

4. PPG2 (paragraph 3.3) makes clear that Green Belt policies in development plans should ensure that any planning applications for inappropriate development would not be in accord with the plan. It explains that: “*These exceptional cases would thus be treated as departures from the development plan, to be referred to the Secretary of State under the Town and Country Planning (Development Plans and Consultation) Directions 1992*”. The 1992 Direction has since been replaced by the T&CP (Development Plans and Consultation) (Departures) Directions 1999.
5. The 1999 Departures Direction does not specifically require the referral of planning applications for development in the Green Belt to the Secretary of State, though it does require the referral of applications for: “*any other development which, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the development plan’s policies and proposals.*”

THE NEW DIRECTION

6. The publication of *Sustainable Communities: Homes for All* on 24 January 2005 announced the Government’s intention to introduce a new, free-standing Green Belt Direction. **The Town and Country Planning (Green Belt) Direction 2005 gives effect to this announcement. A copy of the Direction, which comes into force on 3 January 2006, forms the Annex to this Circular.** As from the date that the Direction comes into force, applications for planning permission that fall within its scope should be referred to the Secretary of State under this Direction, rather than under the 1999 Departures Direction.

PURPOSE AND SCOPE

7. The new Direction clarifies the arrangements and criteria for referring applications for planning permission for inappropriate development in the Green Belt, as identified in PPG2, to the Secretary of State for a decision on whether to call-in the application for his own determination. This should help to achieve a more consistent approach to the type and nature of such applications that are referred. It will ensure that the Secretary of State has the opportunity to consider whether to call-in the more significant and potentially most harmful proposals for inappropriate development, thereby helping to strengthen planning controls in the Green Belt.
8. The effect of the Direction is to require local planning authorities to refer any application for planning permission which falls within paragraph 3 of the Direction, and in respect of which the authority does not propose to refuse planning permission, to the Secretary of State at the appropriate regional Government Office, in accordance with the provisions in paragraphs 4 and 5 of the Direction. The Secretary of State will decide whether he wishes to exercise his powers of intervention by calling-in any such referred application for public inquiry and his own determination. In reaching a decision, the Secretary of State will be guided by his published policy for calling-in planning applications¹, and with particular regard to the policies in PPG2.

¹ Currently set out in paragraph 26 of “The Planning System: General Principles”, published by the Office of the Deputy Prime Minister, 1 February 2005.

9. This Direction does not introduce any change to the policy in PPG2 on the control of development in the Green Belt. Neither the criteria in the Direction, nor the guidance in the following paragraphs, indicate the need for a more, or less, rigorous approach in the determination of planning applications for development of a certain scale, nature or location in the Green Belt.

GUIDANCE IN RELATION TO PARAGRAPH 3(b) OF THE DIRECTION

10. In considering whether a planning application falls within the scope of paragraph 3(b) of the Direction, a local planning authority will first need to decide whether the development would appear to be ‘inappropriate’, as identified in PPG2. Such development may involve the construction of buildings which do not otherwise fall within the scope of paragraph 3(a) of the Direction, or it may be another form of inappropriate development, for example, in the circumstances as described in paragraph 3.12 of PPG2.
11. If it appears that the application is for inappropriate development in the Green Belt, the authority should then decide whether the development would **significantly** impact on the openness of the Green Belt. In this context, it will be necessary to consider the likely effect of the specific development proposals on the particular area of Green Belt concerned. Regard should be had to the degree of sensitivity of this land to harm from new development. The magnitude of impact is likely to be heightened if the Green Belt is narrow, or partly confined by existing (or planned) development, or if it is prominent in the landscape at the development site. Potential adverse effects will also be greater if the development site is overlooked by, or is close to, residential development, or if the area of land is a particularly valued resource (eg., for recreational purposes); if it forms part of, or has the potential to enhance, a particularly attractive area of open countryside or landscape; or if it is important to the preservation of the setting and special character of a historic town.
12. In considering the scale of the development, regard should be had to the bulk, form and height of the building or buildings for which planning permission is being sought. For example, a large, single-storey warehouse, or a slender, multi-storey block of flats or offices, with a total floor space of 1,000 square meters or less, may have a significant adverse impact on the openness of the Green Belt due to the height and/or bulk of the building.
13. The nature of the development is also a relevant consideration. Where it will involve intensive on-site activity, large numbers of parked vehicles, considerable transport movements to, from, or around the site, or require prominent security facilities, it will have a potentially significant impact on the Green Belt, even if any building constructed is below the floor space threshold in paragraph 3(a) of the Direction.
14. Authorities should also take into account the extent to which the impact of the development will be reduced or mitigated by careful siting, landscaping or planting.
15. If an authority considers that a planning application which it is minded to approve is for inappropriate development in the Green Belt, which is not within the scope of paragraph 3(a) of the Direction, but may be part of a more substantial subsequent development which, as a whole, would significantly impact on the openness of the Green Belt, it should refer the application to the Secretary of State under paragraph

3(b) of the Direction. In considering whether an application for planning permission forms part of more substantial proposed development, local planning authorities should be mindful of situations where the particular application could set the context for development over an area larger than that included in the planning application in question.

16. A planning application to extend an existing building should also be referred to the Secretary of State under paragraph 3(b) of the Direction if it would be inappropriate development (having regard to paragraphs 3.6 and 3.8 of PPG2) which, by reason of its scale, nature or location would significantly impact on the openness of the Green Belt, regardless of whether or not the existing building, or the proposed extension, exceeded the floor space threshold in paragraph 3(a) of the Direction.
17. In deciding whether a planning application should be referred to the Secretary of State under paragraph 3(b) of the Direction, an authority should take account of all the above considerations, regardless of the very special circumstances which it may consider exists to justify the grant of planning permission.

MRS J.M. BAILEY

Head of Planning Policies Division
Office of the Deputy Prime Minister

Addressed to:

The Chief Executives of
County Councils)
District Councils) in England
Unitary Authorities)
London Borough Councils
Greater London Authority

The Town Clerk, City of London

The National Park Officer, National Park Authorities in England
The Chief Planning Officer, The Broads Authority

THE TOWN AND COUNTRY PLANNING (GREEN BELT) DIRECTION 2005

The First Secretary of State in exercise of powers conferred on him by articles 10(3) and 14(1) of the Town and Country Planning (General Development Procedure) Order 1995², and all other powers enabling him in that behalf, hereby directs all local planning authorities in England as follows:

1. This Direction shall come into force on 3 January 2006.
2. In this Direction -

“floorspace” means the total floor space in a building or buildings, including the width of external walls.

“PPG2 means *Planning Policy Guidance Note 2: Green Belts*, dated January 1995.

“inappropriate development” means those categories of development identified in paragraphs 3.4, 3.8, 3.11, 3.12 and 3.17 of PPG2.
3. This Direction shall apply to any application for planning permission involving inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which would involve:
 - (a) the construction of a building or buildings with a floor space of more than 1,000 square metres; or
 - (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
4. Where a local planning authority does not propose to refuse an application for planning permission to which this Direction applies, that planning authority shall first consult the First Secretary of State.
5. Where a local planning authority is required to consult by paragraph 4 above, it shall as soon as practicable send to the First Secretary of State at the appropriate Government Office for the Region -
 - (a) a copy of the application (including any copies of accompanying plans or drawings);
 - (b) a copy of any representations made to the authority in respect of the application;
 - (c) a copy of any report on the application prepared by an officer of the authority;

² S.I. 1995/419, to which there are amendments not relevant to this direction.

- (d) unless contained in a report supplied pursuant to subparagraph (c) above, a statement providing sufficient information to demonstrate that, in reaching a decision on the application, the local planning authority has assessed the application in the light of the policies for protecting the Green Belt set out in PPG2.
6. Subject to paragraph 7 below, where a local planning authority is required to consult by paragraph 4 above, it shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date advised in writing by the First Secretary of State to the authority as the date he received the material specified in paragraph 5 above.
7. If, before the expiry of the 21 day period mentioned in paragraph 6 above, the First Secretary of State has notified the local planning authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the local planning authority may proceed to determine the application.

Signed by authority of the
First Secretary of State

Mrs J.M. Bailey
Head of Planning Policies Division
Office of the Deputy Prime Minister

5 December 2005

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