

CD 4.72 Unmet housing need and “very special circumstances”

Written Ministerial Statement by Brandon Lewis, Parliamentary Under-Secretary for Department of Communities and Local Government, 1st July 2013 (Green Belt element)

“Our policy document, “Planning Policy for Traveller Sites”, was issued in March 2012. It makes it clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development.

As set out in that document and in March 2012’s national planning policy framework, inappropriate development in the green belt should not be approved except in very special circumstances. Having considered recent planning decisions by councils and the planning inspectorate, it has become apparent that, in some cases, the green belt is not always being given the sufficient protection that was the explicit policy intent of Ministers.

The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt.

The Secretary of State wishes to give particular scrutiny to traveller site appeals in the green belt, so that he can consider the extent to which “Planning Policy for Traveller Sites” is meeting this Government’s clear policy intentions. To this end he is hereby revising the appeals recovery criteria issued on 30 June 2008 and will consider for recovery appeals involving traveller sites in the green belt.

For the avoidance of doubt, this does not mean that all such appeals will be recovered, but that the Secretary of State will likely recover a number of appeals in order to test the relevant policies at national level. The Secretary of State will apply this criteria for a period of six months, after which it will be reviewed.”

Written Ministerial Statement by Brandon Lewis, Parliamentary Under-Secretary of State for Department of Communities and Local Government, 17th January 2014.

“The Government’s planning policy is clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green-belt land from such inappropriate development. I also noted the Secretary of State’s policy position that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt.

The Secretary of State wishes to re-emphasise this policy point to both local planning authorities and planning inspectors as a material consideration in their planning decisions. That statement revised the appeals recovery criteria by stating that, for a period of six months, the Secretary of State would consider for recovery appeals involving traveller sites in the green belt, after which the position would be reviewed.

The Secretary of State remains concerned about the extent to which planning appeal decisions are meeting the Government’s clear policy intentions, particularly as to whether sufficient weight is being given to the importance of green-belt protection. Therefore, he intends to continue to consider for recovery appeals involving traveller sites in the green belt.

Moreover, Ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen green belt protection in this regard. We also want to consider the case for changes to the planning definition of “travellers” to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle. We are open to representations on these matters and will be launching a consultation in due course.”

Written Ministerial Statement by Brandon Lewis, Secretary of State, Department of Communities and Local Government, 17th December 2015.

“This Statement confirms changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt, as set out in the manifesto.

The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.

For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015.

The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt.

For this reason the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt to enable the Government to assess the implementation of this policy.

In addition we will consider the recovery of a proportion of relevant appeals in the Green Belt for the Secretary of State’s decision to enable him to illustrate how he would like his policy to apply in practice. Such appeals will be considered for recovery under the criterion set out in 2008: “There may on occasion be other cases which merit recovery because of the particular circumstances.”

After six months we will review the situation to see whether it is delivering our objective of protecting land from intentional unauthorised development.

The National Planning Policy Framework makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. Consistent with this, this Statement confirms the government’s policy that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”

Planning Practice Guidance

The following paragraph appeared in the PPG from 6th March 2014 and reflected the WMSs. The paragraph was removed when the PPG was Updated on 22nd July 2019.

Paragraph: 034 Reference ID: 3-034-20140306

Can unmet need for housing outweigh Green Belt protection?

“Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.”

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