

LYTCHETT MATRAVERS:	LANDSCAPE A	AND GREEN	BELT STUDY
BLANEYS CORNER			

for

Wyatt Homes

by

Hankinson Duckett Associates

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Photographs from June 2017

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1 INTRODUCTION

1.1 Instructions

1.1.1 Hankinson Duckett Associates has been instructed by Wyatt Homes to carry out an initial Landscape and Green Belt Study of Blaneys Corner, Lytchett Matravers (Plans HDA 1 and 2). The study considers the landscape and visual context of the site and more specifically assesses the contribution the site makes to the purposes of the Green Belt which washes over the land surrounding the settlement edge of Lytchett Matravers (Plan HDA 2).

2 THE LOCAL LANDSCAPE

2.1 Settlement Pattern

- 2.1.1 Lytchett Matravers is a large village located approximately 3km from the nearest edge of Poole (to the east) and approximately 2.5km from Upton, to the south-east. The historic village of Lytchett Minster is located approximately 2km to the south-east. To the north and west the landscape is rural, with no large settlements and relatively few villages. The village is served by B roads and rural lanes. The nearest A roads are the A35, approximately 1.5km to the south and the A350, approximately 1km to the north-east of the village at its nearest point. Both roads connect to Upton and Poole. The nearest railway stations are Hamworth and Holton Heath, approximately 5km to the south-east and 4km to the south respectively.
- 2.1.2 The settlement is situated on a broad ridge of high ground, which generally runs east west, with branches to the north and south (plan HDA 1). The elevated position of the village affords some long views out over the surrounding rural landscape, with some long distance views of Poole visible to the south-east. The ridge is incised by valleys, particularly to the south, with watercourses that flow south to Sherford River and Lytchett Bay. The result is an undulating landform with the village centre located on the relatively flat land of the ridge-top.
- 2.1.3 The historic settlement pattern of Lytchett Matravers (pre 1900's) was a loose agglomeration of buildings connected by lanes and interspersed with fields. This is reflected in the scattered listed buildings found across the village and the lack of Conservation Area designation. The village remained relatively unchanged for the early part of the 20th century, but underwent a significant increase in development after the war, which has resulted in the current large size and nucleated settlement pattern. The close proximity of the village to Upton and Poole has maintained development pressure on the village, which has been constrained largely due to the Green Belt designation, which surrounds the village.

2.2 Landscape Character

- 2.2.1 **National Character:** The site falls within National Character Area 135: The Dorset Heaths. Lying centrally in the south of England and reaching the sea at and between Poole and Christchurch harbours, this area is framed by the heathland of the New Forest National Character Area to the east, and to the south, west and north by the calcareous hills and downs of the South Purbeck character area and the Dorset Downs and Cranborne Chase.
- 2.2.2 Regional and Local Character: The Dorset Landscape Character Assessment (Ref 1) identified 22 character areas across the County. The site and its immediate environs are located within the Landscape character type: Rolling wooded pasture. More recent and detailed assessment of the landscape surrounding the site has been undertaken in the Purbeck Draft Landscape Character Assessment and Management Guidance (2008 Ref 2). The site lies within Landscape Character Area (LCA) Morden / Lytchett Rolling Wooded Pasture (plan HDA 3), within the Wooded Pasture Landscape Character Type.
- 2.2.3 The character assessment describes the key characteristics of the Morden / Lytchett Rolling Wooded Pasture as:
 - 'Narrow densely hedged rural winding lanes lined with hedgerow trees.
 - Open views from elevated points.
 - Harmonious link between the natural and traditional built environment.
 - The network of interconnected hedges and woodland blocks.
 - The folded intimate valley landforms around Lytchett Matravers.
 - The settlements of East and West Morden are both key local features.
 - East Morden church is a key feature.
 - The estate landscape and school grounds at Lytchett Minster.'
- 2.2.4 The character area is a transitional landscape 'between the chalk landscapes (in the north) and the lower lying acidic soil landscapes to the south'. The topography is undulating and contains 'characteristic narrow valleys'. The hedgerows and woodland blocks give the impression of a well treed landscape.
- 2.2.5 The character assessment has also considered the condition of the landscape. Positive landscape elements include intact hedgerows, hedgerow trees and woodland. The assessment identifies negative influences on landscape condition as including: 'small scale horse paddocks, associated 'clutter' and selective grazing'... and 'Suburban features such as lighting, pavements, highways, and signage detract from condition at settlement edges.'

The overall landscape condition for the character area was judged to be 'Moderate to Good'.

- 2.2.6 The character assessment put forward a series of landscape management and development objectives for the character area. Objectives that are relevant to the potential development of the site include:
 - 'Encourage/promote tree and woodland management.
 - Manage 'horsiculture'.
 - Conserve and enhance built environment features.
 - Promote and enhance recreational trails.
 - Carry out Village Design Statement for Lytchett Matravers and the Mordens.'

3 LANDSCAPE AND VISUAL ANALYSIS OF THE SITE

3.1 Landscape analysis

- 3.1.1 The site is located to the north-east of the village and to the north of the allocated site north of Huntick Road. The site is contained by development to the north-west on Wimborne Road and south-west on Wareham Road. A line of five properties form the southern edge of settlement on Wimborne Road to the north of the site. The British Legion club building lies to the east of these properties and is, currently unused. Further to the east, to the north-east of the site and just beyond the site boundary, are a line of four dwellings, located to the north of the road. Footpath number SE 17/3 runs north from the road, to the immediate west of the westernmost property (Linden Lea). Wareham Road runs to the west of the site. The road is bordered to the west by existing housing and four further properties (Myrtle Cottage and numbers 204, 206 and 212Wareham Road) lie to the east of the road, between the road and the south-western corner of the site.
- 3.1.2 The site consists of three fields in pasture. The western field is small and has a strong relationship with the existing settlement edge of the village. This field is bound to the north and west by existing housing and the hedgerow lining Wimborne Road. The boundary hedgerow is native, predominantly hawthorn and is approximately 1.5m high. The southern boundary is defined by a mature tree belt, which lies adjacent to the southwest corner of the site. Tree species include, Ash, Hawthorn, Holly and Oak. The eastern boundary is formed of a tall hedgerow, approximately 5m high, which separates the western field from the field to the east. The remaining field boundaries are shared with the back gardens of adjacent properties and boundary treatment varies with property. Two mature Oak trees are located on the northern boundary shared with the properties on Wimborne Lane to the north. A line of stockproof fencing alternating with electric fencing lies within the site perimeter to contain the livestock within the field.

- 3.1.3 The eastern field has less of a well-defined relationship with existing settlement, but is extremely well contained. The north-western corner of the field lies adjacent to the unused British Legion building. The northern boundary is defined by a 1.5m high intact hedgerow lining Wimborne Road. The north-eastern corner of the site comprises a small triangular copse of early mature trees, which are approximately 8m high and contain Alder, Ash, Sycamore and Field Maple. The copse complements the mature Oak tree belt that defines the eastern site boundary and forms a strong vegetated eastern edge to the field. The tree belt includes understorey scrub of Hawthorn, Holly and Willow, which reinforces the containment of the field. The field slopes gently to the south, with a more pronounced slope at the southern end of the field. The southern field boundary is formed of a tree-lined ditch dominated by Willow, with crossing points leading to the southern field.
- 3.1.4 The southern field slopes north to the tree line and ditch at the boundary with the eastern field. The southern and western boundaries are substantially vegetated with outgrown hedgerows and mature Oak trees with some Ash. The eastern boundary comprises a hedgerow, approximately 1.5m.

3.2 Visual analysis

- 3.2.1 Views into the site from Wimborne Road to the north, by pedestrians and motorists, are currently restricted by the boundary hedgerow. Views are of the road and hedgerow, with housing lining the road in the foreground and trees within the site visible over the boundary hedgerow. A field gate allows access into the site to the north-east of the British Legion Building. There are views into the eastern field of the site from the section of road opposite the gate.
- 3.2.2 The site is visible from the properties on Wimborne Road (to the north) and Wareham Road (to the west). Holly Cottage, Hambledene, Oakview, Elysian and 1&2 Lions Court are located to the north of the site, fronting onto Wimborne Road, to the north. There are open and partial views of the western field from south-facing first floor windows of Hambledene, Oakview, Elysian and 1&2 Lions Court, however boundary fencing and vegetation reduces views from ground floor windows (the primary living space). Holly cottage is a single story dwelling and the closeboard fencing to the south and west of the property blocks views into the site. The British Legion building is located to the east of this line of properties. The building is currently unused, however there are open views into the site to the east of the building. Views of the site consist of a field in pasture, with other properties visible within the mid-ground of the view.

- 3.2.3 Views from the row of 4 properties located to the north of Wimborne Road are blocked by the triangular copse to the north-east of the site and the mature tree belt on the eastern site boundary. There are likely to be glimpsed views of the site in winter from these properties, when vegetation is not in leaf.
- 3.2.4 A public footpath runs parallel to the eastern site boundary. At the north-eastern end of the path, views into the site are restricted to occasional glimpses through the tree belt and associated scrub on the eastern site boundary. Further south, the tree belt thins and there is a gap to the south-east of the eastern field, where the power line crosses the path, which affords partial views into the site, of the eastern field, from the rising ground to the south-east of the site (in views north from the footpath). The boundary adjacent to the southern field is formed by a 1.5m high hedgerow. There are glimpsed and partial views over the hedgerow in places, into the southern field. There are no views of the western field from this footpath.
- 3.2.5 There are glimpsed views into the eastern field of the site from North House Farm to the south-east of the site. Views include the rural landscape to the east of the site, the properties on Wimborne Road (to the north-east of the site) and the eastern site boundary hedgerow and tree belt.
- 3.2.6 The southern boundary vegetation currently screens all views into the site from the south, however there is some intervisibility with the allocated site to the south-east, which may become relevant when this is constructed.
- 3.2.7 Wareham Road lies to the immediate west of the site. To the east of the road (and adjacent to the site boundary) are four properties; Myrtle Cottage to the north-east, facing the site, number 212 Wareham to the north-west and numbers 204 and 206 to the south, which back on to the site to the east. There are open views of the western field from east-facing first floor windows of Myrtle Cottage and partial views from numbers 204, 206 and 212 Wareham Road, through gaps in the boundary vegetation. There are glimpsed views into the site from the first floor windows from properties on the eastern edge of Paddock Close (numbers 1-4), through gaps in the intervening buildings. Further views of the site from properties, roads or footpaths are limited.

4 GREEN BELT POLICY & REVIEW

4.1 National Green Belt Policy

4.1.1 The study area (as shown on plan HDA 1) is washed over by Green Belt. '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.' (Paragraph 79 of the National Planning Policy Framework – Ref 3). Chapter 9 of the NPPF sets out policies for 'Protecting Green Belt Land'.

- 4.1.2 Paragraph 80 lists the five purposes of the Green Belt. These are:
 - 1. To check the unrestricted sprawl of large built-up areas;
 - 2. To prevent neighbouring towns merging into one another;
 - 3. To assist in safeguarding the countryside from encroachment;
 - 4. To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.1.3 Paragraph 81 goes on to state that:

'Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

4.1.4 Paragraph 83 states that:

'Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.'

4.1.5 Paragraph 84, states that:

'When drawing up or reviewing Green Belt boundaries local authorities should take account of the need to promote sustainable patterns of development.'

- 4.1.6 Paragraphs 83 and 84 set the context for Green Belt review. National guidance has prompted a requirement within many districts for a Green Belt review / study to inform the Local Plan and assist with the Local Plan evidence base for the provision of new areas of sustainable development.
- 4.1.7 Paragraphs 87 and 88 of the NPPF consider the protection of the Green Belt through local planning policy. Inappropriate development within the Green Belt '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, is clearly outweighed by other considerations.'

4.1.8 In order for a site to be removed from Green Belt, a new Green Belt boundary would need to be defined. Paragraph 85 of the NPPF sets out the parameters for setting new Green Belt boundaries:

'When defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.'

4.2 Purbeck Green Belt Policy

- 4.2.1 Green Belt policy for Purbeck is covered within the spatial policies in chapter 7 of the Local Plan Part 1 (Ref 4): Spatial Distribution of Development. The site lies within North East Purbeck, which is covered by Policy NE. The policy sets out the preferred distribution for North East Purbeck, with a focus on development at Upton and Lytchett Matravers. The last paragraph of the policy covers Green Belt and states that: 'The extent of the South East Dorset Green Belt in Purbeck will be maintained subject to the following alterations:
 - Redefining the western boundary of the Green Belt to provide a more robust and justifiable boundary
 - To accommodate the settlement extensions at Policeman's Lane, Upton and Huntick Road, Lytchett Matravers
 - Minor boundary re-alignment to coincide with OS Base map.

The extent of the revised South East Dorset Green Belt boundary is set out on the Key Diagram and Changes to the Proposals Maps within Appendix 4.'

4.3 Purbeck Green Belt Review

4.3.1 Purbeck Local Plan Part 1 established the current extent of the Green Belt within Purbeck District. Changes implemented to the Green Belt as part of the Local Plan were implemented as a result of recommendations from the Purbeck Green Belt Review carried out in 2012. The Local Plan is currently under partial review, in order to provide scope for additional development within the district. It has been recognised that some of the most sustainable locations for new housing are currently within Green Belt. In order to inform potential new housing allocations Purbeck District Council has undertaken a

Green Belt Review Update (Ref 5), to consider potential additional site allocations. Appendix 2 contains extracts of the report that are relevant to the site.

- 4.3.2 The purpose of the East Dorset Green Belt has been identified as to prevent the coalescence of settlement that would result from uncontrolled westward expansion of Bournemouth and Poole. In order to test the contributions of sites to the functions of the Green Belt, the Green Belt Review has identified key settlements as being: Upton, Wareham, Lytchett Matravers and Lytchett Minster. The study includes a traffic light appraisal system for each sites contribution to each of the Green Belt purposes, followed by explanatory text and a judgement on whether or not the site would be suitable or unsuitable for removal from the Green Belt.
- 4.3.3 The Green Belt Review has assessed that the site has a partial contribution to only one of the Green Belt purposes: encroachment into the countryside. The site has been assessed as having no contribution to the remaining 4 purposes. The review states that: 'The Council has already released land to the south of this site at Max Gate (Huntick Road) for a settlement extension. Further development could sit comfortably at this site without resulting in sprawl towards the conurbation.'

However the report goes on to add that:

'The north/south line created by Foxhills Lane and the Huntick Road settlement extension forms a strong eastern edge to Lytchett Matravers. Breaching this line would cause an undesirable sprawl towards the conurbation. To the south of the western boundary of the Royal British Legion on Wimborne Road is a line of trees that would offer a containment to the settlement. Therefore, the release of land to the north of the Huntick Road site that is contained by these trees would not harm the function of the green belt in preventing coalescence with the conurbation.'

The conclusion of the report is that the site would be suitable for removal from the Green Belt, providing that development does not extend beyond the western field of the site.

5 GREEN BELT ANALYSIS OF THE SITE

5.1 Methodology

5.1.1 The methodology for the Green Belt assessment utilises the advice set out within the NPPF and PPG, in addition to advice provided by the Planning Officers Society ('We need to talk about the Green Belt', March 2015, Ref 6) and the Planning Advisory Service ('Planning on the Doorstep: The Big Issues – Green Belt', Feb 2015, Ref 7).

- 5.1.2 The aim of this study is to determine what contribution the site makes to the aims, essential characteristics and purposes of the Green Belt and whether the exclusion of the site for development would harm the Green Belt as a whole.
- 5.1.3 In general Green Belt studies have the following common elements:
 - Land is divided into parcels for assessment purposes. In this instance the site defines the parcel;
 - The definition of assessment criteria is structured around the five Green Belt purposes as set out in the NPPF;
 - · 'Large built-up areas', 'towns' and 'historic towns' are defined and,
 - Ratings and supporting text are provided for each of the five purposes, with no weighting applied to any of the defined purposes.
- 5.1.4 Three of the purposes of Green Belt as set out in the NPPF refer to particular types of settlement. Purpose 1 relates to large built-up areas, Purpose 2 refers to neighbouring towns and Purpose 4 considers historic towns. The latitude with which these settlement types are defined can have a significant influence on the outcome of a Green Belt assessment. Purbeck District Council have defined their settlement hierarchy in the Local Plan Part 1 which forms the basis for the definitions of settlement and form part of this Green Belt assessment.
- 5.1.5 Countryside, as referred to in purpose 3, is typically by default the area that does not fall within defined settlements outside of, or inset into, the Green Belt. The degree to which an area can be considered countryside forms part of the assessment itself rather than requiring definition.
- 5.1.6 For the purposes of this preliminary assessment settlement is defined as follows:
 - The Bournemouth-Poole conurbation and Upton constitute a large built-up area;
 - Towns Main Settlements as defined in Local Plan Part 1, Policy NE: North East
 Purbeck as Upton and Lytchett Matravers. The Bournemouth-Poole conurbation is
 also considered as a town within the parameters of this assessment.
 - Historic towns, are absent from the study area, however the Conservation Area of
 Lytchett Minster is consistently referred to within previous Green Belt assessments
 for this area and has been included within this assessment for consistency.
 - Washed-over settlements include properties on Poole Road to the east of Lytchett Matravers and the villages of Organford and Beacon Hill, which form part of the countryside.
- 5.1.7 In order to provide an assessment of the contribution the site makes to the aims and purposes of the Green Belt, the site has been tested against the 5 purposes of the Green

Belt as set out within paragraph 80 of the NPPF. For each purpose the study has considered the parameters for assessment, along with a judgement as to the contribution that the site makes towards that purpose.

5.2 Assessment of the site against the purposes of the Green Belt

5.2.1 Purpose 1: to check the unrestricted sprawl of large built-up areas

The site does not lie adjacent to a 'large built-up area'. It does, lie adjacent to Lytchett Matravers, in a location which is consistent with the existing settlement pattern and future development could be contained by the eastern tree belt - an identifiable limiting feature and potential Green Belt boundary. The site lies distant from the conurbation and does not contribute to the check of urban sprawl in relation to Bournemouth, Poole or Upton.

Contribution to Purpose 1: LOW

5.2.2 Purpose 2: to prevent neighbouring towns merging into one another

The site is surrounded by settlement on three sides and only extends beyond the existing settlement boundary by approximately 100m and existing housing associated with the settlement lies beyond the eastern site boundary. Development of the site would not noticeably change the separation between Lytchett Matravers and Bournemouth, Poole or Upton.

Contribution to Purpose 2: LOW

5.2.3 Purpose 3: to assist in safeguarding the countryside from encroachment.

The site is well related to the existing (and proposed) development edge to the north, west and south-west, and is physically separated from the rural landscape to the east by the robust tree belt and hedgerows to the east. The site is influenced by adjacent settlement and the power lines that cross it. There is no public access within the site and it is well contained from the wider rural landscape.

Contribution to Purpose 3: MEDIUM

5.2.4 Purpose 4: to preserve the setting and special character of historic towns

The site has no relationship with the Conservation Area of Lytchett Minster or with Listed Buildings present within Lytchett Matravers.

Contribution to Purpose 4: VERY LOW / NONE

5.2.5 <u>Purpose 5: to assist in urban regeneration, by encouraging the recycling of derelict and</u> other urban land.

Most Green Belt studies do not assess parcels of land against Purpose 5 or they rate them equally, on the grounds that it is difficult to assess the contribution of one site against another. For the purposes of this study no rating is applied to Purpose 5 in line with advice provided by the Planning Officers Society, which suggests that little can be distinguished by the application of Purpose 5.

'.... It must be the case that the amount of land within urban areas that could be developed will already be factored in before identifying Green Belt land. If Green Belt achieves this purpose, all Green Belt does to the same extent and hence the value of the various land parcels is unlikely to be distinguished by the application of this purpose'.

6 CONCLUSIONS

Green Belt

- 6.1 The Purbeck Green Belt Review Update has assessed the site as having a partial contribution to purpose 3 of the Green Belt (safeguarding the countryside), and no contribution to the remaining 4 purposes. The conclusion of the review is that the site would be suitable for removal from the Green Belt, providing that development does not extend beyond the western field of the site.
- The findings of this assessment are consistent with the Green Belt Review's assessment of the site, however this assessment extends across the whole site and not just the western part of it. Purpose 5 is not assessed within the report, for reasons given within paragraph 5.2.5. This Green Belt study has assessed that the site has a Low contribution to purposes 1 and 2 of the Green Belt and Very Low / No contribution to purpose 4 (protecting the setting and special character of historic towns). This assessment has judged the contribution of the site towards the protection of the countryside from encroachment (purpose 3) to be Medium, which corresponds with the judgements made within the Purbeck Green Belt Review.
- 6.3 Within the District Green Belt Review, the sites suitability for development has been restricted to the western field. The analysis within this assessment finds that the wider site would also be suitable for removal from the Green Belt. The site is highly enclosed and well related to existing settlement. Four dwellings are located to the north-east of the site on Wimborne Road. These properties are associated with the village despite being located outside the settlement boundary set out within the local plan. The eastern extents of the site do not extend beyond this existing settlement. The eastern boundary tree belt and hedgerow would form a stronger and more robust Green Belt boundary than the internal hedgerow promoted within the Green Belt Review. The site is inward looking, with no public access and is well contained from the wider landscape. The existing containment provided by the eastern boundary trees and hedgerow could be built upon to enhance the separation between potential development within the site and the rural landscape to the east. The overall contribution of the site towards the purposes of the Green Belt is Low. The site could be developed without harm to the aims and purposes of the Green Belt.

Landscape and visual

6.4 The site is well related to existing settlement and is contained from the wider landscape by existing boundary trees and vegetation to the east and south. Views into the site are restricted to receptors within the existing settlement and from limited glimpses available from the footpath to the immediate east of the site, which could be mitigated through additional planting. The site has capacity to accept development without harm to surrounding landscape character and there is the potential for development to retain key landscape features within the site.

REFERENCES

- 1 Dorset County Council (https://www.dorsetforyou.gov.uk/article/393007/The-Dorset-landscape), 'The Dorset Landscape Character Assessment'
- 2 Purbeck District Council (2008), 'Draft Landscape Character Assessment and Management Guidance (Non-AONB Areas)'
- 3 Department for Communities and Local Government (March 2012), 'National Planning Policy Framework'
- 4 Purbeck District Council (November 2012), 'Planning Purbeck's Future, Purbeck Local Plan Part 1'
- 5 Purbeck District Council (June 2016), 'Reviewing the Plan for Purbeck's Future, Purbeck Local Plan Partial Review, Green Belt Review Update
- 6 Planning Officers Society (March 2015), 'We need to talk about the Green Belt'
- 7 Planning Advisory Service (February 2015), 'Planning on the Doorstep: The Big Issues Green Belt'

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Appendix 1 – Draft Landscape Character Assessment and Management Guidance for Purbeck (Non-AONB)

PURBECK

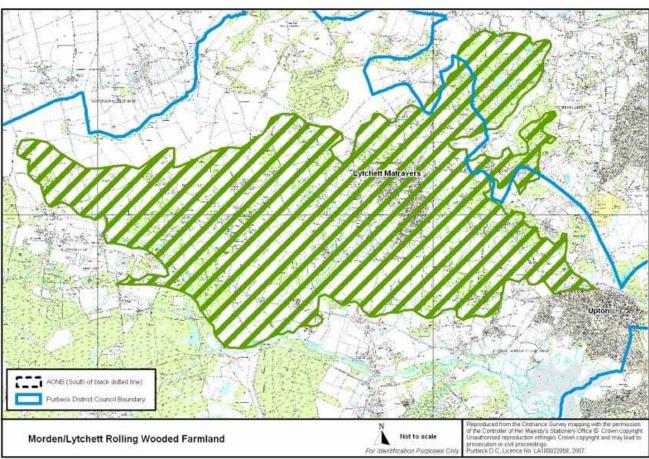




5.
Morden / Lytchett Rolling Wooded
Farmland

Key settlements: Lytchett Matravers, East Morden, West Morden





Key characteristics

- Narrow densely hedged rural winding lanes lined with hedgerow trees.
- Open views from elevated points.
- Harmonious link between the natural and traditional built environment.
- The network of interconnected hedges and woodland blocks.
- The folded intimate valley landforms around Lytchett Matravers.
- The settlements of East and West Morden are both key local features.
- East Morden church is a key feature.
- The estate landscape and school grounds at Lytchett Minster.

Landscape Character

The area is an undulating and rolling farmland landscape with some characteristic narrow valleys and folds which create a distinctive landform. The area rises to the chalk landscapes in the north and falls to the Sherford River in the south. It forms a transitional area between the chalk landscapes and the lower lying acidic soil landscapes to the south and is a varied, interesting and largely intact landscape. The interlocking blocks of woodland together with the dense hedgerows, hedgerow trees and relatively small fields create a well wooded/treed landscape. Large plantations dominate the landscape in the south west and north east of the area and many of the woods are designated as SNCIs. The farming is mixed with arable more open fields in the west towards the chalk and a more pastoral landscape to the east of the area with corresponding thicker hedges and more hedgerow trees. There are open and impressive views from elevated areas to distant horizons such as over to Poole Harbour. Lytchett Bay and to the Purbeck Hills.

Landscape Condition

The landscape elements (hedgerows, hedgerow trees and woodland) are generally intact in the central parts of the area but are in decline towards the north west as hedges in particular, become redundant agriculturally. The number and frequency of small scale horse paddocks, associated 'clutter' and selective grazing does not contribute to landscape condition at the urban fringes. Newer development and the rural lane network generally integrates satisfactorily apart from in selected places to the south and east of Lytchett Matravers and the northern edges of Lychett Minster, Suburban features such as lighting, pavements, highways, and signage detract from condition at settlement edges. There is some evidence of hedgerow and woodland management but fragmentation of habitat is an issue in parts of the more intensively farmed areas.

Condition: Moderate to Good.

Landscape Management and Development Objectives

- Encourage/promote tree and woodland management.
- Manage 'horsiculture'.
- Conserve and enhance built environment features.
- Promote and enhance recreational trails.
- Encourage/promote Agri-Environment schemes especially for arable field margins, hedgerow and woodland management e.g. to diversify coniferous plantations.
- Encourage/promote rural lane management e.g. maintenance of grass verges and hedgerow tree tagging.
- Consider increasing the recreational opportunities within coniferous plantations.
- Carry out Village Design Statement for Lytchett Matravers and the Mordens



Appendix 2 - Extracts from Purbeck Green Belt Review Update, June 2016

Reviewing the Plan for Purbeck's future

Purbeck Local Plan Partial Review Green Belt Review Update, June 2016

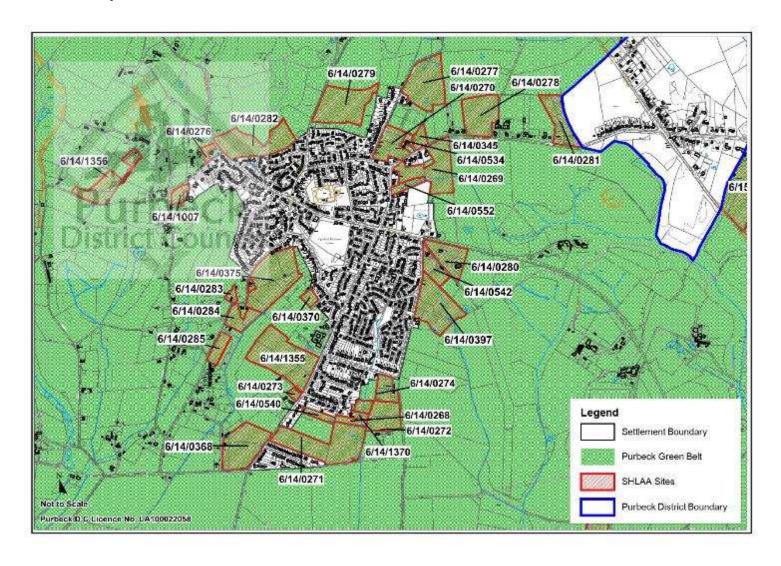




Thriving communities in balance with the natural environment

Lytchett Matravers

Map 2: promoted land in Lytchett Matravers



- ii. Merging: as the village would not become physically closer to the conurbation by virtue of the barrier provided by Foxhills Road, there is no risk of the two merging.
- iii. Countryside encroachment: thick boundary vegetation to the south and the road to the east contain the site and would prevent encroachment into the countryside.
- iv. Historic setting: development would not result in an expansion of the village towards Lytchett Minster, so it would not prejudice the setting or character of this historic village.
- v. Urban regeneration: there is little derelict or other previously developed land available in Lytchett Matravers to allow regeneration, although there are limited opportunities for infill development that are likely to come forward during the plan period, as identified in the Council's Character Area Potential study. However, this infill development may not satisfy all potential housing needs and so settlement extensions may be required to increase the supply of housing.
- 70. Conclusion: suitable, provided development was contained by the field boundary located to the immediate south of the building located to the immediate south of Peach Cottage. In terms of drawing a logical revised green belt boundary, it would be sensible to group this land with the adjacent land considered in this report at 36 & 38 Wareham Road, field off Burbidge Close and Land to east of Wareham Road. Drawing this boundary would incorporate land that is not being promoted for development. However, it would be illogical to have islands of green belt surrounded by development.

Land at Blaneys Corner (6/14/0269)

- 71. The Council has already released land to the south of this site at Max Gate (Huntick Road) for a settlement extension. Further development could sit comfortably at this site without resulting in sprawl towards the conurbation. The north/south line created by Foxhills Lane and the Huntick Road settlement extension forms a strong eastern edge to Lytchett Matravers. Breaching this line would cause an undesirable sprawl towards the conurbation. To the south of the western boundary of the Royal British Legion on Wimborne Road is a line of trees that would offer a containment to the settlement. Therefore, the release of land to the north of the Huntick Road site that is contained by these trees would not harm the function of the green belt in preventing coalescence with the conurbation.
- 72. In terms of meeting the 5 criteria of the NPPF:

Crorroyal	Merging	Countryside	Historic	Urban
Sprawl		Encroachment	Setting	Regeneration

 Sprawl: development in this location could relate well to the settlement extension allocated to the immediate south at Huntick Road. To the south of the Royal British Legion on Wimborne Road is a field boundary in the form of

- a line of trees. Provided development did not breach this line, the village would not physically extend any closer towards the conurbation.
- ii. Merging: provided development did not spread any further east than the field boundary/line of trees mentioned above, the village would not extend towards the conurbation and therefore, there will be no risk of merging with it.
- iii. Countryside encroachment: provided development did not breach the eastern field boundary/line of trees mentioned above, the effect of encroachment into the countryside would be reduced.
- iv. Historic setting: a substantial distance between Lytchett Matravers and Lytchett Minster would be retained, so development here would not prejudice the setting or character of this historic village.
- v. Urban regeneration: there is little derelict or other previously developed land available in Lytchett Matravers to allow regeneration, although there are limited opportunities for infill development that are likely to come forward during the plan period, as identified in the Council's Character Area Potential study. However, this infill development may not satisfy all potential housing needs and so settlement extensions may be required to increase the supply of housing.
- 73. Conclusion: suitable, provided development does not breach the field boundary/line of trees to the south of the Royal British Legion on Wimborne Road.

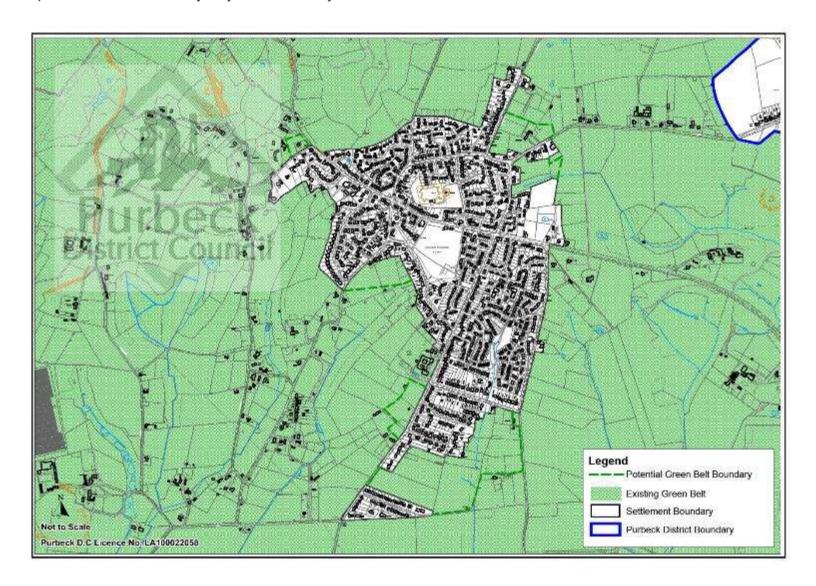
Land at Flowers Drove & Sunnyside Farm (6/14/0270 & 6/14/0345)

- 74. As long as development did not extend the settlement any further east or north than at present, Lytchett Matravers would not extend towards the conurbation and development here would not harm the function of the green belt.
- 75. In terms of meeting the 5 criteria of the NPPF:

Sprowl	Morging	Countryside	Historic	Urban
Sprawl Merging	ivierging	Encroachment	Setting	Regeneration

- i. Sprawl: development in this location could relate well to the dwellings on the opposite side of Flowers Drove and the village would not physically extend any closer towards the conurbation. The area of the site would not allow the village to extend beyond its northernmost point. Therefore, there would not be a sprawling effect.
- ii. Merging: as the village would not become physically closer to the conurbation, there is no risk of the two merging.
- iii. Countryside encroachment: the thick band of trees to the north and the road to the east contain the site and would reduce encroachment into the countryside. Development of the top 'triangle' at the Sunnyside Farm site would appear awkward, however, so the site should be reduced to reflect this.
- iv. Historic setting: a substantial distance between Lytchett Matravers and Lytchett Minster would be retained, so it would not prejudice the setting or character of this historic village.

Map 3: Potential Boundary Adjustments in Lytchett Matravers



Appendix 3 – HDA Green Belt Methodology

HDA GREEN BELT METHODOLOGY

Methodology for Green Belt Assessment to analyse the effects of removal of areas proposed for development on the Green Belt, in support of the Local Plan process.

1.1 Guidance

1.1.1 National Planning Policy within the NPPF (National Planning Policy Framework – Ref 1) and PPG (Planning Practice Guidance) documents provides clear advice on protecting Green Belt land. There is a widely recognised need for further development within the country as set out in paragraph 14 of the NPPF:

'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development,'

The second bullet of the same paragraph goes on to state that 'Local plans should meet objectively assessed needs... unless... specific policies within this Framework indicate development should be restricted. Footnote 9 provides examples of policies where development should be restricted. Green Belt is one of the examples given.

1.1.2 Chapter 9 of the NPPF sets out policies for 'Protecting Green Belt Land'. Paragraphs 79 and 80 set out the fundamental aim of Green Belt policy, the essential characteristics of the Green Belt and the five purposes of the Green Belt. Paragraph 83 states that:

'Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.'

This is followed by paragraph 84, which states that:

'When drawing up or reviewing Green Belt boundaries local authorities should take account of the need to promote sustainable patterns of development.'

1.1.3 Paragraphs 83 and 84 set the precedent that, if exceptional circumstances can be met, in order to provide sustainable development, there is scope to alter Green Belt boundaries through the local plan process. Paragraph 85 sets out guidance for the definition of new Green Belt boundaries. The policies set out within these three paragraphs has prompted a requirement within many districts for a Green Belt review / study to inform the local plan and assist with the Local Plan evidence base for the provision of new areas of sustainable development. This is particularly pertinent for Local Authorities who have a large housing shortfall as a result of objectively assessed housing need.

- 1.1.4 At the present time there is no definitive guidance on how to undertake a Green Belt review / study. There are also two types of study that could be appropriate in the decision making and evidence base required by the local authority.
 - A Green Belt review of a whole District / Borough in order to ascertain any differences in areas of the Green Belt with regard to their performance against the aims, essential characteristics and purposes of the Green Belt. This is to assist Local Authorities in decision making, when considering a baseline for the location of sustainable development.
 - Once the criteria for proving that the 'exceptional circumstances' for new
 development within the Green Belt have been met, a second type of study may be
 appropriate to test the potential impacts of removing a specific site / sites from the
 Green Belt.
- 1.1.5 This methodology is specifically tailored towards the second type of study. The methodology utilises the advice set out within the NPPF and PPG, in addition to documentation produced by the Planning Officers Society (We need to talk about the Green Belt, March 2015 Ref 2) and the Planning Advisory Service (Planning on the Doorstep: The Big Issues Green Belt, Feb 2015 Ref 3).
- 1.1.6 The aim of this study is to determine what contribution the site(s) make(s) to the aims, essential characteristics and purposes of the Green Belt and whether the exclusion of this land would harm the Green Belt as a whole. As part of the study a proposal would be set out for a revised Green Belt Boundary, along with justification to support the choice of boundary.

1.2 Process

- 1.2.1 The process proposed for carrying out the study would be as follows:
 - 1. Desk Study
 - 2. Field Survey
 - 3. Analysis of previous studies / Green Belt reviews undertaken (if applicable)
 - 4. Assessment of the Site(s) contribution to the Green Belt
 - 5. Proposal(s) for a new Green Belt boundary
 - 6. Contribution of the site to the special circumstances for removal from the Green Belt
 - 7. Conclusions

1.3 Desk study

- 1.3.1 A desk-study is undertaken to establish:
 - The existing extent of the Green Belt and its reason for designation.

- Current planning policy context including national policy and current local policy.
- Identification of other documents of relevance including existing Green Belt reviews / studies
- The physical components of the local landscape and settlement pattern, with relation to the purposes of the Green Belt and the future identification of a suitable Green Belt boundary (if appropriate).

1.4 Field survey

- 1.4.1 A field survey of the site and surroundings was carried out in June and July 2017. The field survey serves to understand the immediate setting of the proposed development, including the local settlement pattern, proximity of adjacent settlement, any existing development within the site, existing land uses and vegetation structure.
- 1.4.2 The site visits were undertaken from publically accessible viewpoints around the site such as roads and public rights of way. A working photographic record of the visit was also made.

1.5 Analysis of previous studies / Green Belt reviews undertaken

1.5.1 In order to form a baseline for the site's contribution to Green Belt, any existing Green Belt reviews and relevant studies are analysed. A commentary is provided on what extent the site contributes to the performance of parcels / areas identified by previous assessment work. Areas of common ground / conflict are discussed and related back to relevant policy guidance. In many cases the change in scale between the site(s) and the parcels used within previous Green Belt reviews / studies, particularly in the case of reviews covering a whole district / Borough or Green Belt, can lead to differences in performance in Green Belt terms.

1.6 Assessment of the Site(s) contribution to the Green Belt

1.6.1 The aim of this is to provide analysis and evidence on how the site(s) contribute to the aims and essential characteristics of the Green Belt by testing it against the 5 purposes of the Green Belt. The aim, essential characteristics and purposes of the Green Belt are set out within paragraphs 79 and 80 of the NPPF (Ref 1). These paragraphs are listed below:

'79. 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.

80. Green Belt serves five purposes:

to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'
- 1.6.2 Keeping land permanently open is a fundamental objective of Green Belt. Openness in the Green Belt has not been defined within the NPPF, however subsequent case law has provided definitions that have been used for the purposes of this methodology. In a judgement by Mr Justice Dove in the case of *R (Lee Valley Regional Park Authority) v*Epping Forest DC (2016 Ref 4), openness (in Green Belt terms) is defined as:
 - "...the state of being free from built development, the absence of buildings as distinct from the absence of visual impact" [7]
- 1.6.3 In addition to the above, a judgement by Mr Justice Green in the case of Timmins/Lymn v Gedling BC (2014 Ref 5) included the following:
 - "...measures taken to limit the intrusiveness of the development whilst not affecting the assessment of openness may nonetheless be relevant to the "very special circumstance" weighing exercising. Hence openness and visual impact are different concepts; yet they can nonetheless relate to each other. The distinction is subtle but important." [73]
- 1.6.4 The visibility of a site may not be used explicitly as part of the judgement of contribution that a site makes to the purposes of the Green Belt. However it can be take into consideration when assessing the factors contributing to the 'special circumstances' for removal of a site from the Green Belt. Special circumstances are considered within section 6 of the report and discussed within paragraph 1.8 of this methodology.
- 1.6.5 The following describes our assessment principles for each of the 5 purposes:

1.6.6 Purpose 1: 'to check the unrestricted sprawl of large built-up areas'

HDA assessment criteria:

- Define large built up areas. This may vary with each district / borough and will use Local Authority definitions of large settlements within their catchment as a basis for definition. The settlement(s) for which the Green Belt has been designated would automatically be included as a large built up area.
- Define sprawl: to spread out in an untidy, irregular way.
- The assessment would make a judgement as to how much the site(s) would potentially contribute to purpose 1.

The judgement will be described within the main body of the text and will be defined on a five point scale ranging from Very High to Very Low / None. Judgements would be based on:

- Proximity to existing settlement the closer to settlement the site is, the higher contribution the site would have.
- Relationship of the site to existing settlement pattern if the site protrudes further
 than the existing settlement edge, it would have a higher contribution than if the
 site is partially enclosed by development.
- Relationship of the site to the wider landscape if a physical barrier e.g a road, river or protected features lies between the site and the wider Green Belt, that would in itself prevent future settlement expansion, the site would have a lower contribution than if the site had the potential to expand further into the Green Belt in the future.

Very High = The site is adjacent to the large built up area, but it's location is inconsistent with the existing settlement pattern and would form a substantial intrusion into the wider Green Belt, beyond any identifiable limiting feature / potential Green Belt boundary.

High = The site is adjacent to the large built up area, in a location that is partially consistent with the existing settlement pattern and would form an intrusion into the wider Green Belt.

Medium = The site is adjacent to the large built up area, in a location which is consistent with the existing settlement pattern and future development could be contained by an identifiable limiting feature / potential Green Belt boundary.

Low = The site is surrounded by the large urban settlement on three sides and development of the site would not exceed the existing settlement edge

Very Low / **None** = The site is surrounded by the large urban settlement on three sides and is contained on the fourth side by a physical barrier to development **or** the site is not associated with a large urban settlement.

1.6.7 Purpose 2: 'to prevent neighbouring towns merging into one another'

HDA assessment criteria:

- Define the scale of settlement that would constitute a 'neighbouring town'. This
 may vary with each district / borough and will use Local Authority publications as
 a basis for definition.
- Define merging: to combine or join together.

 The assessment would make a judgement as to how much the site(s) would potentially contribute to purpose 2.

The judgement will be described within the main body of the text and will be defined on a five point scale ranging from Very High to Very Low / None. Judgements would be based on:

- Location the more the site contributes to the total area of land lying between two settlements, the higher contribution the site would have.
- Distance between adjacent towns If two towns are close together, a site located between the two towns has a higher contribution to this purpose than a site that lies between two distant towns.
- Relationship between towns and the site The relationship between two towns is
 visual and perceptual as well as physical distance. If the development of a site
 would perceptibly extend a development, for example in a location where it would
 be seen from another town, which currently has no views of adjacent settlement,
 the contribution of the site would be higher than if the site was consistent with the
 settlement pattern and well contained from an adjoining town.
- Size of site The larger the site, the more it would contribute to the separation between two towns.

Very High = The site is the only parcel of land which separates two neighbouring towns / forms a significant contribution to the perceived separation between two towns. Development of the site has the potential to cause towns to merge.

High = The site forms a significant contribution to the perceived separation between two towns and / or provides the critical separation between a town and a smaller settlement. Development of the site has the potential to cause a town to merge with a smaller settlement.

Medium = The site is located between two towns or settlements. Development of the site would not significantly change the separation between settlements **or** would not reduce the distance between two towns more than an existing edge of settlement.

Low = Development of the site would not noticeably change the separation between settlement **or** development of the site would not reduce the distance between any settlement more than the existing edges of settlement(s).

Very Low / **None** = Development of the site would not perceptibly change the spatial relationship between two towns or between a town and another settlement.

1.6.8 <u>Purpose 3: 'to assist in safeguarding the countryside from encroachment'</u>

HDA assessment criteria:

- Define safeguarding: to provide protection
- Define encroachment: for development to spread into undeveloped land within the countryside.
- While it is acknowledged that the Green Belt definition of openness has no relationship to the character or quality of a landscape, the reference to countryside within this purpose of the Green Belt requires some judgement to be made about the rurality of a site in landscape terms. In addition the question of intervisibility would have an effect on the character and appearance of the countryside surrounding the site.
- The assessment would make a judgement as to how much the site(s) would potentially contribute to purpose 3.

The judgement will be described within the main body of the text and will be defined on a five point scale ranging from Very High to Very Low / None. Judgements would be based on:

- Location a green field site in the middle of the countryside with no relationship
 to existing development would have a higher contribution to this purpose than a
 site enclosed by settlement or by building on previously developed land.
- Rurality of the site A rural site that is consistent with local landscape character and is open to the wider landscape would have a higher contribution to the safeguarding of the countryside than a degraded site with urban influence.
- Relationship of the site to the wider landscape if the site is physically and visually separated from the wider rural Green Belt, by a defined barrier, that would in itself prevent future encroachment of built development expansion, the site would have a lower contribution to safeguarding the countryside.
- Size of site The larger the green field site, the more it would contribute to the safeguarding of the countryside.

Very High = The site is a large isolated and undeveloped green field site, located within the countryside, with no relationship to existing settlement and strong links to the wider rural landscape.

High = The site is an isolated and undeveloped green field site, located within the countryside, with a limited relationship to existing settlement and strong links to the wider rural landscape **or** the site is extremely large and would affect a large portion of the existing rural landscape.

Medium = The site is an undeveloped green field site, located adjacent to settlement with fewer than two edges that are open to the wider countryside **or** the site is

degraded with a number of urban influences, but is visible from the surrounding countryside.

Low = The site is well related to the existing development edge and is physically separated from the rural landscape beyond **or** the site is degraded with a number of urban influences and has little influence on the character of the surrounding countryside.

Very Low / None = The site is brownfield or previously developed land and / or is cut off from the rural landscape by existing settlement e.g a site within a village that is washed over by Green Belt.

1.6.9 Purpose 4: 'to preserve the setting and special character of historic towns'

HDA assessment criteria:

- Define the historic towns that are to be considered
- Make a judgement on what contributes to the setting and special character of each historic town, using published reports on heritage assets within a town e.g. conservation area appraisals.
- The assessment would make a judgement as to how much the site(s) would potentially contribute to purpose 4.

The judgement will be described within the main body of the text and will be defined on a five point scale ranging from Very High to Very Low / None. Judgements would be based on:

- Location a site containing important views of heritage assets would have a higher contribution to this purpose than a site which has no visual or spatial relationship with the heritage assets within a historic town.
- Relationship of the site to the historic town If the site has historic links to the town
 or it would have a higher contribution.
- Type of development proposed within the site proposed development that is
 consistent with the existing setting to a historic town would have a lower
 contribution to this purpose than a development that is incongruous or out of
 keeping with the existing setting.

Very High = The site has a well documented physical / visual or historic relationship with the historic town and contributes to the significance of heritage assets within the town.

High = The site has a discernible physical / visual or historic relationship with the historic town or the type of development proposed is inconsistent with the existing setting to a historic town.

Medium = The site has some contribution to the setting and / special character of a historic town. Development within the site would be consistent with the existing setting.

Low = The site forms part of the wider setting to the town but has no direct physical / visual or historic relationship with heritage assets within the town.

Very Low / **None** = The site has no relationship with a historic town.

1.6.10 <u>Purpose 5: 'to assist in urban regeneration, by encouraging the recycling of derelict and</u> other urban land'

The Planning Advisory Service, in their article 'Planning on the Doorstep: The Big Issues – Green Belt' (Ref 3) has advised that when considering Purpose 5

'it must be the case that the amount of land within urban areas that could be developed will already have been factored in before identifying Green Belt land. If Green Belt achieves this purpose, then all Green Belt does so to the same extent and hence the value of various land parcels is unlikely to be distinguished by the application of this purpose.'

On this basis no assessment is made of the performance of the site(s) performance against Purpose 5. Mention will be made, however if the development of a site would support urban regeneration opportunities (if known).

1.7 Proposals for a new Green Belt boundary

1.7.1 In order for a site to be removed from Green Belt, a new Green Belt boundary would need to be defined. Paragraph 85 of the NPPF sets out the parameters for setting new Green Belt boundaries:

When defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;

- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.'

1.8 Contribution of the site to the special circumstances for removal from the Green Belt

- 1.8.1 As set out in paragraph 1.6.4 the landscape visibility of a site and the landscape character or quality of a site are not used explicitly as part of the judgement of contribution that a site makes to the purposes of the Green Belt, however they may contribute to the assessment of the 'special circumstances' required for removal of a site from the Green Belt.
- 1.8.2 The 'special circumstances' for removal of a site from the Green Belt are an assessment of a combination of the need for a particular type of development, at a particular location within the Green Belt, together with the suitability of a site for development. It is accepted practice that the potential landscape and visual effects of a proposed development are contributing factors to the assessment of a sites suitability for development and therefore may contribute towards the 'special circumstances' for removal of a site from the Green Belt.
- 1.8.3 With regard to visibility, the visual containment of a site and the potential to mitigate the visual effects of a proposed development are considerations when assessing the integrity of the wider Green Belt. A site that is well contained is more likely to maintain the integrity of the wider Green Belt than an open and exposed site.
- 1.8.4 With regard to the landscape character and quality of the site, landscape capacity assessment is an indicator of the capacity of the landscape to accommodate development without adverse impacts on the wider landscape. Such an assessment forms part of the overall assessment of the suitability for a site's inclusion or removal from the Green Belt.

1.9 Conclusions

1.9.1 The final part of the report would draw together all the judgements of the sites contribution to the purposes of the Green Belt, in conjunction with any supporting evidence for the special circumstances for the removal of the site from the Green Belt, whether a strong new Green Belt Boundary is present and what overall effects the development of the site would have on the openness and permanence of the Green Belt. A conclusion would be drawn as to whether the site is suitable for removal from the Green Belt, providing 'special circumstances' for removal can be justified.

REFERENCES

- Ref 1 Department for Communities and Local Government (March 2012), 'National Planning Policy Framework'
- Ref 2 Planning Officers Society (March 2015), 'We need to talk about the Green Belt'
- Ref 3 Planning Advisory Service (Feb 2015), 'Planning on the Doorstep: The Big Issues Green Belt'
- Ref 4 Judgement by Mr Justice Dove in the case of 'R (Lee Valley Regional Park Authority) v

 Epping Forest DC'(2016)
- Ref 5 Judgement by Mr Justice Green in the case of 'Timmins/Lymn v Gedling BC' (2014)