

A construction worker in a yellow hard hat, grey work shirt, and high-visibility orange and yellow safety vest is seen from the back, looking out over a construction site. The worker is wearing a blue safety harness. In the background, there are several tall, vertical rebar structures and a large blue crane arm extending across the sky. The sky is blue with scattered white clouds.

Securing planning permission on Grey Belt sites

Paragraph 155 test

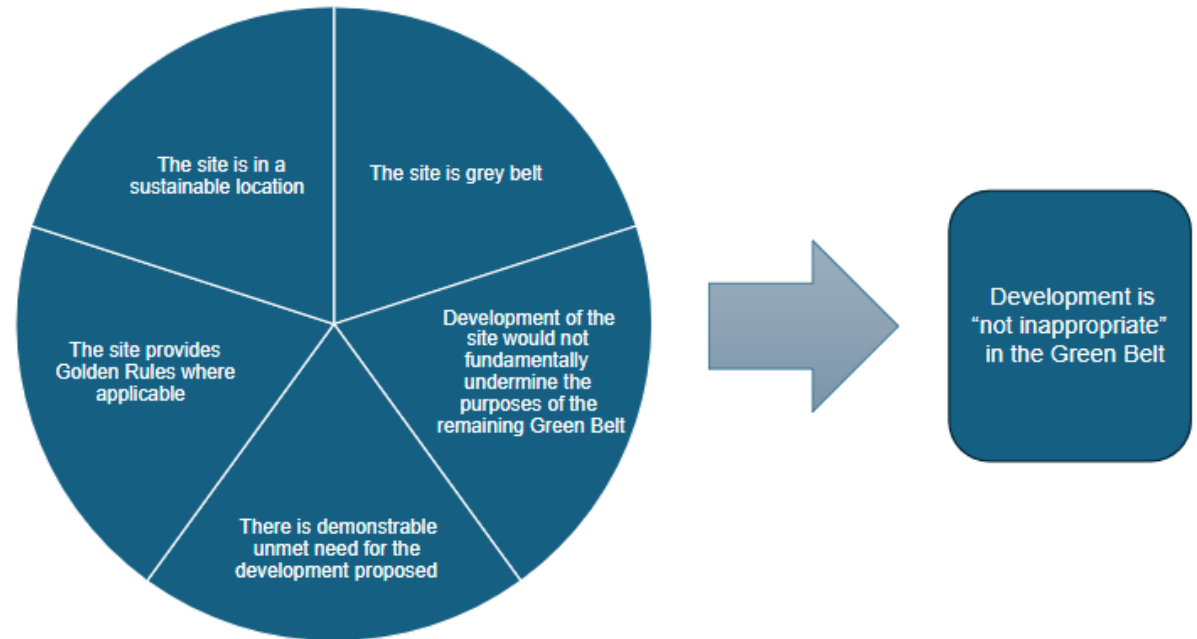
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NPPF para 155 exception

- Development within the Green Belt is generally considered inappropriate development
- Exception in §155: development isn't inappropriate if four criteria are satisfied
- If satisfy the §155 test:
 - Avoid the need to demonstrate VSCs
 - No strong reason for refusing permission under Green Belt policy
 - Application determined under the tilted balance test – presumption in favour of sustainable development
- Exception especially helpful for non-housing developments



First criterion: para 155(a)

- Two limbs
- Development would utilise Grey Belt land
 - Assess the site against purposes (a), (b) and (d)
- The development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan
 - Purposes (c) and (e) come into play
 - Not an assessment of the site against all five purposes
 - Assess impact of development on the ability of remaining Green Belt to serve all five purposes in a meaningful way



First criterion: para 155(a)



Wrotham, Sevenoaks (APP/H2265/W/24/3347410)

- Not undermine purpose (e) – the truck stop use couldn't be accommodated on derelict or other land within urban area
- Encroach into countryside but area lost small relative to total GB; small part of moderately performing parcel; open undeveloped fields separate the development from physical features



Walton-upon-Thames (2022/3427)

- Implementation of §155(a) differs amongst Councils depending on scale of whole plan area, and size, shape and nature of Green Belt
- §155(a) infringed where site relatively large, doesn't strongly contribute to purposes (a), (b) or (d), but harm to purposes (c) and (e) to extent undermines integrity of whole Green Belt
- Here, moderate impact on purpose (c) and no harm to purpose (e)



Harpenden, Hertfordshire (5/2023/0327)

- Site comprised 0.18% of Green Belt in District
- Containment on edge of Harpenden meant it would have a relatively localised impact

Second criterion: para 155(b)

- Demonstrable unmet need for the type of development proposed
- Housing:
 - Lack of five year housing land supply
 - The Housing Delivery Test was below 75% of the housing requirement over the previous three years
- Traveller sites: lack of five year supply of deliverable traveller sites
- Non-residential developments: no specified measure
- Needs assessment



Second criterion: para 155(b)



BESS and solar (various appeals)

- NPS EN-1: energy storage and solar energy production crucial for achieving net zero
- §161 NPPF: planning system should support transition to net zero and renewable and low carbon energy and associated infrastructure
- NESO Clean Power 2030 Action Plan: deliver 23-27GW of battery storage and 45-47 GW of solar power by 2030
- Grid connection



South Mimms, Hertfordshire (24/1152/OUTEI)

- Data Centre Development Report: general need for data centres and suitability of application site
- Critical National Infrastructure
- 2024 South West Hertfordshire Economic Study: London leading data centre location in Europe
- Boost UK data centre capacity and be part of Hemel Hempstead London Availability Zone



Court Lane, Hadlow (APP/H2265/W/24/3346228)

- 2.89 years of deliverable housing supply
- Local demand for nursery – existing nursery with a waiting list and long-term uncertainty due to rolling one-year lease; replace nursery with modern building and improved space, and secure long-term operation

Third criterion: para 155(c)

- The development would be in a sustainable location, with particular reference to §110 and §115 of the NPPF
- NPPF doesn't define "sustainable location"
- PPG:
 - A location that is or can be made sustainable
 - Determined in light of local context and site or development-specific considerations
- §110 and §115:
 - Mitigate significant impacts of development on transport network
 - Reduce need to travel and offer genuine choice of transport modes
 - Transport solutions vary between urban and rural areas
- Subjective assessment



Third criterion: para 155(c)



Colney Street, St Albans (APP/B1930/W/24/3349580)

- Key services at least a mile away; hourly bus service; station 25 mins walk away; main distributor road nearby
- Reliance on private cars
- Not sustainable location



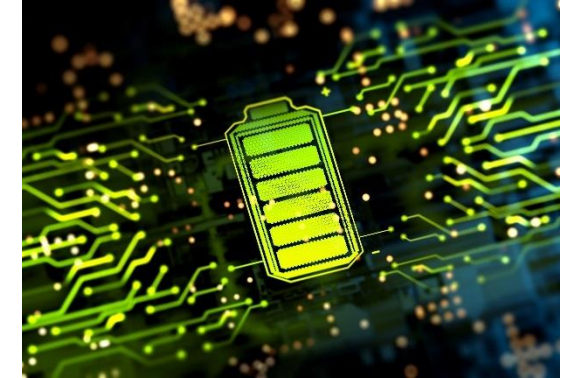
Tyne and Wear (APP/H4505/W/24/3350113)

- No public transport connections
- Walk or cycle along narrow, winding unlit roads or unpaved paths
- Reliance on private cars
- Not sustainable location



Laindon Road, Billericay (24/00762/OUT)

- Good access to local facilities and services
- Town centre and station walk/cycle distance away
- Public realm enhancements and financial contributions secured
- Sustainable location

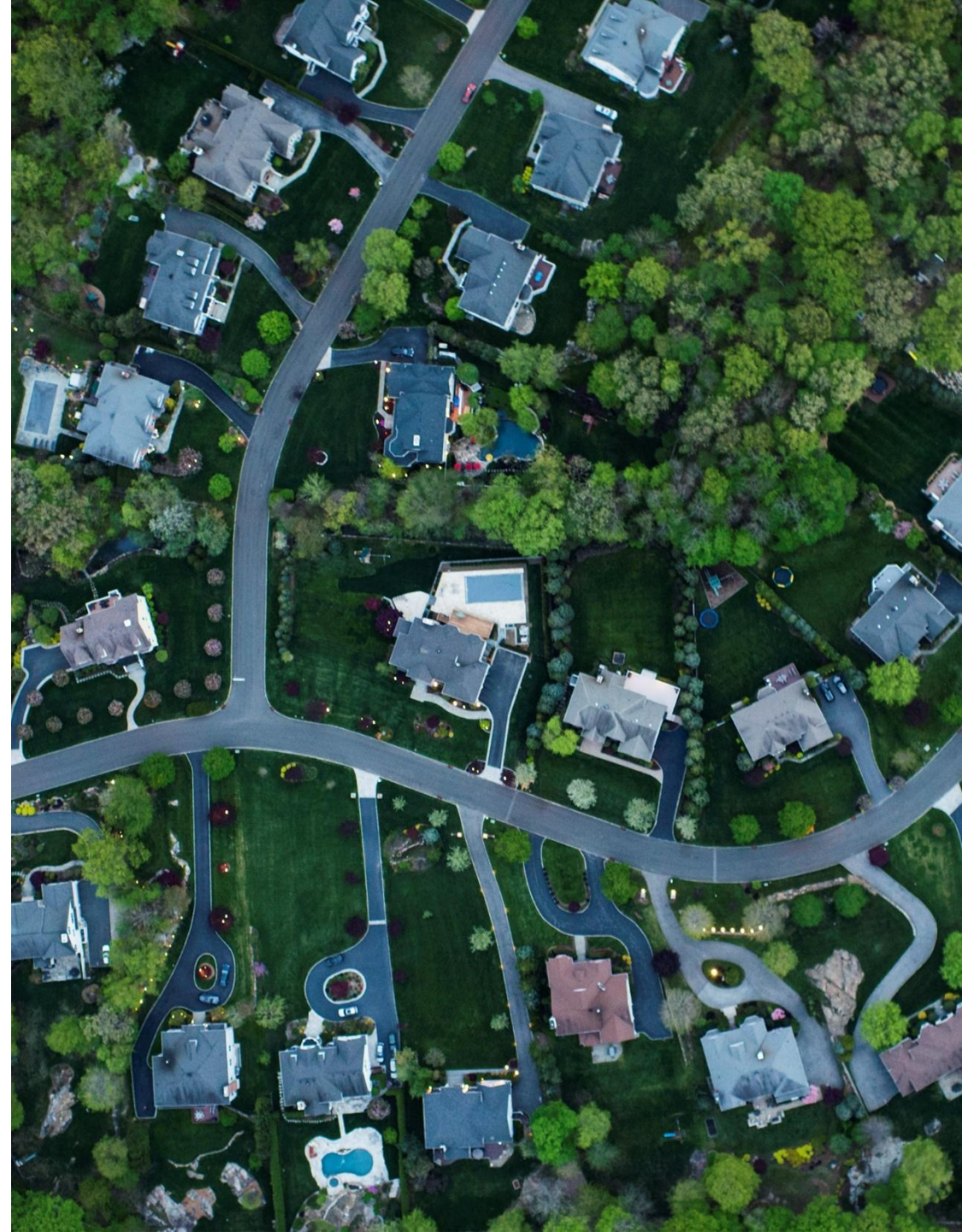


BESS (various appeals)

- Aim to reduce reliance on private car less relevant
- Some traffic during construction
- Minimal traffic during operational phase, irrespective of location of BESS

Fourth criterion: para 155(d)

- Where applicable the development proposed meets the 'Golden Rules' requirements in §156 and §157
- Doesn't apply to non-housing developments or non-major housing developments



Thank you



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