

# LIMITED INFILLING IN VILLAGES INFOSHEET

## An Undefined Exception

While there is a general presumption against development within the green belt, with the construction of new buildings being considered inappropriate, paragraph 149 of the **National Planning Policy Framework (The Framework)** allows for a number of exceptions to normal restrictions including (e) "limited infilling in villages". While this phrase is not defined within The Framework and there is no official guidance regarding its application, several appeal decisions have now clarified how the policy should be interpreted and applied. The phrase "limited infilling in villages" is made up of four words, each of which have been used as 'tests' with which to judge applications. This infosheet describes the four tests of the limited infill in villages green belt exception and how they have been applied by the planning inspectorate.

## T1 The "Villages" Test

The first test concerns whether the settlement in which the application is sited is a "village" or not. For example, one planning application [SMD/2018/0268] was refused because it was judged to be sited within a hamlet rather than a village on the basis that it did not have a church building. This decision was upheld at appeal [APP/B3438/W/18/3211000]. Interestingly, another local authority refused a planning application on the basis that it was in a town rather than a village, but this decision was overturned at appeal [APP/P0240/W/18/3196341] as the inspector judged that, although the proposals were indeed within a town rather than a village, they still complied with the spirit of the "limited infilling" policy. Therefore, in order to pass the first test, it needs to be demonstrated that the settlement in question is a village. The presence of a church building can help to confirm this.

## T2 The "In" Test

The second test concerns whether an application site is within the settlement boundary of the village. One application was refused because it was judged to be outside the settlement boundary of a village in the local plan, but the appeal was allowed because the inspector judged the site to be within the real extent of a village on the ground. Another application was refused because it was judged to be outside the village in question, and the site was indeed detached from the main part of the village by an area of open field, and yet this decision was also overturned at appeal [APP/B5480/W/18/3200843] because it was judged that the site had "the characteristics of a village location" due to the proximity of existing buildings to one another and existing boundary treatments. In these decisions, it is the actual situation on the ground and the characteristics of the setting, including proximity to other buildings and the existence of existing boundary treatments, that are given importance, over defined settlement boundaries in local plans, which in some cases may be rather drawn up.

## T3 The "Infilling" Test

The third test concerns whether the proposed development can be considered as infilling. A commonly stated definition of infilling is "the infilling of a small gap in an otherwise built up frontage" but this is a very narrow definition that might limit the permission of development that would otherwise comply with the spirit of the policy. In response to one planning application that we submitted, the Council stated that "infilling, in the absence of any definition given within the Development Plan or Framework would imply, for the Council's interpretation, development of a site that is between existing buildings." This definition is less prescriptive than

the former but could be read to imply that the policy is only applicable to linear development. There are at least two examples where appeal decisions have stated wider definitions. Appeal decision **APP/B5480/W/18/3200843** defined infilling as "development within the confines of existing residential development" and appeal decision **APP/W4223/W/19/3227776** defined infilling as "the development of land that is surrounded by buildings on at least two sides within reasonable proximity". Where compliance with at least one of these legally established definitions can be demonstrated, the proposals should pass the "infilling" test.

## T4 The "Limited" Test

The fourth test concerns whether the proposed development can be regarded as "limited". Presumably, the word "limited" was included within the policy to prevent development that might appear to be overdevelopment or out of context with the character of the surrounding area. In numerous planning decisions, the word limited has been taken to mean "one or two dwellings", but in one appeal decision [APP/P3420/W/19/3229732] a total of four bungalows were permitted based on the 'limited infilling in villages' exception, as the development continued a row of existing bungalows and was not considered to be overdevelopment. Clearly therefore, the limited test should be applied according to the context, and whether the proposals are proportionate to the existing context, these should pass the "limited" test.

## The Four Tests

While the phrase "limited infilling in villages" is not defined in planning policy, the appeal decisions referenced have clarified the meaning of each of the four words that make up the phrase, and

by bringing these separate definitions together, we now have a clear definition for the phrase "limited infilling in villages" itself. We also have "four tests" with which to judge applications: (1) can the settlement in question be classified as a village; (2) is the application site within the settlement boundary of the village as judged on the ground; (3) does it comply with at least one legally established definition of infilling; and (4) it is limited, i.e. proportionate to the existing context. If all four tests are passed the proposals constitute "limited infilling in villages", and they can and should be considered as appropriate development in the Green Belt, in accordance with The Framework.

## About the Author

Oliver Murray is a Cambridge-based Architect and Self Build Coach who specialises in high-performance self-build homes and provides Self Build Coaching alongside his architectural services to help his clients progress through their self build journeys with clarity and confidence. If you are considering a project in the green belt, we would invite you to book a **Getting Started Consultation** by clicking on the photo below. This is a 45 minute online video call during which you will have a chance to speak directly with Oliver about your project aspirations and how best to plan for a project in the green belt.