



Appeal Decision

Site visit made on 13 January 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal Ref: APP/T0355/W/19/3240597

Land between The Lodge and Garden Cottage, Fifield Road, Fifield, Berkshire SL6 2NX

- 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 Tony Bennett against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/00709, dated 12 March 2019, was refused by notice dated 8 May 2019.
 - The development proposed is erection of residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection residential dwellings on land between The Lodge and Garden Cottage, Fifield Road, Fifield, Berkshire SL6 2NX in accordance with the terms of the application, Ref 19/00709, dated 12 March 2019 and the plans submitted with it, subject to the following conditions:
 - 1) An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.
 - 2) Details of the access, appearance, landscaping, layout and scale shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.
 - 3) The Development shall commence within two years from the date of approval of the last of the reserved matters.
 - 4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 set out below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1 - Site Characterisation

An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning

Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: a survey of the extent, scale and nature of contamination; an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwater and surface water ecological systems, archaeological sites and ancient monuments: an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2 - Submission of Remediation Scheme.

A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3 - Implementation of Approved Remediation Scheme.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4 - Reporting Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5 - Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the required period, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 5) Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
- 6) The permission hereby granted relates to the construction of a total of 3 dwellings upon the site.

Preliminary Matters

2. The planning application is submitted in outline with all detailed matters reserved for a subsequent approval. An indicative layout (drawing No. BEN/FIFIELD/02) accompanies the outline planning application and I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect three detached dwellings on the site.
3. The decision notice refers to policies HO5 and SP3 of the emerging Borough Local Plan. Emerging policy SP3 has now been amended and renumbered to Policy QP3 and emerging policy HO5 has been deleted. As this emerging policy does not form part of the development plan for the Borough, I have afforded it limited weight in my consideration.

Main issues

4. The main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and
 - The effect of the proposal on the openness and the purposes of the Green Belt; and
 - the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site is an undeveloped plot that has the benefit of an extant outline planning permission for the erection of 2 detached dwellings (18/03294/OUT) within the Green Belt. The site lies within a ribbon of development that extends in a northerly direction, along the eastern side of Fifield Road. To the south, the pattern of development becomes slightly more dispersed, although there is a focus of development around the Fifield Inn on the western side of the road at the junction of Fifield Road and Oakley Green Road.
6. The prevailing character of the area is defined by detached properties, set within relatively long gardens, with a range of plot widths. The design of the surrounding dwellings to the north is a mix of single storey bungalows and chalet style bungalows. To the south, the adjoining property is a more substantial, 2 storey building. The properties are generally set back from the road, providing vehicular access, parking and turning areas. This creates an identifiable building line. Front boundaries comprise a mixture of low, brick-built walls, with some planting.

Inappropriate development in the Green Belt

7. The Framework identifies that new buildings within the Green Belt are inappropriate and, by definition, are harmful to the Green Belt and should not be approved except in very special circumstances, unless, amongst other things, they represent limited infilling in villages (paragraph 145e). As already identified, the appeal site is an undeveloped plot, which has dwellings to either side. It therefore represents a gap in the built development along Fifield Road, and on this basis constitutes an infill plot within the existing pattern of development. I note that in determining the extant outline permission, it was considered that that proposed erection of 2 dwellings on the site did not amount to inappropriate development and it is also common ground between the parties that the current appeal proposal is also not inappropriate development. On the evidence before me, I see no reason to disagree with this view.
8. Therefore, when assessed against relevant sections of the Framework and the development plan, the proposed development would not represent inappropriate development within the Green Belt.

Openness

9. 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. The appeal site is currently an undeveloped open area of land, which provides a gap between the existing development along the road. Any development on the site would reduce this gap and, would therefore impact on the openness of the Green Belt which, by definition would be harmful.
10. However, as already identified, the site benefits from an extant outline planning permission. Whilst the proposed development would add an additional unit to the site, from the illustrative drawings, it would appear that the appeal proposal is not materially different from the extant permission with regards to its impact upon the openness of the Green Belt. On this basis, I do not consider

that the proposed development would cause harm to the openness of the Green Belt when compared to the established fallback position.

Character and appearance

11. In terms of design, whilst the plans are illustrative, from the information before me, it would appear possible that the proposed dwellings can be laid out on site in a way that would respect the established building line. Car parking and access can also be adequately provided.
12. When compared with the approved scheme, the development plots of the proposed dwellings would be reduced in size, to provide space for the additional unit. However, the resulting plot area for each of the proposed dwellings would be comparable to the plot area of other dwellings within the ribbon of development. Whilst the proposed plot widths would be less than those of neighbouring properties, with the correct design approach, there would appear to be sufficient space for the development of 3 detached dwellings on the site, without harming the street scene and the character and appearance of the area.
13. The illustrative street scene drawing provides an indication of how the designs for the three properties would look when viewed from the road and how they would relate to the neighbouring properties. With the provision of an additional dwelling, the overall density of the development on the site would increase. However, the illustrative street scene shows that dwellings could be developed to ensure reasonable gaps would be retained between them and that a roofscape could be created across the site to re-enforce these spaces. The illustrative street scene shows a similar relationship between the proposed dwellings on the site, to the one that generally exist between other dwellings along the road. On this basis, when combined with my conclusions with regards to plot widths, development on the site would not represent a cramped form of development.
14. I therefore conclude that the proposed development would not harm the character and appearance of the area and, in this respect, accords with saved local plan policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003). These policies seek amongst other things to ensure that new development relates to the character and appearance of the area. Moreover, in reaching this conclusion there would be no conflict with policy QP3 of the emerging Borough Local Plan.

Conditions

15. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. In addition to the standard outline implementation conditions, it is necessary to impose a condition limiting the permission to a maximum of 3 dwellings. Given that this has been acknowledged by the parties and is confirmed in the Council's officer report would mean that this condition would not come as a surprise to the appellant or the Council. It is necessary to impose a condition requiring an assessment of ground conditions and for details of any required remediation to be submitted to and approved by the Local Planning Authority. Due to the Green Belt designation of the site, it is

also necessary to impose a condition to remove Permitted Development, to ensure that any potential future additions to the dwellings is controlled.

Conclusion

16. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR