

TCP

Planning Provocations: The Green Belt

Janice Morphet

As both main political parties in England have stated their support to retain the Green Belt, is it time to think about another way of defining its role and managing, what now appears to be a long term secure future? While these recent affirmations of the long term retention of the Green Belt are not likely to end the pressure for its development in general and on specific sites, the voices of arguing for this have been muted by the findings of the Report on UK Housebuilding by the Competition and Markets Authority (CMA) (2024) and their announcement of an investigation into sharing pricing information between eight volume housebuilders. Housing developers have long argued that government targets for housebuilding, constantly held at 300,000 per year without any underpinning evidence for this target, will not be met unless some of the Green Belt is developed and the principle of planning and political protection is removed or reduced in its application.

Taking a wider view of the provision of housing, the CMA, while not commenting on the number of homes required annually, has stated clearly that the provision of new homes in a system that is reliant on the output of speculative builders, will never meet this target. The report states that speculative developers will not build more homes if there is more housing land available through sites provided with planning permission as stated by Barker (2004 and 2006), nor will they consequently build more homes on this consented land and this reduce the price of homes. They act as all private sector businesses with a profit motive – they build enough homes to meet market demand while also retaining current price levels. They are developers and not builders, who might be paid for completed homes. The CMA states clearly that while the planning system could be improved, providing the homes needed each year needs a combined effort between speculative and non-speculative housing development, the latter being by housing associations and local authorities. Following this line of argument alone, without taking into account the number of unimplemented planning consents for housing and sites allocated in local plans, it appears that the arguments for Green Belt land release based on numbers alone are unlikely to be successful.

There are also questions about the way in which the political target of 300,000 homes per year is derived and whether it is still valid. There are a number of sources of evidence or at least reason to question these targets as a standalone policy. Firstly, there is no government policies to consider the way in which housing is provided and managed

across the country as a whole. The failure to reform tenancy laws, with the retention of the provision for no fault eviction, lack of tenant protection for housing conditions and rent regulation are providing a surge in homelessness and temporary accommodation cost for local authorities which are consuming their budgets. As a recent Shelter report has shown, the costs of this system to the national economy are considerable and a detriment to it. The failure to recognise the interrelated nature of good housing education, health and education in supporting the economy since 2010 has had widespread ramifications alongside other economic challenges such as Brexit, Pandemic and mini budget 2022.

The effects of this growing pressure for rented accommodation within local authority areas have highlighted other problems within the current system of housing provision. Fourthly, there is a widening gulf between the housing requirements identified through the standard method required by the government for local plans preparation and site allocations with the direct experience of housing assessments of need undertaken from a housing perspective. There is now an awareness that the levels of affordable homes required for a local authority will never be provided through s106 agreements for planning mitigation for new developments. This is for a range of reasons. Firstly the type of housing included within the government's definition of affordable housing has its main focus on shared ownership as a preferred tenure. However, rising housing costs are now meaning that in some areas, very few can access shared ownership through their household income levels. Secondly, the pressures of construction costs and the recession in the economy now means that viability assessments of new housing developments provide fewer homes or those previously agreed are not being re-negotiated. Thirdly there are many more pressures on s106 funding in addition to the provision of affordable homes incident and for flood prevention. While still attempting to negotiate affordable homes through s106 agreements, local authorities are seeking other, more direct means of achieving housing provision outside the planning system. Now 93% of English local authorities are engaging in some form of housing provision and XX% have strategies to provide affordable housing outside the use of s106. These include development, acquisition and the management of property owned by others.

This is favour of opening the Green Belt for housing development might argue that all this attempts to a requirement for its use. However, there are other interventions that are required to use other land and the existing housing stock more effectively before the Green Belt is likely to be considered. Firstly, there is a need for government intervention and funding to provide non-speculative homes. If the £XXX paid to private landlords through tenants as housing allowance was used to support housing development through estate regeneration and implementing existing consents, then this would create a significant housing delivery programme. Many opportunities for re-using existing land already developed for housing are being delayed while the government funds held within its agency, Homes England are being frozen by the Treasury. Secondly, a removal of no-

fault evictions would remove many households from entering homelessness. It may lead to more landlords moving out of private renting and offer the opportunity for more home purchase by households or council in the same way as new incentives for second homes buyers and those with holiday lets are being encouraged to retain these homes to permanent use by households. There can also be positive policies and support for conversion of existing housing into more or larger homes working with housing providers to achieve these ends.

Next, in the NW, when there was a freeze on greenfield development many sites were developed within existing urban areas. These now need to be added town centre sites, as part of regeneration strategies. These can include a more focused and systematic programme for the reuse of upper floors in retail premises together with the reuse of department stores and other town centre buildings such as former post offices, libraries, colleges and buildings of local historic interest. Many small towns have former Victorian town halls remaining from pre local government reorganisation days – many of which remain empty or underused. Outside city centres, is it time to consider purchase and redevelopment of some of those interwar, low density suburbs, the ribbon development that led to policies of containment in the first place. Also in these less densely developed areas, retail sites – either for mixed or single use are a poor use of valuable land and many retailers are realising that the store can remain with some car parking while the remainder of the site can be redeveloped for housing. Also taking up vast tracks of suburban land are car showrooms – do we need these in a more sustainable world?

Finally, there needs to be greater consideration of the ways in which housing can be implemented where sites have already been identified or consented. Where there are consented sites, what incentives can be provided to promote their development? The introduction of commencement and progress orders as set out in LURA 2023 could be further strengthened for example with a requirement for sites to be sold to another willing builder as proposed by the POS. Within local plans and development management policies there needs to be more distinction of the type of homes to be developed on allocated sites and a move away from a presumption in favour of market homes with some affordable housing as a quasi and ineffective land tax. This implies a complete overhaul of the standard methods of calculating housing need. When adopted in XXXX, there was an assumption that most households would purchase a home in their lifetime and this is no longer the case. The local plans need to provide for other forms of tenure. Of these sites made available through greater incentivisation, there need to be more homes for rent provide for those household who now will never be able to buy a home or even a share in one. Where government bodies use sites for development including Homes England, the NHS and the MoD, these should include a legal requirements for their development within a set timescale

At the same time as reforming the provision of housing, there can be a new approach to thinking about the options for the future of the Green Belt. The first option might be to leave as it is. This might result in some visual improvements as those landowners failing to manage their sites or using them to store unsightly items might no longer use this as a strategy to encourage complaints from their neighbours which might then support their case for development. If there is to be no development or hope value, there is no point in these kinds of actions any more. A second approach might be a light management to identify locations where there might be some filling in or where some interventions might provide visual improvement.

A third option might be to be more proactive management through the creation of Green Belt management action plans which would be comprehensive. These could identify where historic landscapes could be enhanced and where there would be positive planning policies for the whole of the Green Belt area. This could also include some public access and the potential to create more park like greenspace as a complement to more densified cities and urban areas. Historic houses often associated with golf courses could also be acquired and be open for public access.

A fourth approach could be a more proactive management of green belt in the same way as a national park or the Lea Valley Regional Park. Here there would be a presumption in favour of public access through additional footpaths, insertion of carparks and visitor centres and the opening up of green belt land as whole. This suggests a new planning regime, a green park designation which would mean a public space rather than a persevered space and consideration given to a new management regime. Here there could be a range of options for the more active management category which could include the creation of a green Belt joint committee under s101 of 1972 Local Government Act which could comprise of all the authorities with land in any designated green belt. Another option could be management by the combined authority where one exists so that the green belt becomes a nature, landscape and leisure asset for the combined authority area. Another model could be the Lea Valley regional park authority which was created by a specific act of parliament. Finally, green belts could have the same kind of management structures as national parks where they have local authority status for some purposes such as planning but have boards made up of appointees by the Government and local authorities. These Green belt authorities could have budgets to acquire and manage land and could possibly manage the landscape and its uses in ways which benefit the community.

In 1973, Peter Hall in New Society wrote a piece that provided some kind of assessment of the green Belt up to that point. This was instigated by the then secretary of state, Peter Walker expressed his faith in the green belt and announced an expansion of 15% for that round London. As Peter Hall stated this faith has been shared by governments since 1945 and I think we can see that continuing since 1973. At the time of writing Peter Hall

reported that there was a Government intention to give the green belt permanent protection rather than continuing its provisional status. That permanent protection has not, as yet, been made legally but it has been made politically. As Hall points out, green belts represent a major tract of England's land but he asks, 'what are green belts for?' and that question also remains today. Hall suggests that there are two divergent views that are held in answer to this question. The first is that the green belt is for protection and containment of the conurbations. The second is a more positive approach to their use where they are used for agricultural production, recreation and the 'education of the townspeople in the ways of the country'. It is this latter idea that Hall associated with the legislation obtained by the London Council in 1938 to buy up land in London's green belt to create parks in the same way that Robert Moses was doing in New York in the creation of state parks. The LCC bought much green belt land only to see it after 1945. As Hall states,

'The irony is that here, as in the national parks system, the country that professed rampant free enterprise was the country that practiced effective state socialism, while Britain progressed planning for the people and did too little to secure its practice'.

While Abercrombie reinforced the green belt in his plan, with an assumption that it would be used for wartime agricultural production, he also included a recreational purpose. However, following the 1947 town and country planning act, the green belt took on the protective rather than positive purpose. The 1947 countryside act, that created the national parks did not include the green belt and indeed there has never been such a suggestion and recreational use has been left as minimal. Yet as Hall states, the London green belt comprises a number of major national landscape assets which are now recognised as AONBs with protected characteristics in planning decision making.

Hall concludes by saying that while the protection purpose has remained dominant, green belts

'have lost their old point and have not gained a new one. Their protection today is essentially a matter of planning policy than of planning politics.

In his conclusion, Hall welcomed that fact that the question of the future of the green belts remained open. Fifty years later perhaps we can be more certain that they are here to stay, despite both planning and political attacks. Hall states that we failed to do

'the really bold thing and created a green belt for the townsman: a continuous rural park. But that probably would have demanded more imagination than anyone in England possessed'.