

# Request to Designate Middle Battenhall Farm, Worcester as a Local Greenspace

## Topic Paper

### Introduction

This topic paper sets out how the South Worcestershire Councils have considered the request to designate Middle Battenhall Farm as a Local Greenspace through the South Worcestershire Development Plan Review. It documents the process that has been gone through and the issues which have been considered as well as the outcome.

### Background

The NPPF allows Local Planning Authorities to protect open spaces using a Local Green space designation and states that:

*“99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*100. The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

*101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”*

The National Planning Practice Guidance provides more detail on the types of spaces that can be designated, stating that:

*“ The green area will need to meet the criteria set out in [paragraph 100](#) of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.”*

It also provides some guidance on the amount of space that can be designated:

*“ There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, [paragraph 100](#) of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.”*

The NPPG also provides clarity over public access:

*“ Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty).*

*Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.”*

Therefore, a Local Green Space designation is a serious and significant designation which affords land the same protection as Green Belt. It must be capable of enduring beyond the plan period.

## **Planning History**

The Land at Middle Battenhall Farm is subject to on-going pressure for residential development. The site was the subject of an application for 200 dwellings in 2013 (P13B0632). The City Council’s Planning Committee were minded to refuse the application; however, an appeal was lodged for non-determination which was subsequently withdrawn.

The land has been submitted through the ‘Call for Sites’ for consideration as a residential allocation.

Whilst the exact site areas differ, the main focus of the site is the same as that submitted for consideration as a Local Green Space.

## **Local Green Space Designation Request**

As part of the SWDP review Issues and Options consultation, the south Worcestershire councils received a request to designate 19.8 hectares of land at Middle Battenhall Farm as

a Local Green Space. In summary, St Peter the Great Parish Council and Middle Battenhall Farm Land Action Group feel the land should be designated because:

- The land is close to the community it serves and regularly used for recreation by members of the public.
- It provides informal green space cherished by the community.
- The farmland provides a setting for the Grade II listed heritage assets and Scheduled Monument.
- The fields provide a green network which supports wildlife including protected species.
- The open spaces have valuable footpaths.
- The site is steeped in history.
- The site is beautiful and tranquil

### Assessing the Proposal

The assessment of suitability for a Local Green Space designation needs to take into account the following:

Issue	Evidence/Considerations
Does the site have an extant planning permission for an alternative use that would be incompatible with a Local Green Space designation? Is the site allocated within an existing Local Plan for an incompatible alternative use? Is the site likely to be allocated for an incompatible alternative use within an emerging plan?	Evidence – Local Plan allocations, SHELAA site submissions, planning history
Is the site already subject to a designation?	Evidence - GIS records
Is the site within reasonable proximity to the community it serves?	Evidence – Open space accessibility standards
Is the site local in character and not an extensive tract of land?	Considerations - Whilst there is no size limit on how small or large a Local Green Space can be, a judgement will need to be made to ensure that the proposed space is of a size that reasonably relates to the community that it serves. As such, we would expect the areas submitted to be fairly self-contained and to have clearly defined boundaries.

Does the site hold a particular local significance?	Considerations – is it significant because of its beauty; historic significance; recreational value; tranquillity; richness of wildlife; any other reason?
Is the site demonstrably special to the local community?	Evidence – public support, petitions, objections to the designation, is there a need for the designation or is there other green space in the area?

### Assessing the Middle Battenhall Farm Submission against the Framework

Issue	Middle Battenhall farm Submission Assessment
Does the site have an extant planning permission for an alternative use that would be incompatible with a Local Green Space designation? Is the site allocated within an existing Local Plan for an incompatible alternative use? Is the site likely to be allocated for an incompatible alternative use within an emerging plan?	<p>The site was subject to a planning application in 2013. The City Council's Planning Committee were minded to refuse the application (May and June 2015). An appeal for non-determination was lodged by this was subsequently withdrawn.</p> <p>The site is not currently the subject of a planning application or permission, however, it has been submitted through the 'Call for Sites' for consideration for residential development and the landowners and their agents are actively working on development proposals for the site.</p>
Is the site already subject to a designation?	There are a number of Public Rights of Way running through and along the boundary of the land submitted. There are no other designations within the submitted area of land however, there is a Scheduled Monument immediately adjacent to the land.
Is the site within reasonable proximity to the community it serves?	Yes – the community served by this site primarily live adjacent to it and within 1km of it – this is based on the information submitted by MBFLAG and St Peter the Great Parish Council.
Is the site local in character and not an extensive tract of land?	The site submitted is 19.8ha in size. Whilst there is no definition of 'extensive tract of land' some Local Planning Authorities have used 20ha as a threshold (Cotswold District Council is cited in the Middle Battenhall farm submission as having a threshold of 20ha) over which sites are considered to be an extensive tract of land. However, the south Worcestershire Councils have not set a definition of extensive tract of land and instead will consider each case on its merits. Additionally, in the case of the

examination of the Backwell Neighbourhood Plan, the examiner deemed that a site of 19ha was an extensive tract of land (on which at last 23 full size football fields could be accommodated) and removed the Local Green Space designation from the Neighbourhood Plan on that basis.

The Alrewas Neighbourhood Plan (Examiner's Report dated August 2015) – the Examiner removed the proposed LGS designations affecting two sites of 2.5 and 3.9 hectares respectively, having found these to constitute extensive tracts of land by virtue of their size and there being no compelling evidence to demonstrate why the sites were demonstrably special to the local community.

The Sedlescombe Neighbourhood Plan (Examiner's Report dated January 2015) – the Examiner found the proposed LGS at Street Farm, stretching 4.6 hectares across an area of open land, to be extensive in size and therefore contrary to national planning policy.

The Tatenhill Neighbourhood Plan (Examiner's Report dated November 2015) – the Examiner considered that at 9.2 and 4.3 hectares respectively, sites to the north and south of Branston Road, proposed to be designated as LGS through the NP, constituted extensive tracts of land and instructed their removal from the draft NP, given their inclusion failed to meet the basic conditions.

The Oakley and Deane Neighbourhood Plan (Examiner's Report dated December 2015) – the Examiner concluded that a proposed LGS designation on a site of just over 5 hectares to be contrary to national planning policy.

Similar findings were made in respect of the Brixworth Neighbourhood Plan, paragraph 4.63 in respect of LGS1, LGS2 and LGS3, three sites measuring 22.5ha, 7.2ha and 2.7ha in size respectively.

In the case of Middle Battenhall Farm, no compelling evidence has been submitted to demonstrate the reason behind the boundary for the proposed Local Green Space or to demonstrate that it is not an 'extensive tract of land'.

	<p>Consideration also needs to be given to whether the site submitted forms a logical Local Green Space with a clear defensible boundary.</p> <p>The land submitted does not have clear defensible boundaries – it is not bordered by a specific feature and is not considerably different in character to land immediately adjacent to it. In order to achieve a clear and defensible boundary the site would have to be considerably larger and this would undoubtedly constitute an extensive tract of land. There is no robust justification for the site boundary, other than the area of land submitted broadly relates to that which was covered by a previous planning application for residential development and is now covered by a 'Call for Sites' submission promoting the allocation of the land for residential development in the South Worcestershire Development Plan Review.</p>
<p>Does the site hold a particular local significance?</p>	<p>Whilst the submission details the local significance of the land, the only areas of the land with legal public access are those Public Rights of Way across and around the site. The remainder of the land is agricultural and whilst it is accessible in that it is not fenced off from the public there is no public right of way or right of access to the land. Public Rights of Way are separate to their own protection and procedures around amending or stopping up. It would not be appropriate or necessary to designate a Local Green Space simply to protect the Public Right of Way network.</p> <p>Whilst the submission refers to the biodiversity value of the site, no evidence has been submitted to demonstrate exactly what the biodiversity value is, for example there is no habitat or species survey. There is no evidence, either with the Local Green Space submission, or within the surveys that accompanied the previous planning applications to suggest that the site is worthy of being designated a Local Wildlife Site. The site is home to bats and slow worms which are protected species however, this alone does not justify designation as a Local Green Space. Whilst the hedgerows are an important landscape feature they do not have a high biodiversity value or differ from other hedgerows in terms of their biodiversity value. The allocation of the site as Local Green Space is not</p>

	<p>necessary to protect the hedgerows as these are governed by their own legislation.</p> <p>The submission refers to the beauty and tranquillity of the site; however, there is no specific detail on how or why this is different from any other agricultural land.</p> <p>The submission also refers to the historic significance of the site. However, the heritage assets in themselves are protected under their own legislation which includes a requirement to assess the impact of any change on the setting of those heritage assets.</p> <p>Whilst the submission provides details about the recreational value of the site, much of this is based around the use of the Public Rights of Way. Whilst the most recent Open Space Audit (2019) shows that there is a deficit of amenity greenspace, parks and recreation and youth play in Battenhall ward, the land submitted was not included within the open space audit as it does not meet the requirements, primarily because of restrictions on public access and the agricultural use of the land, therefore, in order for this land to help address that deficit there would need to be a change in its use. A Local Green Space designation itself would not achieve this.</p> <p>Whilst the ownership and access issues do not necessarily preclude the designation of the land as Local Green Space, the submission relies at least partially on the recreational value of the site to make the case for designation. Therefore, the degree to which the land has legal public access is a consideration in determining whether or not Middle Battenhall farm should be designated as a Local Green Space. Currently the only legal access is via public rights of way across the site; any access beyond these is trespassing. The Public Rights of Way are already protected under the relevant legislation and therefore a Local Green Space Designation is not necessary to ensure that the current public access to the site continues.</p>
<p>Is the site demonstrably special to the local community?</p>	<p>The space is clearly important to the local community. This is evident both from the Local Greenspace submission and from the opposition to previous planning applications.</p>

**Conclusion**

The site is not considered to be suitable for designation as a Local Green Space because it is considered to be a large tract of agricultural land without a clearly defined boundary and therefore does not meet the requirements of the NPPF.