

Council Note 28: Exceptional Circumstances of Minor Alterations to the Green Belt

1. In the Inspector's closing comments to the hearing sessions on Friday 28 October 2022, the Inspector requested that the Council review document A9: Compendium of Minor Green Belt Updates and Alterations, and undertake Exceptional Circumstances assessments as the Council felt was necessary. In accordance with NPPF paragraph 140, the Council has undertaken an assessment of each of the 111 proposed Minor Alterations. A summary of findings is set out below and the completed assessments are attached at Appendix 1.

Significance of document A9

2. The Council prepared the Compendium document as a supplement to the Changes to the Policies Map document (A4) and to ensure that all adjustments to existing inset settlement boundaries were individually documented. The Council maintains that Exceptional Circumstances at the strategic level for releasing land from the Green Belt exist, and the changes set out in document A9 are neither driven by, nor expected to make any material contribution to development needs. The Council has previously carried out Exceptional Circumstances assessments for all possible development site allocations which are intended to respond to development need, and these are set out in Document H18.

3. Throughout the examination process, questions have been raised regarding whether there has been sufficient justification for the Green Belt boundary changes detailed in document A9 and which are of a minor nature. This note responds to those concerns and includes a detailed Exceptional Circumstances assessment for all minor alterations set out in document A9.

4. As a reminder, all minor alterations relate to inset settlements and the alterations were driven and informed by four key reasons:

- Reason 1: To align to physical features on ground (NPPF paragraph 143f)
- Reason 2: To take account of new development (NPPF paragraph 143b)
- Reason 3: To better reflect the extent of a village inset from the Green Belt
- Reason 4: Close association with site allocation which would lead to areas of land being "orphaned" between the site boundary and the existing Green Belt boundary and how this would influence an area of lands ability to comply with the purposes set out in paragraph 138 of the NPPF

5. These reasons remain and are a factor for the methodology used to carry out the Exceptional Circumstances for the minor alterations.

Methodology

6. To ensure consistency with the Exceptional Circumstances assessments, which are the focus of H18, all questions asked at that stage and the proforma used have been carried forward to the work with the minor alterations. However, due to the nature of the alterations, which often relate to very small areas and also put land back into the Green Belt, it has been necessary to alter the approach of completing the proforma to ensure the most relevant information is collected. This includes:

- 1) The reference to the outcomes of the Green Belt Review and parcel assessments, have little relevance but are provided for consistency.

- 2) Regarding question Part 1b, all minor alterations have undergone an Exceptional Circumstances assessment and all alterations will progress to Part 2 of the process, and;
- 3) Answers to Part 2, are fundamentally related to the fact that intent of the alterations is not for development purposes, but for physical alignment reasons. As such, impacts are not anticipated in most cases and all alterations relate to sustainable settlements.

7. Based on the nature of the minor alterations and to further elaborate on the relevance of NPPF paragraph 143 a-f, which goes to the heart of the reasons for them, it has been necessary to add in additional questions in a newly created Part 3 of the assessment.

The Results

8. In undertaking the Exceptional Circumstances exercise, the Council identified the following sites in particular, as ones which were notably distinct from the majority of alterations. The following sites are highlighted as those that might be of more interest to the Inspector as they include a number of alterations which were raised through the hearing sessions and are those which:

- a) Hypothetically result in a development potential and while this is not the intention of the Local Plan or the alteration, could accommodate at least one dwelling, on reflection of the surrounding prevailing density etc. In these instances it is made clear that as a result of the removal from the Green Belt development could be a possibility, but this would need to be considered through the development management process and considered on a case-by-case, basis.
- b) Are orphaned, from the Green Belt as a result of a site allocation and therefore, would no longer meet the purposes set out in NPPF paragraph 138.

Reference	Address
AS03	33-57 Broadhurst
BG01	Land south-east of Springwell Road and South-West of Highland Road, Beare Green
BG02	Land north-east of Beare Green village including the Breakspear Gardens development and former Breakspear Farm buildings
BK01	Long Maddox Farm, Haddon House, Bryher, Flowerdale, October House and Hunters Moon, Maddox Park
BK03	Long Heath Cottage, Longheath Drive
BK09	2 Fox Lane, 3, 4 and 5 Heatherside Close, 85 – 97 Little Bookham Street
BK11	7, 9, 11, 15, 19 and 21 Little Bookham Street
CH01	Land east of Southwell Cottages, Sydney Villages, Charlwood Parish Hall and land north of Charlwood Mews
CH02	Land between Rosemary Lane and Chapel Road to the rear of Harrow House, Charlwood.
CH03	Land to the north of Providence Chapel, Charlwood.
CP01	Nos.2-30 North of The Street and Nos.7-19 South of The Street, Capel
CP02	Land to the north and west of nos.33-54 The Street, Capel

CP07	Land west of St John the Baptist's Church, Old Barn Drive and The Crown Public House
CP10	Land east of Scott-Broadwood infant school to 129 The Street, Capel
CP12	Land east of no.181 The Street, Capel
CP13	Land fronting onto The Street from no.148 to no.184 on the northern side of The Street and properties no.187-211 on the southern side of The Street.
DK05	8-12 Denfield and Down House, Denfield
DK09	27 & 29 Yew Tree Road
DK12	Hanover Court & Little Willows, Nutcombe Lane
DK14	22 & 36 Highacre, including the garage block adjacent to 23 Highacre
DK28	Pixham Lane, Land south of Pixham End and West of Pixham End Cottages
DK29	Land east of Lincoln Road and south of Pixham Lane
HW05	Barnside Cottage
HW06	Waverley, Reigate Road
HW07	Gatwick Business Park, The Bungalow, Oakfield, Glen Afric, Cam Farm, Kennel Lane

9. The following alteration is highlighted as it has not demonstrated the Exceptional Circumstances to justify an amendment. This is due to a change of circumstances of the land since the preparation of A9 and the land is in a state of remediation following an unauthorised use. As such, the current Green Belt boundary remains the most robust and should be retained.

HW01	Land East of Builders Merchants Yard, Reigate Road, Hookwood
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10. The following alteration is the subject of a further amendment as the proposed change to the boundary did not meet the requirements of Paragraph 143f and did not follow a clear physical feature.

CP11	Land North and West of 124-128 The Street, Capel
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Conclusion

11. The Council can confirm that 110 of 111 minor alterations set out in A9, demonstrate the exceptional circumstances which justify an amendment to the Green Belt boundary.

12. It is important to note that the pursuit of the minor alterations does not impact upon the Council's ability to deliver the Local Plan and the development commitments set out within it. These alterations will, however, benefit the boundary as a whole by following more logical, up to date and on the ground features. Further, land which is removed from the Green Belt by default of a site allocation, would still take place, despite not being intended for development.

Exceptional Circumstances assessment: AS01 – 44 Harriotts Lane	
Green Belt Review Parcel: LH	
Sprawl	Moderate
Setting	Minimal
Merging	Significant
Encroachment	Moderate
Part 1	
(a) Is the <u>alteration</u> Strategy Compliant? Is the <u>alteration</u> within a proposed settlement boundary?	The alteration is associated with a Tier 2 settlement boundary which forms part of the spatial strategy of the Local Plan. This accords with NPPF Para 143(a).
(b) Does the <u>supplementary minor alterations</u> methodology recommend consideration for Exceptional Circumstances?	Yes
(c) What is the nature and extent of the harm to the Green Belt in this location if the alteration is developed? (Calverton (iv))	This minor alteration seeks to put a limited area of land back within the Green Belt. As such, this is not applicable.
Part 2	Only continue to Part 2 if the answer to (Part 1b) is Yes.
(d) What is the impact on the setting of any historic town or heritage asset (in respect of purpose 4 of Green Belts)?	There are no heritage implications for the minor alteration.
(e) To what extent can the consequent impacts on the purposes of the Green Belt be ameliorated or reduced to the lowest reasonably practicable extent? (Calverton (v))	No development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF. As such, no direct impact on the Green Belt are anticipated.
(f) Does the ecology evidence consider the site is ecologically suitable?	No ecological impact will occur as no change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
(g) Does the landscape evidence consider the <u>alteration</u> has capacity to accommodate development in the landscape?	No landscape impact will occur as no change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
(h) Does the <u>alteration</u> currently contribute to provision of public open space, recreation or sports provision? Can such provision be retained or re-provided elsewhere?	Not applicable.
(i) Does the Sustainability Appraisal consider that the <u>alteration</u> is a sustainable location?	Not applicable as no development is intended to take place.

(j) Is the <u>alteration</u> sequentially preferred? Would development of the <u>alteration</u> increase flood risk or impact on water quality?	No flooding impact will occur over and above any that currently exists, as no change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
(k) Does the <u>alteration</u> provide a community benefit in terms of infrastructure?	No infrastructure requirements are needed as no change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
(l) Does the <u>alteration</u> provide an opportunity for reducing the impacts of climate change through decentralised heat and power, carbon offsetting or zero carbon homes, or improvements to biodiversity and green infrastructure?	No change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF. As such, no direct climate related impacts will result from this alteration.
(m) Can any lost public access to countryside be replaced or is access increased?	No change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
Part 3	
(n) Is the alteration relevant to a proposed site allocation set out in the Council's Local Plan? If so, what effect/implication has the allocation had upon the alteration? (NPPF, 143a)	This alteration does not relate to any site allocation set out in the Local Plan. Document <u>A9: Compendium of Minor Green Belt Updates and Alterations (MVDC, 2022)</u> provides further detail on the alteration proposed.
(o) Is it necessary to keep the area of the alteration permanently open? (NPPF, 143b)	Yes.
(p) Is the land which arises from the alteration intended to be safeguarded for longer term development needs? (NPPF, 143c,d)	No
(q) Is it likely that these will need to be further altered, beyond the plan period?)(NPPF, 143e)	No
(r) Does the alteration respond/create clear physical boundaries? (NPPF, 143f)	Yes. This is a detached house, set behind other properties on Harriotts Lane, within large grounds. The existing Green Belt boundary cuts through the middle of the garden. The house itself is mostly within the Green Belt and the plot is on the edge of a large area of open land, comprising school playing fields. The Green Belt is also very narrow here between the settlement of Ashted and the M25. To avoid impacting on the openness of the Green Belt, the Green Belt boundary will

	be redrawn along the rear garden boundaries of 36-42a Harriotts Lane, leaving the entire plot at no. 44 in the Green Belt.
(s) Does the alteration result in potential development opportunities, or result in a material change to the current use? If so, how would this be addressed?	No. The alteration adds to the Green Belt.
Based on the information on this form, are there exceptional circumstances that would outweigh the harm to the Green Belt and justify Green Belt release?	
Having considered all the factors and with particular reference to Paragraph 143 (f) of the NPPF, the alteration exhibits exceptional circumstances justifying an amendment to the Green Belt boundary.	
Further descriptive information is available in the Compendium of Minor Green Belt Updates and Alterations.	

Exceptional Circumstances assessment: AS02 – 2-18 Harriotts Lane & 1-6 Heathfield Close	
Green Belt Review Parcel: LH	
Sprawl	Moderate
Setting	Minimal
Merging	Significant
Encroachment	Moderate
Part 1	
(a) Is the <u>alteration</u> Strategy Compliant? Is the <u>alteration</u> within a proposed settlement boundary?	The alteration is associated with a Tier 2 settlement boundary which forms part of the spatial strategy of the Local Plan. This accords with NPPF Para 143(a).
(b) Does the <u>supplementary minor alterations</u> methodology recommend consideration for Exceptional Circumstances?	Yes
(c) What is the nature and extent of the harm to the Green Belt in this location if the alteration is developed? (Calverton (iv))	Minor alterations to the Green Belt do not relate to an intent to develop, but to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF. As such, this is not applicable.
Part 2	Only continue to Part 2 if the answer to (Part 1b) is Yes.
(d) What is the impact on the setting of any historic town or heritage asset (in respect of purpose 4 of Green Belts)?	There are no heritage implications for the minor alteration.
(e) To what extent can the consequent impacts on the purposes of the Green Belt be ameliorated or reduced to the lowest reasonably practicable extent? (Calverton (v))	No development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF. As such, no direct impact on the Green Belt are anticipated.
(f) Does the ecology evidence consider the site is ecologically suitable?	No ecological impact will occur as no change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
(g) Does the landscape evidence consider the <u>alteration</u> has capacity to accommodate development in the landscape?	No landscape impact will occur as no change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
(h) Does the <u>alteration</u> currently contribute to provision of public open space, recreation or sports provision? Can such provision be retained or re-provided elsewhere?	Not applicable.
(i) Does the Sustainability Appraisal consider that the <u>alteration</u> is a sustainable location?	Not applicable as no development is intended to take place.
(j) Is the <u>alteration</u> sequentially preferred? Would development of	No flooding impact will occur over and above any that currently exists, as no change of use or development is intended through the minor amendments process and

the <u>alteration</u> increase flood risk or impact on water quality?	the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
(k) Does the <u>alteration</u> provide a community benefit in terms of infrastructure?	No infrastructure requirements are needed as no change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
(l) Does the <u>alteration</u> provide an opportunity for reducing the impacts of climate change through decentralised heat and power, carbon offsetting or zero carbon homes, or improvements to biodiversity and green infrastructure?	No change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF. As such, no direct climate related impacts will result from this alteration.
(m) Can any lost public access to countryside be replaced or is access increased?	No change of use or development is intended through the minor amendments process and the process only relates to the definition of Green Belt boundaries, as per paragraph 143 of the NPPF.
Part 3	
(n) Is the alteration relevant to a proposed site allocation set out in the Council's Local Plan? If so, what effect/implication has the allocation had upon the alteration? (NPPF, 143a)	This alteration does not relate to any site allocation set out in the Local Plan. Document A9: Compendium of Minor Green Belt Updates and Alterations (MVDC, 2022) provides further detail on the alteration proposed.
(o) Is it necessary to keep the area of the alteration permanently open? (NPPF, 143b)	No
(p) Is the land which arises from the alteration intended to be safeguarded for longer term development needs? (NPPF, 143c,d)	No
(q) Is it likely that these will need to be further altered, beyond the plan period?)(NPPF, 143e)	No
(r) Does the alteration respond/create clear physical boundaries? (NPPF, 143f)	Yes. The existing Green Belt boundary cuts through a row of rear gardens (Harriotts Lane), although the alignment changes to the south to follow the rear garden boundaries. 1-6 Heathfield Close are relatively new dwellings (permitted in 2000), which were built on the site of a former builders yard. The houses themselves are within the built-up area, but the front gardens of no.'s 1-5 are in the Green Belt, as is the side garden/parking area of no. 6. It is proposed to realign the Green Belt boundary to follow the property boundaries along Harriotts Lane and the edge of the access road to Heathfield Close. However, the small parcel of land

	immediately west of the access to 1-6 Heathfield Close would remain in the Green Belt, as this has a more open character.
(s) Does the alteration result in potential development opportunities, or result in a material change to the current use? If so, how would this be addressed?	No, the minor alteration is insignificant in scale and would not provide additional development opportunity.
Based on the information on this form, are there exceptional circumstances that would outweigh the harm to the Green Belt and justify Green Belt release?	
Having considered all the factors and with particular reference to Paragraph 143 (f) of the NPPF, the alteration exhibits exceptional circumstances justifying an amendment to the Green Belt boundary.	
Further descriptive information is available in the Compendium of Minor Green Belt Updates and Alterations.	