

# **South Staffordshire Local Plan Examination**

## **Response to Matter 6: Green Belt**

St Philips (Wedges Mills)

10 April 2025

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## 1.0 Introduction

- 1.1 This statement to Matter 6 (Green Belt) of the examination of the South Staffordshire Local Plan Review (“the LPR”) is submitted by Lichfields on behalf of St Philips in relation to their land interests at Wolverhampton Road, Wedges Mills Cannock. Please refer to the full introduction included within St Philips Matter Statement 2 in respect of Wolverhampton Road, Wedges Mills Cannock.
- 1.2 Separate representations have been submitted in respect of the following Matters:
- Matter 2 – Duty to Cooperate;
  - Matter 3 – Vision and Strategic Objectives;
  - Matter 4 – Development Needs and Requirement; and
  - Matter 5 – Spatial Strategy.
- 1.3 This Statement has been prepared in line with the Guidance Note (SST/ED8) for the Examination.
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2.0

## Matter 6: Green Belt

**Issue: Whether the Plan's approach to Green Belt is positively prepared, justified, effective and consistent with national policy.**

*Q. 2. The National Planning Policy Framework identifies that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries a strategic policy making authority should be able to demonstrate that it has fully examined all other reasonable options for meeting its identified need for housing. Have all opportunities to maximise the capacity on non-Green Belt land been taken? As such:*

*a. How has the Council sought to make as much use as possible of suitable brownfield sites and underutilised land?*

*b. Has the potential for development in the urban area, the use of previously developed land and increased densities been optimised including locations well served by public transport?*

*c. Has the Council assessed whether there is any realistic potential to accommodate some of the development needs of the district in other authority areas, reducing the need to alter the Green Belt? How has this been assessed/ investigated?*

*d. The need to promote sustainable patterns of development. Where is this evidenced?*

2.1 Yes. Despite changes to the National Planning Policy Framework (2023) [NPPF] in relation to the need for Green Belt release, it does not preclude a local planning authority [LPA] from releasing Green Belt land, so long as an LPA has satisfied the 'sequential approach' in utilising its supply of brownfield land, optimising densities and engaging with neighbouring authorities to assist in meeting needs and demonstrating that exceptional circumstances exist (Paras 145-146, NPPF).

2.2 In this regard, St Philips considers that the South Staffordshire Council's ("the Council") 'Green Belt Exceptional Circumstances Topic Paper (April 2024)' (EB6) ("the GBES Topic Paper") has clearly demonstrated that the 'sequential approach' set out in paragraph 146 of NPPF has been followed, and – crucially – that 'exceptional circumstances' have been demonstrated. Crucially, the GBES Topic Paper demonstrated that:

- 1 The Council's 'Strategic Housing & Economic Land Availability Assessment Report (2023)' (EB19) [SHELAA], 'Housing Site Selection Topic Paper' (2024) (EB20-20b) [HSSTP], and 'Spatial Housing Strategy Topic Paper (2024)' (EB14-14a) [SHSTP], have maximised the use of non-Green Belt site options, including identifying all suitable brownfield opportunities, allocating safeguarded land and suitable Open Countryside sites as part of the preferred Spatial Strategy;

- 2 The Council's 'Housing Density Topic Paper (2024)' (EB21) [HDTP], and subsequently Policy HC2 (Housing Density), ensures that the Council is making an efficient use of land through increased densities to ensure Green Belt isn't released unnecessarily;
- 3 No neighbouring LPAs have offered assistance in meeting the Council's needs, as most of the neighbouring authorities are equally as constrained by Green Belt land, or are unable to meet their own housing needs – this is summarised in part within the Council's 'Duty to Cooperate Topic Paper Addendum (2024)' (DC1) [DtCTPA];
- 4 The Council's iterative Sustainability Assessment [SA] evidence (EB1-EB2b) confirmed the proposed Spatial Strategy would promote sustainable patterns of development.

2.3 It is St Philips' view that the Council has appropriately demonstrated the 'sequential approach' required by the NPPF and is 'sound', underpinned by relevant and up-to-date evidence (Para 31), is 'justified' (Para 35b) and is consistent with national policy (Para 35d).

***Q. 5. Are there exceptional circumstances to alter the Green Belt in the district in principle? If so, what are they? If not, how could housing and employment requirements be met in other ways?***

2.4 Yes. As set out in St Philips' response to Question 2 above, St Philips considers that the Council has sufficiently evidenced that it has taken a 'sequential approach', prior to considering whether 'exceptional circumstances' can be demonstrated, and the GBES Topic Paper (EB6) and supporting LPR evidence – listed above – suitably demonstrates this.

2.5 In respect of 'exceptional circumstances', neither the NPPF nor Planning Practice Guidance [PPG] provide clarity on what might constitute 'exceptional circumstances'. However, in this regard, it has long been established through the Calverton Parish Council v Nottingham City Council High Court Judgment,<sup>1</sup> at Paragraph 51 of the Judgment, that the following 5 issues should be grappled with:

- 1 *"the acuteness/intensity of the objectively assessed need (matters of degree may be important);*
- 2 *the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- 3 *(on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- 4 *the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
- 5 *the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent."*

2.6 Indeed, the Council's HSSTP (EB20-20b) references this judgment; albeit, in relation to the assessment of harm associated with the release of a particular parcel of Green Belt. Importantly, although not explicit, the Council appears to endorse points 1 and 4 for its own assessment of 'exceptional circumstances'. Ultimately, St Philips agree with the Council that the acuteness of the unmet housing need arising from the Greater Birmingham and Black Country Housing Market Area [GBBCHMA] – estimated by the Council to be in the order of c.31,000 dwellings up to 2042 as a minimum (DC1) – can, and in this instance should,

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<sup>1</sup> Calverton Parish Council v Greater Nottingham Councils [2015] EWHC 10784

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constitute ‘exceptional circumstances’, as established in the Calverton case. However, it should be noted that, in the context of point 4, exceptional circumstances can take precedence over the purposes of Green Belt purposes<sup>2</sup> – discussed further in St Philips’ response to Question 6 below.

- 2.7 As such, it is St Philips’ view that the Council has appropriately demonstrated the ‘exceptional circumstances’ required by the NPPF and is ‘sound’, underpinned by relevant and up-to-date evidence (Para 31), is ‘justified’ (Para 35b) and is consistent with national policy (Para 35d).

***Q. 6. Are there exceptional circumstances to justify the release of Green Belt land for development in Tier 2, 3 or 4 settlements?***

- 2.8 Yes. Fundamentally, the ‘exceptional circumstances’ test set out in paragraphs 145-146 NPPF does not require an LPA to distinguish ‘exceptional circumstances’ by settlement hierarchy. It is a ‘global’ test against which the LPA should consider whether circumstances exist which would justify reviewing the District’s Green Belt as a whole, and where this can be demonstrated, appropriate releases made that align with the wider objectives of the NPPF – such as promoting sustainable patterns of development; access to public transport; whether compensatory improvements could offset the harm from removal (Para 142, NPPF); and consistency of the Green Belt with the emerging Local Plan strategy.
- 2.9 In essence, whilst it is justified to consider whether ‘exceptional circumstances’ exist to justify Green Belt release, it is not necessary within national policy to consider the ‘exceptional circumstances’ on a settlement-by-settlement basis. This is because there is a need to consider the broader Green Belt policies and wider policies in the NPPF as a whole – such as those above but also enabling villages to grow and thrive to support services and infrastructure (Para 83) and also to respond to local needs (Para 82).
- 2.10 However, in the context of the question, it is an essential part of the ‘exceptional circumstances’ test that logically the establishment of ‘exceptional circumstances’ at the District-wide level must be capable of directing growth to lower-tier Green Belt settlements that are, or could be, made sustainable, and for trumping the purposes of the Green Belt<sup>2</sup>. For example, it is conceptually possible for Green Belt land that fulfils strong Green Belt purposes in lower-tier settlements to be released if it is consistent with the Local Plan strategy for meeting requirements for sustainable development, for example, to secure more sustainable patterns of development or support the growth of local villages.

***Q. 8. Are all detailed amendments to boundaries to the Green Belt clear and addressed in the evidence?***

- 2.11 No. Whilst it is noted in the Inspector’s Matters, Issues and Questions [MIQs] that the Inspectors are not considering site-specific implications, it is worth highlighting St Philips site at Wedges Mills as an example to demonstrate that the Council’s amendments to the Green Belt boundaries are ‘unclear’ and not supported by evidence.
- 2.12 Ultimately, following the Council’s ‘Housing Site Selection Topic Paper’ (2024) [HSSTP] (EB20-20b) assessing sites within the West of Cannock (A5 Corridor) area of search, St Philips site was discounted from consideration due to (*inter alia*) Green Belt harm.

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<sup>2</sup> Paragraph 42, Calverton Parish Council v Nottingham City Council [2015] EWHC 1078

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However, whilst it is justified to consider ‘harm’ in the balance when assessing ‘exceptional circumstances’ for Green Belt release, it is not required with national policy to release only those sites which perform the worst against the Green Belt purposes (i.e. low Green Belt harm). As set out above in response to Question 6, it is an essential part of the ‘exceptional circumstances test that logically exceptional circumstances must be capable of trumping the purposes of the Green Belt<sup>3</sup>, and strongly performing sites can be release if they align with securing more sustainable patterns of development.

- 2.13 St Philips acknowledges that the NPPF does not require the Council to review Green Belt Boundaries and welcomes that the Council has chosen to do so anyway. The site is located on the edge of Wedges Mills, which has high sustainability credentials in terms of proximity to the existing shops and services in Cannock, and access to existing transport routes and infrastructure. Working in the knowledge that the ‘exceptional circumstances’ to review the Green Belt have been demonstrated, and that only part of the wider site would be developed, it would be well-served by the existing transport infrastructure (Para 142, NPPF) and wider mitigation benefits, such as the provision of new open space (Para 138, NPPF), the site should logically be removed from the Green Belt.
- 2.14 On the basis that it remains fundamentally unclear as to why growth in Wedges Mills has been ignored, and no Green Belt boundaries amended in this part of the District, St Philips does not consider that all of the detailed amendments to boundaries to the Green Belt are clear or are addressed in the evidence.

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<sup>3</sup> Paragraph 42, *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078

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