

Appeal Decision

Site visit made on 13 March 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/T0355/W/16/3156321

**1 Oldfield View Cottages, High Street, Bray, Maidenhead, Berkshire
SL6 2AG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Fat Duck Ltd against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 15/04034, dated 2 December 2015, was refused by notice dated 6 April 2016.
 - The development proposed is the change of use to provide overnight accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to provide overnight accommodation at 1 Oldfield View Cottages, High Street, Bray, Maidenhead, Berkshire SL6 2AG in accordance with the terms of the application, Ref 15/04034, dated 2 December 2015, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 10 February 2016 and prepared by Hydro-Logic Services.
 - 3) The development hereby permitted shall not be occupied until such time as a flood evacuation management plan has been submitted to, and approved in writing by, the local planning authority. This flood evacuation management plan shall include:
 - The access and egress route
 - The flood warning services that will be signed up to
 - The management responsibilities and duties at times of flooding
 - The trigger point for evacuation if flooding were to occur
 - The management of the guest accommodation during a flood eventThe flood evacuation plan and its requirements shall be fully implemented prior to the first occupation of the development and subsequently maintained for the lifetime of the development.
 - 4) The use hereby approved shall be for overnight accommodation in association with the adjoining restaurant, currently known as the 'Fat Duck' and for no other use.
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Procedural and background matters

2. The application seeks consent for a material change of use of the property from a residential dwelling to a property to provide overnight accommodation. Whilst there may be some similarities in activity and effect from a dwelling with ancillary rooms let out, as contended by the appellant, the application sought the full time use for overnight accommodation and this is a material change of use.
3. The building is a grade II listed building and has recently undergone extensive repair and modernisation works and, at the time of my visit, was in an excellent state of repair and fully habitable. This contrasts with the description in the officer report, which described it as in a poor state of repair and uninhabitable; which the appellant has pointed out was incorrect at the time the application was considered. The proposals do not seek consent for any alterations or physical works to the property.

Main Issue

4. The main issue is the effect of the proposed development on the housing stock in the Borough.

Reasons

5. The appeal site is a two storey listed cottage which has recently been renovated. The appellant has argued this has been at significant expense to the appellant and at substantially more cost than would have been economically viable as a residential unit.
6. Policy H7 of the Royal Borough of Windsor and Maiden Local Plan (Incorporating alterations adopted in June 2003) indicates that planning permission will not be granted for development that would result in the loss of residential land or accommodation except in a number of specified situations. In the context of this appeal one such scenario is where the change of use is the only means of preserving a listed building.
7. The reasoned justification for the policy states that this is to ensure the Borough can meet its housing requirement, as to release existing residential land and buildings would then add pressure to release land in the Green Belt. In terms of the exceptions it is highlighted that the retention of a listed building is one such matter.
8. Whilst incremental change is a potential concern I have been provided with no evidence as to the extent of the pressure that the Council faces in terms of meeting its housing requirement, including whether any requirement is based on an objectively assessed need. The appellant has identified the proposed buildings association with the Fat Duck a well renowned restaurant and pointed to other examples in the village where similar associations have been accepted by the Council. The provision of overnight accommodation would be in-keeping with contributing to the tourist trade and supporting the local economy matters the appellant points out are also supported by the local Plan and the National Planning Policy Framework (the Framework). The Council does not refute this latter point.
9. It appears, in the context of this appeal that the development plan pulls in more than one direction at the same time. The weight to be given to the

- policies is therefore dependant on the extent to which they are supported or compromised.
10. The building is a listed building and the works for renovation were required to make the property habitable. Without those works the building would have remained uninhabitable and the building would not have contributed to the housing stock. The refurbishment works brought it back into potential use, adding one to the stock, but this change of use would remove that use as a dwelling, removing one from the stock. There would therefore be an overall neutral balance in the housing stock and no additional pressure to release Green Belt land.
 11. The appellant also contends that given the cost of refurbishment it is unlikely this could have been afforded for a straight residential use and that the scheme would have been unviable. There are no direct figures of the costs but the Council do not dispute this claim in any meaningful way. The appellant's intentions for the future use are in my view material and it is suggested that the only viable option to enable the refurbishment of the property was through the building's association with the Fat Duck. As this is a significant justification it would seem appropriate to secure the use to be in association with the Fat Duck as that is how the case has been made out to me and it is on that basis that I have found it acceptable
 12. On this basis I therefore concluded that the proposals would safeguard the listed building and have assisted in ensuring its restoration. On that basis I find that the proposals would fall within the exception in policy H7 for listed buildings and as such the proposal does not conflict with policy H7.
 13. I conclude that the proposed development would not result in harm to the borough's housing stock as it would have a neutral effect and that it is compliant with one of the exceptions within H7 even if it were to result in an overall loss. Furthermore, the loss of one residential unit in the absence of detailed evidence on the pressure on the housing requirement would be outweighed by the benefits associated with a use supported in the development plan and Framework for tourist activities.

Overall conclusions and conditions

14. I have considered the conditions suggested by the Council in the light of the advice in the Planning Practice Guidance. Given the site's location in flood zone 2 it is appropriate to condition the development to be carried out in accordance with the Flood Risk Assessment submitted with the application and that a flood evacuation management plan be submitted.
15. I have set out above why I think it is necessary to attach a condition restricting the use to accommodation associated with the Fat Duck restaurant. Given that the proposals are in respect of a change of use only and that there are no alterations proposed a specific condition on approved plans is not required.
16. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR