



Appeal Decision

Site visit made on 2 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2020

Appeal Ref: APP/T0355/W/3246292

Land between Beaulieu House and Westwinds, Miley Road, Waltham St Laurence, Berks RG10 0JP

- 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 Simon and Christine Reid against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/02221, dated 1 August 2019, was refused by notice dated 21 November 2019.
 - The development proposed is construction of 5 bed detached house, garage and stables, drive and hardstanding area. Work to existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note from their submissions, the Council do not take issue with the replacement stable block. I have therefore dealt with the appeal on this basis and have limited my assessment of the scheme to the proposed dwelling and associated works.

Main Issues

3. The main issues are:
 - Whether the proposed dwelling is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If it is 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 the development.

Reasons

4. The appeal site lies on the northern side of Miley Road and comprises an area of grassland currently used as a paddock. It is predominately open, with the exception of a small timber stable block and two Nissan hut storage units. Access is via a field entrance from Miley Road. The boundaries to the site are made up of mature hedges, which contain a number of mature trees. To the west, lies Beaulieu House, a large dwelling, set within a substantial plot. To the

east is the former Milley Nursery, which is currently being redeveloped for housing. On the southern side of Milley Road is a ribbon of residential development.

5. The proposed development is for the erection of a 5 bedroomed detached dwelling with garage and driveway. A separate, timber clad stable block is also proposed, which would comprise 3 stables for the private use of the appellant. The dwelling would be sited at the northern end of the site, with the rest retained as an open paddock.

Whether the proposal is inappropriate development

6. 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework identifies that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in respect to a limited range of specified exceptions. Paragraph 145(e) of the Framework identifies that one of the exceptions is limited infilling within villages.
8. Policy GB1 of the saved Royal Borough of Windsor and Maidenhead Local Plan (incorporating alterations) June 2003 (LP) identifies that permission for new buildings in the Green Belt is limited to specific exceptions, unless there are very special circumstances. Policy GB2 of the LP states that permission will not be granted where development would have a greater impact on the openness of the Green Belt or the purposes of including land in it, than the existing development on the site. Policy GB3 sets out a general presumption against residential development in the Green Belt but identifies a number of specified exceptions.
9. I note that the adoption of the LP predates the publication of the Framework. Despite this, the saved policies in the LP are broadly in accordance with the policies contained within Section 13 of the Framework. It is my duty to determine the scheme in accordance with the development plan unless material considerations indicate otherwise. However, where there is inconsistency between the LP and the exceptions identified in paragraph 145 of the Framework, the Framework attracts more weight.
10. There is disagreement between the parties as to whether the appeal site lies within the village of Waltham St Lawrence. On the LP Proposal Map, the appeal site lies outside of the defined settlement boundary of Waltham St Lawrence. Therefore, on the face of it, the scheme would be contrary to Policy GB3 of the LP. However, Policy QP5 of the Emerging Borough Local Plan states that proposals will be considered appropriate where they are consistent with the exceptions listed in national planning policy. With regards to limited infilling, the Policy identifies that development can be appropriate beyond identified settlement boundaries, where it can be shown the site falls within the village envelope. Recent caselaw also acknowledges that other factors are relevant to whether a site is within a village.
11. It is clear that there is a distinct historic focus to the Village, which is centred around St. Lawrence Church, Neville Hall and the Bell Inn, approximately 400m

from the appeal site. However, over time, the settlement has developed in a ribbon pattern along Milley Road, towards Milley Bridge, although it is not a continuous line of development on both sides of the road. In the vicinity of the appeal site, the development is focused mainly to the south. The signs to welcome travellers to the Village and a reduction in the speed limit to 30mph are located on the northern side of Milley Bridge. There are no footways on either side of the road, however this is not uncommon as there is little in the way of footways elsewhere in the Village.

12. For the above reasons, notwithstanding the settlement boundary as shown on the LP Proposal Map, the area around the appeal site has a feeling of connectivity with the Village and I therefore consider that the appeal site does form part of the Village.
13. This however does not necessarily mean that the proposal meets the exception criteria identified in paragraph 145 (e) of the Framework. There is still a requirement to identify whether the proposal would amount to limited infilling within the village.
14. The Framework does not provide any definition of limited infilling. I have been referred to the approach taken by previous Inspectors where the description contained within the supporting text to Policy GB3 of the LP has been used. Having reviewed these decisions, it would appear reasonable to adopt a similar approach. The supporting text to the Policy identifies limited infill as being the closing of an existing small gap, in an otherwise built up frontage.
15. Whilst there are other dwellings along this part of Milley Road, they are predominately focused into a ribbon of relatively dense and continuous development along its southern side. Properties are set within a range of plot sizes, with the majority being positioned close to the road. By contrast, development on the northern side, in the vicinity of the appeal site, is relatively sporadic, with dwellings set back from the road in large plots. Consequently, properties are set some distance apart. As such, the gap between the proposed dwelling and the nearest dwellings at Beaully House and those under construction on the former Milley Nursery is considerable. For these reasons, the low-density pattern of development on the northern side of Milley Road does not amount to a built-up frontage, and the gap between the existing houses could not be considered to be small. Therefore, the proposal would not meet the criteria in paragraph 145 (e) of the Framework.
16. It has not been put to me that the proposed dwelling would not be inappropriate development in the Green Belt for any other reason and I have found no reason to believe that it would. Therefore, when assessed against relevant sections of the Framework and the adopted policies in the LP, the proposed dwelling would represent inappropriate development within the Green Belt.
17. With regards to the proposed stables, Paragraph 145 (b) of the Framework identifies that the erection of sport and outdoor recreation facilities, would not constitute inappropriate development, so long as they preserve the openness of the Green Belt and do not conflict with purposes of including land within it.

Openness

18. The appeal site is currently an area of open land and is screened from the road by mature landscaping. Whilst a new opening providing a new vehicular access would be created within this hedgerow, the majority of this landscaping would remain. I note that the current access would be closed and new landscaping planted across this opening. The presence of the established hedgerow would screen the site from the majority of public viewpoints, nevertheless, some elements of the proposed development would be visible, in particular from the new access point and above the hedge from nearby properties.
19. 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 proposal would therefore have a greater impact on the openness of the Green Belt when compared with the existing situation.

Green Belt balance

20. The Framework advises that substantial weight should be given to any harm to the Green Belt. When assessed against the Framework and the relevant development plan policies, the proposal is inappropriate development within the Green Belt and would require very special circumstances to justify the harm caused by inappropriateness. Harm would also be caused to the openness of the Green Belt albeit that there would be a small reduction. No very special circumstances have been put to me to justify the development.
21. Therefore, the proposal would amount to inappropriate development in the Green Belt and cause harm to the openness. It would therefore be contrary to Policies GB1, GB2 and GB3 of the LP and Section 13 of the Framework that, amongst other matters, share a common objective of protecting the Green Belt from inappropriate development.
22. It is acknowledged that the Council, at this moment in time, are unable to demonstrate a 5 year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.
23. Paragraph 11 of the Framework states that where relevant policies are out of date, permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 of the Framework specifies that Green Belt is included within such protected areas. As I have already found that the Framework policy relating to Green Belt in paragraph 143 indicates that development is inappropriate, such that, notwithstanding the current absence of a Framework compliant supply of housing land, the so-called tilted balance does not apply in this case.

Other Matters

24. I note the comments in relation to the size of the proposed plot and the dwelling when compared with Beaulay House, and the submission that this lends support to the proposal. My attention has also been drawn to an appeal decision within the Greater Manchester Green Belt, although I have not been provided with the decision letter. Whilst the size of the proposed dwelling and plot may be comparable to that of Beaulay House, as can be seen from my

conclusion on the main issues, I find the definition of limited infilling as identified in Policy GB3 to be clear. With regards to that other appeal decision I am not familiar with the circumstances of the case and in any event, I am required to determine this appeal on its individual merits.

Conclusion

25. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR