



**Kent Downs  
National  
Landscape**

# **GREY BELT LAND WITHIN NATIONAL LANDSCAPES**

## **AN ADVICE NOTE FOR LOCAL PLANNING AUTHORITIES IN THE KENT DOWNS**

**August 2025**

The concept of grey belt land, as a sub-category of Green Belt land, is a recent one, introduced by changes to Chapter 13 of the December 2024 edition of the National Planning Policy Framework. This Advice Note has been produced at the request of one of our local planning authorities to set out the position of the Kent Downs National Landscape Team on the implications of these NPPF changes for land within National Landscapes<sup>1</sup> which also is covered by Green Belt designation. This note is advisory only and represents the professional views of the KDNL planning advisors. It does not constitute legal advice.

### **Context**

Green Belt is not a statutory designation; rather it is a planning policy designation for five specific purposes as set out in paragraph 143 of the NPPF<sup>2</sup>. National Landscapes on the other hand are designated and protected in law for the single specific purpose of conserving and enhancing natural beauty, as established by the National Parks and Access to the Countryside Act 1949.

The changes brought in by the December 2024 version of the NPPF allow for the classification of certain areas of land within a Green Belt designation, as grey belt. National Landscapes designation, and the national policy approach to land that falls within such statutorily protected landscapes and their settings (NPPF paragraphs 189 and 190), remains unaltered.

Grey belt land is defined in Annex 2: Glossary of the NPPF (2024):

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<sup>1</sup> From November 22nd 2023, all AONBs in England are known as National Landscapes. The statutory designation remains an area of outstanding natural beauty (AONB) and is currently referred to as such in legislation.

<sup>2</sup> All NPPF references in this Advice note relate to the December 2024 version.

*‘Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development’.* [our emphasis]

Footnote 7 refers to the footnote to paragraph 11 of the NPPF and applies to land with a special national designation including National Landscapes:

*‘The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a **National Landscape**, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.’* [our emphasis]

The NPPG reinforces the definition and approach of the NPPF:

*‘As defined in the NPPF, grey belt **excludes** land where the application of policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. In reaching this judgement, authorities should consider where areas of grey belt would be covered by or affect other designations in footnote 7. Where this is the case, it may only be possible to provisionally identify such land as grey belt in advance of more detailed specific proposals’.* (Paragraph: 006 Reference ID: 64-006-20250225) [our emphasis]

and

*‘any assessment area that is not judged to strongly contribute to any one of [Green Belt] purposes a, b, or d can be identified as grey belt land, subject to the **exclusion** of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development’.* (Paragraph: 007 Reference ID: 64-007-20250225) [our emphasis]

### **‘The application of the policies’**

As the definition of grey belt makes clear, it is the *application* of policies relating to National Landscapes which determine whether land within a Green Belt that also lies within a National Landscape can be considered to be grey belt.

Policies relating to National Landscapes are set out in the NPPF at paragraphs 189 and 190. Such policies do not of course prohibit development on land in National Landscapes, rather they set out clear restrictions on the scale and extent of development that is permissible and require that great weight be given to the conserving and enhancing of landscape and scenic beauty of

these landscapes. They *are*, therefore, policies whose application can provide a strong reason for refusing or restricting development, as set out in the definition of grey belt land.

Whether a site located in both the Green Belt and a National Landscape would be considered grey belt land would therefore, under the NPPF glossary definition, be made at the time of assessing the proposal and applying the policies i.e. during the decision making process for allocating land for development in a Local Plan or when determining a planning application, when paragraphs 189 and 190 of the NPPF are applied.

Given the NPPF policies regarding the high level of protection applying in a National Landscape, then where a proposed development or site allocation would likely cause harm to the natural beauty and landscape character of a National Landscape, it is considered that that site should not be regarded as grey belt land. This approach has been adopted by the Planning Inspectorate in a recent appeal decision.<sup>3</sup>

It is also considered that a proposed allocation or application for major development within a National Landscape in the Green Belt would mean the site should not be regarded as grey belt land, since NPPF para 190 which presumes against such development, other than in exceptional circumstances, gives a strong reason for refusing such development. This would therefore be an instance where, under the NPPF grey belt definition, the application of the policy would usually ‘provide a strong reason for refusing or restricting development’.

(Whilst paragraph 190 specifically refers to planning permissions, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans<sup>4,5</sup> Legal advice provided to the South Downs National Park Authority by Landmark Chambers also concluded that ‘it would arguably amount to an error of law to fail to consider paragraph 116 (now 190) at the site allocations stage of plan making for the National Park. The consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF’<sup>6</sup>).

## Conclusion

The changes introduced in the NPPF in December 2024 (and associated changes to the NPPG), allowing for areas within a Green Belt to be classified as grey belt, do not alter the weight that must be given to the application of paragraphs 189 and 190 of the NPPF where the land also lies within a National Landscape. The application of these national protective policies can provide clear reasons for refusing or restricting development in designated landscapes.

This conclusion is supported by the government’s own response to the Public Consultation on the proposed changes to the NPPF which included the introduction of a grey belt land category within designated Green Belt land. In its response the government made clear the

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<sup>3</sup> Appeal Decision APP/M2270/W/25/3361716 (paragraphs 11 and 12)

<sup>4</sup> For instance, in the Vale of White Horse Local Plan Examination, the Inspector considered two proposed major sites located within the North Wessex Downs AONB against the major development tests set out in paragraph 116 of the original NPPF (now incorporated into paragraph 190 of the revised NPPF). He concluded that the specific need for housing to be provided within the AONB had not been demonstrated and the sites were subsequently deleted. [Vale-of-White-Horse-Local-Plan-2031-Part-1-Inspectors-Report-FR.pdf](#)

<sup>5</sup> More recently the Inspector appointed to examine the Wealden Local Plan also considered it appropriate to assess the approach to development against the exceptional circumstances and public interest tests set out in para 116 of the previous NPPF (Wealden Local plan Examination - Key Matters, Issues and Questions, April 2019) Matter 2, Issue 4 [http://www.wealden.gov.uk/Wealden/Residents/Planning\\_and\\_Building\\_Control/Planning\\_Policy/Wealden\\_Local\\_Plan/Wealden\\_Local\\_Plan\\_Examination\\_Library.aspx](http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Wealden_Local_Plan/Wealden_Local_Plan_Examination_Library.aspx)

<sup>6</sup> 10 October 2017 Toby Fisher, Landmark Chambers

reasons for the incorporation of further changes to the December 2024 version of the NPPF subsequent to the public consultation exercise:

*‘We have made changes to ensure that the protections given to other protected areas, as listed in footnote 7 of the National Planning Policy Framework, **are not weakened by our changes to Green Belt policy**, by being clear that development or release of Green Belt land **should not proceed** where these policies give a strong reason for refusal.’ [our emphasis, for clarity]<sup>7</sup>*

In summary, it is our position that proposals for the development of land within a National Landscape, coming forward either as a site allocation or a planning application, continue to have to meet the policy requirements of NPPF paras 189 and 190. Where the proposals do not meet these requirements, then, as the application of such policies clearly provides ‘strong reasons for refusing or restricting such development’, the land would not be grey belt as defined by the NPPF 2024.

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<sup>7</sup> Government response to the proposed reforms to the NPPF and other changes to the planning system consultation, Section 5.