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**Former Laporte Works Site, Nutfield Road,  
Nutfield, RH1 4HG**

**An Appeal Under Section 78 of the Town and  
Country Planning Act 1990**

**Appeal Reference:  
APP/M3645/W/25/3374913**

**Rebuttal Proof of Evidence of  
Richard Henley BA (Hons) TP B.PL MRTPI**

**On Behalf of  
Nutfield Park Developments Ltd**

February 2026

**CD 11.23**



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## 1.0 INTRODUCTION

- 1.1 This is the rebuttal Proof of Evidence (PoE) of Richard Henley.
- 1.2 I wish to specifically address a matter raised in Peter Lee's (PLs) PoE in regard to his consideration of paragraph 155(a) of the NPPF and whether the development would not fundamentally undermine all the purposes of the remaining Green Belt across the whole of the plan area (PL PoE paras 8.9 - 8.17).
- 1.3 My rebuttal is given within the context of a recent Appeal Decision (ref: APP/T3725/W/25/3368738; dated 22 December 2025) (Appendix 1) at Land South of The Tan House, Old Warwick Road, Kingswood, Warwickshire, and subsequent Draft Consent Order issued on 26 January 2026 (Appendix 2), which specifically addresses the consideration of the NPPF paragraph 155(a) matter.
- 1.4 Throughout the rebuttal I have sought to refer to evidence already set out in my main PoE (CD 11.3) and PoE Appendices (CD 11.4) rather than repeat that evidence in this document.

## 2.0 NPPF (2024) PARAGRAPH 155(A)

- 2.1 Peter Lee (PL) accepts the Appeal Site is grey belt at paragraph 8.8.
- 2.2 PL deals with whether the Appeal Scheme is “*inappropriate development*” in the Green Belt at Section 8 of his proof of evidence.
- 2.3 PL notes at his paragraph 8.9 that:

*“Paragraph 155 [of the NPPF] indicates that the development of homes in the Green Belt should also not be regarded as inappropriate where all of the following apply:*

*a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.”*

- 2.4 Other parts of PL proof deal with the remaining matters to be considered under paragraph 155 of the NPPF which are addressed in my main PoE (CD 11.3) and PoE Appendices (CD 11.4) and not repeated herein. This rebuttal deals specifically with how PL has addressed criterion (a) of NPPF paragraph 155.
- 2.5 Paragraph 8.13 of PL’s proof refers to the 2015 Green Belt study (CD 6.39) and Parcel GBA28 (at Appendix D, page 429 of the study (CD 6.58), within which the Appeal Site is located. This Parcel is much bigger than the Appeal Site and an extract from the study showing the parcel is reproduced on the following page, at Figure 1.

Figure 1: Extract from the 2015 Green Belt Study, Parcel GBA28 (CD 6.58)



2.6 PL noted in respect of the Green Belt study:

*“The conclusion on purpose (c) was that the parcel is generally considered to play a strong role in assisting in safeguarding countryside from encroachment.”* (paragraph 8.13)

2.7 This is what the study concluded in terms of the wider land parcel, but the study made no specific commentary in terms of the Appeal Site and its relationship with the wider parcel.

2.8 PL goes on to conclude:

*“On this basis, given the strong role the GB plays in the wider area beyond the immediate appeal site, the development of this site would fundamentally undermine the purpose of the remaining Green Belt across the area of the plan”* (paragraph 8.14)

2.9 There is no analysis or justification for how Peter Lee has reached this conclusion.

2.10 At paragraph 8.17, PL states (repeated in full):

*“I acknowledge that the test is whether or not the loss of this Green Belt land would undermine the role of the remaining Green Belt across the area of the plan, and this is not met simply by the loss of the particular appeal site and the encroachment that results. However, the appeal proposal forms part of a wider parcel of land whose purpose of preventing encroachment is clear. It would seriously affect the ability of the remaining Green Belt in this area (particularly to the north) to prevent encroachment by reducing and weakening the role of the Green Belt in preventing encroachment in this area. In my view the effect would result in a significant adverse impact on the aims and purposes of Green Belt in the rest of the plan area and in particular the purpose of preventing encroachment.”*

2.11 As outlined at paragraphs 6.106 and 7.14 of my proof and within Mr Holliday’s evidence (CD 11.9), the test is the requirements of the NPPF 155 part “a”, and the clarifications in the PPG paragraph 64-008-202502225:

*“In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way”*

2.12 PL seems to agree that the development as proposed would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, but then goes on to contradict that conclusion by referencing the wider parcel of land and *“the ability of the remaining Green Belt in this area (particularly to the north) to prevent encroachment by reducing and weakening the role of the Green Belt in preventing encroachment in this area.”*

2.13 The test is clearly set out in National policy and has been clarified in a recent Inspector’s Decision (APP/T3725/W/25/3368738), and a subsequent legal challenge to it. The Appeal Decision (Appendix 1) and subsequent Consent Order (Appendix 2) are discussed further below.

2.14 The Appeal Decision (APP/T3725/W/25/3368738) related to a Permission in Principle for the erection of up to 3No. dwellings, on a site in the Green Belt. In terms of grey belt land, the Inspector noted at paragraphs 17-19 of the decision letter (repeated in full below):

*17. Grey belt land is defined in Annex 2 of the Framework as land that does not strongly contribute to any of purposes a), b), or d) in paragraph 143 of the Framework. There is no dispute between the main parties that the appeal site would fall within this definition, and I see no reason to take a different view on this matter. To be regarded as not inappropriate development in the Green Belt, development in the grey belt must meet all the criteria set through paragraph 155 of the Framework.*

18. *Criterion a. requires the development to not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. This refers to all five Green Belt purposes set out at paragraph 143 of the Framework, not only the three purposes referred to in the definition of grey belt.*

19. *Green Belt purpose c) seeks to safeguard the countryside from encroachment. I have characterised the site as countryside rather than as part of the village. The proposal would introduce built development onto land which is currently free from development. As such, the proposal would result in encroachment into the countryside and thus would fundamentally undermine purpose c). Consequently, the proposal would fail to meet the requirements of criterion a.*

2.15 The Appellant challenged the decision and the Consent Order set out that the decisive issue was whether the Development would satisfy subparagraph (a) of NPPF paragraph 155, specifically whether the Development “*would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*”. (Paragraph 4 of the Order).

2.16 The Order confirmed that the:

*“Inspector’s analysis was thus concerned only with the effect of the Development on the Site and it did not consider the effect of the Development on the remaining Green Belt across the plan area”*. [my emphasis]

2.17 This was accepted by the Government Legal Department as the correct basis for assessment of a proposed development on the NPPF paragraph 155(a) criterion.

2.18 Paragraphs 9 and 10 of the Order went on to state:

*“9. Furthermore, paragraph 008 of the Planning Practice Guidance (“PPG”) on Green Belt (which applies to decision-making by virtue of Paragraph 009) states that “in reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way”. The First Defendant also accepts that the Inspector did not, as the PPG required, consider whether development of the Site would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.*

*10. In light of those circumstances, the First Defendant accepts that the Decision contains an error of law and should be quashed.”*

### 3.0 CONCLUSION

- 3.1 PL appears to have not considered the Appeal Scheme in the context of this recent Consent Order in terms of how the development would fundamentally undermine (or not in the Appellant's case) the purposes (taken together) of the remaining Green Belt across the area of the plan, either in terms of Green Belt purpose (c) specifically, or in terms of all five Green Belt purposes taken together.
- 3.2 My consideration of paragraph 155 (a) is set out within my PoE (CD 11.3) at paragraphs 6.104-6.112 and concluded in Section 7 and is not repeated in full here.
- 3.3 The Green Belt assessment of Mr Holliday and my evidence align and support the correct assessment of NPPF paragraph 155(a) in the context of this Consent Order. The development will be barely perceptible across the wider Green Belt area and will not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. This is purposefully a very high bar and is not reached in the case of the Appeal Scheme, such that NPPF paragraph 155(a) is satisfied.



**APPENDIX 1: APPEAL DECISION (REF: APP/T3725/W/25/3368738), DATED: 22 DECEMBER 2025**

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## Appeal Decision

Site visit made on 4 November 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

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**Appeal Ref: APP/T3725/W/25/3368738**

**Land South of The Tan House, Old Warwick Road, Kingswood, Warwickshire B94 6JZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by OT15 Ltd against the decision of Warwick District Council.
  - The application Ref is W/25/0229.
  - The development proposed is described as: Permission in principle for the erection of up to 3No. dwellings.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by OT15 Ltd against Warwick District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these two stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.

### Main Issues

5. Having regard to the above, the main issues are whether the location, land use and the amount of development is suitable with particular regard to:
  - whether or not the proposal would be inappropriate development in the Green Belt for the purposes the National Planning Policy Framework (the Framework), including the effect upon the openness of the Green Belt; and,
  - if the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations so as to amount to the very special circumstances required to justify the development.

## Reasons

### *Whether or not the development would be inappropriate*

6. The appeal site is within the Green Belt where Policy DS18 of the Warwick District Local Plan 2017 (the LP) states that national planning policy will apply. Development within the Green Belt is inappropriate with the exception of the types of development listed in paragraphs 154 and 155 of the Framework.

### Limited infilling in villages

7. The appeal site comprises undeveloped open land located outside of, but adjacent to, the boundary of Kingswood Village, which is defined as a Growth Village in Policy H1 of the LP.
8. The exception outlined in paragraph 154e) of the Framework allows for limited infilling in villages. The Framework does not define limited infilling in villages. My attention has been drawn to Policy H11 of the LP which concerns development at Limited Infill Villages. Whilst Kingswood is not a Limited Infill Village, the explanatory text is helpful in defining the Council's approach to limited infilling as "...very small developments within settlement boundaries where sites are appropriately located along street frontages...".
9. Notwithstanding this, case law<sup>1</sup> has established that while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative. An assessment of the extent of the village on the ground should consider other factors such as the spacing and grouping of nearby buildings and the relationship of the site with surrounding buildings and open land. Whether or not the proposal constitutes limited infilling in villages is matter of judgement.
10. The B4439 road is the main road through Kingswood. Travelling westbound along the B4439, there is fairly continuous built development on both sides of the road which, on the side of the appeal site, ends at the telephone exchange building. However, not all development in this part of the village fronts the B4439. There are some groups of dwellings sited along access roads which extend south of the main road. In the vicinity of the appeal site, the residential properties to the north east and south east known as Oakland, Kixley, The Paddocks and Shaftsbury House represent the extent of the built up area of this part of the village. Beyond this, the character of the area changes abruptly as built development becomes sparse and it is characterised predominantly by undeveloped countryside land, including the appeal site.
11. Whilst there is built development close to its north eastern and south eastern boundaries, the site is otherwise surrounded by undeveloped land. I appreciate that the residential curtilage of the Tan House may adjoin the site, but the buildings associated with that property are located some distance to the north of the site.

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<sup>1</sup> Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2018] EWCA Civ 610; Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin); and, R (Tate) v Northumberland CC [2018] EWCA Civ 1519

12. The site therefore forms part of a larger gap between those existing buildings. The appellant's case refers to infilling as the act of closing a gap between buildings. Whilst development on the site may reduce the gap between existing development, it would not close the gap between those buildings.
13. Some of the site's boundary is defined by mature trees and dense vegetation. However, the boundary in the western corner of the site is and the boundary to the north west are less well defined, and there are clear views to the surrounding open undeveloped land which the site adjoins. The site therefore has a visual and physical relationship to the surrounding countryside land which strongly contributes to the character of the area.
14. The site would share the existing access to the Tan House from the B4439. The proposed dwellings would therefore be set back from the road at the end of a long driveway and they would not have a street frontage. I have already acknowledged that not all existing development in the village fronts the main road, however, based on the evidence before me, including my observations on site, the proposed long driveway would not be characteristic of the layout of development in the village.
15. My attention has been drawn to an appeal decision<sup>2</sup> for a site which is set back from the road, and which was allowed under the exception of paragraph 154e) as limited infilling in a village. However, this example site is located in a different village and has a different context to the appeal site. As such, I have found this example does not influence my consideration of this appeal proposal, which I have determined on its own merits.
16. I note the appellant's references to other sites which have been permitted as limited infilling for a greater number of dwellings, and I accept that three dwellings may be considered a limited number. Nevertheless, taking account of the site's location in relation to existing built development, its relationship with the surrounding predominantly undeveloped land, and the distinct change in character between the built up part of the village and the adjacent countryside, I find that the site is not within the village. Thus, the proposal would not be limited infilling in villages and would not meet the exception in paragraph 154e) of the Framework.

#### The development of grey belt land

17. Grey belt land is defined in Annex 2 of the Framework as land that does not strongly contribute to any of purposes a), b), or d) in paragraph 143 of the Framework. There is no dispute between the main parties that the appeal site would fall within this definition, and I see no reason to take a different view on this matter. To be regarded as not inappropriate development in the Green Belt, development in the grey belt must meet all the criteria set through paragraph 155 of the Framework.
18. Criterion a. requires the development to not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. This refers to all five Green Belt purposes set out at paragraph 143 of the Framework, not only the three purposes referred to in the definition of grey belt.

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<sup>2</sup> Appeal ref APP/J3720/W/16/3167715, dated 25 May 2017.

19. Green Belt purpose c) seeks to safeguard the countryside from encroachment. I have characterised the site as countryside rather than as part of the village. The proposal would introduce built development onto land which is currently free from development. As such, the proposal would result in encroachment into the countryside and thus would fundamentally undermine purpose c). Consequently, the proposal would fail to meet the requirements of criterion a.
20. The Council has confirmed that it cannot currently demonstrate a five year supply of housing land. The proposal would therefore meet criterion b. relating to a demonstratable unmet need for the type of development proposed.
21. Criterion c. relates to development being within a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. The Council has confirmed that, as a Growth Village with a reasonable range of services and facilities, Kingswood represents a sustainable location.
22. However, the reason for refusal states that the site would not have a safe and suitable access and the Council's case is that this would mean the site is not in a sustainable location in the context of paragraph 115 of the Framework. While Paragraph 115 does require safe and suitable access for all users, the scope of PiP is limited to principle matters only. Details such as speed surveys and visibility splays which may be needed to demonstrate that a safe and suitable access can be achieved would be matters for a TDC application.
23. There is little before me to demonstrate that a suitable and suitable access could not be achieved. However, I acknowledge this is a possibility and this could lead to refusal at the TDC stage. Nevertheless, this is not a matter for consideration as part of the current PiP proposal, and so I find the proposal would meet the requirements of criterion c.
24. Criterion d. relates to major development and is therefore not applicable to this proposal.
25. Whilst I have found the proposal would meet the requirements of criteria b. and c., it would not meet the requirements of criterion a. Consequently, the exception at paragraph 155 cannot be met.

### Openness

26. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
27. As the appeal relates to the PiP stage, there are no detailed plans of the development. However, the construction of three dwellings would result in built development where there is presently none. The proposed residential use would alter the visual appearance of the site with the likely introduction of driveways, garden areas and associated domestic paraphernalia. The resultant development and domestication of the land would fail to preserve the openness of the Green Belt in spatial and visual terms.
28. The site does benefit from some containment from the existing dense hedgerows and mature trees which define parts of its boundary. Given the site's location set back from the B4439, there would be limited appreciation of these impacts from public viewpoints on the road. Nevertheless, the adverse impact on the openness

of the Green Belt in visual and spatial terms would be prominent when viewed from the adjacent residential properties.

29. Therefore, the proposal would result in a permanent spatial and visual impact on openness. Taking into account the scale and nature of the proposal, this would equate to a significant loss of openness of the Green Belt, as set out above.

### Overall

30. Taking all of the above into account, the proposal would not meet the exceptions listed in paragraphs 154 and 155 of the Framework. The proposal would therefore be inappropriate development in the Green Belt, and it would cause harm to openness. As such it would conflict with LP Policy DS18, as set out above.

### *Other Considerations*

31. The site is proximate to the Grade II listed Tan House (the listed building), which is located to the north of the appeal site. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving its setting.
32. The significance and special interest of the listed building stem primarily from its architecture which incorporates elements from the 16th to 19th centuries. There is other modern, built development in proximity of the listed building and I note the Council's view that, subject to suitable design, size and layout, the proposal would not harm the setting of the listed building. Based on the information before me, including my observations on site and considering the proximity of other built development to the listed building, I have no reason to reach an alternative conclusion. As such, the proposal would preserve the significance and special interest of the listed building.
33. Paragraph 129 of the Framework supports developments which make an effective use of land, taking account of, amongst other considerations, the desirability of maintaining an area's prevailing character and setting. As I have already concluded, the site has a countryside character and in its current, undeveloped state contributes positively to the character of the surrounding area. As such, residential development on the site would not maintain the area's prevailing character.
34. The contribution of three dwellings to the housing supply, although positive, would be limited. Nevertheless, in light of the Council's housing land supply position, I attribute this moderate weight. There would be some economic benefit to the local economy during the construction process and from the future spending of occupiers, and social benefits derived from the site's sustainable location, which also attract moderate weight.
35. Reference is made to the draft South Warwickshire Local Plan which includes a proposal for a new settlement to the south of Kingswood. It is suggested that this demonstrates that development in the vicinity of the village is suitable. However, the draft Local Plan is at an early stage of preparation, thus in accordance with paragraph 49 of the Framework, I give this consideration very limited weight.

## **Green Belt Balance and Conclusion**

36. I have found the proposal would be inappropriate development in the Green Belt. As set out at paragraph 153 of the Framework, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances (VSC). VSC will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
37. The proposal would constitute inappropriate development in the Green Belt, and it would harm openness, to which the Framework requires me to attach substantial weight. The moderate benefits that would accrue from the provision of three additional dwellings, the associated economic uplift, and the potential benefits from environmental and biodiversity enhancements are not considerations that clearly outweigh the harm arising from inappropriateness. The VSCs required to justify the proposal do not, therefore, exist.
38. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a strong reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area. I have found the proposal would be inappropriate development in the Green Belt and would cause harm to its openness. This constitutes a strong reason for refusing the proposal and, therefore, the presumption in favour of sustainable development does not apply in this case.
39. The proposal conflicts with national policy set out in the Framework to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

*A O'Neill*

INSPECTOR



APPENDIX 2: CONSENT ORDER (CLAIM NO AC-2026-LON), DATED: 26 JANUARY 2026

<b>IN THE HIGH COURT</b>	<b>Claim no AC-2026-LON-[ _____ ]</b>
<b>ADMINISTRATIVE COURT</b>	
<b>PLANNING COURT</b>	

**BETWEEN:**

**R (on the application of)**

**OT15 Limited**

**Claimant**

**- and -**

**(1) SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL  
GOVERNMENT**

**(2) WARWICK DISTRICT COUNCIL**

**Defendants**

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**DRAFT CONSENT ORDER**

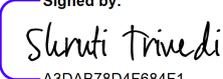
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**UPON** the Claimant having filed a planning statutory review in this matter under section 288 of the Town and Country Planning Act 1990

**AND UPON** the First Defendant Secretary of State for Housing, Communities and Local Government and the Second Defendant having stated that they do not intend to defend the claim

**IT IS ORDERED BY CONSENT THAT:**

1. Permission for statutory review under s.288 of the Town and Country Planning Act 1990 ("TCPA 1990") is granted.
2. The claim is allowed.
3. The decision of the First Defendant's Planning Inspector dated 22 December 2025 dismissing Appeal Ref: APP/T3725/W/25/3368738 (Land South of the Tan House, Old Warwick Road, Kingswood, Warwickshire, B94 6JZ) is quashed and the Claimant's appeal under s.78 TCPA 1990 is remitted to the First Defendant for re-determination.
4. The First Defendant shall pay the Claimant's costs, to be assessed if not agreed.

**Signed (for the Claimant):**  Signed by:  
A3DAB78D4F684F1...

Shruti Trivedi

**Dated:**

26/1/2026

**Address:**

Wellington House,  
15 Wellington  
Circus,  
Nottingham, NG1  
5AL

**Signed (for the First Defendant):**  Signed by:  
F8543F8A37C74F0...

Gemma File

**Dated:**

26/1/2026

**Address:** Government Legal Department

**Signed (for the Second Defendant):**  Signed by:  
43A8BBA73399427...

Nigel Bell

**Dated:**

26/1/2026

**Address:** Warwick District Council

### **STATEMENT OF REASONS**

1. By Application Ref: W/25/0229, the Claimant applied to the Second Defendant for permission in principle (“PiP”) for the erection of up to 3No dwellings (the “Development”) on Land at The Tan House, Old Warwick Road, Kingswood, Warwickshire (the “Site”). The Second Defendant refused to grant PiP and the Claimant appealed to the First Defendant under s.78 of the Town and Country Planning Act 1990 (“TCPA 1990”).
2. The Site is in the Green Belt. A main issue in the appeal was whether the Development satisfied the requirements of grey belt policy in National Planning Policy Framework (“NPPF”) §155 (see the first main issue at DL/5).
3. The following matters relevant to that assessment were either common ground or the subject of unchallenged findings by the Inspector:
  - a. the Site was grey belt (DL/17);
  - b. the Second Defendant had been wrong to refuse PiP on the basis of concerns about whether there would be safe and suitable access for the Development (and the Inspector awarded costs against the Second Defendant on this point);
  - c. subparagraph (b) of NPPF §155 was satisfied i.e. there was a demonstrable unmet need for the type of development proposed (DL/20);
  - d. subparagraph (c) of NPPF §155 was also satisfied i.e. the Development would be in a sustainable location (DL/21-23).
4. The decisive issue was therefore whether the Development would satisfy subparagraph (a) of NPPF §155, specifically whether the Development “*would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*”.
5. The Inspector’s reasoning on that issue was at DL/19:

Green Belt purpose c) seeks to safeguard the countryside from encroachment. I have characterised the site as countryside rather than as part of the village. The proposal would introduce built development onto land which is currently free from development. As such, the proposal would result in encroachment into the countryside and thus would fundamentally undermine purpose c). Consequently, the proposal would fail to meet the requirements of criterion a.

6. In light of that finding, the Inspector's overall conclusion at DL/25 was:

Whilst I have found the proposal would meet the requirements of criteria b. and c., It would not meet the requirements of criterion a. Consequently, the exception at paragraph 155 cannot be met.

7. The Inspector's analysis was thus concerned only with the effect of the Development on the Site and it did not consider the effect of the Development on the remaining Green Belt across the plan area.

8. The First Defendant accepts that the Inspector failed to address the question posed by the second limb of NPPF §155(a) i.e. whether the Development "*would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*".

9. Furthermore, paragraph 008 of the Planning Practice Guidance ("PPG") on Green Belt (which applies to decision-making by virtue of Paragraph 009) states that "in reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way". The First Defendant also accepts that the Inspector did not, as the PPG required, consider whether development of the Site would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.

10. In light of those circumstances, the First Defendant accepts that the Decision contains an error of law and should be quashed.

11. The Second Defendant agrees.



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