



**EXAMINATION OF THE CITY OF YORK LOCAL PLAN
2017-2033**

PHASE 4 HEARINGS

MATTER 6: Development in the Green Belt

CITY OF YORK COUNCIL STATEMENT

Matter 6 – Development in the Green Belt

6.1 Does Policy GB1 accord with national policy?

- 6.1.1 This policy sets the overall approach for what development is acceptable in the Green Belt, reflecting the requirements principally of paragraph 89 of NPPF 2012. This paragraph considers the construction of new buildings as inappropriate in the Green Belt, unless it is for the specific exceptions set out in the policy. Paragraphs 90, 91 and 92 also set out additional other forms of development which are acceptable in the Green Belt, including mineral extraction, engineering operations, local transport infrastructure, re-use of buildings, development covered by a Community Right to Build Order and renewable energy schemes (where very special circumstances can be justified).
- 6.1.2 The first part of policy GB1 reflects established principles for development in the Green Belt, including that the scale, location and design would not detract from the openness of the Green Belt, it would not conflict with the purposes of including land in the Green Belt and it would not prejudice or harm those elements which contribute to the special character and setting of York. While it is considered that the policy is generally consistent with the principles of the NPPF, further review of the detailed wording of GB1 has identified that the policy could be simplified to ensure full NPPF compliance. As such the following modifications are proposed within the attached Appendix:

Removal of agriculture and forestry; limited infilling in existing settlements; and limited affordable housing for proven local needs from the original list and the addition of the following text:

Buildings for the purposes of agriculture and forestry; limited infilling in existing settlements; and limited affordable housing for proven local needs are not inappropriate in the Green Belt. and are not subject to the requirements of preserving openness or not conflicting with Green Belt purposes.

- 6.1.3 In addition, and in accordance with changes evidenced in NPPF 2021 in regard to development in the Green Belt, it is further proposed to add text to include burial grounds and allotments, and material changes of use of land in to those forms of development which are not inappropriate (subject to the requirements of preserving openness and not conflicting with Green Belt purposes). These modifications are included in the attached Appendix.

6.2 Is Policy GB2 a sound approach to development in settlements in (washed over by) the Green Belt?

- 6.2.1 Yes. Policy GB2 acknowledges that York has a number of smaller villages located within the extent of the York Green Belt, which have an open character which contribute to the openness of the Green Belt. In such villages it is therefore necessary to restrict development in these locations to protect the character of the village and the openness of the Green Belt, in line with paragraph 86 of NPPF 2012.

- 6.2.2 The policy is positively prepared, as it is based on an overall Plan strategy as set out in Policy SS1 (Delivering Sustainable Growth for York), which guides development via five spatial principles, including conserving and enhancing York's historic and natural environment.
- 6.2.3 The policy is justified. In defining the detailed Green Belt boundary, the boundary definition methodology set out Section 8 of TP1 Green Belt Addendum (EX/CYC/59) was applied. This involved applying the criteria linked to the three relevant Green Belt purposes (Purpose 1, 3 and 4) and taking into account Paragraph 85 of the NPPF. The methodology is detailed in the Council's Phase 4, Matter 1 statement in full. The process involved establishing strategic principles. In relation to the boundaries of York's villages and other densely developed areas, Strategic Principle 5 states: *'Villages or development not entirely subsumed and/or that retain a separation from the main urban area need to be considered separately in relation to their contribution to openness.* A detailed assessment of the villages and other densely developed areas is set out in TP1 Annex 4 (EX/CYC/59f). Part 2 of Annex 4 includes those villages and areas which are proposed to be included in the Green Belt. For each village and area, the justification for this is provided based on the assessment against paragraph 86 NPPF.
- 6.2.4 The Publication Sustainability Appraisal (CD008), recognises that the York's Green Belt plays a significant role as part of the setting for the City and its overall character, particularly with regard to preserving long distance views into the City, and policy GB2 is able to deliver the objective on a City-wide scale in the short, medium and long terms. In light of this, policy GB2 has been appraised as having significant positive effects on SA objective 14 (Historic Environment) and 15 (Natural and Built Landscape).
- 6.2.5 On review of the wording in GB2 it is recognised that greater clarity is required, including in the relationship between this policy and GB1. Wording is proposed to the effect that and included in modifications at Appendix 1.
- 6.2.6 As modified, Policy GB2 is justified by evidence, consistent with national policy, effective and deliverable.

6.3 Does the approach of Policy GB3 to the re-use of buildings an appropriate one?

- 6.3.1 Yes. Paragraph 90 of NPPF 2012 refers to certain types of development not being inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, including the re-use of buildings provided they are of permanent and substantial construction. Policy GB3 provides more detailed guidelines for the re-use of buildings, reflecting the wider principles of development in the Green Belt, such as the re-use of the building does not have a materially greater impact than the present use on the openness of the Green Belt; the proposed re-use will generally take place within the fabric of the existing building; the form, bulk and design are in keeping with the

surroundings or will create an overall improvement in the character and appearance of the Green Belt without compromising openness.

- 6.3.2 A modification is proposed to this policy to remove bullet point (vii), requiring that buildings are within 800m of a defined settlement limit, and its associated text at paragraph 10.21. This requirement was included to ensure sustainable patterns of development and promote sustainable travel options but is covered elsewhere by policy T1. It is also recognised that there may be reasons to accept the re-use of a building in an isolated location in the Green Belt (eg where the building is listed and needs to be brought back into a viable use) which would be negated by the retention of this part of the policy. These changes are noted in the attached Appendix.

6.4 Is Policy GB4 that deals with exception sites in the Green Belt in accord with national policy?

- 6.4.1 Yes. Delivery of affordable housing in the Green Belt is enabled by paragraph 89 (bullet point 5) in the NPPF 2012 which states that limited affordable housing for local community needs is acceptable in the Green Belt. Policy GB4 reflects the NPPF 2012 in this respect, together with the wider affordable housing requirement principles – such as the development would contribute to meeting identified need as illustrated in an up to date housing needs assessment, and the affordable housing is retained at an affordable price in perpetuity. The policy also allows a proportion of market housing, to cross subsidise affordable housing, where it can be justified as necessary to make an exceptions scheme viable, in line with the NPPF.

- 6.4.2 As per paragraph 6.3.2 above, the requirement in bullet point (iii) is recommended to be removed as it is covered under other policy.

- 6.4.3 It is also considered that further clarity is required in regards to the definition of exception sites. As such a modification is proposed to the policy to include the following wording:

Exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Supporting evidence for this need will be required with any future planning application.

- 6.4.4 Bullet point (iii) is proposed to be amended to remove the requirement that the development is within 800m of an existing defined settlement limit, however the remaining text requiring that the development is well related to existing residential development and amenities is to be retained in the interests of sustainable development.

6.5 Does Policy SS2 properly reflect the role of York's Green Belt?

- 6.5.1 Yes. The five purposes of Green Belt are set out in NPPF 2012 paragraph 80. Policy SS2 identifies the primary purpose of York's Green Belt as meeting purpose 4 defined in NPPF 2012 (bullet 4) which is to preserve the setting and special character of historic towns.
- 6.5.2 The principle and general extent of a Green Belt around York is established by the Regional Spatial Strategy (RSS) (adopted May 2008 [CD032]; partially revoked 2013). 'Saved' RSS policy YH9 defines the primary purpose of the York Green Belt as "to safeguard the special character and setting of the historic city". The historic city's special character and setting is described in the Heritage Topic Paper (2014, SD103) and further described and appraised in defining detailed Green Belt boundaries in the Green Belt Topic Paper Addendum, January 2021 (EX/CYC/59) and associated appendices (EX/CYC/59a to EX/CYC/59j). This provides a detailed understanding of York's character in applying Green Belt purpose 4, its primary purpose.
- 6.5.3 The essential characteristics of Green Belts are their openness and permanence. The Plan provides for a Green Belt capable of enduring beyond the Plan period. Whilst the Development Strategy of the Plan is influenced by the need to define a Green Belt which safeguards the special character and setting of the historic city, the primary purpose of the Green Belt is not to deliver the Local Plan Strategy. Modification is Proposed to SS2, removing this statement, to clarify the policy intent.
- 6.5.4 Modification is proposed to SS2 to better reflect the RSS definition, including reference to 'the historic city', and to remove descriptive text in para 3.13/3.14 which is superseded by evidence presented in the Green Belt Topic Paper Addendum, January 2021 (EX/CYC/59).

Appendix 1 – Proposed Modification

Section 10: Managing Appropriate Development in the Green Belt

- 10.1 The plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city. In managing development in the Green Belt the primary aim is to preserve and enhance the special character and setting of York and its villages.

Policy GB1: Development in the Green Belt

Within the Green Belt, planning permission for development will only be granted where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York.

AND it is for one of the following purposes:

- ~~agriculture and forestry; or~~
- appropriate facilities for outdoor sport and outdoor recreation (including allotments); or
- cemeteries and burial grounds; or
- ~~limited infilling in existing settlements; or~~
- limited extension, alteration or replacement of existing buildings; or
- ~~limited affordable housing for proven local needs; or~~
- development of existing developed sites where this would lead to an overall improvement in the character and appearance of the Green Belt without compromising openness; or
- minerals extraction, provided high environmental standards are attainable; or
- essential engineering operations including waste disposal; or
- local transport infrastructure including highways work and Park & Ride facilities; or
- the reuse of buildings; or
- development brought forward under a Community Right to Build Order; or
- a material change in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); or
- renewable energy schemes, where it can be proved that the location is necessary for technical reasons and wider environmental benefits can be demonstrated.

Buildings for the purposes of agriculture and forestry; limited infilling in existing settlements; and limited affordable housing for proven local needs are not inappropriate in the Green Belt and are also not subject to the requirements of preserving openness or not conflicting with Green Belt purposes.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

See also Policy GB2, GB3, GB4, D1, D2, GI1, GI2, GI3, GI4, GI5, GI6, H9, WM1, WM2 and CC1.

Explanation

- 10.2 Detailed boundaries of the Green Belt are shown on the proposals policies map. In defining these boundaries, care has been taken to follow readily recognisable physical features that are likely to endure.
- 10.3 The protection of the Green Belt is an overriding planning consideration and one, which, in the case of most forms of development, strongly militates against the granting of planning permission.
- 10.4 When granting permission for residential development in the Green Belt, conditions will normally be attached to remove permitted development rights from the application site. This will ensure that the visual openness of the countryside is protected from obtrusive domestic development.
- 10.5 One of the few exceptions where isolated new housing development may be acceptable in the open countryside around York is where accommodation is required to enable an agriculture or forestry worker to live in the immediate vicinity of their workplace. It is intended to judge the instances where this type of residence would be acceptable on the individual circumstances of the farm or forestry business. For instance, it may be that for security purposes it is possible to justify the presence of a dwelling on or near an agricultural holding. All applications for agricultural or forestry dwellings will be expected to be accompanied by a detailed justification as to why that new unit is genuinely required for the stated purpose.
- 10.6 To ensure that any agricultural or forestry dwelling is retained to meet the identified housing need of that holding, occupancy conditions will be attached to permissions to limit potential residents to people directly involved in the operation of that agricultural or forestry holding.
- 10.7 The provision of opportunities for outdoor sport and recreation near urban areas is one of the key aims of Green Belt. Policy GB1 attempts to achieve this aim by offering a degree of flexibility depending on the circumstances of the existing or proposed recreational use and its likely impact on the open character of the area so such proposals reflect the special Green Belt circumstances that currently exist in the city.
- 10.8 The open countryside around York includes a significant number of buildings outside existing settlements. The extension or alteration of these buildings will be considered

acceptable, in response to changing circumstances, provided there would be no greater visual impact on the Green Belt or open countryside as a result of the alterations, and where the design of any extension is in keeping with the original buildings. Furthermore, when permission for this type of development is granted, the applicant will be expected to agree to conditions ensuring that no further extensions will be permitted to the same building.

- 10.9 In special circumstances the development of affordable housing may be considered on small 'exception' sites. Further details of these special circumstances are detailed in Policy GB4.
- 10.10 The principle of existing buildings in the Green Belt and open countryside being demolished and replaced by a new building is acceptable provided it is on a one-for-one basis, and the new building is in the same use and not materially larger than the one it replaces.
- 10.11 In circumstances where the building proposed for replacement is listed, it is preferable to see the building restored and renovated rather than demolished, to safeguard the city's heritage. Similarly, if it can be demonstrated that the building has been abandoned or deliberately neglected, proposals for its replacement will be resisted. The policy also aims to ensure that the replacement of any existing building takes place as close as possible to the site of the original building, and is not materially larger than the one it replaces, thus minimising any additional visual impact on the Green Belt. Proposals for significantly larger replacement buildings will not be acceptable.
- 10.12 There are advantages to permitting limited development and redevelopment of previously developed sites within the Green Belt provided development does not have a greater impact on Green Belt's openness or the purposes of including land within it than the existing development. Where the sites are in existing use, limited infilling may help to provide jobs and secure economic prosperity such as at York Racecourse; Askham Bryan College; Harewood Whin; and Cliftongate Business Park. Similarly, the complete or partial redevelopment of these sites may in some cases, result in environmental improvements. In such cases, the area of the site occupied by existing buildings is the aggregate ground floor area of existing buildings excluding temporary buildings, open spaces with direct external access between wings of a building, and hard standing. -
- 10.13 Additionally, the character and the dispersal of any proposed redevelopment will need to be considered to ensure that there is no additional impact on the character of the Green Belt. Where a major development within the Green Belt is demolished, careful records of the extent and nature of the original development must be made and agreed with the Local Planning Authority. These records will facilitate the accurate application of Policy GB1.
- 10.14 The Park & Ride is a key component of the city's transport policies. In order to function effectively, Park & Ride facilities need to be located on or close to the major radial routes and are likely to be close to junctions with the Outer Ring Road (A64/A1237). It is acknowledged that in special circumstances Park and Ride sites may be located within the Green Belt.

10.15 Development in the Green Belt brought forward under the Community Right to Build Order will not be seen as inappropriate provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The Community Right to Build allows local communities to undertake small-scale, site-specific, community-led developments. The new powers give communities the freedom to build new homes, shops, businesses or facilities where they want them, without going through the normal planning application process. To get the go-ahead, the proposals must:

- have the agreement of more than 50% of local people that vote through a community referendum; and
- meet some minimum requirements (for example, they should generally be in line with national planning policies and strategic elements of the Local Plan).

10.16 Members of the community will need to set themselves up as a corporate body with the purpose of furthering the social, economic and environmental well-being of the local community. The developments would then be managed by this corporate body. Any benefits from any development which come to the body must be retained or used for the benefit of the community.

Delivery

- Key Delivery Partners: City of York Council; developers; and landowners.
- Implementation: Planning applications.

Policy GB2: Development in Settlements within the Green Belt

In settlements within the Green Belt as shown on the ~~proposals~~ policies map development will be subject to Policy GB1. Limited infilling will be permitted in the settlements. ~~planning permission for the erection of new buildings or the change of use, redevelopment or extension of existing buildings will only be permitted provided:~~

Permission for any development will only be granted where the proposed development is:

- i. ~~the proposed development would be~~ located within the built-up area of the settlement; and
- ii. the location, scale and design of the proposed development would be appropriate to the form and character of the settlement and neighbouring property; and
- iii. ~~the proposed development would constitute limited infilling and would not prejudice the openness or the purposes of the Green Belt.~~

See also Policy GB1, GB3, GB4, D1, D2

Explanation

- 10.17 A village should be included in the Green Belt, if it is necessary to prevent development primarily because of the important contribution the village's open character makes to the openness of the Green Belt.
- 10.18 Whilst infilling (defined as the filling of a small gap in an otherwise built up frontage) is often perceived as acceptable in some locations, this ignores the fact that part of the character of many settlements is made up of gardens, paddocks and other breaks between buildings. It is important to protect those infill spaces, which contribute to the character of smaller settlements lying within the Green Belt. Infill development may also not be desirable if it would consolidate groups of houses, which are isolated from the main body of a village, or consolidate a ribbon of development extending into the open countryside. Infilling is location dependent, therefore in some settlements little or no infill development may be appropriate; in others a limited amount of infill on selected sites may be acceptable.

Delivery

- Key Delivery Partners: City of York Council; developers; and landowners.
- Implementation: Planning applications.

Policy GB3: Reuse of Buildings

Outside defined settlement limits planning permission for the reuse of buildings within the Green Belt will be granted provided:

- i. the reuse does not have a materially greater impact than the present use on the openness of the Green Belt;
- ii. the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction;
- iii. the proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension;
- iv. the form, bulk and general design of the buildings are in keeping with their surroundings or it can be demonstrated that they create an overall improvement in the character and appearance of the Green Belt without compromising openness;
- v. any residential buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building;
- vi. there is already a clearly defined curtilage; and
- vii. ~~where the proposal involves changing the use to residential, permission will only be granted where criteria i. to vi. are satisfied; and the building(s) are within 800m of a defined settlement limit.~~

See also Policy GB1, GB2, D1, and D2 and T1

Explanation

10.19 It is important that the reuse of buildings does not have an adverse affect on the Green Belt's openness or prejudice its purposes. It is therefore necessary to consider the impact of the proposed reuse in comparison with the existing use of the building. The buildings to be reused must be permanent and of substantial construction, and be capable of the change without major reconstruction.

10.20 Within the City of York, demand exists for the conversion of farm buildings to residential use, often in relatively remote locations. Proposals for residential conversion of farm buildings must be sympathetic to the original structure and setting of the building, be of permanent and substantial construction and meet the criteria defined in Policy GB3. For more information on the Plan's approach to development which affects buildings of architectural or historic significance and their conservation please see Section 8 'Placemaking, Heritage, Design and Culture'. Proposals for residential conversion that would result in the building taking on a modern domestic appearance which could be seen as detrimental to the visual character of the locality will be resisted.

~~10.21 The distance of 800m from defined settlement limits has been selected as a reasonable walking distance to encourage a community to be sustainable.~~

Delivery

- Key Delivery Partners: City of York Council; developers; and landowners.
- Implementation: Planning applications.

Policy GB4: 'Exception' Sites for Affordable Housing in the Green Belt

Exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Supporting evidence for this need will be required with any future planning application.

The development of affordable housing on exception sites in the Green Belt is not inappropriate development and will be considered where:

- i. the development contributes to meeting identified local affordable housing need as illustrated by an up to date housing needs assessment;
- ii. the affordable housing is retained at an affordable price for future eligible households in perpetuity;
- iii. the development is within 800m of an existing defined settlement limit or is well related to the existing residential development and amenities located in or adjacent to a clearly identified village or settlement; and
- iv. the development reflects the size of the settlement in terms of scale, form and character.

A proportion of market housing may be acceptable if it can be demonstrated that the site would be unviable as an exception site, without cross subsidy. However:

- the majority of development must be for affordable housing with the minimum number of market homes required to make the scheme viable;
- it must be demonstrated that there is insufficient public subsidy available; and
- it must be demonstrated through a financial appraisal that the scale of market housing component is essential for the delivery of the scheme and is based on reasonable land values.

See also Policy SS1, GB1, GB2, H5, H6, H10, D1, D2 and T1

Explanation

10.22 Exception sites are used to enable communities to deliver affordable housing, in perpetuity, on sites which would not normally be permitted for housing. The National Planning Policy Framework (2012) (NPPF) makes clear that 'limited affordable housing for local community needs under policies in a local plan' is not inappropriate development.

10.23 Housing need will have to be demonstrated and an up-to-date needs survey should be carried out with the City of York Council and the relevant parish council.

10.24 The policy allows a number of market homes to cross subsidise affordable housing provision where it can be justified as necessary to make an exception scheme viable, and if it can be demonstrated there is insufficient public subsidy available. This is in line with the NPPF. On sites where a proportion of the site is to be developed for market housing to provide cross subsidy, a detailed financial appraisal is required to demonstrate that the proportion of market housing proposed is the minimum required to ensure the viability of the scheme and that the value of the land is based on a realistic land value.

10.25 It is the Council's intention that policy GB4 should apply to the delivery of affordable sites for gypsy and travellers not meeting the planning definition, accommodating households who are either current residents or have an existing family or employment connection. Unlike a rural exception site, exception sites for affordable housing in the Green Belt can be mixed use, accommodating yards for Showpeople where appropriate.

Delivery

- Key Delivery Partners: City of York Council; developers; landowners; housing associations; and registered social landlords.
- Implementation: Local housing needs assessments; and planning applications.

Policy SS2: The Role of York's Green Belt

The primary purpose of the Green Belt is to safeguard ~~the special character and setting of the historic city, the setting and the special character of York and delivering the Local Plan Spatial Strategy.~~ New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

The general extent of the Green Belt is shown on the Key Diagram. Detailed boundaries shown on the ~~proposals~~ policies map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038.

Explanation

- 3.13 The boundary of the Green Belt is the consequence of decisions about which land serves a Green Belt purpose and which can be allocated for development. The Plan seeks to identify sufficient land to accommodate York's development needs across the plan period, 2012-2033. In addition, the Plan provides further development land to 2038 (including allowing for some flexibility in delivery) and establishes a Green Belt boundary enduring for at least 20 years. In this Local Plan the Green Belt's prime purpose is that of preserving the setting and special character of York. ~~This essentially comprises the land shown earlier in the section at Figure 3.1.~~
- 3.14 ~~Over and above the areas identified as being important in terms of the historic character and setting of York other land is included to regulate the form and growth of the city and other settlements in a sustainable way. This land will perform the role of checking the sprawl; safeguarding the countryside from encroachment; and encouraging the recycling of derelict and other urban land.~~
- 3.15 In defining the detailed boundaries of the Green Belt care has been taken to follow readily recognisable physical features that are likely to endure such as streams, hedgerows, footpaths and highways. Clearly it will not always be possible to do this because of factors on the ground and where this is the case there will be a clear logic to the boundary that can be understood and interpreted on the ground.

Delivery

- Key Delivery Partners: City of York Council; Neighbouring Local Authorities; infrastructure delivery partners; developers; and landowners.
- Implementation: Through all Local Plan policies; planning applications; and developer contributions.