is housing need sufficient of itself to remove land from the GB?
 2. How have Inspectors justified the removal of land from the GB – has housing need in practice been sufficient? The two-stage process of justification.
 3. What other factors can be used to justify changes to Green Belt boundaries: sustainable locations for development.
 4. Use of another Authority's Land - DtC.
 5. Use of neighbourhood plans as a way of making substantial boundary changes.
 6. Not meeting the OAN?

Removing Land from the Green Belt – housing need alone sufficient?

- *Calverton*: objectively assessed housing need of itself could not logically be sufficient to amount to exceptional circumstances for plan change [50].
- But in *Compton* - accepted that need of itself could be sufficient [72]: “it is simply not necessarily sufficient of itself”: i.e. it may be sufficient depending upon the circumstances.
- But reality is must look at steps in NPPF 137-138 (use brownfield, increase density, DtC discussions) (highlighted in *Compton*); once satisfied those (i.e. ways of meeting housing need), housing need is sufficient. So need will always be considered against these other factors; if not met, not justify release.

In practice.

Examples of need supported by other factors -

- Cheshire East inspector (2017) found that exceptional case for releasing to meet housing need, affordable housing, combined with the adverse consequences for patterns of sustainable development of not doing so; and the lack of alternative options to releasing GB land.
- Guildford (2018): pressing housing need, severe and deteriorating housing affordability, very serious shortfall in the provision of affordable homes, lack of urban area development opportunities
- East Herts (2018): acute housing need and supply of land outside GB constrained and HMA partners not accommodate, seek their own boundary changes; brownfield and urban density explored. Because of lack of access to services and facilities, and lack of access to sustainable transport modes, locating more development outside the GB would not be sustainable.

Cont.

- Barnsley (2018): very significant need, maximising density sought and brownfield land searches undertaken; no scope for neighbouring authorities to meet the needs which in different HMAs;
- Wycombe (2018): every effort had been made to find land outside the GB to meet OAN.
- New Forest DC (2020): exceptional circumstances in need to meet housing requirement and only on strategic sites (1,500 houses) which had limited role in meeting GB purposes. Increases in density would have limited effect; discussions with neighbouring authorities not led to them taking need.
- Cambridge (2018): 2 sites released but only 400 of 14,000 requirement – not able to meet requirement in own boundaries and probably mean development in less sustainable rural locations; given limited amount, benefit outweighed harm of release.

Sustainable Locations

Provision of sustainable forms of development can be sufficient: para. 138, but is secondary to the release of land.

In practice, sustainability has been a factor, e.g.:

- Wyre Examination (2018): release at most sustainable locations and with limited harm.
- Sunderland (2020): exceptional circumstances in order promote sustainable patterns of development. Release of non-GB land instead of GB land would lead to the loss of the identity of settlements, eroding settlement breaks and putting extra burdens on infrastructure.
- East Herts Examination: lack of sustainability if releases not made.

The Two-Stage Approach

General justification followed by specific justification for the particular boundary changes.

In practice:

- South Cambridgeshire DC Examination Report: when assess, visual issues, openness and purposes into account.
- Barnsley; general justification followed by specific site analysis.
- Wycombe, sustainability issues taken into account.

- DTC – 137 NPPF requires discussions for accommodating before release.

In practice, a necessary consideration:

- Endorsed in Hart: Hart taking Surrey Heath BC land, even though Surrey Heath's plan not yet adopted.
- Guildford. Taking Woking's unmet need through headroom (42dpa); Waverley did so as well (83dpa).

Use of Neighbourhood Plans to make substantial amendments to the Green belt boundary

- This has been attempted: Parish Council sought to deal with; in appeal, point raised but I. concerns (Burston Barden Centre [APP/B1930/W/19/3235642]).
- Not able to make: independent examiner must decide whether in accordance with NPPF; NPPF says NPs can only be used to make detailed changes. Justification for release in local plan – setting out pattern and scale of development: paras. [136] and [65].

Authorities not meeting OAN?

Unsurprisingly, a limited number of authorities are taking this approach.

- The NPPF 19, raised bar for not providing needs, in para. 11 compared to para. 14 and 47 of the NPPF 12. – now whether a “strong reason” for not meeting need as opposed to policies “indicating” not meet needs.
- Not many authorities adopting approach of not meeting OAN. Surrey Heath Borough Council is one but plan at preferred options stage.

Thank you for listening

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