

# Still targeting the countryside

April 2023



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## Executive Summary

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The most recent National Planning Policy Framework (NPPF) consultation (March 2023) proposed that 'local planning authorities should not have to continually demonstrate a deliverable five-year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than five years old. CPRE the countryside charity believes that there needs to be a more holistic approach to providing new housing, with a greater focus on regenerating suitable brownfield land in urban areas and providing genuinely affordable housing in rural areas to meet identified local needs. The evidence we present here provides strong justification for abolishing the five-year land supply rule and we urge the government to make the change as soon as possible.

### Key findings

Despite the coronavirus pandemic, between August 2020 and August 2022, 142 separate developments, totalling 22,500 units of housing and including two individual schemes of more than 1,000 homes, were allowed at appeal on greenfield land. The larger the application size, the more likely it was to be successful at appeal. In 62% of all successful appeals for a major development on greenfield sites, a lack of a five-year supply has been a determining factor. Although rates of up to date, adopted local plan coverage have increased between 6 and 8 times since the introduction of the NPPF, the number of successful major appeals has only fallen by a quarter. Therefore, greater weight is being given to meeting housing numbers over avoiding impacts upon environmental and landscape designations.

### Recommendations for central government

- Introduce, as soon as possible, the changes proposed to the NPPF in the December 2022 consultation, which remove the requirement to demonstrate a five-year housing land supply in cases where there is a local plan with a strategic housing target adopted in the past five years.
- Require developers to use brownfield sites before greenfield. Speculative proposals for unsuitable greenfield housing developments not allocated in plans, should generally not be permitted.
- Publish supporting planning practice guidance, underpinned by publicly available and regularly updated data on building rates for large development sites. These can help prevent unnecessary development of greenfield sites.
- Allow local planning authorities to introduce policies to guide the order in which sites for new housing should be introduced (so-called 'phasing' policies). Developers already carry out such phasing but in a way that maximises their profits. Allowing local authorities more influence would help achieve wider public policy goals such as focusing the delivery of new housing on existing allocated sites; and reducing unplanned, poorly located greenfield development.



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- Implement the recommendations of Sir Oliver Letwin's Independent Review of Build Out Rates (2018), specifically giving powers to local planning authorities to shape large new housing developments, and to insist on higher levels of social housing than are currently provided.



## Introduction

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Too often, developers are overriding the wishes of local communities and forcing through large housing estates of expensive homes built on open countryside. Local planning authorities need more scope to focus more on planning for the right homes in the right places that meet local needs, with less scope for inconsistent decisions made on the whim of individual planning inspectors.

Currently, many local authorities are being forced to approve or accept proposals for development on Green Belt, greenfield and other protected land. These proposals are often in relatively remote rural locations where there is little alternative to using private cars to travel, and in direct contravention of government policy pledges to, respectively, protect highly valued areas of countryside and high-quality farmland, and promote sustainable travel. Such sites are at risk because the NPPF forces local authorities to demonstrate a five-year housing land supply (5YHLS), which are economically viable for a developer and will meet market needs over those next five years. Should developers fail to deliver enough homes, local authorities are required to address the shortfall by allocating even more land for housing – often on less sustainable, but more profitable, greenfield sites. CPRE’s 2014 report, [Targeting the Countryside](#), recommended that the NPPF be amended to provide a more flexible approach to 5YHLS in cases where local authorities are clearly seeking to meet long term housing needs.

The recent (December 2022) National Planning Policy Framework consultation, proposed to remove the requirement for local authorities to continually demonstrate a deliverable five- year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is fewer than five years old. There has been strong lobbying against the proposed changes by the housebuilding industry and other property interests, which broadly want the current NPPF policies to remain in force. We welcomed the changes in our response; however, we do not feel they are sufficient enough. The fault of not being able to demonstrate a deliverable five-year housing land supply is often put upon local planning authorities; however, plenty of land has been allocated in local plans, this is supported by [research](#) conducted by Lichfields, which found a total number of 217,672 homes per annum required in local plans over at least the next five years. It is the private developers that are not delivering the homes that they have achieved through planning permission.



## Analysis

Using the below methodology, we reviewed 533 appeal decisions<sup>1</sup> between August 2020 and August 2022 and found that overall, 177 were allowed and 356 dismissed. The total homes subject to appeal equated to an overall number of 38,513 units, of which 22,739 units were allowed and 15,774 units were dismissed.

This provided us with two key initial findings:

1. The larger the application size, the more likely it was to be successful at appeal.
2. More homes were given permission by appeal on greenfield sites than refused. That is, 59% of homes subject to appeal on greenfield sites were allowed against 41% dismissed.

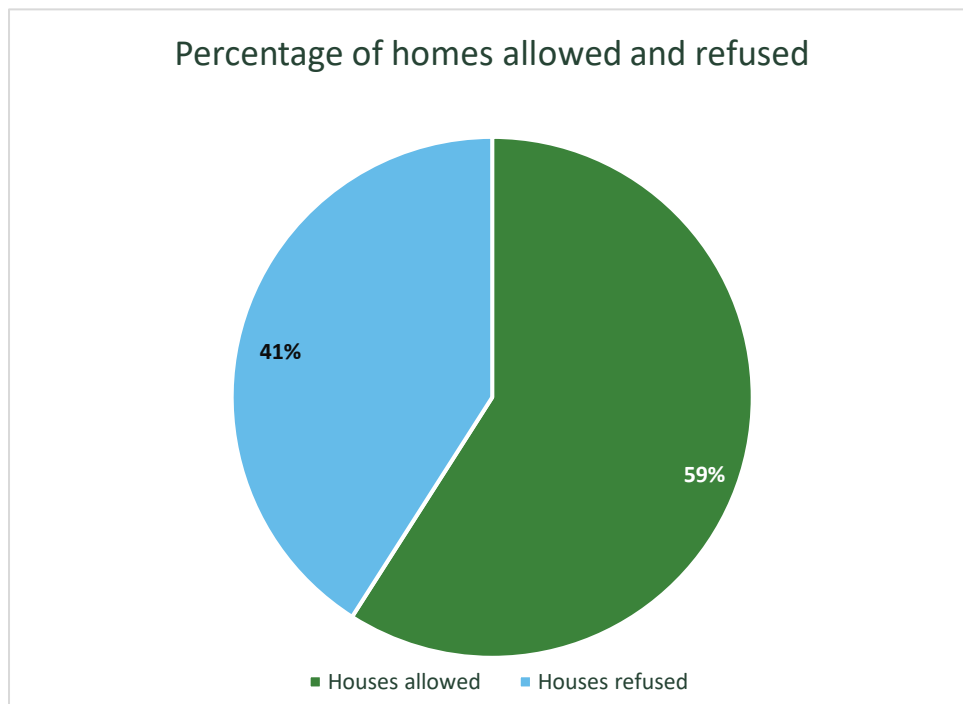
Total number of homes allowed across all appeals

22,739

Total number of homes refused across all appeals

15,774

Table 1. The total number of homes allowed and refused between August 2020-August 2022.



Pie chart 1. The percentage of homes allowed and refused between August 2020-August 2022.



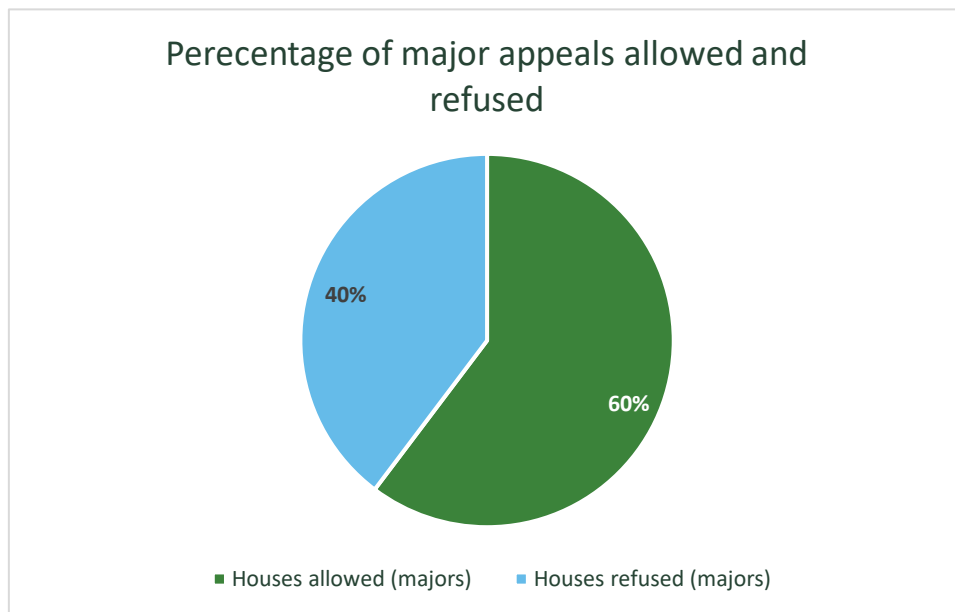
From these initial findings and in line with our 2014 research, we then refined this further to focus upon proposed developments of 10 units or above (i.e. major developments). This showed 320 of the 533 appeals were for major developments (equating to 37,413 units), of which 142 (equating to 22,555 units) were allowed, against 176 (equating to 14,858 units) dismissed.

Again, this showed us for appeals for major development on greenfield sites:

1. The larger the application size, the more likely it was to be successful at appeal. Here, the average application size for those appeals allowed equated to approximately 156 units against the average size of those dismissed equating to 84 units. One permitted scheme (in West Berkshire) was for 1,080 units.
2. The success rate was broadly the same for major\_developments as it was overall. That is 62% of homes subject to appeal for major development on greenfield sites were allowed against 38% refused.

<b>Total number of homes allowed at appeal on major sites</b>	<b>22,555</b>
<b>Total number of homes refused at appeals on major sites</b>	<b>14,858</b>

Table 2. The total number of homes allowed at appeals on major sites between August 2020-August 2022.



Pie chart 2. The percentage of homes allowed and refused at appeal on major sites between August 2020-August 2022.

Therefore, and in line with CPRE’s 2014 research, we focused upon trends within the appeal decisions for major development upon greenfield sites alone.

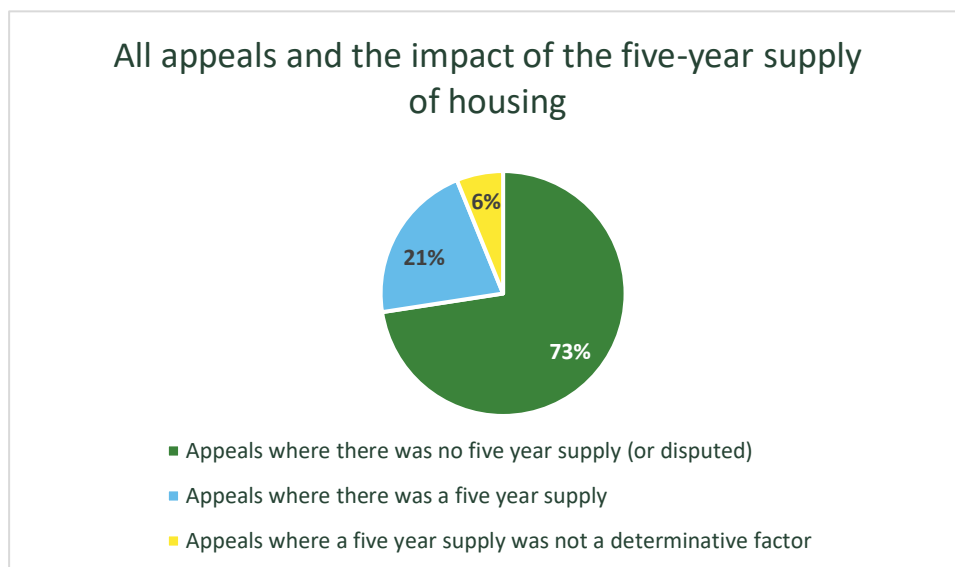
Specifically, we reviewed all these appeal decisions for reference to that council’s five-year supply position. Here we found:

1. There was no five years supply, or the five-year supply was not agreed, in 225 of the major development appeals which amounted to 27,150 units, equating to 70% of total homes.
2. There was a five-year supply in 74 of the major development appeals which, amounted to 7,959 units, equating to 21% of total homes.
3. There was not mention, nor did it appear to be a determining factor, in 21 of the appeals, amounting to 2,304 units, equating to 6% of total homes subject to major development appeal.

While it is recognised that the decision to take a site to appeal will be based upon a myriad of factors, the lack of five-year supply appears to be a significant factor in decision-making.

<b>Total number of appeals where there was no five-year supply of housing</b>	<b>225</b>
<b>Total number of appeals where there was a five-year supply of housing</b>	<b>74</b>
<b>Total number of appeals where a five-year supply of housing was not a determinative factor</b>	<b>21</b>

Table 3. The total number of appeals and the impact of the five-year supply of housing between August 2020-August 2022.



Pie chart 3. The percentage of appeals and the impact of the five-year supply of housing between August 2020-August 2022.



With respect to the bearing this had on the likelihood of success at appeal, of the 177 cases involving 22,739 units which were allowed at appeal:

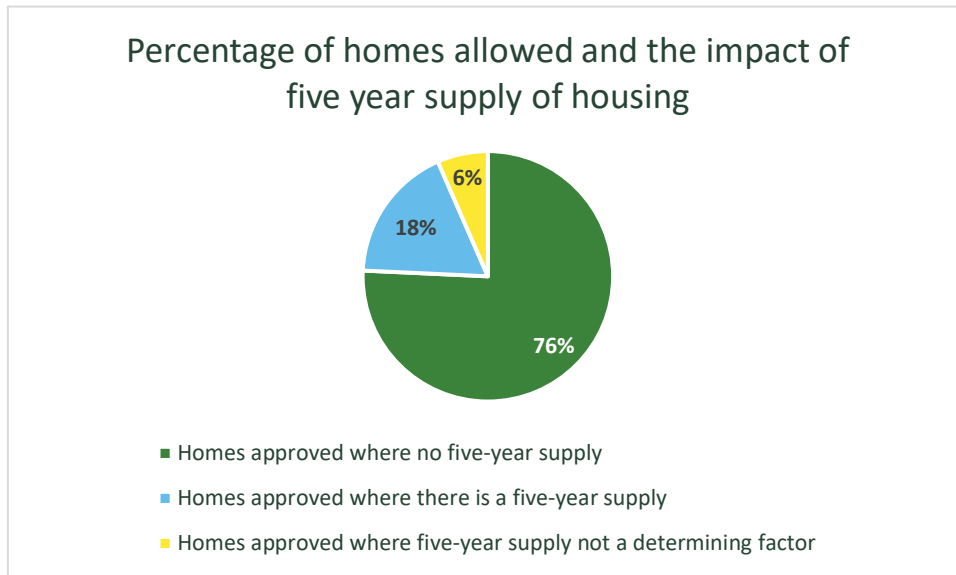
1. There was no five-year housing land supply, or the five-year supply was not agreed in 135 appeals where proposals totalled 17,222 homes, or 76% in total. Of those units approved where there was no five-year supply, a conflict with the development plan was noted in 89 cases involving 11,343 units.
2. A five-year supply was positively confirmed in 28 cases for 4,029 units, or 16% of cases and 17% of homes in total. Of these cases, in all but 19 (involving 2,772 units in total) a conflict with some or all of the policies in the development plan for the area was noted. In CPRE's view, this shows that national planning policies in areas other than five- year housing land supply need further strengthening if speculative greenfield development is to be avoided in the future.
3. It was not mentioned, or did not seem to be a determining factor, in 14 cases involving 1,488 units, 6% overall or 8% of cases and 7% of homes in total. Of these cases, conflict with some or all of the policies in the development plan was noted in 4 cases involving 217 homes.

While several elements will be taken into account when deciding to approve a site at appeal, it is clear from the above that a lack of five-year supply has been a determining factor in the majority of successful appeals for major development on greenfield sites.

Total number of homes allowed where there was no five-year supply of housing	17,222
Total number of homes allowed where there was a five-year supply of housing	4,029
Total number of homes allowed where a five-year supply of housing was not a determinative factor	1,488

Table 4. The total number of homes allowed and the impact of the five-year supply of housing between August 2020-August 2022.



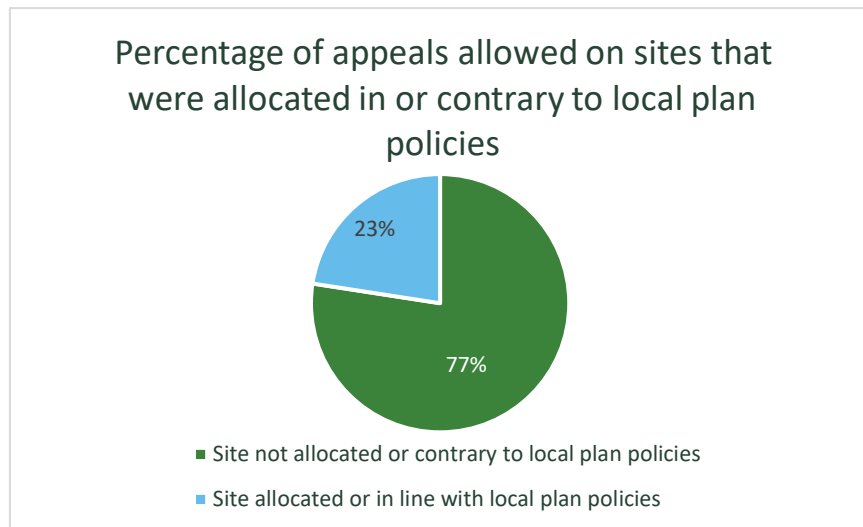


Pie chart 4. The percentage of homes allowed and the impact of the five-year supply of housing between August 2020-August 2022.

Further analysis of the homes approved where there was no five-year supply found that 68% were either not sites allocated in a local plan or locations whereby housing development would not usually be permitted in principle as contrary to the development plan. This indicates that the NPPF’s general presumption in favour of sustainable development (NPPF paragraph 11) played a role in allowing what would have been otherwise unacceptable development.

<b>Total number of homes not allocated in or contrary to local plan policies</b>	<b>10,720</b>
<b>Total number of homes allocated or in line with local plan policies</b>	<b>3,123</b>

Table 5. The total number of homes allowed and whether and they were in sites allocated or contrary to local plan policies between August 2020-August 2022.



Pie chart 5. The percentage of homes allowed and whether they were in sites allocated or contrary to local plan policies between August 2020-August 2022.

The analysis identified that virtually all allowed appeals where there was no five-year supply provided a national policy compliant affordable housing contribution of at least 10%, however, the tenure split may not be decided or secured until the reserved matters stage as 72% of these applications were at least partly outline applications only. The consequence of this is that whilst the overall affordable housing offering at the appeal stage may appear policy compliant or thereabouts, the affordable housing mix, including the tenure split, may not be decided or secured until the reserved matters stage. In practice, this can lead to a very different mix being delivered from that originally promised. Moreover, ‘affordable housing’ can often mean very little in these contexts. As mentioned above, many of the allowed schemes are in often remote and desirable rural areas where existing rents are high. Under the current NPPF definition of affordable housing, individual new homes can be rented for as much as 80% of average local market rents and thus in practice can often be out of reach to local people classed as in housing need.

Of further concern, it was noted that a significant affected environmental or landscape constraint was noted against 36% of those units approved where there was no five-year supply. While the severity of impact will clearly vary from case-to-case, this does raise a legitimate concern as to the weight meeting housing numbers is being given over environmental and landscape designations.

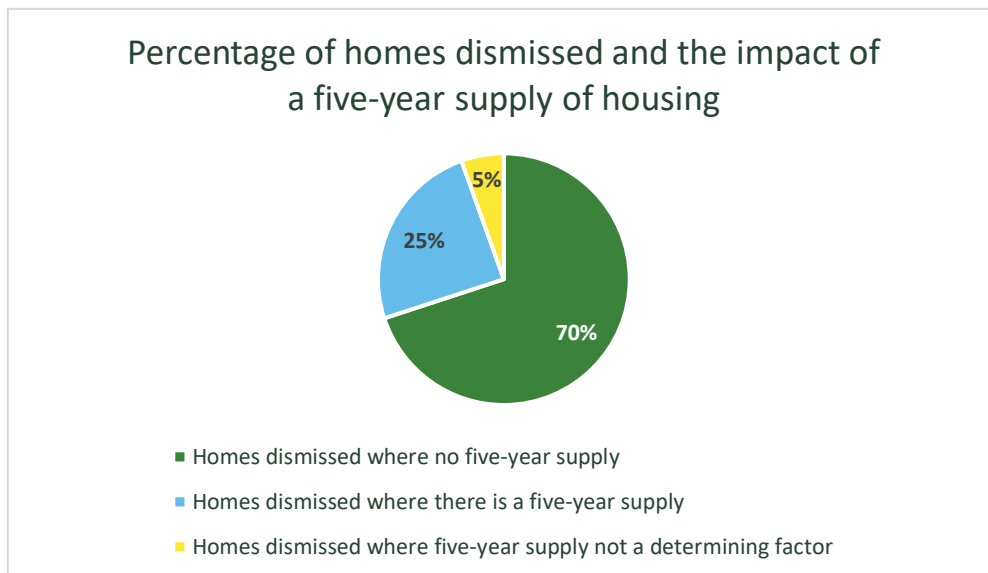
For completeness, the absence or not of a five-year supply was broadly treated the same as those appeals approved as for those appeals refused. Of the 15,774 units dismissed:

1. 235 cases involving 11,776 units (75% of all units refused) were refused where there was no five-year supply. In all cases some degree of conflict with the development plan was noted.
2. 87 cases involving 4,134 units (26% of all units refused) were refused where there was a five-year supply.
3. 29 cases involving 921 units (6% of all units refused) were refused where five-year supply not a determining factor.



Total number of homes dismissed where there was no five-year supply of housing	11,776
Total number of homes dismissed where there was a five-year supply of housing	4,134
Total number of homes dismissed where a five-year supply of housing was not a determinative factor	921

Table 6. The total number of homes dismissed and the impact of the five-year supply of housing between August 2020-August 2022.



Pie chart 6. The percentage of homes dismissed and the impact of the five-year supply of housing between August 2020-August 2022.



Year	Number of appeals allowed	Total number of homes	Number of all local authorities with adopted local plans out of all local plans in England
March 2012-March 2013	78	12,790	20
April 2013-June 2014	124	14,844	30

Table 7. The total number of appeals allowed and homes per year captured in appendix a of the [Parsons Brinckeroff report](#) that supplied data for our targeting the countryside report (2014).

Year	Number of appeals allowed	Type of application - Major	Type of application - Minor	Total number of homes	Number of all local authorities with local plans adopted in past five years in England
August 2020-August 2021	89	66	23	10,616	153
August 2021-August 2022	99	82	17	12,652	132

Table 8. Compared to the figures for the first two years of the NPPF shown in table 7, this table shows the total number of appeals allowed and the respective number dwellings between 2020 and 2022, with the addition of appeals separated into major or minor applications.

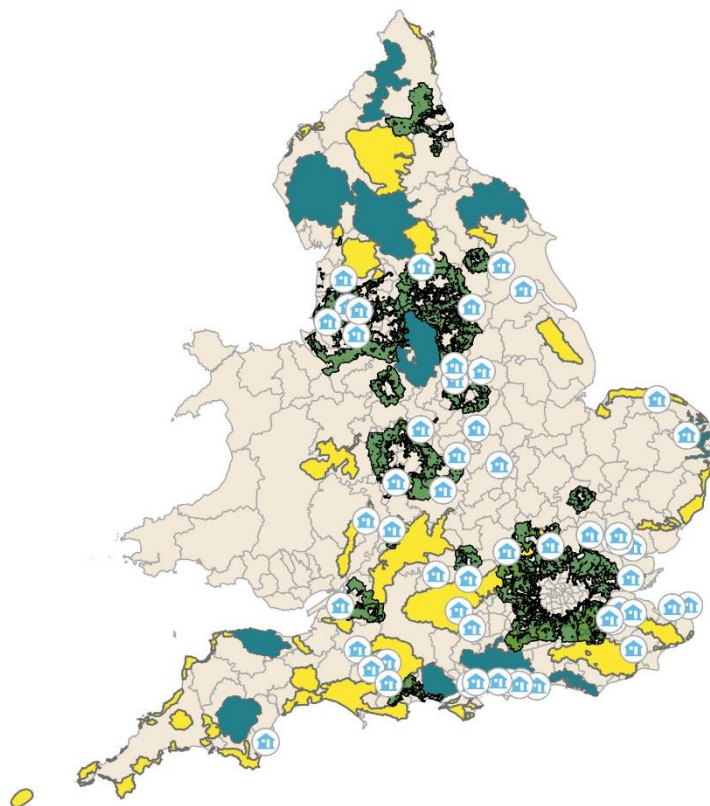
Tables 7 and 8 show that rates of up to date, adopted local plan coverage have increased between 6 and 8 times since the introduction of the NPPF. But the number of successful major appeals (comparing all appeals in 2012-14 with major appeals in 2020-2022) has only fallen by a quarter.

### Spatial analysis

We refined our search to look at the appeals that consisted of over 100 homes, this provided us with 58 appeals and have been presented on the maps below, showing their spread across England as well as their proximity to the Areas of Outstanding Natural Beauty, Green Belt and National Parks. Many sites are close to protected areas, raising the need for stronger policies to protect the settings of protected landscapes in particular.



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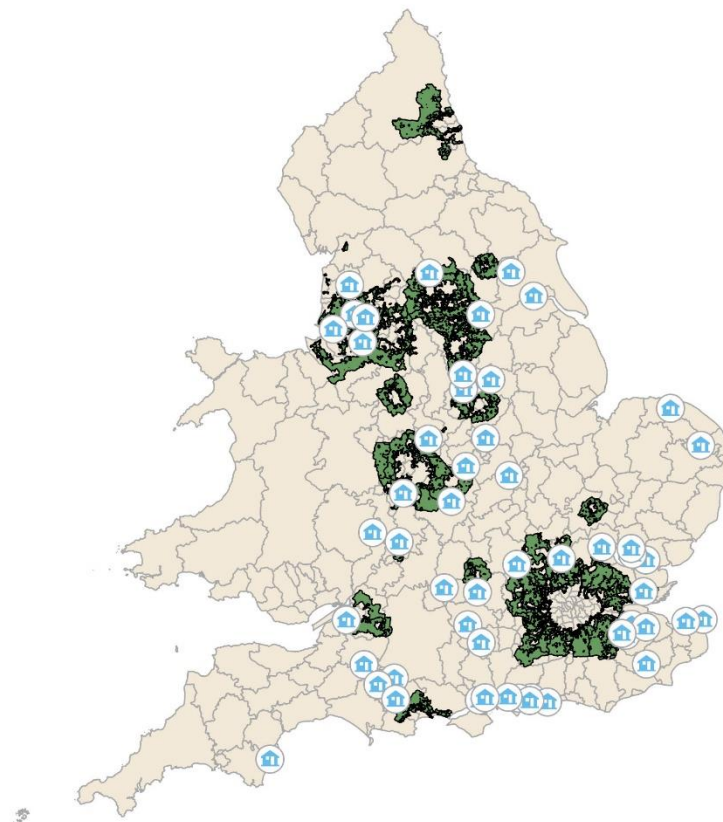
### Legend

- Green Belt (England)
- Areas of Outstanding Natural Beauty (England) © Natural England
- National Parks (England) © Natural England
- Local Authority Districts

Map 1. A refined search of the data showing the 58 appeals across local planning authorities with over 100 homes and their proximity to Green Belt, Areas of Outstanding Natural Beauty and National Parks.



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### Legend

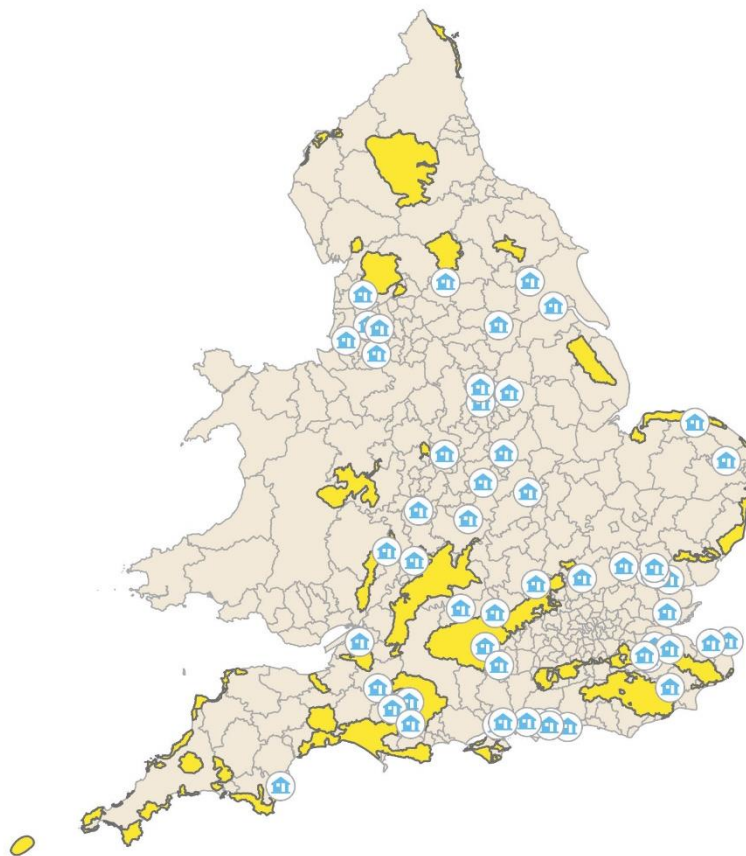
-  Green Belt (England)
-  Local Authority Districts



Map 2. A refined search of the data showing the 58 appeals across local planning authorities with over 100 homes and their proximity to Green Belt only.



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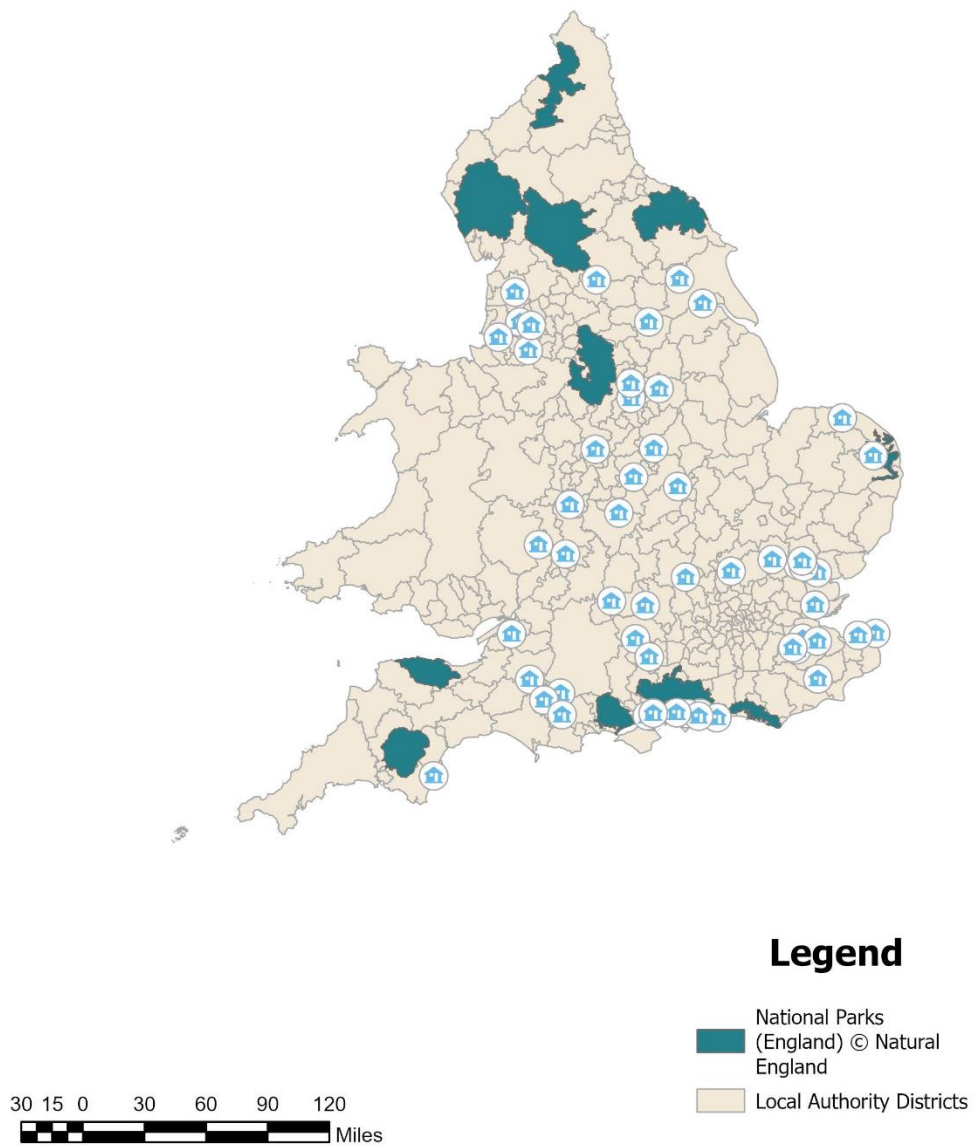
### Legend

- Areas of Outstanding Natural Beauty (England) © Natural England
- Local Authority Districts

Map 3. A refined search of the data showing the 58 appeals across local planning authorities with over 100 homes and their proximity to Areas of Outstanding Natural Beauty only.



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Map 4. A refined search of the data showing the 58 appeals across local planning authorities with over 100 homes and their proximity to National Parks only.





## Conclusions

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- More homes were allowed at appeal on greenfield sites than refused. Specifically, 60% of all homes subject to appeal on greenfield sites were allowed against 40% refused.
- There is seemingly a greater likelihood of a developer bringing an appeal if there is a lack of five-year supply.
- For those greenfield sites allowed at appeal, the lack of a five-year supply was cited in 76% of all approvals. Of these, 62% cited a conflict with the development plan, indicating that the lack of a five-year supply is being given significant weight.
- Further research should be conducted on whether affordable housing offerings, often given significant weight by Inspectors in allowing appeals, are being fully delivered in practice.
- Rates of up to date, adopted local plan coverage have increased significantly (by 6-8 times) since our earlier research in 2012-14, but rates of successful appeals have not fallen to anything like the corresponding extent. This raises serious questions about the government's commitment to a planned system of managing development.
- The data suggests that greater weight is being given to meeting housing numbers over avoiding impacts upon environmental and landscape designations. Further research should be conducted upon this.

### How can the Levelling Up and Regeneration Bill and new National Planning Policy Framework address these conclusions?

The government should introduce, as soon as possible, the changes proposed to the National Planning Policy Framework in the December 2022 consultation, which remove the requirement to demonstrate a five-year housing land supply in cases where there is an adopted plan with a strategic housing target that has been adopted in the past five years. CPRE believes, however, that the proposed changes are not sufficient in themselves. In addition:

- Developers should be expected to use brownfield sites before greenfield. Speculative proposals for unsuitable greenfield housing developments not allocated in plans, should generally not be permitted.
- Supporting planning practice guidance should be published, underpinned by publicly available and regularly updated data on building rates for large development sites. These can help local authorities and developers with forward planning, so that greenfield sites aren't developed unnecessarily based on inadequate information.



- Local planning authorities should be able to introduce policies to guide the order in which sites for new housing should be introduced (so-called 'phasing' policies). Developers already carry out such phasing but in a way that maximises their profits. Allowing local authorities more influence would help achieve wider public policy goals such as focusing the delivery of new housing on existing allocated sites; reducing unplanned, poorly located greenfield development, and hence helping to protect the countryside.
- The recommendations of Sir Oliver Letwin's Independent Review of Build Out Rates (2018) should be implemented, specifically where he recommended giving powers to local planning authorities to include type, size and tenure mix (alongside the current provision for prescription of access, appearance, landscaping, layout and scale) as characteristics that can be prescribed as reserved matters for large sites in areas of high housing demand; and requiring any applicant making an outline planning application for a large site or an application for final permission for a phase of a large site in an area of high housing demand to prepare a diversification strategy, specifying the types of diversity that will be exhibited on that site or in the part of the site to which the application refers.



## Case studies

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This section provides an insight into a sample of the planning appeals for development on greenfield land that were allowed and have had a particularly significant impact on the countryside in the area of the site allowed.

### Case Study: Land at East Hill, Chatham, Kent.

**Local Planning Authority:** Medway Council

**Date of decision:** 7 February 2022

**Proposal summary:** Outline planning application for construction of up to 800 dwellings

**Site allocated in a Local Plan?** No

#### **Summary of reasons given by the Local Council for original refusal:**

1. The proposal constitutes a large-scale urban development within the countryside and located on greenfield land, which is not allocated for the proposed use.
2. The overall scale and layout are an overdevelopment of the site that would result in an intrusive and dominant form of development and visual erosion of this important landscape character setting and countryside location, giving rise to substantial harm to the much-valued landscape character of the countryside.
3. The proposal would result in a significant impact on residential amenity of properties adjacent to the site.

**Notable constraints:** Although the site is on the edge of the Medway urban area, and therefore perhaps more capable of being made sustainable in traffic generation terms than some of the other sites we looked at, it is valuable as undeveloped land for a number of reasons. First, it includes 49.47 hectares of grade 3a and 3b best and most versatile agricultural land. Site locally designated as a Strategic Green Gap and Area of 'Local' Landscape Importance. Proposal considered likely to have significant adverse effects on the integrity of the Thames Estuary and Marshes Special Protection Area (SPA), the Medway Estuary and Marshes SPA, and the Swale SPA requiring mitigation. Site includes 1.87 hectares of ancient woodland (to be retained). The Council considered the site was within the setting of the Kent Downs Area of Outstanding Natural Beauty though the Inspector disagreed.

**Five-year supply figure at time of appeal:** 3.64 years

**Analysis:** This case was notable in that not only was the site within an area designated as an area of Local Landscape importance but also within a Local Green Gap where there was to be "*long term protection from significant development*". Certainly, the Inspector agreed that the proposal would result in the erection of a significant number of dwellings in the countryside in direct conflict with these local plan policies.



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However, he concluded that limited weight should be given to these protectionist policies on the basis they were “restricting housing delivery at a time when the local planning authority cannot demonstrate a deliverable five-year supply of housing sites in the area”.

Local plan progress:

Local planning authority	Last updated	Published	Submitted	Found sound	Adopted	Review of plan
Medway Council					14/02/2023	

Source: [Local plan monitoring progress. GOV.UK](#)



## Case study: Land at Brigg Road, Messingham, North Lincolnshire

**Local Planning Authority:** North Lincolnshire Council

**Date of decision:** 20 July 2022

**Proposal summary:** A hybrid planning application for 99 dwellings on land at Brigg Road, Messingham and associated works. Full application for 5 dwellings. Outline application for 94 dwellings

**Site allocated in Local Plan:** No

### **Summary of reasons given by the Local Council for original refusal:**

1. Whether or not the Council can demonstrate a five-year supply of deliverable housing land; Whether or not the proposed development is in a suitable location, in light of local and national policies for housing;
2. The effect of the proposal on the character and appearance of the surrounding area;
3. The effect of the proposal on the drainage system, with regard to foul and surface water.

**Notable constraints:** The village is four miles south of Scunthorpe and one mile south of the M180 motorway. The appeal site is two distinct areas of farmland. First, a smaller infill section of land fronting onto Brigg Road with existing housing either side. Second, a larger open field bounded by existing residential development to the west, with a stepped boundary to residential and vacant land to the south, and open countryside to the east and north.

**Five-year supply figure at time of appeal:** 4.8 years

**Analysis:** The two distinct areas comprise of the smaller 5 dwelling (full) proposal in a southern infill part of the site and the 94-dwelling (outline) proposal in the larger open field to the north of the site, with open countryside to the east and north. Whilst the smaller proposal is within the settlement boundary, the larger proposal is situated outside of it. The inspector notes that the even with the site being moderately contained, it would result in a degree of urbanisation to the eastern edge of Messingham, which would otherwise remain open countryside. As well as, *“an adverse effect on the character and appearance of the surrounding”* area thus conflicting with a number of policies in the Local Plan. As a result of the appeal, the local authority’s deliverable land supply was calculated downwards. Under current national policies it is thus vulnerable to further speculative appeals on greenfield land in future.

**Local plan progress:**



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Local Planning authority	Last updated	Published	Submitted	Found sound	Adopted	Review of plan
North Lincolnshire Council	06/07/2011	21/05/2010	25/08/2010	17/05/2011	28/06/2011	No
North Lincolnshire Council	30/11/2022	15/10/2021	11/11/2022			No

Source: [Local plan monitoring progress. GOV.UK](#)



## **Case Study: Land to the West of Church Road, West Wittering, West Sussex**

**Local Planning Authority:** Chichester District Council

**Date of decision:** 22 April 2022

**Proposal summary:** Outline planning application for residential development of 70 dwellings (some matters reserved except for access)

**Site allocated in a Local Plan?** No

### **Summary of reasons given by the Local Council for original refusal:**

1. Unsustainable development where the local circumstances and characteristics of the Manhood Peninsular would result in a lack of accessible key local services and employment provision to support the needs of the new community.
2. The proposed development, by extending into the countryside, would fail to respect or enhance the landscape character and appearance of the existing settlement.
3. Absence of a signed Section 106 Agreement.

**Notable constraints:** West Wittering is a village that is 6 ½ miles south of Chichester by road. The site includes 3.2 hectares of grade 3a best and most versatile agricultural land. The site lies within a short distance of a number of designated and non-designated nature conservation sites including Bracklesham Bay Site of Special Scientific Interest (SSSI), Chichester Harbour SSSI, Chichester and Langstone Harbours Special Protection Area (SPA) SSSI and Ramsar site. These sites lie within the area known collectively as The Protected Sites Around the Solent. The site also lies around 5km from Pagham Harbour Ramsar, SPA and SSSI. A small portion of the site lies within Flood Zone 3

**Five-year supply figure at time of appeal:** 4.6 years

**Analysis:** This case was notable in that, despite the fact the Chichester Local Plan 2014-2029 was adopted July 2015 setting a housing target of 435 dwellings a year, the much higher standard method requirement of 670 dwellings a year was imposed upon the council for the purpose of the five-year supply calculations as was more than five years since the plan adoption. Despite this much higher target, the council still considered it could demonstrate a 5.3-year supply figure which was disputed by the appellant. The appeal therefore entailed detailed arguments as to the deliverability of a number of key sites and the robustness of its windfall position which supported the councils 5 year supply. Ultimately the Inspector agreed with the appellant on a number of these issues, resulting in a 4.6-year supply figure being found and the appeal being allowed.

**Local plan progress:**



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Local planning authority	Last updated	Published	Submitted	Found sound	Adopted	Review of plan
Chichester District Council	01/08/2015	08/11/2013	28/05/2014	18/05/2015	14/07/2015	No

Source: [Local plan monitoring progress. GOV.UK](#)





## Case Study: Land to the east of Memorial Hall, Brundall, Norfolk

Local Planning Authority: Broadland District Council

Date of decision: 11 November 2020

Proposal summary: Outline planning application up to 170 dwellings (Use Class C3), and a community/sports pavilion (Class D1 and D2 use), a Country park, formal and/or informal outdoor sports provision, access, and other earthworks and engineering works

Site allocated in a Local Plan? No

### Summary of reasons given by the Local Council for original refusal:

1. The development would result in the introduction of built form and infrastructure associated with residential development. This would impact on the openness and rurality of the application site and result in significant harm to the rural character of the landscape including views from the public footpath to the south of the site.
2. The development results in harm, albeit less than substantial harm, to the setting of the Grade 1 Listed building.
3. The application site is located outside of a settlement limit and does not accord with a specific allocation or policy of the development plan and as such is contrary to Policy.

Notable constraints: The site extends to 17.4 hectares and the proposal would result in a total loss of grade 2 (very good) BMV agricultural land in the site. The application site has the potential to impact upon Broadland Special Protection Area (SPA) and The Broads Special Area of Conservation (SAC).

Five-year supply figure at time of appeal: Disputed range between 4.46 and 5.56. In the event, the Inspector deemed the overall benefits being offered were such that it was not necessary for her to come to a firm conclusion on the supply figure.

Analysis: This site was within a village identified for growth of up to 50 dwellings. However, at the time of the appeal, 305 dwellings had already been granted permission within the village. The grant of this appeal has therefore meant the village has now received nearly 10 times the growth envisaged within the adopted local plan policy.

Local plan progress:



Local Planning authority	Last updated	Published	Submitted	Found sound	Adopted	Review of plan
Broadland District Council	01/03/2011	02/11/2009	05/03/2010	22/02/2011	22/03/2011	No
Broadland District Council (Revision)	18/11/2013	10/08/2012	04/02/2013	13/11/2013	10/01/2014	Yes
Broadland, South Norwich, South Norfolk (Greater Norwich Local Plan	04/08/2021	01/02/2021	30/07/2021			No

Source: [Local plan monitoring progress. GOV.UK](#)



## Case Study: Land at Leigh Sinton Farms, Leigh Sinton Road (B4503), Leigh Sinton, Malvern

Local Planning Authority: Malvern Hills District Council.

Date of decision: 5 July 2022

Proposal summary: Outline application for up to 45 residential units including 12 self/custom build units and associated infrastructure

Site allocated in a Local Plan? No

### Summary of reasons given by the Local Council for original refusal:

1. The application site lies wholly outside of the development boundary of Leigh Sinton as defined by SWDP2 and on the Policies Map, where new development in the open countryside is strictly controlled and limited.
2. The proposed development is located within a Significant Gap whose purpose is to provide additional protection to open land that may be subject to development pressures.
3. The proposed development, by virtue of its location, including the loss of roadside hedgerow, would represent a harmful urban encroachment at a prominent entrance to the village, detrimental to local distinctiveness and the site's countryside surroundings.
4. The application fails to demonstrate that safe and suitable access to and from the site can be provided for all users.
5. Absence of a legal agreement.

Notable constraints: The site is wholly located within a designated Significant Gap that serves as a buffer and visual separation between Malvern and Leigh Sinton. The site access is dependent on the removal of part of the prominent and characterful roadside hedgerow. The Council's ecologist raised concern as to the cumulative effect of development in this area upon the Aileshurst Coppice SSSI, located 345m from the site boundary.

Five-year supply figure at time of appeal: Disputed.

Analysis: This case was notable as to just how complex disputes regarding housing supply can become at appeals. Eight different possible ways of calculating the housing supply were considered, including the "inverse Sedgfield method" and the "inverse Liverpool method". There was also a dispute around the area the housing land supply calculations should cover, complicated further by the joint plan making in process at the time. Whilst unsurprisingly the Inspector did not feel he could take a definitive position as to the extent or lack of five-year supply against such a backdrop, he did agree with the Council there had been a past oversupply of homes, stating there had "*been homes provided on the ground for local people over and above the identified need*". Despite this, he concluded that the NPPF and PPG did not allow him to take account of such past over-delivery when calculating the forward-looking five-year supply.

Local plan progress:



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Local Planning authority	Last updated	Published	Submitted	Found sound	Adopted	Review of plan
Malvern Hills District Council	01/03/2016	11/01/2013	28/05/2013	04/02/2016	25/02/2016	No

Source: [Local plan monitoring progress. GOV.UK](#)



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## Method

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Planning appeals data collection and analyses conducted by CPRE.

Data was collected by running a search on the Compass search appeals database using the term “New build or use on greenfield land, includes blended in sites” and looked into the type of permission, affordable housing provision, category of development (major or minor), any directly affected designations, five-year housing land supply and whether the proposal was in line with development plan policies. “Greenfield land” for the purpose of this analysis was taken to mean land which falls outside the planning definition of previously developed land as set out within Annex 2 of the NPPF. Notably, some sites therefore deemed greenfield land may legitimately include agricultural or forestry buildings. With respect to any mixed sites where there was an element of previously developed land, only those sites which were clearly majority greenfield land were included. The timeframe of the research is between August 2020 and August 2022. The research has taken into the account the revision of the NPPF in July 2021, as well as the impact of the coronavirus pandemic.