PARAGRAPH 154 (G) OF THE REVISED NPPF (DECEMBER 2024)

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1.0 INTRODUCTION

This note has been prepared to consider the implications of the update to paragraph 154(g) of the National Planning Policy Framework (NPPF) as part of the December 2024 revisions.

The revised NPPF is a crucial part of the Government's overarching agenda of delivering 1.5m new homes during this parliament. This is a central pillar of the 2024 election pledge and is a response to the well-publicised UK housing crisis. The NPPF places great importance on housing delivery across the UK and is accompanied by recent press releases ("back the builder's, not the blocker's") and written ministerial statements. All of these place heavy emphasis on the need to reform the planning system so that developments, most notably housing developments, can be delivered as quickly as possible.

The proposed level of housing that is expected to be delivered is extremely ambitious. To put it into context, the UK has not got close to delivering the amount of housing now proposed for over 45 years.

Applications for housing developments need to be viewed in this context and supported wherever possible.

One of the most significant changes in the revised NPPF in respect of Green Belt policy is the clear and deliberate loosening of restrictions on infill development and the redevelopment of previously developed land (pdl).

Under the last iteration of the NPPF, in order for infilling outside of villages (other than for affordable housing) and the redevelopment of pdl to be not inappropriate, development could not have any greater impact on openness than the existing situation. This like-for-like requirement has now been abolished. Instead. Paragraph 154 part (g) now allows for the redevelopment of pdl which would not cause **substantial harm** to the openness of the Green Belt.

This report provides analysis of what is meant by "**substantial harm"**, with reference to recent case law that has already started to paint a clear picture since December 2024.

2.0 THE SUBSTANTIAL HARM THRESHOLD

Substantial harm is a deliberately high threshold. There can be no doubt that the change in this respect has been made in the context of the government's drive to boost housing delivery in order to allow for more housing development on infill and previously developed sites in the Green Belt.

The previous wording of paragraph 154(g) effectively made infill development outside of village locations impossible unless it was for the provision of affordable housing. This is no longer the case following the 2024 revision.

There is also no longer any policy requirement for arbitrary volumetric calculations between the existing and proposed developments when considering redevelopment of pdl. A new development that is larger than the existing development is policy compliant up until the point where the substantial harm threshold is crossed.

A number of appeal decisions have now emerged which give direction on how the substantial harm threshold should be interpreted and applied.

Appeal APP/J1535/W/24/3345568 considered Epping Forest District Council's refusal of application EPF/2377/23 for a single storey dwelling.

The application had been refused because it was considered to be inappropriate development in the Green Belt and would cause additional harm to openness. The delegated report explained that as the site contained no existing buildings, the proposed dwelling would have a greater impact on openness than the existing development. It did not, therefore, fall under paragraph 154 g) prior to the 2024 revision.

Whilst the LPA's decision pre-dated the 2024 revisions, the appeal decision was made in February 2025 and was, therefore, considered against the revised 154 g). The Inspector acknowledged that, due to the lack of any existing buildings on the site:

"any new buildings would have a significantly greater impact on the spatial openness of the Green Belt than the existing development."

This would likely have amounted to a reason for refusal pre-December 2024. However, the Inspector went on to note that:

"Nevertheless, the single-storey dwelling would have a modest footprint and would have a low ridge height. Whilst the dwelling be more visible than the existing development at the site, the presence of the neighbouring properties and the established hedgerow to the rear of the site would limit the visual effect on the openness of the Green Belt.

The dwelling would be located within the context of the surrounding development, which is enclosed from the surrounding open fields by a hedgerow and mature trees. While the development would be visible from outside the site, the proposal would be largely visually contained and would not unacceptably impact the function and purpose of the Green Belt. Accordingly, although the proposal would harm the openness of the Green Belt, the adverse effects would be moderate. The proposal would therefore accord with Paragraph 154 g) of the Framework."

This decision is important as it clearly establishes that it is possible to achieve development of new built form on a site that contains no existing buildings without crossing the substantial harm threshold.

On a larger scale, appeal reference APP/N0410/W/24/3348677 considered whether 95 assisted living units and a 75-bed care home on a sports pitches site would result in substantial harm to openness.

Application PL/23/1448/FA proposed a significant increase in the quantum of development at the site, with the existing space containing large areas of green space that were proposed to be built on. The appeal was made against Buckinghamshire Council's failure to determine the application.

The Inspector acknowledged that there was no doubt that the proposed development would have a greater impact on openness than the existing situation, but stressed that, following the December 2024 changes to the NPPF, the new criterion is that it should not cause substantial harm to openness, rather than having no greater impact on Green Belt

openness. In considering whether the substantial harm threshold would be breached, the Inspector noted that:

"The scheme would appear well-contained within the wider Wilton Park site. The A355 with its roundabouts and adjacent bund provides a very clear dividing line between the appeal site and the countryside. The appeal scheme's perceived effect on openness would therefore not be that of a new development encroaching into open countryside.
The layout of the scheme, consisting of five residential blocks enclosing a landscaped courtyard, residents' lounge and access, would be compact rather than sprawling. The traditionally designed buildings of two, three and four storeys, though taller and more extensive than the terraced houses, would still be of relatively modest height. Their varied architectural form and concealed flat roofs would help to limit their visual bulk and hence their impact on openness.

Views of the scheme would be most evident from the A355, from north and south of the site. However, the impact on openness would be contained; blocks of woodland limit longer views of the site. The effect of the scheme on openness from these positions would be moderate. The scheme would have some effect on openness when seen from within Wilton Park to the east, but this would be limited by planting within the proposed parkland. In any case, the site would clearly be perceived as connected with the overall development of Wilton Park. Again, the impact here would only be moderate."

This appeal decision shows that development on a major scale can still fall below the applicable substantial harm threshold.

APP/P1805/W/24/3346123 considered erection the of 27 dwellings on a caravan storage and kennels site following the refusal of application 23/00577/FUL by Bromsgrove District Council.

The Council refused the application on the basis that the development would not preserve openness, and was therefore inappropriate development as it failed to meet the tests of pre-December 2024 paragraph 154 g).

The Inspector clearly agreed that there would be an additional impact on openness, noting:

"The 27 houses would be higher than the caravans being one and a half storey. They would, particularly along the northern edge of the site, be located close together with relatively small gardens, so that limited space for planting would be available. Indeed the appellant's Landscape and Visual Impact Assessment (LVIA) reports that there would only be an increase of 23% of soft landscape elements and a 3% increase in the footprint of buildings. The increase in height of the structures would make a significant difference to the spatial impact on openness as would their proximity to each other leaving little space between them. In my view, the increase in height would also make them more visible in the surrounding area, being more discernible through and above the trees. Furthermore, the increase in built development on the western end of the appeal site would have a further spatial effect on openness. This together with the much increased daily activity from houses as opposed to stored caravans means that the proposal would have an impact on openness."

On this basis, it is clear that the appeal would have been dismissed prior to the December 2024 revisions. However, the Inspector went on to conclude that:

"Nevertheless, altogether while there would be an increased effect on openness, I am not convinced that it would have a substantial effect, due to the existing use of the site and the degree of visual containment."

This decision leaves no ambiguity that the revision to paragraph 154 g) has significantly changed the way in which infill and pdl applications in the Green Belt need to be considered in light of the new substantial harm threshold.

Appeal APP/R1038/C/24/3342342 considered a detached two storey outbuilding that had been constructed on an area of hard surfacing. North East Derbyshire Council had served an enforcement notice requiring the removal of the building.

The Inspector allowed a ground a) appeal on the basis that the outbuilding fell under paragraph 154 g), noting:

The outbuilding has a large footprint and is two-storey in height. Thus, it has a significantly greater impact on openness than the area of hardstanding on which it has been constructed. However, its visibility is generally limited to views from the lane at the site entrance, with existing vegetation/mature hedgerows and buildings otherwise restricting views from adjoining land. Moreover, when viewed from the lane the outbuilding appears as part of a group of buildings which form a courtyard, thus its relationship to existing development limits its visual effect on the openness of the Green Belt.

For the reasons given above, I conclude that although the proposal would have a harmful effect on the openness of the Green Belt, that harm would be moderate. The development does not therefore conflict with paragraph 154 (g) of the NPPF and would not be inappropriate development in the Green Belt.

Appeal APP/T0355/W/24/3356463 considered a replacement dwelling, but the previous house had already been demolished. The Inspector, therefore, considered the difference in impacts between only the remaining foundations of the former dwelling house, and the proposed new building.

Once again, the Inspector found that there would be an increased impact on openness, but that this would not breach the substantial harm threshold, noting:

"Given the new building would be raised above ground level, and due to its width and length, the proposed dwelling would be larger and taller than the demolished bungalow, and it would have a greater volume and floor area. Therefore, there would inevitably be a loss of openness in spatial terms. Due to its increased height, bulk and mass, the new dwelling would partially inhibit views across the wider area from neighbouring properties, and there would be a reduction in the upward views towards the sky that can currently be gained from Bell Weir Close. Therefore, the loss of openness would also occur in visual terms.

Nonetheless, the site lies within an established residential area with no through traffic, and the proposed dwelling would be surrounded by existing buildings on three of its sides. Consequently, whilst there would be some loss of openness resulting from this single replacement dwelling, it would be of a moderate scale and localised in nature. It follows that the harm caused to the openness of the Green Belt would be less than substantial."

3.0 CONCLUSION

The changes to paragraph 154 g) as part of the December 2024 revisions to the NPPF represent a significant change in direction for infill and pdl development proposals in the Green Belt. The change from a 'no harm' to 'no substantial harm' approach greatly widens the scope for development, all with the aim of contributing positively to boosting housing supply.

A clear and consistent approach has emerged in appeal decisions following the revisions. The cases referred to above would all have been dismissed prior to the revision as the Inspector found some harm in each and every case. These decisions also show how high a threshold substantial harm is, with a very wide range in scale of development now being found to be acceptable and under the substantial harm threshold.