



**AGENDA ITEM: 9**

**PLANNING COMMITTEE:  
3 September 2015**

**CABINET:  
15 September 2015**

**EXECUTIVE OVERVIEW & SCRUTINY  
COMMITTEE: 1 October 2015**

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**Report of:** Assistant Director Planning

**Relevant Managing Director:** Managing Director (Transformation)

**Relevant Portfolio Holder:** Councillor J Hodson

**Contact for further information:** Mr S Benge  
(Email [Stephen.benge@westlancs.gov.uk](mailto:Stephen.benge@westlancs.gov.uk))

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**SUBJECT: ADOPTION OF DEVELOPMENT IN THE GREEN BELT  
SUPPLEMENTARY PLANNING DOCUMENT**

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Wards affected: Borough Wide

**1.0 PURPOSE OF THE REPORT**

- 1.1 To seek Cabinet's approval for the adoption of the Development in the Green Belt Supplementary Planning Document as attached at Appendix A to this report.

**2.0 RECOMMENDATIONS TO PLANNING COMMITTEE**

- 3.1 That the content of this report, the Development in the Green Belt SPD attached at Appendix A to this report, the Consultation Feedback Report at Appendix B, and the Adoption Statement at Appendix C, be considered and that agreed comments be referred to Cabinet.

**3.0 RECOMMENDATIONS TO CABINET**

- 3.1 That Cabinet consider the contents of the Development in the Green Belt SPD Consultation Feedback Report set out at Appendix B to this report, and the agreed comments of Planning Committee at Appendix D.

- 3.2 That Cabinet approve the Adoption Statement at Appendix C, and adopt the Development in the Green Belt SPD at Appendix A, subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of the Development in the Green Belt SPD by Executive Overview and Scrutiny Committee, as per recommendation 3.3 below.
- 3.3 That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the Development in the Green Belt SPD, in the light of agreed comments from Executive Overview & Scrutiny Committee, before the document is published.
- 3.4 That Call In is not appropriate for this item as this report is being submitted to Executive Overview & Scrutiny Committee on 1 October 2015.

#### **4.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

- 4.1 That the content of this report, the Development in the Green Belt SPD Consultation Feedback Report set out at Appendix B to this report, and the Development in the Green Belt SPD at Appendix A be considered, and that agreed comments be referred to the Assistant Director Planning for consideration, in consultation with the Portfolio Holder.
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#### **5.0 BACKGROUND**

- 5.1 The adopted the West Lancashire Local Plan 2012-2027 (WLLP) is the development plan for West Lancashire, and sets out the scale, distribution and principles for the development of the Borough up to 2027. The WLLP does not, however, contain a specific policy in relation to development within the Green Belt. Instead it relies on national Green Belt policy, as set out in paragraphs 79-92 of the National Planning Policy Framework (NPPF). WLLP policy GN1(b) states: *“Development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies”*.
- 5.2 There have been two supplementary planning guidance notes (SPGs) in place since 2000 / 2001 on Green Belt development, namely the Domestic Extensions and Outbuildings and Replacement Dwellings in the Green Belt SPG, and the Stable Buildings in the Green Belt SPG. Whilst national Green Belt policy has remained largely unchanged since before 1999, it is considered the two SPGs are in need of updating and combining into a single SPD for clarity. There is also a need to cross-reference WLLP policies that apply to the Green Belt.
- 5.3 A draft Green Belt development SPD was prepared during early 2015. The draft SPD did not vary national policy, but added a local interpretation of national policy by setting out the Borough Council’s position with regard to certain details not specified in the NPPF, and adding further clarification with regard to certain NPPF Green Belt policies. The purpose of this SPD was to provide:

- A “local take” on the types of development potentially permissible in the Green Belt under paragraphs 89 and 90 of the NPPF, by advising which WLLP policies will apply to such development; and
  - A local interpretation of NPPF terms such as what would constitute “disproportionate additions” to a building in the Green Belt (NPPF paragraph 89, bullet 3) or a “materially larger” replacement building (NPPF paragraph 89, bullet 4).
- 5.4 Significantly, the draft Green Belt SPD did not propose (or allow for) any changes to Green Belt boundaries in West Lancashire, as this can only be done through the adoption of a new Development Plan Document such as the WLLP.
- 5.5 The draft SPD was approved for consultation by Cabinet in March 2015. Public consultation on the SPD took place for six weeks, from Thursday 14 May – Friday 26 June 2015.
- 5.6 A total of 65 responses were received. The representations and the Council’s proposed responses are set out at Appendix B for Cabinet to take into account as they consider recommendation 3.1 above. The main points made were:
- Questioning whether it is beyond the scope of an SPD to identify what the Council would consider ‘disproportionate’ or ‘materially larger’;
  - The SPD’s consideration of what constitutes previously developed land should match the definition provided within Annex 2 of the NPPF;
  - Questioning the 20% increase in volume figure by which a replacement building is judged to be ‘materially larger’ and therefore inappropriate development in the Green Belt (as stated in para.89 of the NPPF);
  - Questioning the 40% increase in volume figure by which extensions or alterations are judged to be ‘disproportionate additions’ and therefore inappropriate development in the Green Belt;
  - Seeking clarification in relation to the extent to which outbuildings will be included within any volume calculations relating either to the existing or original building;
  - Queries regarding the extent to which permitted development rights will be taken into account when calculating potential volumes of existing dwellings; and
  - Disagreement with the Council’s approach of reserving the right to remove permitted development rights from replacement dwellings in the Green Belt.

## **6.0 CURRENT POSITION**

- 6.1 A number of amendments have been made to the SPD in the light of the representations received. These representations are summarised in the Consultation Feedback Report attached to this report at Appendix B, adjacent to the relevant representation. The amended SPD is at Appendix A to this report.

## **7.0 NEXT STEPS**

- 7.1 If Cabinet Members approve the SPD for adoption (subject to any amendments made by the Assistant Director Planning, in consultation with the Portfolio Holder, as per recommendation 3.3 above); the SPD will become a significant material consideration in all relevant planning decisions once it has been finalised and published on the Council's website after Executive Overview & Scrutiny Committee.

## **8.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

- 8.1 The purpose of the Green Belt SPD is to facilitate sustainable development in West Lancashire, consistent with the West Lancashire Local Plan and the National Planning Policy Framework.
- 8.2 Ensuring development in the Green Belt is in accordance with policy should help achieve the vision of the Sustainable Community Strategy, namely that West Lancashire should be the cleanest, safest, healthiest and greenest place in the country to live, work and enjoy.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 The preparation of the Development in the Green Belt SPD has been resourced through the Planning Service's revenue budgets.

## **10.0 RISK ASSESSMENT**

- 10.1 Not having an up-to-date SPD which provides guidance on Green Belt issues could lead to developers challenging planning decisions relating to Green Belt development, and increase the possibility of unsuitable development in the Borough. The speedy preparation and adoption of this SPD should ensure that the above scenario is avoided.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a direct impact on members of the public. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix

F to this report, the results of which have been taken into account in the Recommendations contained within this report.

## **Appendices**

Appendix A – Development in the Green Belt Supplementary Planning Document

Appendix B – Development in the Green Belt Supplementary Planning Document Consultation Feedback Report

Appendix C – Adoption Statement for Development in the Green Belt Supplementary Planning Document

Appendix D – Minute of Planning Committee, 3 September 2015 (for Cabinet and Executive Overview & Scrutiny Committee only) *to follow*

Appendix E – Minute of Cabinet, 15 September 2015 (for Executive Overview & Scrutiny Committee only)

Appendix F – Equality Impact Assessment