

## MAYFAIR CHAMBERS

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Ms Kate Barker  
HM Treasury  
Barker Review Team  
1 Horseguards Road  
London SW1A 2HQ

13 February 2006

By email

Dear Ms Barker

### **Barker Review of Land Use Planning**

Thank you for your letter of 24 January 2006.

There is an important point which has arisen recently at an Inquiry at St Helens and it is urgent, in my view, that it be dealt with if at all possible because it makes something of a nonsense of the system as at present administered.

In a recent appeal at St Helens (not yet determined) my client's site was in the middle of a dense unattractive urban area on a bus/railway interchange. Shops were within close proximity. It would be impossible to find a more urban or sustainable location.

The Local Planning Authority took the view that the site was "greenfield" when in fact it was derelict wasteland onto which rubbish was being increasingly tipped. What an opportunity to regenerate and improve a rundown neighbourhood.

Unfortunately, the Local Planning Authority, felt itself bound by the definition in Annex C, PPG3. The buildings once on site had merged back into the land (one could hardly call it "landscape") and the fact that some twenty years ago the site had been *private allotments* was entirely irrelevant as the Local Planning Authority eventually conceded at the Inquiry. Nevertheless, they felt bound to argue that the site was greenfield within the definition and therefore could not be developed before all the other brownfield sites theoretically available in St Helens.

It is clear that many Authorities have misunderstood Government policy. As I understand it, sites which are derelict, underused or vacant within the urban area in a highly sustainable location are intended to be redeveloped rather than left as eyesores and the fact that they are technically greenfield (because they fall outside the definition)

would be beside the point if it was Government policy to redevelop the sites in question in the public interest.

The difficulty is the definition in Annex C, PPG3, and the lack of clarity elsewhere in Government policy. It seems to me important, as co-author of Planning Law Practice and Precedents and a senior practitioner with a nationwide practice, that this quite absurd situation be sorted out as soon as possible.

I will respond to your review before 28 March in some detail. You may also be aware, incidentally, of the situation that has arisen in relation to Special Protection Areas emanating from a European Directive. The way in which Local Authorities and English Nature have reacted is wholly unacceptable to the development industry. If more houses really are required then what has amounted to a fiasco over this issue must be urgently resolved.

Yours sincerely

**Robert Turrall-Clarke**  
**Barrister at Law, Planning Bar**