

Appeal Decision

Site visit made on 6 January 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 January 2017

Appeal Ref: APP/R0335/W/16/3158296

Ranelagh Farm, Crouch Lane, Winkfield SL4 4TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Smyth against Bracknell Forest Council.
 - The application Ref 16/00474/FUL, is dated 13 May 2016.
 - The development proposed is erection of replacement dwelling.
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Decision

1. The appeal is dismissed and planning permission for erection of replacement dwelling is refused.

Procedural Matter

2. As this appeal relates to a failure of the Council to give notice within the prescribed period of a decision on an application for planning permission, I have treated the Council's appeal statement as being what its reason for refusal would have been. Had it been in a position to determine the application, the Council states that it would have refused planning permission on the following grounds:

The proposed replacement dwelling would result in a form of inappropriate development that due to the height, mass, and bulk of the dwelling and associated change of use of land to residential curtilage, would be detrimental to the openness, character and appearance of the Green Belt. The proposal is therefore contrary to Policies CS7 and CS9 of the Core Strategy Development Plan Document, 'Saved' Policies EN8 and GB1 of the Bracknell Forest Borough Local Plan, and the NPPF.

Main Issues

3. The main issues are:
 - (i) whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - (ii) the effect of the proposed development on the character and appearance of the surrounding area;
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- (iii) whether any harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Background

4. The existing building on the site is a single storey dilapidated former farm building that has a Certificate of Lawfulness for a dwelling. That Certificate relates solely to the building and not the surrounding land included within the appeal site. It is currently set within a fairly large plot of land fenced off from a neighbouring equestrian use and associated buildings to the north-west and north-east and a dwelling to the south-east, it too within a fairly large plot. There are open fields opposite and also to the north-east and north-west beyond the adjacent residential property and equestrian buildings. These factors provide a distinctly open and spacious character to the locality.
5. The site is partially screened from the road by a front boundary fence and some small trees such that from the approaches along the road, only the roof of the building can be seen to varying degrees. It can be seen from the public footpath that runs in a north-east direction from the road a fairly short distance from the site to the south-east. However, such views are significantly restricted to varying degrees by intervening vegetation and structures. That existing building is however clearly seen through the opening that forms the site's vehicular access.

Whether inappropriate development

6. Policy CS9 of the Bracknell Forest Borough Local Development Framework Core Strategy Development Plan Document (the Core Strategy) seeks to maintain the Green Belt boundary within Bracknell Forest and protect the Green Belt from inappropriate development. As such it is consistent with the Framework in that broad respect.
7. The site is located within the Green Belt. Paragraphs 89-90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. In this case, I have had particular regard to two categories, the others not being relevant.
8. With regard to the fourth category of paragraph 89, the proposed building would be materially larger than the one it would replace based on the significantly greater volume and noticeable increase in height in particular. I have had regard to two other appeal cases elsewhere referred to by the appellant, including that at West Hanningfield, Ref APP/W1525/A/08/2070467, involving large increases in floorspace but not found to be materially larger. I do not have the full details of those cases. However, I note that the circumstances were different to the current appeal proposal in that they included basements. In the current case, all of the additional increase in volume would be above ground level and visible.
9. I have also had regard to the sixth category of paragraph 89 as the development comprises the redevelopment of a previously developed site, as defined in the Framework. This is on the basis that the site relates to an existing building in non-agricultural use and land surrounding it that has previously been in equestrian use. This is regardless as to whether or not the

- site should be regarded as being within a built up area, as disputed by the parties. It therefore remains to consider whether or not the development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing building.
10. The proposed dwelling would be located in between other existing buildings either side, including a small number taller than or similar to it. However, it would be seen fundamentally in the context of the open and spacious wider setting of the locality generally which contributes strongly to the openness of the Green Belt.
 11. Openness, as highlighted in the Framework, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area.
 12. Despite the proposal not extending so far into the site as the existing building and it having a more compact footprint, it would have a greater width at the front and the significantly increased volume would be reflected in a noticeable increase in height. Although the first floor of the proposed dwelling would be within the roof space, that space would still be fairly substantial, enabled by steep roof slopes and a significant flat roof area. That additional height and massing at first floor level would be particularly evident compared with the existing single storey building with its shallow roofslope. For these reasons, the proposed dwelling would materially impinge on the openness of the site and the Green Belt generally in the locality.
 13. The increased height and massing referred to above would also be clearly visible from the road, both over the front fence and via the vehicular access. It would also be seen to a slightly greater extent than the existing building from the footpath to the south-east through or over the intervening vegetation.
 14. The appellant draws my attention to another appeal at White Lodge in Leatherhead, Ref APP/Y3615/A/12/2168295, where my colleague made reference to the distinction between openness and visual amenity. I do not have the full details of that case to enable a proper comparison. However, in that case my colleague describes that the increase in floor area would be mostly as a result of infilling an area between existing rear projections and an addition at first floor, with only a slightly greater height than that existing. The circumstances are therefore different to the current appeal proposal at least in those respects. In any case, I have determined this appeal on its own merits.
 15. The appellant also refers to another two storey dwelling approved by the Council on the adjoining land under Ref 16/00864/FUL. Whilst I do not have the full details of that case or the planning circumstances leading to that decision, I note that it remains to be implemented and in any case I have determined this appeal on its own merits.
 16. For the above reasons, for the purposes of the Framework, the proposed development must therefore be regarded as inappropriate development in the Green Belt which would by definition be harmful to the Green Belt, to which substantial weight should be given, and contrary to policy CS9 of the Core Strategy.

Character and appearance

17. I have had regard to the context provided by other nearby buildings and associated land, including other dwellings fronting Crouch Lane adjacent to, and further along the road, to the south-east of the site. Those nearby existing dwellings exhibit a variety of designs and sizes including others of a chalet bungalow style with first floor rooms in the roof, as is proposed in this case. There would also remain a noticeable gap between that proposed and that immediately to its south-east, and more so in relation to the equestrian buildings to the north-west. It would therefore be clearly seen as a building in its own right and would not appear discordant alongside that albeit larger adjacent dwelling, even if it currently has a more ancillary agricultural appearance. It would also be set behind the front building line of those two existing buildings either side and so would not be a dominant feature of the streetscene.
18. Any external residential paraphernalia, such as external seating, sheds and children's play equipment would be likely to be located within the proposed back garden. That would be largely screened from the road by the front fence and proposed building, and from the nearby footpath by intervening vegetation.
19. The building would be unlikely to cause any significant reduction in views from the road to open countryside to the north-east which are currently already largely obscured by the boundary fence and the existing building.
20. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would accord with policies CS7 and CS9 of the Core Strategy and saved policies EN8 and GB1 of the Bracknell Forest Borough Local Plan which together, amongst other things, require development to be of high quality design and not to adversely affect the character and appearance of the area.

Other considerations

21. The proposed development would not result in a net increase in the supply of housing in the area as it would be replacing an existing building that has a lawful residential use. Furthermore, although in a vacant and dilapidated condition, I have no substantive basis upon which to consider the existing building could not be made suitably and acceptably habitable if repaired and refurbished.
22. However, the proposal, when compared with that existing building, which has no lawful associated residential land around it, would be purpose built and have associated amenity and parking space. As such, it would be likely to result in a higher quality of residential accommodation. There would also likely be some economic benefit during the construction period in providing short term jobs and increased business to local suppliers and associated services. However, these benefits would only be small in that they would relate just to a single dwelling.

Conclusion

23. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social

and environmental gains should be sought jointly and simultaneously through the planning system.

24. It is not disputed that the Council cannot demonstrate a five year supply of deliverable housing sites (5 year HLS). Under paragraph 49 of the Framework, housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year HLS. Having regard to paragraph 14 of the Framework, this states that the presumption in favour of sustainable development means, where relevant development plan policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. Such policies include those relating to land designated as Green Belt, which are applicable in this case.
25. I have found that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. However, that does not outweigh my finding that it would cause unacceptable harm to the Green Belt by reason of inappropriateness, to which substantial weight should be given. Furthermore, I have not found there to be any other considerations with sufficient weight to outweigh that harm. The very special circumstances needed to justify the development do not therefore arise. As such, it would not be a sustainable form of development.
26. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR