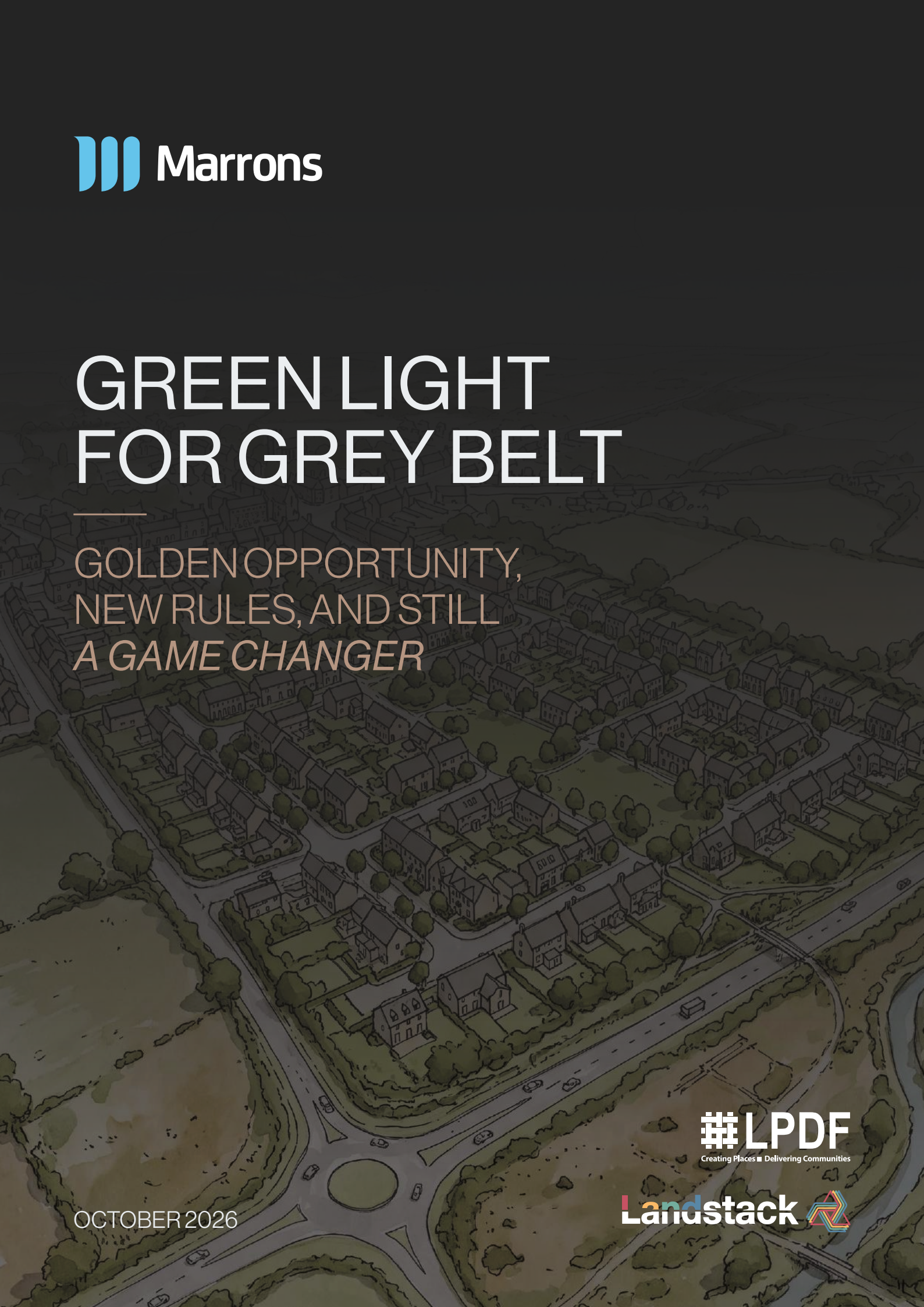
Marrons

GREEN LIGHT FOR GREY BELT

GOLDEN OPPORTUNITY, NEW RULES, AND STILL *A GAME CHANGER*



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Landstack

OCTOBER 2026

EXECUTIVE SUMMARY

Grey belt policy has now been in place for almost two years, providing more insight into how the policy is being interpreted and applied through the planning system.

This report – prepared by Marrons on behalf of the Land, Planning and Development Federation (LPDF) – provides an update to our landmark grey belt appeal analysis.

The first report – covering decisions from 12 December 2024 to 31 August 2025, following the introduction of grey belt in the revised National Planning Policy Framework (NPPF) – was directly referenced by the UK government in the October 2025 budget as evidence of the early impact of grey belt policy in respect to the contribution that the development industry makes to the economy.

This updated analysis extends the dataset by 12 months to 31 August 2026 and asks a critical question: Has grey belt's momentum been sustained and what should a landowner do with a grey belt site now?

The latest NPPF, published 17 August 2026, reinforces the government's approach to Green Belt and grey belt, with patterns of sustainable development and movement at the heart of national policy. Significantly, within the Green Belt, and alternatively to grey belt, it introduces a route to achieve development around well-connected railway stations.

A total of 355 grey belt appeals have now been determined.

48% of all grey belt appeals have been allowed

43% of all residential grey belt appeals have been allowed

79% of major residential appeals (10+ dwellings) have been allowed.

The headline of this report again lies with the major residential grey belt appeals, as the allowed rate remains high (at **79%** compared with 80% in the first report). This demonstrates that this outcome is not a trend but a reality and it shows that the grey belt window of opportunity, to achieve planning permission, is still open.

While the overall residential approval rate has reduced from 55% in the previous report to **43%**, this reflects a substantial increase in smaller schemes coming forward. The most common appeal category is now 2-9 dwellings (129 appeals), of which 41 were approved.

The most striking and consistent trend remains unchanged: **Scale matters. Approval rates increase significantly with site size:**

200+ dwellings
100% approval - *7 of 7*

100-199 dwellings
78% approval - *7 of 9*

50-99 dwellings
100% approval - *7 of 7*

20-49 dwellings
67% approval - *8 of 12*

Larger schemes are demonstrably more likely to succeed at appeal.

Residential appeals now represent 55% of all grey belt cases, compared with 73% in the previous dataset, indicating diversification across other land uses, including specialist residential (17%), energy (8%), commercial (6%), industrial (4%), sui generis (4%), leisure (3%), retail (1%), education (1%), data centres (1%) and healthcare (1%).

Regionally, the South East remains the principal hotspot (31% of all appeals), though its dominance has reduced. The East of England (23%), the North West (16%) and the West Midlands (12%) now represent a broader geographic spread of grey belt activity.

The impact of grey belt policy is also evident in the number of applications coming forward. Around **600** Green Belt planning applications are currently awaiting determination, according to data by Landstack – demonstrating that landowners and developers are actively bringing forward sites in response to the new policy framework.

While appeal decisions show how grey belt is being interpreted in practice, this pipeline of applications arguably provides an even stronger indication of the policy's impact: the market is responding and land that may previously have remained undeveloped is now being actively promoted for development.

The evidence suggests grey belt policy has moved rapidly to cement itself as one of the most radical planning policies ever. Importantly it is a straightforward policy approach, based on the underlying principles of sustainable location and need – alongside an understanding of the current role and purpose of land – to create a national policy that delivers real and immediate impact. The next phase is particularly significant; more and more grey belt planning applications will be determined and Local Plans will be progressing.

METHODOLOGY AND SCOPE

This report is based on a comprehensive review of planning appeals referencing "grey belt" following the introduction of the revised NPPF on 12 December 2024.

Marrons used COMPASS to identify and review a total of 355 grey belt appeals determined between 12 December 2024 and 31 August 2026.

The analysis includes both residential and non-residential appeals, with residential schemes further broken down by scale:

- **Minor residential: 1-9 dwellings**
- **Major residential: 10+ dwellings**

Decisions relating to caravan and traveller sites are included in non-residential reporting but excluded from residential breakdowns unless explicitly noted.

> GREY BELT IS RESHAPING HOW GREEN BELT LAND IS ASSESSED AND BROUGHT FORWARD

IMPACT OF GREY BELT

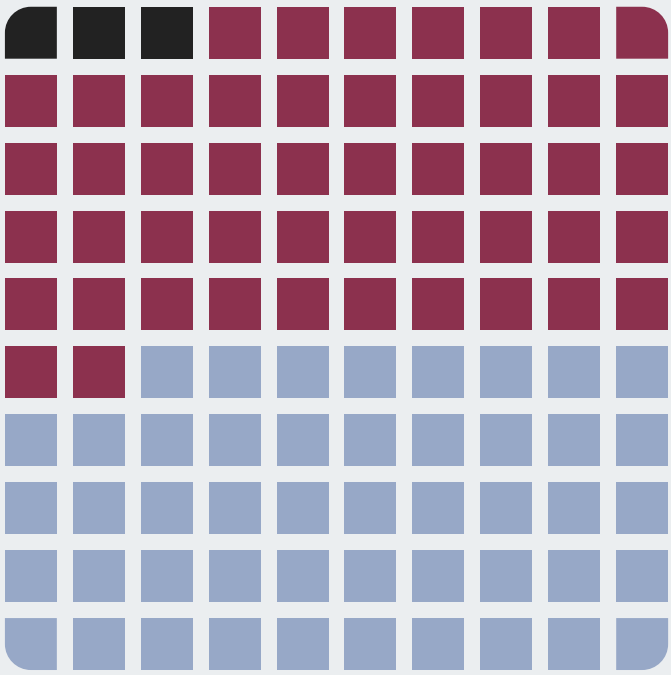
When grey belt was introduced on 12 December 2024 through the revised NPPF, it marked a structural shift in how lower-performing Green Belt land could be assessed.

Twenty months later, 355 appeals referencing grey belt have been determined. Almost half **(48%)** of these have been allowed.

This represents a **175% increase** on the 129 decisions analysed in our previous report. The much larger dataset gives us a clearer view of the policy's impact and, importantly, whether the trends identified in our first analysis have continued as grey belt has become more established within the planning system.

In our first report, 57% of grey belt appeals had been allowed. The updated figure of **48%** reflects a broader mix of land uses and a significant increase in smaller residential proposals. The lower rate reflects the broader mix of cases now coming forward and, in particular, the significant number of smaller sites being pursued to appeal.

ALL GREY BELT APPEAL DECISIONS



RESIDENTIAL GREY BELT PLANNING APPEALS

A total of **194** residential grey belt appeals have now been determined, with 83 allowed **(43%)**.

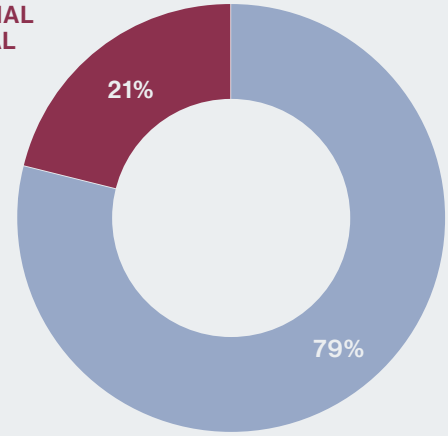
Within that total, 38 appeals related to major residential schemes (10+ dwellings). Thirty have been allowed, representing a **79%** approval rate – only marginally lower than the 80% identified in our first report.

The contrast between major and minor schemes is clear. Of the remaining 156 minor residential appeals, 53 have been allowed **(34%)**.

MAJOR RESIDENTIAL GREY BELT APPEAL DECISIONS

Dismissed - **21%**

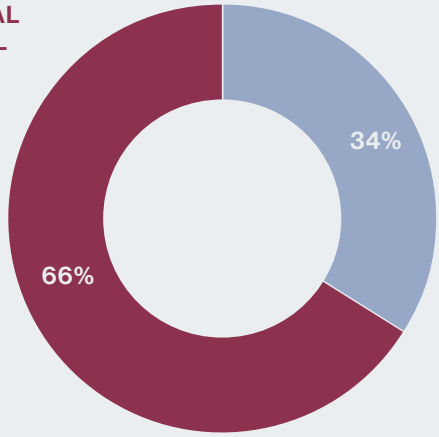
Allowed - **79%**



MINOR RESIDENTIAL GREY BELT APPEAL DECISIONS

Dismissed - **66%**

Allowed - **34%**



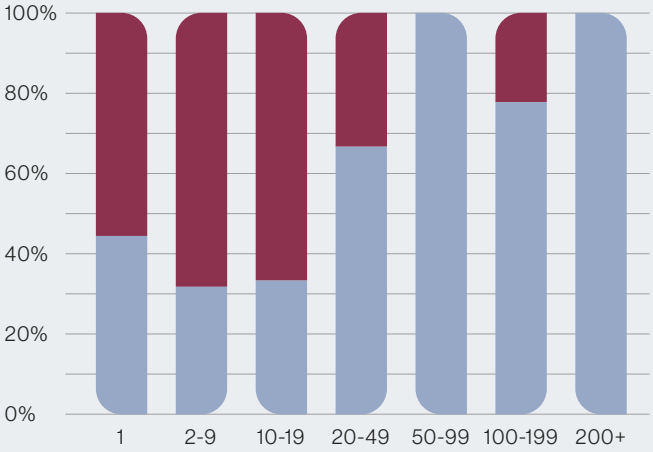
More revealing than the headline figure is the relationship between scheme scale and success.

All seven schemes of 200+ dwellings and all seven schemes of 50-99 dwellings were allowed, while seven of the nine **(78%)** schemes between 100 and 199 dwellings succeeded.

By contrast, smaller residential schemes dominate the overall volume of appeals but have materially lower approval rates.

The evidence suggests that larger, strategic schemes – capable of delivering infrastructure, affordable housing and golden rules benefits – are more likely to satisfy policy tests at appeal. With this in mind, grey belt policy appears particularly effective at unlocking major residential proposals in the Green Belt.

RESIDENTIAL DECISION BY SIZE



Dismissed

Allowed

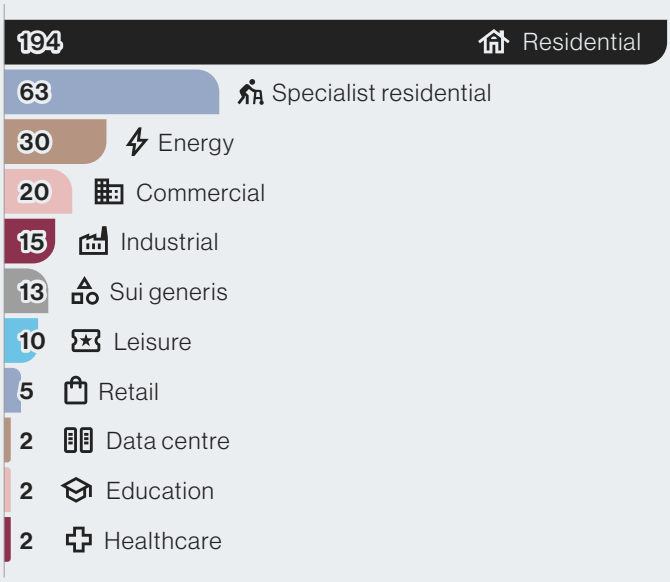
LAND USE BREAKDOWN

Residential schemes now account for **55%** of all grey belt appeals – **down from 73%** in the earlier dataset – demonstrating a clear diversification of grey belt activity.

The remaining appeals are primarily for specialist residential **(17%)**, energy schemes **(8%)** and commercial developments **(6%)**.

Overall, **53%** of non-residential grey belt planning appeals have been allowed, confirming that grey belt is influencing a broad spectrum of development types, not just housing alone.

DECISION BY LAND USE



NUMBER OF GREY BELT PLANNING APPEALS OVER TIME

The number of grey belt decisions has remained steady over time. June 2026 was a bumper month overall **(31)** and the greatest number of major residential grey belt appeals were decided in April 2025, August 2025 and March 2026 (5 each).

DECISION BY MONTH

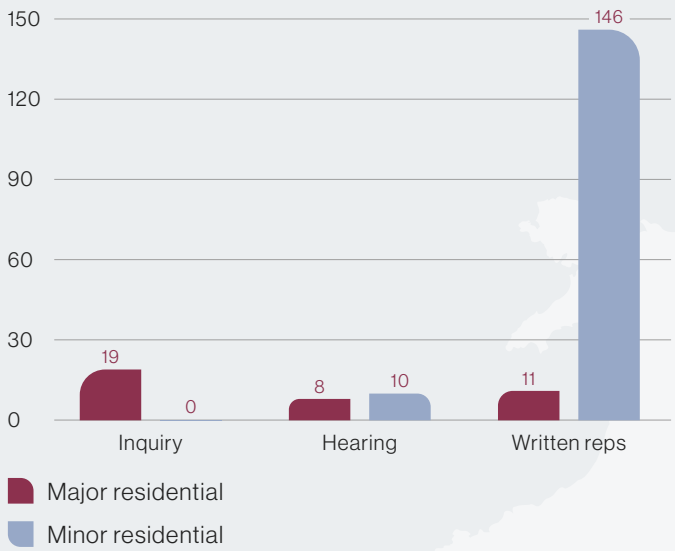
GEOGRAPHY AND DECISION TYPE

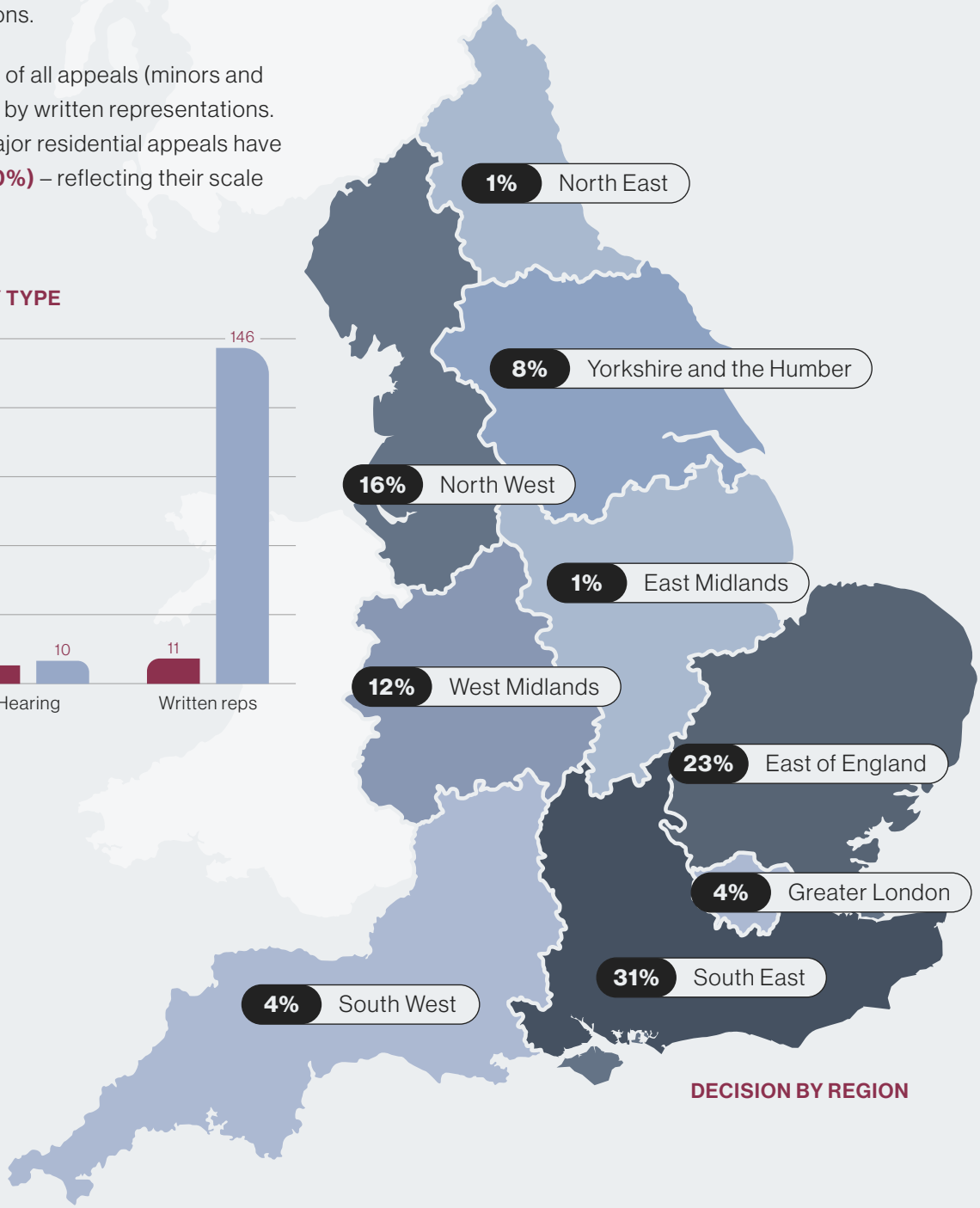
The South East remains the leading region for grey belt, accounting for **31%** of all decisions, although its share has fallen from 52% in the previous analysis. The East of England now accounts for **23%**, up from 17%, while the North West has increased its share from 7% to **16%**. The West Midlands has remained stable, keeping its **12%** share.

For major residential appeals specifically, the South East accounts for 45% of decisions.

In terms of procedure, **64%** of all appeals (minors and majors) have been decided by written representations. However, the majority of major residential appeals have been decided at inquiry **(50%)** – reflecting their scale and complexity.

RESIDENTIAL DECISION BY TYPE





DECISION BY REGION

MAJOR RESIDENTIAL GREY BELT PLANNING APPEALS

Between 12 December 2024 and 31 August 2026, 38 major residential grey belt appeals were decided, 30 (79%) of which were allowed. It is positive that this reflects the main headline of our first report, which revealed an allowed rate of **80%** (16 out of 20).

LIST OF MAJOR RESIDENTIAL GREY BELT PLANNING APPEALS

ALLOWED - **30**

2025

- 21 February – Court Lane Nurseries, Court Lane, Hadlow (Tonbridge and Malling) for 57 dwellings.
- 12 March – Grove End, Bagshot (Surrey Heath) for 135 dwellings.
- 14 March – Sea View Drive, Hest Bank, Lancaster (Lancaster City) for 27 dwellings.
- 2 April – Platinum Way, St Marys Platt, Sevenoaks (Tonbridge and Malling) for 24 dwellings.
- 11 April – Kenley Aerodrome, Caterham, Surrey (Tandridge) for 80 dwellings.
- 15 April – Daws Heath Road, Hadleigh (Castle Point) for 173 dwellings.
- 24 April – Former Weylands Treatment Works, Walton-on-Thames (Elmbridge) for 40 dwellings.
- 9 May – Perrysfield Farm, Broadham Green, Oxted, (Tandridge) for 29 dwellings.
- 9 May – Bayswater Farm, Oxford (South Oxfordshire) for 76 dwellings.
- 17 June – Chapel Road, Smallfield, Surrey (Tandridge) for 270 dwellings.
- 4 July – Hencliffe Way, Hanham (South Gloucestershire) for 140 dwellings.
- 5 August – Leighton Buzzard Road, Hemel Hempstead (Dacorum) for 390 dwellings.
- 6 August – Chase Mews, Benfleet (Castle Point) for 47 dwellings.
- 13 August – Former Whitburn Lodge Public House, Whitburn (South Tyneside) for 32 dwellings.
- 15 August – Houndsfield Lane, Hollywood (South Gloucestershire) for 50 dwellings.
- 29 August – Badgeworth Lane, Shurdington (Tewkesbury) for 50 dwellings.
- 18 December – Broad Lane, Beaconsfield (Buckinghamshire) for 120 dwellings. Appeal was originally dismissed in February 2025 and then quashed in May 2025.

2026

- 11 February – Longwood Lane (Walsall) for up to 115 dwellings.
- 13 March – Woodford Garden Village Extension, Former Woodford Aerodrome, Woodford, (Stockport) for 540 dwellings.
- 19 March – Amersham Road, Beaconsfield (Buckinghamshire) for up to 330 dwellings.
- 23 March – Shenley Hill, Radlett (Hertsmere) for up to 195 dwellings.
- 6 May – Nutfield (Tandridge) for 166 dwellings (+111 care).
- 21 May – Snows Ride, Windlesham (Surrey Heath) for 33 dwellings (+154 care).

- **10 June** – Lambscroft Nursery, Chalfont St Peter (Buckinghamshire) for 18 dwellings.
- **16 June** – Newgatestreet Road, Laurel Park (Broxbourne) for 90 dwellings.
- **25 June** – Former Camelot Theme Park, Charnock Richard (Chorley) for 350 dwellings.
- **1 July** – Bells Hill Road (Basildon) for 40 dwellings.
- **8 July** – Longsdon Way, Caterham (Tandridge) for 42 dwellings.
- **17 July** – Stratford Road, Hockley Heath (Solihull) for 80 dwellings.
- **26 August** – Prestbury Road, Macclesfield (Cheshire East) for 200 dwellings.

DISMISSED - **8**

2025

- **24 December** – Leighton Road (Central Bedfordshire) for 43 dwellings.
- **26 February** – Broom Lodge, Stanwell Road, Horton (Royal Borough of Windsor and Maidenhead), for 10 dwellings.
- **16 April** – Ashstead Park Garden Centre, Pleasure Pit Road, Ashtead, Surrey (Mole Valley) for 23 dwellings.
- **3 June** – Bricket Wood Sports and Country Club, Paintball Site & Bricket Lodge, Lye Lane, St Albans (St Albans City and District) for 115 dwellings.

2026

- **7 January** – Green View Avenue, Tonbridge (Sevenoaks) for 39 dwellings.
- **2 February** – Kipling Farm, Tilbury (Thurrock) for 30 dwellings.
- **6 March** – Shafford Knoll Farm, Nash Mills, Hemel Hempstead (Dacorum) for 30 dwellings (+70 care).
- **30 March** – Epping Road, Toot Hill (Epping Forest) for 10 dwellings.

GREY BELT IN THE COURTS

Over the past 12 months, grey belt has also been tested in the courts, with appeal decisions quashed and a number of High Court judgements providing further guidance on its interpretation. This illustrates the complexity of applying the new policy in practice, while providing some clarification on key matters, such as the assessment of openness and application of footnote 7. Notably, the 2026 NPPF has since removed the requirement to consider footnote 7 when determining whether land falls within the definition of grey belt.

QUASHED (APPEAL DECISION)

- 13 November 2025 – quashed February 2026 and then withdrawn August 2026 – Boscobel Lane, Bishops Wood (South Staffordshire) for 100 dwellings.

HIGH COURT (CALLED-IN DECISION)

- 29 June 2026 – Epilepsy Society, Chalfort St Peter (Buckinghamshire) for 975 dwellings.

HIGH COURT

- 30 January 2026 – Wrotham PC v SSHCLG.
- 5 August 2025 – Mole Valley DC v SSHCLG.

* Note that site addresses are not set out in full and have been abbreviated for this report.

THE GOLDEN OPPORTUNITY

Before analysing the major residential grey belt planning appeal decisions, it is useful to consider the number of applications that have been submitted in the Green Belt since grey belt policy was introduced.

NUMBER OF APPLICATIONS

The number of planning applications in the Green Belt for major residential schemes has increased significantly. This is important context when considering the impact of grey belt policy, particularly as there are now approximately **600** pending applications.

The following data has been supplied by Landstack and provides a clear indication of the increase in planning activity in the Green Belt since the introduction of grey belt policy.

Since 12 December 2024, there have been more than **700** applications on land designated as Green Belt. More than **400** of these applications have presented a case for development utilising grey belt. The average number of applications submitted each month on Green Belt land is between **30 to 65**.

Around 100 of these applications have been determined, with the split between approvals and refusals being approximately **50:50**. This means that around **600** applications are currently pending a decision, with roughly **500** having no Officer Report attached to them. Of those with an Officer Report, approximately **75%** have a positive recommendation.

Looking further back, the average number of applications submitted in the Green Belt each year was around **260** between 2016 and the end of 2024. Therefore, there has been around a **25% increase** in applications.

The scale of the increase is striking and demonstrates that grey belt policy has led to more applications, clearly showing that landowners and developers have recognised the window of opportunity to help support the government's overall housebuilding target.

NUMBER OF APPEAL DECISIONS

The number of major residential grey belt planning appeal decisions has almost **doubled** over the past 12 months, demonstrating a steady flow of decisions – around one or two per month on average. This growing body of decisions is particularly useful. It provides applicants, landowners, developers and their advisers with an increasingly detailed picture of how grey belt policy is being interpreted in practice.

MAJOR RESIDENTIAL GREY BELT PLANNING APPEALS

The proportion of appeals allowed remains significant and clearly demonstrates the impact grey belt policy is having on the planning system.

The success rate for major residential grey belt planning appeals is almost **80%**. This remains a game changer.

This success rate at planning appeal supports the case for landowners, housebuilders or developers to seriously consider bringing forward their grey belt site now. It also provides compelling evidence to present to councils as part of the application decision-making process to demonstrate how grey belt policy is being positively interpreted by the Planning Inspectorate.

The 30 allowed major residential grey belt planning appeals total around 4,004 new homes. This gives an average scheme size of **133 dwellings**, with schemes ranging from 10 to 540 dwellings. This list excludes the called-in appeal for 975 dwellings, which would increase these figures further.

In comparison, the eight dismissed schemes account for a total of only 232 new homes, giving an average scheme size of **29 dwellings**. This supports our earlier observation that scale matters and is related to success.

As demonstrated by the major residential grey belt planning appeals – as with any planning appeal – there is no one-size-fits-all approach as each proposal is assessed on a case-by-case basis.

Despite this, most of the decisions appear to be relatively consistent. There are some anomalies, as illustrated by the High Court quashing the dismissed appeal at Broad Lane (Buckinghamshire). However, the increasing number of decisions provides a much clearer framework for understanding what is likely to succeed.

The greater consistency in decision-making aligns with the more objective approach to Green Belt assessment introduced through the revised NPPF and NPPG. This has had a direct impact on the planning system by making the process simpler, faster and more certain – all of which are long-standing objectives.

We support the introduction of grey belt policy because it provides a clear window of opportunity to landowners and developers to bring forward development in the Green Belt in the shorter term – for example, through a planning application – rather than pursuing a longer-term land promotion approach to seek to secure a site allocation in a new Local Plan.

OTHER GREY BELT PLANNING PERMISSIONS

As predicted in our previous report, there have been more local decisions on grey belt applications over the past 12 months.

These decisions are more challenging to fully track – and are not the focus of this report – but we have witnessed many planning permissions being granted. In some cases, planning committees have also overturned officer recommendations, which has, of course, led to many of the appeals.

Planning officers have become more familiar with grey belt policy and are taking bold and pragmatic steps, working with applicants to recommend policy-compliant schemes for approval. It goes without saying that schemes still need to achieve high design quality and meet a suite of requirements to reach an acceptable position.

Grey belt is not a shortcut around the planning system; it is a clear route map towards bringing forward development in the Green Belt, providing the various policy tests are achieved alongside all other planning requirements. It's a major input into strategic decision making on Green Belt sites.

FUTURE DECISIONS

Looking ahead, based on the evidence above, we predict there will be significantly more local decisions over the next 12 months.

With around **600** applications currently pending, there will no doubt also be more appeals. This will further increase the body of decisions available to applicants and decision-makers and should provide greater clarity around how the revised policy is applied in practice.

The grey belt opportunity is now. Combined with the new opportunities presented by the NPPF (2026), we expect the overall number of planning applications on Green Belt land to remain high.

“THE OPPORTUNITY IS CLEAR, BUT GREY BELT IS NOT A SHORTCUT. SUCCESS STILL DEPENDS ON UNDERSTANDING THE POLICY TESTS, THE ROLE OF THE SITE AND HOW A PROPOSAL RESPONDS TO THE WIDER PLANNING FRAMEWORK.”

GREY BELT ASSESSMENT

The approach to grey belt assessment is set out in the National Planning Policy Framework published 17 August 2026 under Policy GB7: Development, which is not inappropriate in the Green Belt.

It includes some key changes to the original grey belt policy set out in the NPPF (2024). The main change to grey belt assessment is the removal of footnote 7 considerations when determining whether a site is grey belt or not.

POLICY GB7: DEVELOPMENT WHICH IS NOT INAPPROPRIATE IN THE GREEN BELT

1. The following categories of development are not inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances:

g. Development where all the following apply:

   i. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

   i. There is an evidenced unmet need for the type of development proposed;

   i. The development would be in a sustainable location, with particular reference to policy TR3 of this framework; and

   i. In the case of major development involving the provision of housing, the development proposed complies with policy GB8.

Policy S5 (part 5): Principle of development outside settlements

5. *"This policy does not apply to development proposals in the Green Belt or on land designated as Local Green Space, which should instead be determined in accordance with policies HC8, GB6, GB7 and/or GB8 (as appropriate) [note: HC8 covers Local Green Space, GB6, GB7 & GB8 cover Green Belt]. However, where development proposals would not be inappropriate in these locations (through the application of policies HC8 and GB7), proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework, and applying paragraph 2 of this policy."*

GREY BELT ASSESSMENT – THE TESTS

Grey Belt test		
Test 1	Does development utilise grey belt?	Yes, if there is no strong contribution to purposes A, B or D.
Not inappropriate development tests		
Test 2	Does development fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan?	If yes, development is inappropriate.
Test 3	Is an evidenced unmet need for the type of development proposed?	Yes, if there is a lack of five-year housing land supply or the Housing Delivery Test is below 75%.
Test 4	Is the development in a sustainable location?	Yes, if development is in a sustainable location and can support sustainable patterns of movement, enable good accessibility and make the most of existing and proposed transport infrastructure.
Golden rules		
Test 5	Does the development meet the golden rules?	Yes if there is provision for a policy compliant level of affordable housing, necessary local/national infrastructure and new access open space.

Importantly, establishing that a development utilises grey belt helps establish the principle of development on a site, which is a fundamental aspect of the case for development.

Beyond this, in our experience, grey belt cases should explain the fallback position based on "very special circumstances", which is discussed in more detail later in this report.

INSIGHTS ON THE DISMISSALS

In total, **eight** major residential grey belt planning appeals have been dismissed up to 31 August 2026. These dismissals provide useful lessons to help appellants and applicants, particularly in respect of the grey belt assessment and the additional tests that follow it.

SUMMARY OF DISMISSED GREY BELT APPEALS

Three quarters **(75% – six of eight)** of the dismissed appeals utilise grey belt based on the current grey belt assessment set out in the NPPF.

Although four of the eight utilise grey belt based on the appeal decisions, two of the dismissed appeals failed the footnote 7 test, which has now been removed from grey belt assessment in the NPPF.

This demonstrates that establishing that a site is grey belt is not the main challenge; it is the additional grey belt tests – alongside other matters – that have led to dismissals.

SUMMARY OF REASONS FOR REFUSAL

The outcome of the grey belt tests for each of the dismissed appeals is summarised below. Any other reasons for refusal and the overall planning balance are not covered in this section.

- Leighton Road, (Central Bedfordshire) – grey belt but failed the undermining test (Purpose C) and failed golden rules.
- Broom Lodge (Royal Borough of Windsor and Maidenhead) – failed the footnote 7 test (flood risk and heritage).
- Ashtead Park Garden Centre (Mole Valley) – grey belt and appropriate but failed golden rules (affordable housing).
- Bricket Wood (St Albans City and District) – grey belt but failed appropriateness test (undermining due to Purpose C and sustainable location) and failed golden rules (affordable housing and infrastructure).
- Green View Avenue (Sevenoaks) – grey belt, appropriate and complies with golden rules but dismissed on highways grounds.
- Kipling Farm, Tilbury (Thurrock) – not grey belt (Purpose A).
- Shafford Knoll Farm (Dacorum) – not grey belt (Purpose A).
- Epping Road (Epping Forest) – failed footnote 7 (heritage) and failed appropriateness test (sustainable location).

KEY OBSERVATIONS FROM DECISIONS

Our main takeaways from the dismissed appeals* are summarised below.

- **VIEW ON MERGING**

  Green View Avenue (Sevenoaks) – in relation to Purpose B, the Inspector explains that no reduction in gap means no strong contribution, as paragraph 9 states "nonetheless, given the site itself projects no closer to Tonbridge than the established eastern extent of Leigh, I consider the site itself does not contribute strongly to Purpose B)".

- **VIEW ON PREVIOUS COUNCIL GREEN BELT ASSESSMENTS**

  Kipling Farm, Tilbury (Thurrock) – in relation to the council's Green Belt assessments, the Inspector attaches limited weight to pre-NPPF 2024 studies, as paragraph 10 explains that "the council acknowledges that the document pre-dates the framework 2024 and the introduction of the 'grey belt' concept, and, it nonetheless relates to an area of land exceeding that of the appeal site. Accordingly, I attach limited weight to the findings of the Green Belt assessment".

- **VIEW ON OTHER GREY BELT DECISIONS**

  Shafford Knoll Farm (Dacorum) – reference to another grey belt decision is dismissed by the Inspector. At paragraph 25 it is stated that "whether or not a parcel of land constitutes grey belt, depends on the individual characteristics of the site itself and its locality. The...site does not inform the context of the site that I am considering. I have determined this appeal on its own, individual, merits and so that the decision does not carry much weight in my deliberations".

- **VIEW ON GOLDEN RULES REQUIREMENTS**

  Epping Road (Epping Forest) – new and improved provision is essential. At paragraph 37 it is explained that the golden rules require "the provision of new, or improvements to existing, green spaces that are accessible to the public. This requirement stands regardless of any existing provision such as the proximity of the site to footpaths. The proposal does not include any new, or improvements to existing, green spaces that are accessible to the public and, therefore, even if the other requirements of Paragraph 156 were fulfilled, the golden rules would not be met".

- **PURPOSE A – THE MAIN CHALLENGE**

  Looking at the grey belt tests specifically, Purpose A has most recently been the most challenging. Two of the four dismissed appeals from 2026 have failed this part of the test.

  The two main site-specific considerations when deciding whether there is a strong contribute relates to:

  a. if the land was to be developed, would it form a "finger" of development, and

  b. the strength of boundaries of the appeal site and whether they would "restrict and contain development".

*Note: details of the four dismissals (12 December 2024 to 31 August 2025) are covered in our first report.

LESSONS LEARNED FROM DISMISSED APPEALS

For just four decisions, there are a lot of takeaways:

- Previously developed land on site doesn't guarantee planning permission
- Most sites utilise grey belt
- Purpose A is the most challenging of the purposes
- A strong contribution to purposes A, B or D will move an Inspector straight onto an assessment of openness
- Local Plan interpretations of settlements can be challenged
- Dismissals can take place in villages (not just large built-up areas)
- Purpose C (relating to safeguarding the countryside) can be drawn into the "undermining" test
- Walking and cycling are fundamental to demonstrating a site represents a sustainable location
- Compliance with the golden rules is mandatory.

HELPFUL OBSERVATIONS FROM THE ALLOWED APPEALS

This section provides our observations and lessons learned from the major residential grey belt appeals that have been allowed over the past 12 months. Our findings from the preceding 12 months are set out in our first report.

In these appeal decisions, Inspectors generally deal with grey belt up front as the first main issue. The NPPG purposes assessment criteria introduced in February 2025 has had a significant beneficial impact on the structure and undertaking of grey belt assessment. This benefits decision-makers, applicants and consultants as the parameters are now largely set.

In spite of this, as concluded in our previous report, although the grey belt assessment process has become more objective, it retains a degree of subjectivity. This, ultimately, is a necessary feature of the planning system, which operates within an increasingly rules-based system, as demonstrated in the NPPF. The result is a process that is more structured and predictable, without removing the need for planning judgement.

DEVELOPMENT UTILISING GREY BELT – *YES, PROBABLY*

PURPOSES ASSESSMENT AND LEVEL OF CONTRIBUTION

The NPPG purposes assessment criteria has had a significant beneficial impact on the structure and undertaking of grey belt assessment for all. It explains the "illustrative features" within or around a site that represent either a strong, moderate, weak or no contribution.

It is important to remember that, to utilise grey belt, the level of contribution must not be strong. A moderate contribution is therefore acceptable.

Producing a credible and evidence-based grey belt assessment is fundamental to success.

APPRECIATE THAT EVERY SITE IS DIFFERENT

In practice, the characteristics of every appeal site and its location are different, which makes the grey belt assessment more nuanced. As mentioned under the dismissed appeals, this fact was acknowledged by the Inspector at Shafford Knoll Farm (Dacorum), who explained that the grey belt assessment "depends on the individual characteristics of the site itself and its locality" (paragraph 24).

LESSONS LEARNED

Recognise that every site is unique. Follow best practice and the approach set out in successful decisions, while recognising that the assessment must ultimately respond to the individual characteristics of the site.

THE CASE IS THERE TO BE MADE

In most cases, Inspectors found appeal sites to utilise grey belt. Only four of the 38 appeals did not utilise grey belt, and two of these were due to footnote 7 considerations under the policy framework applying at the time. This does not mean that demonstrating a grey belt site is easy. Inspectors have the ability and expertise to make an accurate assessment – although, importantly, two dismissals have subsequently been quashed.

LESSONS LEARNED

Undertake a grey belt assessment in a clear, straightforward manner that is structured around the NPPF and NPPG. The grey belt assessment for an application should stand the test of time – subject to publication of a new Green Belt assessment or changes to national policy – so it is worthwhile going into the first pre-application meeting with a robust assessment and seeking to get the council on side from the outset.

NO HARM IN UNDERSTANDING PREVIOUS GREEN BELT ASSESSMENT

A number of the appeals refer to previous Green Belt assessments undertaken by or on behalf of the council. Over the past 12 months, Inspectors have provided much more clarity of the relevance of Green Belt assessments.

In a nutshell, pre-NPPF 2024 studies undertaken before the introduction of grey belt policy carry "limited weight", as found at paragraph 10 in the Kipling Farm (Thurrock) decision.

The relationship between the appeal site and the assessment parcel is also important. This is recognised by the Inspector at Longwood Lane (Walsall), who notes that the appeal site is 6.75 hectares, whereas the assessment parcels from stages 1 and 2 of the Green Belt assessment are 1,700 and 64 hectares respectively. The Inspector therefore concludes that "while the study has some utility, it remains necessary to conduct a more detailed analysis of the site itself" (paragraph 71).

LESSONS LEARNED

As part of undertaking a robust, evidence-led grey belt assessment, it is important to review the latest council Green Belt assessment. This will be the starting point for the decision-maker and will form part of pre-application discussions.

LARGE-BUILT UP AREAS VS VILLAGES

Establishing that the settlement in question is a village can make for a more straightforward grey belt assessment in accordance with the NPPF. However, some appeals in villages are still dismissed, while those in large built-up areas are still allowed.

LESSONS LEARNED

Review all evidence, including Local Plan and settlement hierarchy studies, to understand settlement status and set this out as part of the grey belt assessment, especially if the status might be unclear to the decision-maker. Ultimately, we suggest that whether the settlement is a town or village is somewhat negligible when compared to the specific characteristics of the site and its relationship with the settlement.

PURPOSE A – "TO CHECK THE UNRESTRICTED SPRAWL OF LARGE BUILT-UP AREAS"

Purpose A is, in our view, the most challenging purpose to assess, and it is generally the purpose that is most contested by parties.

It is, therefore, the purpose that is debated at greatest length in many decisions, particularly where the settlement in question is a large built-up area. If the site is next to a village, the level of contribution will generally not be strong.

Free from existing development

To make a strong contribution, the site is likely to be "free from existing development". However, it has been pointed out that "interested parties are concerned that the definition of grey belt differs from that stated during the 2024 election campaign, such as poor quality land and wastelands. However, I am required to assess the proposal against the current policy framework" (paragraph 14, Amersham Road, Buckinghamshire).

Incongruous pattern of development

The critical test, which could lead to a strong contribution, remains whether the development would lead to an "incongruous pattern of development e.g. extended 'finger' of development" as defined in the NPPF.

As part of the debate, Inspectors assess existing boundaries in detail. A "lack [of] physical feature(s) in reasonable proximity that could restrict and contain development" forms part of the test.

The Inspector at Shenley Hill (Hertsmere) noted that the development would not form a finger but was a "modest extension of the settlement" as features to restrict and contain development existed.

Site boundaries

On the ground, these restrictive and containing features vary because each site and locality is different, as already established. Beyond physical features, the appeals show that ancient woodland has been accepted as a containment feature (Chorley), whereas a drainage ditch and associated bund is not (Thurrock).

Urbanising influences

The presence of "urbanising influences" can support a moderate contribution. The Inspector at Laurel Park (Broxbourne) noted that "the footways and street lighting along the roads that border the site, and the wider context of buildings to the south and east, provide some elements of an urbanising influence to the area in which the appeal site is located" (paragraph 29).

Development not part of the application

The grey belt assessment should be focused on the site itself, and any reference to development beyond that site that does not form part of the application should be discounted. At Longwood Lane (Walsall), the Inspector stated "as trees and hedgerows in themselves are not a barrier to sprawl. This could continue unrestricted for several hundred metres to the A454 roundabout. However, additional development to the north is only hypothetical at this stage and would need to be assessed on its own merits".

LESSONS LEARNED

Take a thorough approach to testing Purpose A as it includes multiple and overlapping considerations. It is essential to undertake a detailed review of site boundaries, ranking the strength of each and identifying any urbanising influences that might impact the site.

PURPOSE B – "TO PREVENT NEIGHBOURING TOWNS MERGING INTO ONE ANOTHER"

Purpose B is, in our view, the second most debated purpose to assess. Again, the starting point is to establish settlement status because the test relates to the merging of towns, not villages.

Not reducing the gap

There is no strong contribution if the gap between towns is not reduced. This is demonstrated to Green View Avenue (Sevenoaks), where the Inspector stated: "given the site itself projects no closer to...than the established eastern extent of...I consider the site itself does not contribute strongly" (paragraph 9).

Reducing the gap

It is also accepted that some development will reduce gaps between settlements. The scale of both the gap and development are key factors. To demonstrate the impact of development, some appeal decisions reference the distance of the existing gap and then the size of the gap with development. For example, Broad Lane (Buckinghamshire) reduced the gap from 668m to 589m, while Shenley Hill (Hertsmere) decreased the gap by 200m.

LESSONS LEARNED

Similarly to Purpose A, it is important to conduct a detailed assessment and include exact measurements to support the case.

PURPOSE D – "TO PRESERVE THE SETTING AND SPECIAL CHARACTER OF HISTORIC TOWNS"

Purpose D continues to generally receive the least amount of airtime in the appeals and the main parties are often in agreement because, in accordance with the NPPG, it relates to historic towns only.

LESSONS LEARNED

Although the assessment is relevant to historic towns only, it is important to consider any heritage assets in reasonable proximity to the site. Heritage considerations previously assessed in relation to footnote 7 are now excluded from the grey belt assessment under the NPPF but they remain relevant to the wider planning assessment.

FOOTNOTE 7 – GONE, BUT STILL A CONSIDERATION

Footnote 7 has been removed from the NPPF and no longer impacts the grey belt status of a site. Any protective designations, including those previously referred to in footnote 7, will still be assessed, if required, as part of an application and will be considered in the planning balance to determinate the outcome.

LESSONS LEARNED

On the ground, work in relation to protective designations will still need to be undertaken. It will simply be assessed in a different part of the application.

ASSESSING APPROPRIATENESS OF DEVELOPMENT IN THE GREEN BELT

Tests 2 to 4 of the grey belt assessment determine whether a site is not inappropriate development in the Green Belt.

TEST 2: WHETHER DEVELOPMENT WOULD FUNDAMENTALLY UNDERMINE THE FIVE GREEN BELT PURPOSES (TAKEN TOGETHER) OF THE REMAINING GREEN BELT WHEN CONSIDERED ACROSS THE AREA OF THE PLAN

The other purposes (C and E)

For the "undermining" purpose, one of the main observations from our first report was that this test can draw in Purpose C, "safeguarding the countryside from encroachment".

This continues to be the case for some decisions, while Purpose E "supporting regeneration and recycling of derelict land" is occasionally considered. Other decisions accept the test is passed where the development utilises grey belt.

For example, the Inspector at Longsdon Way (Tandridge) states that "there would be some loss of countryside land due to the introduction of built form and the scheme would not recycle urban land, although it would be adjacent to the settlement boundary" (paragraph 15).

At Prestbury Road (Macclesfield), the Inspector commented that "this is a matter of judgement but there is nothing to demonstrate that the proposal would affect the ability of the remaining area to serve the purposes of the Green Belt in a meaningful way".

Scale of the development

Explaining the relative size of the development against the whole Green Belt area in the local planning authority supports the case. This is demonstrated by the Inspector at Nutfield (Tandridge), where the seven-hectare development represents "0.03%" of the Green Belt.

LESSONS LEARNED

As with the purposes assessment, utilise numerical values and measures to demonstrate the potentially microscopic scale of the application compared with the wider Green Belt.

TEST 3: IS THERE DEMONSTRABLE NEED?

This remains the most objective grey belt test because the answer is simply yes or no, based on the council's housing position (five-year housing land supply or housing delivery test result).

Needs cases can also be presented for non-residential uses on site, which can support the case for development.

LESSONS LEARNED

Review the latest housing delivery test results, which were published in August 2026, and consider the likely housing position at the time of determination to manage risk.

TEST 4: IS THE DEVELOPMENT IN A SUSTAINABLE LOCATION?

The sustainable location test is probably the more subjective appropriateness test. Best practice and industry standards are applied to some decisions and, in combination, with considering the existing and proposed transport infrastructure, the result is generally based on planning judgement. A rural location can also be considered differently to an urban one.

This is clearly illustrated by the Inspector at Longwood Lane (Walsall), who referred to the Manual for Streets but went onto explain that "none of these distances should be applied rigidly. It will depend on the specific location, the quality and safety of the routes, and the attractiveness of the destination to determine whether someone might walk or not" (paragraph 78).

LESSONS LEARNED

Sustainability of location will vary depending on the site and its context and distances need to be considered in respect of quality of route. Walking and cycling accessibility and connectivity remain central to success of proposals.

OTHER CONSIDERATIONS

OPENNESS

As confirmed in the Mole Valley High Court decisions, utilising grey belt is regarded as appropriate development and therefore there would be no harm to the Green Belt. This means that there is no requirement for an assessment of openness.

This approach is demonstrated in Broad Lane (Buckinghamshire), whereby it is stated that "as the proposal is found to not be inappropriate development (due to compliance with NPPF 155), it is unnecessary to consider its effect on openness or whether any very special circumstances exist" (paragraph 15).

PRECEDENT DEVELOPMENT

One of our final observations in relation to the grey belt assessment relates to the potential for a development to set a precedent, which may come up in discussions relating to an application.

This matter was dismissed by the Inspector in Nutfield (Tandridge), where it was stated that "the suggestion by the council's witness that the development of this site would set some sort of precedent for the development of other countryside Green Belt sites within the District is legally inaccurate and therefore irrelevant. Each planning proposal is considered on its individual merits in relation to extant planning policy at the time it is determined".

The Inspector also noted that the potential for further development on other parts of the site had no merit because those areas were reserved in the scheme for biodiversity net gain enhancements and public open space and would require separate planning permission.

THE GOLDEN RULES

Test 5 relates to achieving the requirements of the golden rules in accordance with NPPF Policy GB8.

The approach to the golden rules requirements is largely the same in terms of what a development needs to provide in relation to affordable housing, new infrastructure and new accessible open space.

Notably, "substantial weight" should be given to the importance of complying with the golden rules requirements. This increases the chances of success as previously under the NPPF (2024), compliance was given "significant weight".

The main change to the golden rules relates to the use of viability assessments to justify non-compliance. This is only allowed in three circumstances relating to costs associated with previously developed land, a strategic site (over 1,500 dwellings) and for a development that is wholly different to the viability assessment that informed a Local Plan. Notwithstanding this, development proposals should still make the maximum possible contribution towards affordable housing and infrastructure.

LESSONS LEARNED

Working to comply with the golden rules will boost the chances of success. It will also be important to monitor applications that seek to use viability assessments to justify non-compliance with the golden rules. The golden rules should therefore be considered as part of the design process.

VERY SPECIAL CIRCUMSTANCES

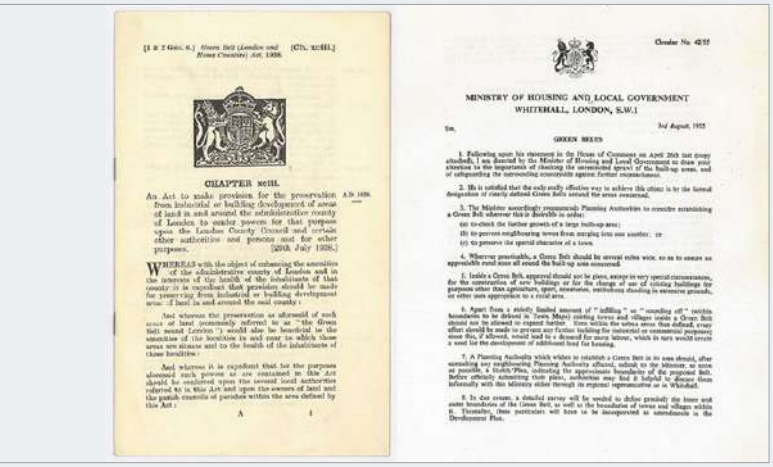
Finally, the fallback position comes to the forefront.

It goes without saying that very special circumstances, in compliance NPPF Policy GB6: Control of development in the Green Belt, are the fallback position for any applications making the case for grey belt.

This is common practice because, in some cases, the grey belt case does fail, or schemes are unable to comply with the golden rules, and, as a result, very special circumstances may still secure planning permissions.

BACK TO THE FUTURE

The concept of "very special circumstances" in Green Belt policy originated in paragraph 5 of the Ministry of Housing and Local Government Circular 42/55 from 1955.



CHAPTER xcIII.

An Act to make provision for the preservation from industrial or building development of areas of land in and around the administrative county of London to confer powers for that purpose upon the London County Council and certain other authorities and persons and for other purposes. [28th July 1938.]

WHEREAS with the object of enhancing the amenities of the administrative county of London and in the interests of the health of the inhabitants of that county it is expedient that provision should be made for preserving from industrial or building development areas of land in and around the said county:

And whereas the preservation as aforesaid of such areas of land (commonly referred to as "the Green Belt round London") would also be beneficial to the amenities of the localities in and near to which those areas are situate and to the health of the inhabitants of those localities:

And whereas it is expedient that for the purposes aforesaid such powers as are contained in this Act should be conferred upon the several local authorities referred to in this Act and upon the owners of land and the parish councils of parishes within the area defined by this Act:

Circular No. 42/55

MINISTRY OF HOUSING AND LOCAL GOVERNMENT
WHITEHALL, LONDON, S.W.1

3rd August, 1955

GREEN BELTS

1. Following upon his statement in the House of Commons on April 26th last (copy attached), I am directed by the Minister of Housing and Local Government to draw your attention to the importance of checking the unrestricted sprawl of the built-up areas, and of safeguarding the surrounding countryside against further encroachment.

2. He is satisfied that the only really effective way to achieve this object is by the formal designation of clearly defined Green Belts around the areas concerned.

3. The Minister accordingly commends Planning Authorities to consider establishing a Green Belt wherever this is desirable in order:

(a) to check the further growth of a large built-up area;
(b) to prevent neighbouring towns from merging into one another; or
(c) to preserve the special character of a town.

4. Wherever practicable, a Green Belt should be several miles wide, so as to ensure as approachable rural zone all round the built-up area concerned.

5. Inside a Green Belt, approval should not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture, sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area.

6. Apart from a strictly limited amount of "infilling" or "rounding off" (within boundaries to be defined in Town Maps) existing towns and villages inside a Green Belt should not be allowed to expand further. Even within the urban areas thus defined, every effort should be made to prevent any further building for industrial or commercial purposes; since this, if allowed, would lead to a demand for more labour, which in turn would create a need for the development of additional land for housing.

7. A Planning Authority which wishes to establish a Green Belt in its area should, after consulting any neighbouring Planning Authority affected, submit to the Minister, as soon as possible, a Sketch Plan, indicating the approximate boundaries of the proposed Belt. Before officially submitting this plan, authorities may find it helpful to discuss them informally with this Ministry either through its regional representative or in Whitehall.

8. In due course, a detailed survey will be needed to define precisely the inner and outer boundaries of the Green Belt, as well as the boundaries of towns and villages within it. Thereafter, these particulars will have to be incorporated as amendments in the Development Plan.

It is also important to acknowledge that Circular 42/55 listed three Green Belt purposes, which related to checking further growth of a large-built-up area, preventing neighbouring towns from merging and preserving the special character of towns.

Almost 70 years on, these three purposes have been chosen to enable the identification of grey belt.

POLICY GB6: CONTROL OF DEVELOPMENT IN THE GREEN BELT

In terms of national policy, the starting point for development in the Green Belt is that it is inappropriate unless very special circumstances exist.

It is stated that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm that would be caused to the Green Belt, including harm to its openness".

VERY SPECIAL CIRCUMSTANCES IN PRACTICE

The weight attached to considerations that cumulatively represent very special circumstances for the decisions at Epilepsy Society (Buckinghamshire) and Snows Ride (Surrey Heath) are summarised overleaf.

EPILEPSY SOCIETY (BUCKINGHAMSHIRE)

Weight attached	Consideration
Substantial weight	Public benefits from delivery of Epilepsy Society business plan
	"Delivery of market and affordable housing in a location that could be made sustainable"
Significant weight	50% affordable housing (compliance with golden rules)
	"Significant improvements to public transport and sustainability" (compliance with golden rules)
	Economic benefits, including *"economic growth and jobs created locally at the construction and operational stages of the scheme: £32-35m GVA, 102 direct and indirect full-time equivalent jobs"*
	Biodiversity net gain (10-21%)
Moderate weight	*"Public open space and play areas"*
Weight	*"Increased pitch provision and the provision of a pavilion"*
Neutral	*"Acceptable in terms of flooding"*
	"Acceptable in terms of its effect on the highway network"

SNOWS RIDE (SURREY HEATH)

Weight attached	Consideration
Significant beneficial weight	Delivery of significant number of new homes – *"against the background of unmet need, the proposal would make a significant contribution to providing housing in an accessible location on the edge of an existing settlement"*
	Provision of specialist housing for the elderly, and *"there may also be indirect advantages to the health and wellbeing of its residents, where the communal nature of the scheme would help create a supportive community"*
	Development offers serviced land for a general practice surgery *"to help meet an acknowledged need for additional primary health care provision in the area. It therefore represents a significant public benefit and an opportunity to provide a site for a new surgery that might arise only rarely"*
Moderate beneficial weight	Provision of affordable housing
	Self-build plots
	Publicly accessible greenspace
	Economic benefits

LESSONS LEARNED

As part of the case for development, seek to define the weight attached to each benefit of the development. Undertaking this exercise during the early stages of application preparation can help manage risks, inform discussions with the local planning authority and strengthen the overall case for development.

CONCLUSION AND FINAL THOUGHTS

THE EVIDENCE IS INCREASINGLY CLEAR – THE OPPORTUNITY IS STILL NOW.

Grey belt policy has created a genuine window of opportunity for development on Green Belt land, particularly where sites are in sustainable locations, there is demonstrable need and other relevant tests can be satisfied.

The impact of the game-changing grey belt policy has become clearer as the level of planning activity on Green Belt land has significantly increased.

Looking at the major residential grey belt appeals, what is particularly striking is that ***the majority of decisions find that development utilises grey belt, including some schemes that have been dismissed.***

On this basis, the contribution towards purposes A, B and D itself is not necessarily the biggest hurdle. However, it must be addressed in a policy compliant and evidence-based manner to succeed and provide the platform for a grey belt case to be prepared to support development. The emerging evidence suggests that the real challenge lies in satisfying the appropriate development tests that follow: mainly relating to demonstrating a sustainable location and then, for relevant major housing development, compliance with the golden rules.

Critically, and arguably even more importantly than whether a site utilises grey belt, is where the development is located. If the location is not sustainable, or cannot be made to become an acceptable level of sustainable, the development does not pass the assessment.

Over the past couple of years, first through the NPPF (2024) and now NPPF (2026), directing development towards sustainable locations has been an increasingly clear priority. This is, quite simply, good planning.

The NPPF (2026) builds on this theme by introducing the concept of development around well-connected stations under Policy GB8. It will be fascinating to see the impact of this new policy, which could potentially prove as game changing as grey belt policy.

For applicants with sites close to well-connected stations, the interaction between the well-connected case, the grey belt case and, where necessary, very special circumstances presents a new route to line-up multiple cases for development.

And the opportunity is not limited to housing. While much of the emerging grey belt evidence – including the appeal decisions analysed in this report – relates to major residential development, the policy framework also creates opportunities for other types of development where an evidenced need can be established and the relevant tests are satisfied.

This is important. The Green Belt opportunity should not be viewed simply as a mechanism for increasing housing supply. It has the potential to support a wider range of development that is appropriately located, sustainable and capable of meeting identified needs.

The NPPF (2026) further supports the notion that the opportunity is now for potential development in the Green Belt – whether on grey belt land in sustainable locations, close to well-connected stations or through the fallback position of very special circumstances, where appropriate.

Looking ahead, there are already around ***600*** pending applications for major residential development making a grey belt case. Combined with the revised policy approach, we expect to see a continuation of the level of planning activity in the Green Belt. The next 12 months should therefore provide even more evidence of how the policy works in practice.

For landowners and developers, the message is clear: now is the time to test the opportunity.

A strong grey belt case needs to be site-specific, evidence-led, and rooted in the NPPF and NPPG. It needs to address sustainability, need, the golden rules and the wider planning balance – with very special circumstances retained as an important fallback.

The policy framework is evolving but the direction of travel is clear.

The opportunity is here – and those with suitable sites should be considering how they can take advantage of it now.

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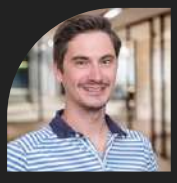

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