

Open Letter from Susan Parker - GGG to Cllr. Juneja

4th April 2014

Dear Councillor

I feel I need to write to express my view on some specific advice you were given by the planning department yesterday evening, since I was not permitted to express this view in the council chamber.

St Albans

It was stated yesterday evening that the St Albans (Hunston) decision only relates to a specific planning decision.

This is correct, but its interpretation of the law relates also to local plans. So that you can read the Appeal Court decision in full and form your own view, I am sending this to you again.

See in particular paragraph 6 (my highlighting):

"6. There is no doubt, that in proceeding their local plans, local planning authorities are required to ensure that the "full objectively assessed needs" for housing are to be met, "as far as is consistent with the policies set out in this Framework". Those policies include the protection of Green Belt land. Indeed, a whole section of the Framework, Section 9, is devoted to that topic, a section which begins by saying "The Government attaches great importance to Green Belts": Paragraph 79. The Framework seems to envisage some review in detail of Green Belt boundaries through the new Local Plan process, but states that "the general extent of Green Belts across the country is already established." It seems clear, and is not in dispute in this appeal, that such a Local Plan could properly fall short of meeting the "full objectively assessed needs" for housing in its area because of the conflict which would otherwise arise with policies

on the Green Belt or indeed on other designations hostile to development, such as those on Areas of Outstanding Natural Beauty or National Parks. What is likely to be significant in the preparation of this Local Plan for the district of St Albans is that virtually all the undeveloped land in the district outside the built up areas forms part of the Metropolitan Green Belt."

Further I would note that paragraphs 27-33 are relevant, especially paragraph 29, which notes that the objectively assessed housing need is what should be considered, but that this should be considered in the context of the geographical area:

"29. But there may be other factors as well. One of those is the planning context in which that shortfall is to be seen. The context may be that the district in question is subject on a considerable scale to policies protecting much or most of the undeveloped land from development except in exceptional or very special circumstances, whether because such land is an Area of Outstanding Natural Beauty, National Park or Green Belt. If that is the case, then it may be wholly unsurprising that there is not a five year supply of housing land when measured simply against the unvarnished figures of household projections. A decision-maker would then be entitled to conclude, if such were the planning judgment, that some degree of shortfall in housing land supply, as measured simply by household formation rates, was inevitable. That may well affect the weight to be attached to the shortfall."

As a result I think that the assertion made by Carol Humphrey (Head of Planning Services) that St Albans has no relevance in the context of the Local Plan is not correct. Furthermore I think that recent case law and recent Secretary of State decisions demonstrate that the shortfall in housing supply does not provide a sufficient justification to override the protection of the Green Belt not only in relation to specific planning appeals, but also in

relation to any review of boundaries too.

Nick Boles letters

It was stated this evening by Carol Humphrey that the most important letter from Nick Boles was that on 13 March. It was implied that in some way this undermined any advice given in the first letter (which I have sent to you previously, which states "*the Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances*"). You have all been sent all three letters, but I am sending the two letters from Nick Boles to you again. The first letter was clear advice specifically given to planning inspectors. The letter from planning inspectors queried this, and then Nick Boles stated that the advice given was a clarification of existing rulings. You wouldn't expect a politician to admit to a U-turn in writing, I presume?

Nothing in the second letter undermines the clarification in the first. The first letter states that Green Belt is a policy that indicates development should be restricted. To quote again:

"local authorities should meet objectively assessed needs unless specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy"

As noted in my open letter to you, this is a word for word quotation from paragraph 14 of the NPPF. So Nick Boles is right, it is clarification not change. The second letter from Nick Boles confirms that the NPPG "*provides useful clarity on the practical application of policy. It should provide helpful support for Inspectors and should not normally be considered a reason for extending examinations.*" I don't see that this is a withdrawal of the original advice. He is stating that it isn't the policy but the Inspectors' interpretation of that policy that has been wrong. The fact that Nick Boles is suggesting that the rules were always as they are now doesn't mean that his guidance on the current rules

should be ignored.

The extremely clear statement about the Green Belt in these letters are that Green Belt is a policy which restricts development - and, as Nick Boles rightly notes, that policy is stated in the NPPF. You should be entitled to rely on this guidance from the Secretary of State, which he put out as an open letter with a view to its influencing local plans and the inspection process.

With kind regards

Susan Parker

Attachments