

## Appeal Decision

Site visit made on 3 May 2017

**by CD Cresswell BSc (Hons) MA MBA MRTPI**

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

**Decision date: 31 May 2017**

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**Appeal Ref: APP/T0355/W/17/3167166**

**Beckfords, Warren Row, Reading RG10 8QS**

- 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 Mr & Mrs R McGow against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 16/02359, dated 14 July 2016, was refused by notice dated 18 November 2016.
  - The development proposed is erection of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and any other relevant development plan policies.
  - the effect on the openness of the Green Belt.
  - if the development is inappropriate, whether the harm 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 the development.

### Reasons

*Whether inappropriate*

3. The appeal site forms part of the existing garden of Beckfords, a detached dwelling which is accessed from Star Lane. It is proposed to build a new four bedroom house on the site, which would be positioned between Beckfords and Woodlands, the neighbouring property. The appeal site and wider surroundings are situated within the Green Belt.
  4. The Framework makes it clear that the Government attaches great importance to the protection of Green Belts and substantial weight must be given to any development which harms them. As such, paragraph 89 advises that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a limited number of exceptions. Among the various exceptions listed in paragraph 89 is 'limited infilling in villages'.
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5. Policy GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 (the Local Plan) takes a similar approach insofar as residential development in the Green Belt is permitted where it constitutes infilling within the boundaries of a recognised settlement as defined on the proposals map. According to the terms of the policy, infilling constitutes the closing of an existing small gap in an otherwise built up frontage. As the appeal site lies outside the settlement boundary of Warren Row as shown on the Local Plan proposals map it is not a location where Policy GB3 would allow infilling to take place.
6. Nonetheless, I am aware that the Local Plan is rather dated in comparison to the Framework. Both parties have drawn my attention to a Court of Appeal judgement<sup>1</sup> where it was established that a 'village' in paragraph 89 of the Framework need not be the same as the settlement boundary, depending on the situation 'on the ground'. As such, I give limited weight to the provisions of Policy GB3 in this particular respect. In terms of the current appeal, it is therefore necessary for me to firstly establish whether the appeal site lies in a village, irrespective of the boundary drawn in the Local Plan, before considering whether the proposal comprises limited infilling.
7. The majority of dwellings in Warren Row are arranged in a broadly linear fashion on either side of Warren Row Road. As the settlement is surrounded by countryside, the street scene to the immediate east and west of the settlement has a distinctly rural appearance. However, it clearly becomes more developed when passing through Warren Row as most properties are positioned relatively close to the street frontage or gain access directly from it. Despite this, the street scene in the immediate vicinity of Beckfords and Woodlands is somewhat more rural in appearance due to the extent to which these dwellings are set back behind gardens and the presence of trees and natural vegetation along the boundary with Warren Row Road.
8. Nonetheless, both Beckfords and Woodlands form part of a band of residential development (including gardens) on the southern side of Warren Row Road which includes Wellington Cottages to the west. In contrast, the land situated immediately to the east of Star Lane is distinctly rural in nature and has more in common with the surrounding countryside. Hence, even though Beckfords and Woodlands are situated within relatively spacious plots on the edge of the countryside, it seems to me that they form part of the grouping of development that constitutes Warren Row. The appeal site can therefore be described as within a 'village' for the purposes of paragraph 89 of the Framework.
9. Whilst the term 'infilling' is not defined within the Framework, Policy GB3 refers to the closing of an existing small gap in an otherwise built up frontage. Although I have found that Policy GB3 carries limited weight, I see little reason to deviate from this definition of infilling for the purposes of assessing the proposal against the Framework. Indeed, I note that the Inspector in an Appeal Decision<sup>2</sup> that I have been referred to accepts a broadly similar definition of infilling. While that particular appeal related to a site within a different local authority, it is a further indication that infilling can be taken to mean the development of small gaps within a built up frontage.
10. The appeal site is an open garden which occupies much of the space between Woodlands and Beckfords. Both of these properties are surrounded by large

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<sup>1</sup> Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

<sup>2</sup> Appeal Decision APP/K2230/A/12/2186760

gardens and open spaces, creating a particularly low density pattern of development in this part of Warren Row. As such, there is not a well defined built up frontage in this location as there are clear breaks in development. Although the appellant argues that the proposed dwelling would follow the same building line as neighbouring properties, the land running between Beckfords, Woodlands and Wellington Cottages is mostly open in nature rather than being occupied by buildings. This includes the appeal site, which represents a relatively large space between Beckfords and Woodlands. While the proposed dwelling would be characteristic of other low density residential development in the area, it could not be described as filling a small gap in an otherwise built up frontage even though it would occupy much of the space between the existing dwellings. Hence the proposal is not 'limited infilling' in the context of paragraph 89 of the Framework.

11. This leads me to conclude that the proposal is inappropriate development which, by definition, is harmful to the Green Belt. The Framework advises that substantial weight must be given to this harm.

### *Openness*

12. My attention has been drawn to a Court of Appeal of judgement<sup>3</sup> which recognises that the openness of the Green Belt has a visual aspect as well as a spatial aspect. In this case, the proposed dwelling would have both a visual and spatial impact on the Green Belt. Whilst the dwelling would not be visually prominent from public viewpoints, it would nonetheless be glimpsed from Warren Row Road and would be clearly seen from private garden spaces. In spatial terms, the dwelling would inevitably result in some loss of openness as the quantum of built development in this location would be increased by the presence of a relatively substantial detached property. Overall, this would result in a moderate level of harm to openness.

### *Whether very special circumstances exist*

13. The appellant argues that the Council cannot demonstrate a five-year supply of deliverable housing sites and paragraph 49 of the Framework indicates that in such circumstances, relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 states that there is a presumption in favour of sustainable development and indicates that when development plan policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, it is also made clear that planning permission should not necessarily be granted where specific policies in the Framework indicate development should be restricted and, according to footnote 9, this includes land designated as Green Belt.
14. Nonetheless, I recognise that the development would make a contribution to local housing supply and that there would also be some economic benefits associated with the construction process. However, given that the proposal is only for a single dwelling, I only give a small amount of weight to these particular benefits.
15. Mr McGow has health problems and I understand that the proposed dwelling would be better suited to wheelchair use. I am informed that Beckfords is not

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<sup>3</sup> John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466

easily capable of being converted and that the proposed dwelling would enable the appellants to remain in Warren Row, where they have strong local ties. Although I sympathise with this situation, there is relatively little before me to demonstrate that alternative solutions less harmful to the Green Belt have been discounted. This includes the Council's suggestion of a residential annexe. Based on the evidence presented in this appeal, the weight that I can give to the argument that the proposed dwelling is necessary to address the wheelchair needs of Mr McGow is therefore limited.

16. The Framework indicates that development that is harmful to the Green Belt should not be approved except in very special circumstances. For such circumstances to exist, the harm to the Green Belt and any other harm must be outweighed by other considerations. In this case, the substantial weight given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.

17. I therefore conclude that the appeal should be dismissed.

*CD Cresswell*

INSPECTOR