

Subject: APP/E1855/W/22/3310099: Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster - **NPPF 2024**

Rule 6 Party response to Inspector invitation (13th Dec) to consider whether the Framework 2024 has relevance to our case.

The new NPPF 2024 continues to support the Rule 6 party's case with new emphasis on the importance of "openness " in the green belt, education and safety issues. It is clear from the Annex 2 Glossary "grey belt" definition that Lea Castle Farm is NOT a "grey belt" site in the 3 purposes mentioned from para 143. It is a key green belt location whose openness would be lost if the quarry were to be allowed.

NPPF Dec 2024 did not make any changes to the five purposes of Green Belt in what is now paragraph 143. Paragraph 149 regarding defining Green Belt boundaries also remains unaltered.

Paragraph 153 is refined but otherwise retains the same meaning and intent;

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘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.”

Paragraph 154, defining inappropriate development has been grammatically amended in respect of mineral extraction but the principles are unaltered.

The in NPPF Dec 2024 introduced the concept of Grey Belt of ‘Grey Belt’ at paragraph 15, a category of Green Belt between Previously Developed Land and full Green Belt.

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework;”

In respect of mineral extraction and need the NPPF remains the same, that minerals planning authorities should plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised.

In this case the MPA is preparing a development plan to maintain an adequate supply.

Paragraph 110 states;

“The planning system should actively manage patterns of growth in support of these objectives [Promoting sustainable transport]. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

Paragraph 115 states;

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”

Paragraphs 110 and 115 remain largely unchanged from the previous version of NPPE.

Grey belt is defined in Annex 2: Glossary,

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.”

Footnote 7 – does not apply in this case.

Paragraph 143.

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;

d) to preserve the setting and special character of historic towns;

On Purpose (a), the Appeal site is in the context of Kidderminster, the administrative capital of the Wyre Forest. The Green Belt Review expressly considered the contribution of parcel N7 to this purpose noting that the parcel “protects open land from potential development pressures associated with the A449 and creation of sprawl along this key road corridor”.

The Appellant seeks to argue that this does not constitute “sprawl, but that is to fundamentally miss the point. The development does not itself need to constitute sprawl to engage purpose (a) – that is because it is there to check (i.e. to limit/ prevent) the unrestricted sprawl. That is the role of the Site.

The Appellant has also sought to argue that because the appeal scheme does not constitute “sprawl” then it cannot harm this purpose. That would be to mis-read the purpose in §143(a). It is to check sprawl. It does not need to be sprawl itself.

Development of the site would be to continue the sprawl of Kidderminster northwards and along Lea Castle Village out to Cookley Village. The appeal site strongly contributes to the purpose of preventing sprawl.

On Purpose (b), preventing neighbouring towns from merging, it is clear that the site has, historically, played an important role in keeping the neighbouring settlements of Cookley and Wolverley from merging into one another. Similarly, it plays an obvious role in separating Cookley from Kidderminster. The R6 Party accept that neither Cookley nor Wolverley are “towns” on a strict definition. However, the Green Belt Review did look at the importance of separating Cookley from Kidderminster. Inspector Normington highlighted that there was a visual perception of openness between these settlements.

Development of the site would result in the merging of Kidderminster with Lea Castle Village and Cookley Village. The appeal site strongly contributes to the purpose of preventing neighbouring towns from merging.

On Purpose (d), the setting and special character of historic towns, the R6 Party notes that there is a clear delineation of the historic parkland; it is separated by two significant gatehouses. Egress through one gatehouse means that one ends up in Cookley, and exit through the other results in the approach to Wolverley. The Site is enveloped too by a historic wall – which features in the annual ‘round the wall’ race. This is a Site which has been of central importance to the setting and special character of both settlements (though again, the R6 Party notes that they are not towns), which were built through the iron industry.

Development of the site would destroy the setting and special character of Cookley and Wolverley. The appeal site strongly contributes to the purpose of preserving the setting and special character of historic towns.

As such the appeal site can not be defined as Grey Belt and remains inappropriate.

Notwithstanding whether the site meets the purposes described such as to be considered Grey Belt the requirements of Paragraph 153 remain in balancing the harm to openness. The fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open remains as does the policy that the essential characteristics of Green Belts are their openness and their permanence. When considering any planning application, local planning authorities should continue to ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.

Finally, there is a change to 116 which now requires that all reasonable future scenarios be taken into account when considering highway safety:

The R6 Party invites the Inspector to have regard to the evidence of the Officer (Sergeant Webber re-enquiry ref rID58) who explained that in his professional opinion, motorcycle use, pedal cycles and children who would be using the pavement are at serious risk of harm on interaction with HGV's. Given his knowledge and experience of road users in the local area, that would be deemed to be a "reasonable future scenario".

Finally, the observations made by the R6 Party regarding the housing need arising from the uplift to the standard method are maintained. The transitional provisions mean that there will not be a need to meet the new standard method requirement where there is local plan which has been submitted for examination – see the likes of Wychavon, Malvern Hills and Worcester City, which are progressing a joint plan under the South Worcestershire Development Plan – so will benefit from the transitional provisions in paragraph 234(b).

Conclusion

The appeal site can not be considered Grey Belt and the full protection of the NPPF as Green Belt remains. The site continues to meet the purposes of Green Belt and the development would significantly harm the openness of the Green Belt.