



Approach to decision making in Green Belt appeals

10 January 2025

Chaired by Richard Schofield with David Smith



Planning
Inspectorate

Welcome

Questions?

Submit your questions via the “Q&A” panel in Teams.
Use the “Upvote ↑” button to vote for questions you want answered.



General structure of decision-making

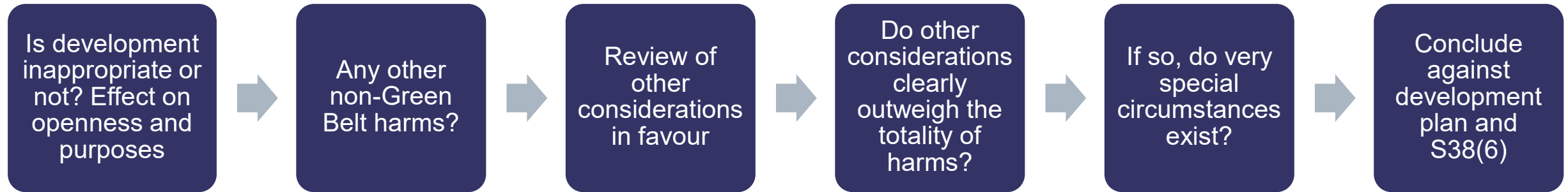
- 6 steps
- Inappropriate development?
- Openness
- Other considerations
- Very special circumstances



Review of individual development types



- Extensions to original building
- Replacement buildings
- Limited infilling in villages





LJ Holgate in Vistry Homes Ltd and Fairfax Acquisitions Ltd v SSLUHC [2024] EWHC 2088 (Admin)

“

During the hearing we saw how little help can be gained from looking at the decisions of Inspectors on other planning appeals. Usually there is insufficient information to help determine true comparability. Understandably weights are not expressed in numerical terms. Inspectors will vary as to the term used and their scale of values may differ. Moreover, as the Fairfax Inspector pointed out, decisions letters often do not explain why a particular weighting was adopted.

”

(para 160)



Sefton Metropolitan Borough Council v SSHCLG & Jerry Doherty [2021] EWHC 1082 (Admin)

“

They do not, however, require a particular mathematical exercise nor do they require substantial weight to be allocated to each element of harm as a mathematical exercise with each tranche of substantial weight then to be added to a balance. The exercise of planning judgement is not to be an artificially sequenced two stage process but a single exercise of judgement to assess whether there are very special circumstances which justify the grant of permission notwithstanding the particular importance of the Green Belt.

”

(para 34)



Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

“

.... is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension.

”

(para 52)



- Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466
- R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC
- Euro Garages Ltd v SSCLG & Anor [2018] EWHC 1753 (Admin)
- Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404
- Brentwood BC v SSE [1996] 72 P&CR 61
- Vistry Homes Ltd and Fairfax Acquisitions Ltd v SSLUHC [2024] EWHC 2088 (Admin)
- Sefton Metropolitan Borough Council v SSHCLG & Jerry Doherty [2021] EWHC 1082 (Admin)
- Guildford BC v SSLUHC & Mr C Weeks [2023] EWHC 575 (Admin)
- Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)
- Sevenoaks DC v SSE & Dawe [1997].
- R (oao Heath and Hampstead Society) v Camden LBC [2007] EWHC 977 (Admin)
- Athlone House Ltd v SSCLG [2015] EWHC 3524 (Admin)
- Tandridge DC v SSCLG & Syrett [2015] EWHC 2503
- Feather v Cheshire East Borough Council v Mr Christopher Wren and Mrs Susan Wren [2010] EWHC 1420 (Admin)
- Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195



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Thank you for attending!



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Further learning:

- Planning Advisory Service NPPF Webinar – Green Belt & Grey Belt (session for LPA officers)
18 February

Sign up at:

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Forthcoming webinar:

**Nationally Significant
Infrastructure Projects:
Linear Schemes**

February - date to be confirmed

WEBINAR