



Appeal Decision

Site visit made on 18 June 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/T0355/W/19/3222082

**Queens Head Filling Station, Windsor Road, Water Oakley, Windsor
SL4 5UJ**

- 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 L Trevelyan of Sectorsure No.10 Ltd against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 18/01687, dated 7 June 2018, was refused by notice dated 14 August 2018.
 - The development proposed is the demolition of existing site structures and removal of existing underground tanks and redevelopment of the site to include a 4 pump petrol filling station with associated retail store and associated facilities, extended parking provision and electric vehicle charging points.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including its effect upon openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - If inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

1. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
2. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in Paragraphs 145 and 146 of the Framework. Criterion d) of Paragraph 145 allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it

replaces. The Council accepts that the buildings would not be materially larger than those they replace. However, the proposal does not fall into exception 145(d) as the new buildings are not the only part of the development as the proposal would also result in a parking area which would extend the physical development onto an existing grassed area which the appellant contends is part of the existing developed curtilage.

3. Therefore, it is the appellant's view that the proposal is not inappropriate by virtue of the exceptions contained in sub paragraph g) of paragraph 145 and subparagraph b) of paragraph 146. These are the limited infilling or the partial or complete redevelopment of previously developed land (145(g)) and engineering operations (146(b)). However, the caveat to paragraph 145(g) is that the development should not have a greater impact on the openness of the Green Belt than the existing development. Similarly, the caveat to paragraph 146(b) is that the engineering operation preserves openness and does not conflict with the purposes of the Green Belt.
4. Notwithstanding the boundary fence to the eastern and southern boundaries, and the other buildings in the wider area, the grassed area is otherwise open, with built form notably absent. The car park would introduce parked cars, cycle storage, electric vehicle (EV) charging points, lighting and an air and water machine. The objects would have an obvious physical and visual impact upon the openness of the site. Therefore, the proposal would have a greater impact upon, and would not preserve, the openness of the Green Belt.
5. Consequently, the proposal would not fall within any of the exceptions listed in the Framework and would constitute inappropriate development in the Green Belt to which I must attach substantial weight.

Other Considerations

6. The appeal proposal would result in a more efficient commercial operation better suited to meeting the requirements of customers, would result in reduced deliveries and furthermore, would provide additional employment. Paragraph 83 of the Framework advises that decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. In addition, at paragraph 92(d) it suggests that decisions should ensure that established shops, facilities and services are able to develop and modernise for the benefit of the community.
7. The petition submitted in support of the appeal proposal substantiates, to a certain extent, the appellant's assertion that the petrol filling station provides a valued service to the surrounding community. However, there is little specific evidence that quantifies the economic benefits and as such, it is not shown that they would be significant. In this context, the likely economic benefits attract moderate weight.
8. Two EV charging points would be introduced at a location which otherwise has scarce alternative facilities. The charging area needs to avoid impeding customers using the conventional petrol/diesel fuel pumps as at present, it takes longer to charge EVs. I have had regard to the letter¹ from the Chairman of the Petrol Retailers Association outlining the national context. The greater provision of EV charging points would support uptake of electric vehicles in the

¹ Retail Motor Industry Federation dated 13 August 2018

- future, which it is anticipated will play a role in improving air quality by reducing vehicle emissions. Accordingly, the provision EV charging facilities is a benefit that attracts some weight.
9. The redevelopment would deliver a modern building. Nevertheless, the present buildings are not objectionable, and the additional car parking area would result in the reduction of the grassed space. Therefore, I am unconvinced there would be a significant overall visual improvement to the site.
 10. I acknowledge that the proposal would incorporate solar PV panels generating renewable energy to serve the development, but I have not seen specific evidence that the development would result in a net benefit to the environment. Accordingly, this factor attracts little weight.
 11. The extended parking capacity would provide part of the overall formal parking at the site and would accord with the minimum parking standards required by the Council. I accept that there would be some benefit to the convenience of customers from a more coherent parking layout. However, the transportation evidence does not suggest that there is currently a parking problem that results in highway safety issues. I have already given weight to the improved efficiency to the business and benefit to customers that the appeal proposal would deliver, and so this matter does not attract any additional weight.
 12. The landscaping provided by the proposal would assist in screening and softening the impact of the new development. As suitable landscaping is a requirement of development plan policies, it is a neutral factor in the overall Green Belt balance. In any event, the openness would be harmed irrespective of additional screening as the hedge would not remove the physical presence of the development.
 13. I am referred to a recent grant of permission² by the Council at the appeal site for its redevelopment to include a 4 pump petrol filling station with associated retail store and associated facilities, extended parking provision and electric vehicle charging points. On the face of it, this appears to provide a realistic fallback position as an alternative to the appeal proposal for development sharing a similar description. However, as I have only been provided with the decision notice for the development, notwithstanding that the appellant indicates it includes an extended parking area, in the absence of the approved drawings I can afford this permission little weight.
 14. I have also had regard to appeal decisions to which I am referred³. Whilst they all related to development in the Green Belt, none of them proposed a replacement petrol filling station and consequently, were significantly different proposals to the appeal proposal and therefore, not directly comparable. I have, in any event, reached my own conclusion on the appeal proposal based on the evidence before me. As such, these decisions do not affect the overall Green Belt balance.

Green Belt balancing exercise

15. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to

² Reference 19/00677 dated 7 June 2019

³ Referenced APP/T0355/W/17/3180699 (Lenore Cottage), APP/T0355/W/18/3200818 (Noel Farm), APP/H1033/A/12/2186918 (Will Hey Farm) and APP/K3605/W/17/3187505 (Cobham Motorway Service Area).

allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and harm would be caused to the openness of the Green Belt. These factors attract substantial weight. However, the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

16. Therefore, the proposal would be contrary to the Framework and to saved policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (incorporating alterations) June 2003 (LP) which seek to protect the Green Belt from inappropriate development.
17. The Council has also referred to policy DG1 of the LP in their refusal reason, this sets guidelines to secure a high quality design and does not expressly refer to development in the Green Belt. On this basis, I do not find any conflict with this general design policy. In addition, there is reference to emerging policy SP5 of the Borough Local Plan Submission Version 2013-2033. Insofar as is relevant to the circumstances of the appeal proposal, this emerging policy would not significantly change the approach from policies in the adopted development plan, and therefore does not have a significant bearing on my findings.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector