

Vale of the White Horse Local Plan 2031: Examination Stage 2

Matter 5: Proposed Revision of Green Belt Boundaries

Written Response from Dr Nicholas Perkins

Once established, Green Belt boundaries should only be altered in exceptional circumstances

This response is supplementary to my initial response to the Vale of the White Horse Council's consultation. Unfortunately that response was lost by the Council and so not included in the group of responses sent to the Inspector. It is not known whether or how many other responses were mislaid by the Council.

I will not go back over the detail of my initial response to the proposed revision of Green Belt Boundaries. I argued that the Vale has made no case that its proposed revisions satisfy the requirement for there to be 'exceptional circumstances' justifying revisions to the Green Belt. By merely repeating its assertion that it has to meet the upper limit of the range of house-building scenarios envisaged by the SHMA, it has effectively decided to rely on bluster, rather than actual argument or legal process, since the Government has made clear that simply filling a housing allocation does not constitute the exceptional circumstances required.

Some important detailed arguments about specific sites are made in, for example, the submission by the group Keep Cumnor Green, which relate to the area that I know best, around Cumnor, and I support their case.

Here I wish to draw the Inspector's attention to a High Court judgement that I think underlines the very high bar set by planning legislation if Green Belt boundaries are to be changed. It is available in full at this URL:

https://www.horsham.gov.uk/_data/assets/pdf_file/0015/14532/REP-617357-001-Matter-6-Appendix-2-Gallagher-Estates-Lioncourt-Homs-v-Solihull-MBC.pdf

Case No: CO/17668/2013

Neutral Citation Number: [2014] EWHC 1283 (Admin)

In the High Court of Justice Queen's Bench Division Planning Court in Birmingham
30/04/2014

Before: MR JUSTICE HICKINBOTTOM

Between: GALLAGHER HOMES LIMITED LIONCOURT HOMES LIMITED
- and - SOLIHULL METROPOLITAN BOROUGH COUNCIL

Hearing dates: 14-15 April 2014

This case involved the Council's attempt to allocate land to the Green Belt. The judgement went against the Council, partly because it had relied on pre-NPPF data and housing assumptions when assessing housing need, rather than a recent 'objectively assessed' estimate of need. Leaving aside the Vale's own SHMA and the

serious failings in its methodology and reliability, which undermine its claims to be an ‘objectively assessed’ need; and the fact that the Vale has ignored any counter-balancing pressures at stake in its area, the part of the judgement that is relevant to matter 5 in the current inspection comes here:

Para 125 (ii) a

However, it is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary. National guidance has always dealt with revisions of the Green Belt in the context of reviews of local plans (e.g. paragraph 2.7 of PPG2: paragraph 83 above), and has always required “exceptional circumstances” to justify a revision. The NPPF makes no change to this.

Para 132

A prime character of Green Belts is their ability to endure through changes of such policies. For the reasons set out in ‘Carpets of Worth’ [*previous case cited as a precedent*] (at page 346 per Purchas LJ) it is important that a proposal to extend a Green Belt is subject to the same, stringent regime as a proposal to diminish it, because whichever way the boundary is altered “there must be serious prejudice one way or the other to the parties involved”.

It is clear from this recent legal judgement that the mere fact of preparing a local plan does not constitute the exceptional circumstances required for altering Green Belt boundaries. It is a necessary, but not a sufficient, cause. The Vale has made no case that its proposals should break the very strong protection that the NPPF puts in place to safeguard the Green Belt. In fact, housing pressure is almost by definition not an ‘exceptional’ circumstance justifying damage to the Green Belt: it was the very reason for the Green Belt to be put in place. It is therefore exactly the *predictable* circumstance of short-term commercial and political pressures that Green Belts are designed to resist for the long-term benefit of the community. An attempt to change the boundaries here in the way that the Vale is proposing, without even any safeguards that Green Belt areas would be a last resort, would be a direct attack on the letter and spirit of the NPPF, but would also be wide open to legal challenge for the reasons set out in the court judgement above.

For these and many other reasons already submitted, I urge the Inspector to reject the Vale’s plan to damage the integrity of Oxford’s Green Belt.