



We care for the Chilterns

Oliver Heald MP - Nth East Hertfordshire
House of Commons
London
SW1A 0AA

March 2015

Dear Mr Heald

Further to my earlier letter, sending you a copy of my letter to Eric Pickles, I have now received a reply to this letter from Brandon Lewis and I enclose a copy of that reply, and of my letter. You will see that this emphasises the recently updated Guidelines, designed to protect the Green Belt, and confirms that, having first assessed housing need, then, in assessing housing availability, rather than housing needs, the Local Authority concerned should establish realistic assumptions and, in so doing, take account of constraints, such as the Green Belt, which may constrain the ability to meet those needs and call for that development to be restricted. It makes it clear that the framework and guidelines are to be interpreted locally, bearing in mind, in particular, that the Secretary of State has also confirmed that the single issue of unmet demand for housing would be unlikely to outweigh the harm to Green Belt, so as to constitute the very special circumstances otherwise needed to justify development within the Green Belt

This letter therefore not only confirms that these decisions are to be locally made and applied, but emphasises the need to protect and maintain the Green Belt, as against the issue of otherwise unmet housing demand. It would be appreciated therefore if you would, in turn, write to your Local Authority and add your weight in supporting and upholding the protection of the Green Belt

Regards

A handwritten signature in blue ink that reads "PP Jepson".

Michael Jepson
Chairman Planning Group

The Chiltern Society, White Hill Centre, White Hill, Chesham, Bucks. HP5 1AG
01494 771250 office@chilternsociety.org.uk www.chilternsociety.org.uk

Chiltern Society

We care for the Chilterns

The Rt Hon Eric Pickles MP
Secretary of State
Department of Communities and Local Government
2 Marsham Street
London
SW1P 4 DF

13 January 2015

Dear Secretary of State,

I am writing on behalf of the Chiltern Society to ask you to clarify issues surrounding housing need and the protection of Green Belt which, following your most recent guidance, are causing some confusion among our membership and local authorities in the Chilterns.

National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance call upon local authorities to assess housing need in their area. This is based on criteria which bear no relation to the council's ability to fulfil that need. It does not require local authorities to consider if the need can be met from land available for development, including brown field sites, leaving some local authorities to consider encroaching on Green Belt in order to fulfil the assessed need.

The latest Guidance published in October 2014 says that assessing housing need is the first stage in developing a Local Plan. Local authorities should "take account of any constraints such as Green Belt, which indicate that development should be restricted and which may **restrain the ability of an authority to meet its need.**"

Further, the Guidance continues..."Unmet housing need...is **unlikely to constitute the very special circumstances justifying...development...within the Green Belt.**" In addition, paragraph 74 of the NPPF states..."very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness...is **clearly** outweighed by other considerations."

To us, these updated guidelines can be read as indicating a clear change of emphasis by the Government, strengthening Green Belt protection.

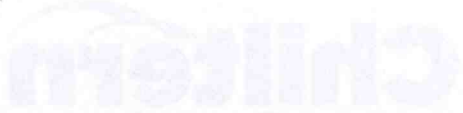
Indeed, the Guidance now seems to indicate that if a local authority is unable to meet its assessed housing needs, including any requirements of adjoining authorities, without impinging on Green Belt then it should be able to reduce the housing numbers and targets as previously assessed.

I appreciate that a pre-Christmas statement by the Minister of State for Housing and Planning has confirmed that Green Belt and other constraints can be a legitimate reason for setting housing targets below objectively assessed need, but guidance is still lacking as to how local planning authorities are to balance these competing priorities.

I would be grateful if you could clarify the interpretation and intention of this new Guidance, and issue specific directions to local authorities, as it is our experience that there is now confusion on the issue.

The Chiltern Society, White Hill Centre, White Hill, Chesham, Bucks. HP5 1AG
01494 771250 office@chilternsociety.org.uk www.chilternsociety.org.uk

Cont...



Furthermore, could I request on behalf of the society that the Government states that it will support a local authority that has to reduce its housing target if it can clearly show that such a target cannot be met without impinging on Green Belt.

It would be appreciated if you could also indicate that local authorities currently preparing Local Plans that impose on Green Belt in order to meet perceived housing need, would have your support if they review their Local Plan in order to comply with this clarification.

You should be aware that these issues are of paramount importance and concern to the Chiltern Society, a charity with nearly 7,000 members in the counties of Bedfordshire, Hertfordshire, Buckinghamshire and south Oxfordshire. Our members work hard on a practical level to protect and enhance not only the Chilterns Area of Outstanding Natural Beauty but many areas of precious countryside within the Chilterns and they believe that Green Belt should be afforded the highest possible protection. I would be grateful if you were able to give this correspondence your urgent attention.

Yours faithfully

Michael Jepson
Chairman
Planning Group
Chiltern Society



**Department for
Communities and
Local Government**

Michael Jepson
The Chiltern Society
White Hill Centre
White Hill
Chesham
Buckinghamshire
HP5 1AG

Brandon Lewis MP
Minister of State for Housing and Planning

**Department for Communities and Local
Government**

Fry Building
2 Marsham Street
London
SW1P 4DF

Tel: 0303 444 3430
E-Mail: brandon.lewis@communities.gsi.gov.uk

www.gov.uk/dclg

Our Ref: 700098

23 FEB 2015

Dear Michael

Thank you for your letter of 13 January to the Rt Hon Eric Pickles MP, on behalf of the Chiltern Society, about our planning guidance. I am replying as Minister for Housing and Planning and please accept my apologies for the delay in responding.

There has been no change to our policy on the strong protection of Green Belt, which remains as set out in 2012 in the National Planning Policy Framework. Green Belt policy in the Framework states that permanence is an essential characteristic of Green Belt, and that a Green Belt boundary should be altered only in exceptional circumstances, using the Local Plan process to consult on the proposed change, followed by independent examination of the revised Plan. However, we felt that it would be useful to draw the attention of local authorities to the full wording of paragraph 14 of the Framework, including its footnote which mentions Green Belt and other land with protective designations.

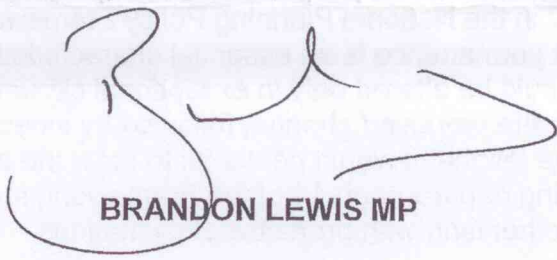
Accordingly, we issued additional guidance to help local authorities allocate land appropriately in Local Plans. This was text under the heading 'Housing and economic land availability assessment - Methodology - Stage 5: Final evidence base', inserted into the existing planning guidance and available alongside the Framework on the gov.uk website at http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/stage-5-final-evidence-base/#paragraph_044. The new guidance underlines the importance of the Green Belt protections set out in the Framework, and reminds local authorities that, in planning to meet local housing and other development needs, they must have due regard to national policies indicating that development should be restricted.

On the question whether local authorities have to meet in full the housing needs they have identified in their housing need assessments, the guidance says that local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs. However, that is just the first stage in developing a Local Plan. Once need has been assessed, the authority should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified housing needs over the Plan period, and in so doing take account of any constraints, such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.

Scanned to MJ & DH
26/2/15.

Your letter refers to 'unmet housing need' and 'very special circumstances'. I should perhaps make clear that the words you partly quote relate to the planning application context, not to Plan-making. If a local planning authority receives a proposal to carry out inappropriate development in Green Belt, the authority has to assess and weigh any harms to the Green Belt that might be caused, and whether (in the case in question) 'very special circumstances' exist which could justify planning permission. Each planning case has unique facts and context, and has to be determined on its own merits. It is for the decision-makers to determine whether particular facts or circumstances in a case amount to 'very special circumstances'. However, in a Written Ministerial Statement of 1 July 2013, it was made clear that, though each case will depend on its facts, the Secretary of State considers that the single issue of unmet demand for housing alone would be unlikely to outweigh the harm to the Green Belt so as to constitute very special circumstances.

The Framework was drafted so that it could be locally interpreted and applied, and I am therefore not able to provide guidance beyond that which was issued in October. Nevertheless, may I convey to the Chiltern Society my appreciation of its members' care and active concern for the landscape. I hope that the additional guidance issued in October will be of some help if the Society has to make representations to local councils about Local Plan proposals that may involve land in Green Belt or Areas of Outstanding Natural Beauty.



BRANDON LEWIS MP