

Three Rivers District Council Development Management Policies LDD

Statement in Response to Main Issue: Green Belt

1.0 Whether the policy is soundly based: addresses the relevant planning issues in the District: is properly justified: is likely to be effective in protecting the integrity of the Green Belt: is capable of being monitored: and is consistent with national planning policy.

1.1 QUESTION GB1

1.2 Does Policy DM2 provide adequate, clear guidance on the circumstances in which development might be permitted in the Green Belt?

1.3 Yes.

1.4 Policy DM2 first directs the plan user to national guidance (National Planning Policy Framework) which sets out the type of development that is inappropriate and that which is not inappropriate in the Green Belt.

1.5 Policy DM2 then clearly sets out guidance on the types of development that might be permitted in the Green Belt and includes extensions to buildings, replacement dwellings, re-use and conversion of buildings etc.

1.6 How does it compare with extant policy and how effective has that policy been in practice?

1.7 Policy DM2 re-iterates the extant Green Belt policies GB1-GB11 in the Local Plan (SD14).

1.8 The effectiveness of these policies on protecting the openness of the Green Belt can be measured by looking at the amount and type of development that has been permitted in the Green Belt over past years. No Indicators are considered suitable for monitoring parts of the policy that relate to design. Information obtained from the Annual Monitoring Reports tells us the following:

1.9 In 2011/2012, 7,808sqm new employment floorspace (gross) was completed in the Green Belt, the majority of which was completed at Leavesden Studios which was a major developed site in the Green Belt. 33 new dwellings were completed within the Green Belt. 16 were on the Imperial Machine Company site in Croxley Green which was identified for housing development in the Local Plan, six were replacement dwellings, seven were a result of change of use/conversion of existing buildings, four were built on a former storage yard and one was from demolition of an agricultural building. All but two were on previously developed land.

1.10 In 2010/2011, 38 new dwellings were completed within the Green Belt. 23 were on the Imperial Machine Company site in Croxley Green which was identified for housing development in the Local Plan, 12 were Gypsy and Traveller pitches and three were replacement houses.

1.11 In 2009/10, 4 dwellings were completed in the green belt. One completion was the result of the lifting of an agricultural occupancy condition, and another was through a Certificate of Lawfulness of Existing Development for the use of a garage/store for residential use. One was for the siting of a caravan, and one was from the redevelopment of a toilet block with residential above at the Aquadrome.

2.0 QUESTION GB2

2.1 Does the policy derive directly from Green Belt purposes, as set out in the NPPF?

2.2 Yes.

2.3 The NPPF five purposes are:

- to check the unrestricted sprawl of large built up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

2.4 Policy DM2 provides policy guidance on the size and scale of development that is likely to be acceptable for extensions, replacement dwellings, ancillary buildings, conversions and that extension of residential curtilages will not be supported in order to assist in safeguarding the Green Belt from encroachment and to preserve the setting and special character of the District's historic environment.

2.5 The Spatial Strategy, Place Shaping Policies and Housing policies of the adopted Core Strategy sets out that new development will be directed to previously developed land and appropriate infilling opportunities within the existing urban areas of the District in order maintain the general extent of the Green Belt with the acknowledgement that some future development will have to take place in the Green Belt at the edge of existing settlements.

2.6 Does it place sufficient emphasis on safeguarding the openness of the Green Belt?

2.7 This was a concern raised by the Inspector in his letter of the 15 January 2013 in response to which we have already proposed additional modifications. Our response is repeated below:

2.8 Policy DM2 is principally concerned with protecting the openness of the Green Belt. The term 'not be prominent in the landscape' is a term that is used in the current Local Plan (1996 – 2011) to describe how development should not affect the openness of the Green Belt. This terminology was replicated in Policy DM2 for consistency and it is intended to refer to the prominence of development in relation to the setting of the building, not to detailed design or landscape considerations. It is Policy CP11: Green Belt of the adopted Core Strategy, referred to in the Policy Link table that states:

'There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.'

2.9 In addition, paragraph 4.7 of the supporting text also states that development should be 'of a scale and design that do not impact on the openness and rural character of the Green Belt.'

2.10 Policy DM2 builds on the Core Strategy Policy and, together with the Green Belt SPG provides guidance on the following development to ensure that development and design of development is not prominent in the landscape and therefore preserves the openness of the Green Belt:

- New Buildings
- Extensions to Buildings
- Replacement Dwellings
- Ancillary Buildings
- Extensions to Residential Curtilages and
- Re-use and Conversions of Buildings in the Green Belt.

2.11 We are of the opinion that Policy CP11 of the Core Strategy, Policy DM2 and the Green Belt SPG provide detailed guidance for the plan user and will be effective in preserving the openness of the Green Belt. This will be enhanced further by the forthcoming Design SPD. However, in order to address the concerns we proposed the following reference to Policy CP11 in paragraph 4.6 of the supporting text and changes to paragraph b) and d) of Policy DM2:

Paragraph 4.6

Green Belt covers 77% of the area of Three Rivers and this contributes to the character of the District as a whole and its desirability as a place to live and work. Protecting its openness is set out in policy CP11 of the ~~as Strategic Objective 1 in the Council's Core Strategy.~~

Paragraph b) Extensions to Buildings

Extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.

Paragraph d) Ancillary Buildings

i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt ~~be prominent in the landscape~~

3.0 QUESTION GB3

3.1 How does the Policy relate to the Core Strategy and to the emerging Site Allocations LDD? Should it cover how sites allocated in the latter should be developed? If so, does it provide appropriate clear guidance?

3.2 The Core Strategy seeks to regulate development within the Green Belt in order to maintain the existing settlement pattern and to concentrate development in the main settlements. Policy DM2 expands on Policy CP11 Green Belt of the Core Strategy, which states that the Council will maintain the general extent of the Green Belt in the District and that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, by providing adequate and clear guidance on the circumstances in which development might be permitted in the Green Belt.

3.3 The Site Allocations LDD provides the principle that a suitable form of development can be located on a particular site. Planning applications for sites allocated in the SALDD will be assessed against the policies in this document and those of the Core Strategy. It is

not intended that this document should cover how sites in the SALDD should be developed.

4.0 QUESTION GB4

4.1 Does it provide adequate and appropriate guidance on types of development that may or may not be appropriate in the Green Belt, notably extensions and replacement of dwellings? Should terms used under these categories be defined?

4.2 Yes.

4.3 This was a concern raised by the Inspector in his letter of the 15 January 2013 in response to which we have already proposed additional modifications. Our response is repeated below:

4.4 The Green Belt SPG (adopted 2003) (SD35), which is listed in the Further Guidance table, sets out detailed guidance for the plan user. It is intended that this guidance continues to be used until it is incorporated into the forthcoming Design SPD.

4.5 This document provides details of what would constitute 'disproportionate' and 'the original building' in paragraph b), 'materially exceed' and the derivation of the figure 110sqm in paragraph c).

4.6 For clarity purposes we propose the following additional modification to paragraph 4.7:

Further guidance relating to floorspace and other factors that the Council will take into account in the consideration of householder developments in particular is provided in the [adopted Green Belt SPG](#). [This guidance](#) will be [incorporated](#) ~~provided in~~ [into](#) the forthcoming Design SPD.

5.0 QUESTION GB5

5.1 Do ancillary buildings and extensions to curtilages justify specific policy consideration? If so, is this appropriate?

5.2 Yes.

5.3 Proposals for new buildings such as garages or stables intended for use ancillary to an existing dwelling may affect the openness or visual amenity of the Green Belt. With 77% of the District being located within the Green Belt, we receive applications for ancillary buildings on a regular basis. Where ancillary buildings require planning permission policy DM2 seeks to maintain the openness and visual amenity of the Green Belt.

5.4 We received 19 applications for ancillary buildings between 1 April 2011 and 31 March 2012.

5.5 We have also had applications to extend residential curtilages (April 2011-March 2012) and several instances across the District where residents have extended their garden boundaries into open spaces in the Green Belt which if allowed to go unchecked will have a detrimental affect on the openness of the Green Belt.

6.0 QUESTION GB6

6.1 Is the policy approach to agricultural workers dwellings in the Green Belt appropriate? Is the relationship between Policy DM2 and Appendix 3 sufficiently clear?

6.2 This was a concern raised by the Inspector in his letter of the 15 January 2013 in response to which we have already proposed additional modifications. Our response is repeated below:

6.3 It is not the intention to imply that agricultural 'dwellings' are appropriate in the Green Belt. As stated above, there may be occasions where the Council grant planning permission in 'very special circumstances'. As a rural authority we have received applications for occupational dwellings in the Green Belt (there are no countryside locations outside the Green Belt in Three Rivers) and have previously followed the advice in Annex A of PPS7 in assessing the need for such dwellings.

6.4 With the revocation of PPS7 we have reproduced this advice in Appendix 3 and wording in Paragraph (a) was intended to link Appendix 3 to the policy as Three Rivers has no countryside locations outside of the Green Belt. In light of concerns we proposed the following changes to Paragraph (a) and Appendix 3, paragraph 3: (NB Includes other proposed changes already put forward). We proposed no changes to paragraph 16 as stated earlier, there are no countryside locations outside the Green Belt in Three Rivers).

a) New Buildings

Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those detailed specified in national policy and other relevant guidance. ~~With regards to new dwellings for agricultural and/or forestry use applicants must demonstrate compliance to the tests detailed in Appendix 3. Further guidance on the factors that will be considered in assessing applications for agricultural or forestry buildings in the Green Belt is contained in Appendix 3. Where sites are allocated for development in the Site Allocations LDD, this may represent very special circumstances.~~

Appendix 3

APPENDIX 3: AGRICULTURAL AND FORESTRY DWELLINGS BUILDINGS

3. It is essential that all applications for planning permission for new dwellings in the Green Belt are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) ~~the concession that the planning system makes for such dwellings~~. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

7.0 QUESTION GB7

7.1 Should specific reference be made to renewable energy developments in the Green Belt?

7.2 No.

7.3 Paragraph 91 of the NPPF states:

'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.'

7.4 There may be occasions where the Council grant planning permission in 'very special circumstances' and as paragraphs 4.2 and 4.3 of the supporting text and the NPPF sets out the balance which may lead to a judgement that very special circumstances exist we do not think it necessary to make specific reference to renewable energy developments in the policy.

8.0 QUESTION GB8

8.1 Are the proposed monitoring indicators sufficient, appropriate and likely to be effective?

8.2 Yes

8.3 Appendix 1 refers the plan user to the Monitoring Framework of the Core Strategy and the Indicators for Policy CP11 which are to monitor the number of new dwellings and new employment floor space in the Green Belt. These indicators are considered sufficient and appropriate in measuring the effectiveness of Policy DM2 in protecting the openness of the Green Belt.