

NATIONAL, REGIONAL AND LOCAL PLANNING GUIDANCE

1. The Development Plan for the Borough comprises the policies of the Bromley Local Plan (adopted January 2019) and the London Plan (adopted March 2021). The National Planning Policy Framework was updated on 20 December 2023.
2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:
 - a) the provisions of the development plan, so far as material to the application,
 - b) any local finance considerations, so far as material to the application, and
 - c) any other material considerations.
3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF both state that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Bromley Local Plan

4. The Council is committed to the need to protect the living conditions and environment of all local residents. The Local Plan states that new development should well designed, safe, energy efficient, and complement its surroundings, respecting the existing scale and layout. Private or public open space, and appropriate car parking are key considerations. Good quality public art and street furniture make places more attractive and comfortable for users. Bromley's roads and streets are clean but uncluttered, with street trees and verges improving their appearance. New development should incorporate high quality design standards, include appropriate well planned private or public open space that promotes and enhances biodiversity, and ensure public areas are well designed, safe and accessible.
5. Policy 37: General Design of Development states as follows:

“All development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Developments will be expected to meet all of the following criteria where they are relevant:

 - a) Be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas;*
 - b) Positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features;*
 - c) Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity);*
 - d) The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings;*

- e) *Respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing;*
- f) *The development should address sustainable design and construction and include where appropriate on-site energy generation;*
- g) *Suitable access should be provided for people with impaired mobility and meet the principles of inclusive design. Where necessary and relevant to the development, contributions may be sought to improve accessibility around the development;*
- h) *Security and crime prevention measures should be included in the design and layout of building and public areas;*
- i) *Recycling and waste storage facilities are incorporated within the design layout;*
- j) *Respect non designated heritage assets. Applications should be accompanied by a written statement setting out design principles and illustrative material showing the relationship of the development to the wider context."*

6. Policy 39: Locally Listed Buildings states as follows:

"Buildings on the Local List are considered to be non-designated heritage assets in the National Planning Policy Framework (NPPF).

A proposal to alter, extend or for the change of use of a locally listed building will be permitted provided that:

- *It is sympathetic to the character, appearance and special local interest of the building; and*
- *It respects its setting.*

Proposals to replace such buildings will be assessed against paragraph 135 of the NPPF, taking into account the scale of harm or loss and the significance of the heritage asset."

7. The supporting text to Policy 39 at paragraph 5.1.4 of the Local Plan states as follows:

"Buildings deemed to be of local or historical interest are included on the Council's Local List as they contribute to the townscape or character of the Borough and the Council deems these buildings worthy of protection. The Council will encourage the preservation and conservation of buildings on the Local List. Where the replacement of a locally listed building is accepted, the proposed building should be of a high architectural standard."

8. Policy 41: Conservation Areas states as follows:

"Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Proposals for new development, for engineering works, alteration or extension to a building or for change of use of land or buildings within a conservation area will need to preserve and enhance its characteristics and appearance by:

- *Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;*
- *Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and*
- *Using high quality materials.*

A proposal for a development scheme that will involve the total or substantial demolition of an unlisted building in a conservation area that makes a positive contribution can be judged as causing substantial harm and will be assessed against the tests laid out in paragraph 133 of the NPPF. Where the building proposed for demolition makes a negative or neutral contribution to the conservation area the merit of the proposed replacement will be weighed against any loss or harm.

Permission for demolition will only be granted once a suitable replacement has been accepted. A condition will be imposed on a planning permission granted, to ensure that demolition shall not take place until a contract for the carrying out of the development works has been made."

9. Policy 49: The Green Belt states as follows:

"Within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.

The construction of new buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes:

- *agriculture and forestry;*
- *appropriate facilities for outdoor sport and outdoor recreation and cemeteries which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;*
- *extension or alteration of a building that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- *mineral extraction;*
- *engineering operations;*
- *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- *the re-use of buildings provided that the buildings are of permanent and substantial construction; and*
- *development brought forward under a Community Right to Build Order."*

10. Policy 51: Dwellings in the Green Belt or on Metropolitan Open Land states as follows:

"Extensions or alterations to dwellinghouses in the Green Belt or Metropolitan Open and (MOL) will only be permitted if:

- a) *The net increase in the floor area over that of the original dwellinghouse is no more than 10%, as ascertained by external measurement; and*
- b) *Their size, siting, materials and design do not harm visual amenities or the open or rural character of the locality; and*
- c) *The development does not result in a significant detrimental change in the overall form, bulk or character of the original dwellinghouse.*

Proposals to extend converted or replacement dwellings will not normally be permitted.

Other development within the curtilage is inappropriate by definition and would only be permitted where very special circumstances have been demonstrated."

11. The supporting text to Policy 51 at paragraphs 5.2.13–16 of the Local Plan states as follows:

"5.2.13 The Council wishes to ensure that there is no incremental harm to the Green Belt or Metropolitan Open Land (MOL) by excessive subsequent extensions to dwellings within the Green Belt or MOL that collectively may jeopardise the open nature of the countryside, or other open land.

5.2.14 The 'original dwelling' in the context of this policy follows the definition of 'original building' in the NPPF: 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'."

5.2.15 Where development is permitted, it will be subject to other policies addressing the design and landscaping of proposals in the countryside.

5.2.16 The policy will not apply to dwellings that have been created by re-use of a building within the Green Belt."

12. Policy 52: Replacement Residential Dwellings in the Green Belt states as follows:

"Where a building is in residential use in the Green Belt or on Metropolitan Open Land (MOL), the Council will permit its replacement by a new dwelling providing that:

- a) The resultant dwelling (including garaging and any accommodation below ground) does not result in a material net increase in floor area compared with the existing dwelling as ascertained by external measurement; and*
- b) The size, siting, materials and design of the replacement dwelling and of any associated works (such as boundary fences or walls) does not harm visual amenities or the open or rural character of the locality."*

13. The supporting text to Policy 52 states the following at paragraph 5.2.17 of the Local Plan:

"The National Planning Policy Framework (NPPF) indicates that the replacement of a building is not inappropriate provided the new building is in the same use and not materially larger than the one it replaces. In general an increase of over 10% would be considered material, although this may also depend on design issues."

The London Plan

14. Policy D3: Optimising Site Potential Through the Design-Led Approach states as follows:

"The design-led approach

- A All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of*

development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D.

- B Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.*
- C In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 Small sites.*
- D Development proposals should:*

Form and layout

- 1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions*
- 2) encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area*
- 3) be street-based with clearly defined public and private environments*
- 4) facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users*

Experience

- 5) achieve safe, secure and inclusive environments*
- 6) provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest*
- 7) deliver appropriate outlook, privacy and amenity*
- 8) provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity*
- 9) help prevent or mitigate the impacts of noise and poor air quality*
- 10) achieve indoor and outdoor environments that are comfortable and inviting for people to use*

Quality and character

- 11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character*
- 12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well*
- 13) aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy*
- 14) provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the*

management of surface water.

- E Where development parameters for allocated sites have been set out in a Development Plan, development proposals that do not accord with the site capacity in a site allocation can be refused for this reason.”*

15. Policy G2: London's Green Belt states the following:

- “A. The Green Belt should be protected from inappropriate development:*
1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist;
2) subject to national policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.
- B. Exceptional circumstances are required to justify either the extension or de designation of the Green Belt through the preparation or review of a Local Plan.”*

16. Accompanying paragraphs 8.2.1–8.2.2 state the following:

- “8.21 The Mayor strongly supports the **continued protection of London's Green Belt**. The NPPF provides a clear direction for the management of development within the Green Belt and sets out the processes and considerations for defining Green Belt boundaries. London's Green Belt makes up 22 per cent of London's land area and performs multiple beneficial functions for London, such as combating the urban heat island effect, growing food, and providing space for recreation. It also provides the vital function of containing the further expansion of built development. This has helped to drive the re-use and intensification of London's previously developed brownfield land to ensure London makes efficient use of its land and infrastructure, and that inner urban areas benefit from regeneration and investment.*
- 8.2.2 Openness and permanence are essential characteristics of the Green Belt, but despite being open in character, some parts of the Green Belt do not provide significant benefits to Londoners as they have become derelict and unsightly. This is not, however, an acceptable reason to allow development to take place. These derelict sites may be making positive contributions to biodiversity, flood prevention, and reducing the urban heat island effect. The Mayor will work with boroughs and other strategic partners to enhance access to the Green Belt and to **improve the quality** of these areas in ways that are appropriate within the Green Belt.”*

17. Policy G5: Urban Greening states as follows:

- “A Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.*
- B. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF*

should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).

- C. Existing green cover retained on site should count towards developments meeting the interim target scores set out in (B) based on the factors set out in Table 8.2.”*

18. Policy G6: Biodiversity and Access to Nature states as follows:

- “A Sites of Importance for Nature Conservation (SINCs) should be protected.*
- B. Boroughs, in developing Development Plans, should:*
- 1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks*
 - 2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them*
 - 3) support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans*
 - 4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context*
 - 5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.*
- C. Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:*
- 1) avoid damaging the significant ecological features of the site*
 - 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site*
 - 3) deliver off-site compensation of better biodiversity value.*
- D. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.*
- E. Proposals which reduce deficiencies in access to nature should be considered positively.”*

19. Policy HC1: Heritage Conservation and Growth states as follows:

- “A Boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London’s historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.*
- B Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London’s heritage in regenerative change by:*

- 1) *setting out a clear vision that recognises and embeds the role of heritage in place-making*
 - 2) *utilising the heritage significance of a site or area in the planning and design process*
 - 3) *integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place*
 - 4) *delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.*
- C *Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.*
- D *Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.*
- E *Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and reuse."*

20. Policy T5: Cycling states as follows:

- "A *Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through:*
- 1) *supporting the delivery of a London-wide network of cycle routes, with new routes and improved infrastructure*
 - 2) *securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2 and Figure 10.3, ensuring that a minimum of two short-stay and two long-stay cycle parking spaces are provided where the application of the minimum standards would result in a lower provision.*
- B *Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.¹⁸² Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.*
- C *Development Plans requiring more generous provision of cycle parking based on local evidence will be supported.*
- D *Where it is not possible to provide suitable short-stay cycle parking off the public highway, the borough should work with stakeholders to identify an appropriate on-street location for the required provision. This may mean the reallocation of space from other uses such as on-street car parking. Alternatively, in town centres, adding the required provision to general town centre cycle parking is*

also acceptable. In such cases, a commuted sum should be paid to the local authority to secure provision.

E Where it is not possible to provide adequate cycle parking within residential developments, boroughs must work with developers to propose alternative solutions which meet the objectives of the standards. These may include options such as providing spaces in secure, conveniently-located, on-street parking facilities such as bicycle hangers.

F Where the use class of a development is not fixed at the point of application, the highest potential applicable cycle parking standard should be applied.”

21. Policy T6: Car Parking states as follows:

- “A Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.*
- B. Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking (‘car-lite’). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.*
- C. An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.*
- D. The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans.*
- E. Appropriate disabled persons parking for Blue Badge holders should be provided as set out in Policy T6 .1 Residential parking to Policy T6 .5 Nonresidential disabled persons parking.*
- F. Where provided, each motorcycle parking space should count towards the maximum for car parking spaces at all use classes.*
- G. Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6 .1 Residential parking, Policy T6 .2 Office Parking, Policy T6 .3 Retail parking, and Policy T6 .4 Hotel and leisure uses parking
All operational parking should make this provision, including offering rapid charging. New or re-provided petrol filling stations should provide rapid charging hubs and/or hydrogen refuelling facilities.*
- H. Where electric vehicle charging points are provided on-street, physical infrastructure should not negatively affect pedestrian amenity and should ideally be located off the footway. Where charging points are located on the footway, it must remain accessible to all those using it including disabled people.*
- I. Adequate provision should be made for efficient deliveries and servicing and emergency access.*
- J. A Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.*
- K. Boroughs that have adopted or wish to adopt more restrictive general or operational parking policies are supported, including borough-wide or other area-based car-free policies. Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6 .1 Residential parking) must only do so for parts of London that are PTAL 0-1. Inner London boroughs should not adopt minimum standards. Minimum standards are not appropriate for non-residential use classes in any part of London.*

- L. *Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy. Some flexibility may be applied where retail sites are redeveloped outside of town centres in areas which are not well served by public transport, particularly in outer London.”*

22. Policy T6.1: Residential Parking states as follows:

- “A New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.*
- B. Parking spaces within communal car parking facilities (including basements) should be leased rather than sold.*
- C. All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.*
- D. Outside of the CAZ, and to cater for infrequent trips, car club spaces may be considered appropriate in lieu of private parking. Any car club spaces should have active charging facilities.*
- E. Large-scale purpose-built shared living, student accommodation and other sui generis residential uses should be car-free.*
- F. The provision of car parking should not be a reason for reducing the level of affordable housing in a proposed development.*
- G. Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:*
 - 1) ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset*
 - 2) demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. This should be secured at the planning stage.*
- H. All disabled persons parking bays associated with residential development must:*
 - 1) be for residents’ use only (whether M4(2) or M4(3) dwellings)*
 - 2) not be allocated to specific dwellings, unless provided within the curtilage of the dwelling*
 - 3) be funded by the payment of a commuted sum by the applicant, if provided on-street (this includes a requirement to fund provision of electric vehicle charging infrastructure)*
 - 4) count towards the maximum parking provision for the development*
 - 5) be designed in accordance with the design guidance in BS8300vol.1*
 - 6) be located to minimise the distance between disabled persons parking bays and the dwelling or the relevant block entrance or lift core, and the route should be preferably level or where this is not possible, should be gently sloping (1:60-1:20) on a suitable firm ground surface.”*

National Planning Policy Framework

23. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

24. Paragraph 2 of the “Introduction” states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.”

25. Paragraph 11 states as follows:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ;or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

26. Paragraph 12 of the NPPF states:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

27. Chapter 13 of the NPPF – “Protecting Green Belt Land” states the following at paragraph 142:

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

28. Paragraph 143 of the NPPF states as follows:

“Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

29. Paragraph 152 of the NPPF states as follows:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

30. Paragraph 153 of the NPPF states as follows:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

31. Paragraph 154 of the NPPF states as follows:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting*

an identified affordable housing need within the area of the local planning authority.”

32. Paragraph 155 of the NPPF states as follows:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

Planning Practice Guidance published 22 July 2019

33. Paragraph 001 of the Planning Practice Guidance on Green Belt policy states as follows:

“What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation.”*

34. Section 16 of the NPPF: Conserving and Enhancing the Historic Environment states the following:

“195. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶¹. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

And:

“203. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.”*

And:

- “205. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 206. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
 - a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*
- 207. *Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
 - a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*
- 208. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
- 209. *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*