
Appeal Decision

Site visit made on 29 September 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/R0335/D/20/3255108

47 Kingswood, Ascot SL5 8AN

- 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 Joanne Stapleton against the decision of Bracknell Forest Borough Council.
 - The application 20/00143/FUL, dated 22 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is to construct a wooden summer house in rear garden.
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Decision

1. The appeal is allowed and planning permission granted for a wooden summer house in the rear garden of 47 Kingswood, Ascot SL5 8AN in accordance with the terms of the application 20/00143/FUL, dated 22 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, block/site plan, floor plan & elevations CL.20.003.01.

Main Issues

2. The main issues are a) whether the proposal is inappropriate development in the Green Belt, b) its effect on openness, and c) if inappropriate whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal property forms part of a new residential estate being built on previously developed land. The site lies within part of the estate that has been completed and occupied. A later phase of the estate is still under construction.
4. The site lies within the Green Belt. Policy GB1 of the Bracknell Forest Borough Local Plan 2002 states that approval will not be given, except in very special circumstances, for any new building unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems and is for, amongst other criteria, the construction of domestic outbuildings incidental to the enjoyment of an existing dwelling.

5. The proposed summer house would be a modest structure in relation to its host building, is of traditional design, and would have little if any effect on the character of the new estate because of its siting in the rear garden. It would have no material effect on road safety or traffic generation and would be incidental to the use of the existing dwelling. It would therefore comply fully with Policy GB1.
6. The National Planning Policy Framework 2019 post-dates adoption of the Bracknell Forest Borough Local Plan 2002. It sets out current Government policy on the Green Belt, which does not refer to domestic outbuildings in the same way as Policy GB1. However, it does provide for the construction of buildings as exceptions to the general presumption against development in the Green Belt in certain circumstances, one of which is the limited infilling or the partial or complete redevelopment of previously developed land so long as it would not have a greater impact on the openness of the Green Belt.
7. The new housing estate is being built on previously developed land. The proposed summer house, because of its modest size and position in the rear garden would have no appreciably greater additional impact on the openness of the Green Belt than the surrounding estate, particularly once it has been fully completed, compared to the previous developed form on the site.
8. I conclude that the proposed development would comply with Policy GB1 of the Bracknell Forest Borough Local Plan 2002 and Policy CS9 of the Bracknell Forest Core Strategy Development Plan Document for the reasons given above. It would also comply with the National Planning Policy Framework as being not inappropriate development in the Green Belt because it would constitute limited infilling or partial redevelopment of previously developed land and have no greater impact on the openness of the Green Belt. Since the development is compliant with local and national Green Belt policy, there is no need for me to consider whether very special circumstances exist.

Conditions

9. In addition to the standard time limit condition, I have imposed a condition listing the approved plans in the interests of certainty. I have not imposed a condition limiting the use of the summer house as it is implicit within the application that its use would be for purposes incidental to the residential use of the house and therefore a condition stating that is unnecessary. A material change of use to a purpose not incidental to the house is likely to require planning permission, over which the Council would have control.

Conclusion

10. I conclude that the appeal is allowed.

Guy Davies

INSPECTOR