



Appeal Decision

Site visit made on 29 October 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/R0335/W/19/3227667

Land in-between The Acres and Mulberry, Crouch Lane, Winkfield, Windsor SL4 4TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Daniel, Gramdale Property Investments Co Ltd against the decision of Bracknell Forest Council.
 - The application Ref 18/01229/OUT, dated 19 December 2018, was refused by notice dated 26 February 2019.
 - The development proposed is outline application with all matters reserved for the erection of 1 house with associated access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. This appeal follows an outline application, where all matters are reserved for later consideration.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

4. The appeal site is located within the Green Belt. Accordingly, the main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the openness and purpose of the Green Belt;
 - if the proposal would be inappropriate development, 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 it.

Reasons for the Recommendation

Whether Inappropriate Development

5. The appeal site comprises agricultural land situated between existing residential development fronting Crouch Lane. There are also residential properties on the opposite side of the road. The proposal for a new dwelling in this Green Belt location does not fall within any of the types of development permissible by saved Policy GB1 of the Bracknell Forest Borough Local Plan (adopted January 2002) ('Local Plan').
6. The Framework however, post-dates the Local Plan. Whilst establishing that the construction of new buildings within the Green Belt is inappropriate, it sets out a larger number of exceptions which are not considered inappropriate development in the Green Belt to that contained within Policy GB1. The exception that the main parties have focussed on is set out in paragraph 145 e) of the Framework, which relates to limited infilling in villages.
7. The appeal site comprises an undeveloped area of land between residential development along Crouch Lane and as such could reasonably be described as an infill site. The parties agree that the appeal site is outside of, but adjacent to, the current Green Belt Village boundary for the purposes of the Local Plan. Whilst this is a relevant consideration, it is not the sole determining factor of whether a site is or is not within a village for the purposes of Framework paragraph 145 e).
8. In this regard, I observed that the appeal site forms part of a ribbon of development along Crouch Lane, leading from North Street. Although development along Crouch Lane becomes less dense within the locality of the appeal site and acknowledging that the agricultural nature of the site at present is of a different character and appearance to nearby residential development, it is viewed in a largely residential context given the nearby residential properties. The appeal site is physically and visually well-related to development within the village boundary. Accordingly, I consider that it is located within a village for the purposes of paragraph 145 e) of the Framework.
9. There is no definition within the Framework as to what 'limited infilling' would comprise. Paragraph 4.51 of the Local Plan however defines 'infilling' for the purposes of the Local Plan, as 'building on undeveloped single plots of land for residential purposes which closes existing small gaps in an otherwise built up frontage. The infill plot should be comparable in size and shape to those developed plots which adjoin the infill site and must have an existing frontage to a suitable road'. This paragraph provides supporting text to saved Local Plan Policy GB3, which is consistent with the Framework insofar as it seeks to protect the Green Belt from inappropriate development and allows for infilling, which is not disputed by the appellant. Whilst its reference to Green Belt villages is not consistent with the Framework, this definition, in the absence of being directed elsewhere as to what constitutes limited infilling, is helpful in my consideration of this case.
10. I have found that the appeal site comprises an infill site between existing residential development within this village location. It has a frontage onto Crouch Lane. The proposed development of one dwelling upon the site, would in the context of surrounding development be limited. However, the width of the site at approximately 52 metres cannot reasonably be described as a small

gap within this otherwise built-up frontage. It is significantly wider than the residential frontages at either side of the appeal site. Whilst I have no details before me of the layout or design of the dwelling, there would be a high probability given the width of the site that a dwelling upon it would not close the space between the site's adjoining neighbouring properties on each side. Accordingly, in the context of the surrounding pattern of development I find that the proposal would not comprise limited infilling in this village location.

11. I have taken account of the relevant considerations identified by the Inspectors given in all of the appeal decisions referred to by the parties¹, which are of assistance in determining whether the proposal constitutes limited infilling in villages. However, each case must be determined on its merits and in this regard it is noted that appeal decision 3154595² did not turn on the size of the plot. Whilst the plot size was referred to in appeal decision 3170279³, that proposal, for up to 5 residential dwellings, is of a different scale than the proposal before me. Also, in appeal decision 3156493⁴, the Inspector noted that the proposed plots would be commensurate in size with the dwellings either side, which is not the case in this appeal.
12. Accordingly, I conclude that the proposal would result in inappropriate development in the Green Belt, in conflict with Local Plan Policy GB1, Policy CS9 of the Bracknell Forest Borough Local Development Framework: Core Strategy Development Plan Document (adopted February 2008) and the Framework. The Framework provides at paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

Openness and Purpose

13. The Framework states that openness is one of the essential characteristics of the Green Belt. Openness is generally considered to be the absence of built development. The development of this site with a new dwelling when compared with the existing open, undeveloped situation would be likely to result in a loss of openness of the Green Belt in this location.
14. Whilst this reduction in openness would be localised, harm to the Green Belt would occur. Additionally, there is little evidence before me to demonstrate that the development of the site would not encroach into the countryside, thereby conflicting with one of the purposes of the Green Belt.

Other Considerations

15. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. Whilst there has been a lack of objections from interested parties regarding the proposal, including the Parish Council, this is a neutral factor, which does not weigh in favour of the proposal.

¹ APP/Y3615/W/17/3174750; APP/C4235/W/18/3207679; APP/R0660/W/17/3170279; APP/D2320/W/16/3154595; APP/R0660/W/16/3156493.

² APP/D2320/W/16/3154595

³ APP/R0660/W/17/3170279

⁴ APP/R0660/W/16/3156493

17. Although it has been argued that due to the size of the site it would be possible to ensure that the new house would be in keeping with surrounding development whilst retaining views through the site, and also that no harm to the living conditions of the occupiers of neighbouring properties would occur (including through the provision of adequate parking and access arrangements) little detail has been provided to demonstrate this. Moreover, these matters would be likely to be a requirement of a detailed proposal for development on the site. They do not weigh in favour of the proposal but are neutral factors.

Balancing of Considerations and whether very special circumstances exist

18. The proposal would be inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness and the conflict that would result with one of the purposes of including land within it. These matters carry substantial weight. Taken together, I find that the other considerations in this case do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore conflicts with the Green Belt aims of Policy CS9 of the Core Strategy, Policy GB1 of the Local Plan, and the Framework.

Conclusion and Recommendation

19. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR