



Appeal Decision

Hearing Held on 1 December 2020

Site visit made on 4 December 2020

by H Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/T0355/W/20/3248423

**Riders Country House Hotel, Bath Road, Littlewick Green, Maidenhead
SL6 3QR**

- 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 Windsor Clinical & Home Care Services Group Ltd against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01144, dated 25 April 2019, was refused by notice dated 9 January 2020.
 - The development is change of use from C1 (Hotel) to C2 (Residential Care Home), together with associated parking, landscaping, provision of amenity space and a rear porch extension.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from C1 (Hotel) to C2 (Residential Care Home), together with associated parking, landscaping, provision of amenity space and a rear porch extension at Riders Country House Hotel, Bath Road, Littlewick Green, Maidenhead SL6 3QR in accordance with the terms of the application Ref 19/01144, dated 25 April 2019, subject to the conditions in the Schedule at the end of this decision letter.

Application for costs

2. An application for costs was made by Windsor Clinical & Home Care Services Group Ltd against Council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Preliminary and procedural matters

3. The development plan comprises The Royal Borough of Windsor and Maidenhead Local Plan, adopted 2003 (LP) and the Hurley and Walthams Neighbourhood Plan 2015 - 2030, made 2017 (NP). The emerging Borough Local Plan Submission Version 2019 (BLP) is currently being examined. Whilst the BLP is a material consideration, the policies within it have not been adopted and currently carry limited weight.
4. A revised plan (Proposed Ground and First Floor Plan I1506 002 Rev M) was received during the event and contained an amendment of such a minor nature, I am satisfied no parties' interests would be prejudiced by my taking it into account. During my site visit I saw that the rear porch extension has been constructed and the internal configuration completed as shown on the Existing

and Proposed Elevations Plan, accordingly, I have removed 'proposed' from description of development.

Main Issues

5. Based on the Council's reasons for refusal and other matters raised by interested parties, I consider the main issues in this appeal are:
- Whether the appeal site offers a suitable location for a residential care home, having regard to highway safety, the principles of sustainable development and the living conditions of future residents;
 - Whether the proposal would be inappropriate development in the Green Belt and the effect on openness of the Green Belt; and,
 - The effect of the proposal on the character and appearance of the Littlewick Green Conservation Area (CA).

Reasons

The location

6. The appeal site fronts the A4 Bath Road (the A4) on the northern periphery of Littlewick Green and the CA, which is washed over by the Metropolitan Green Belt. The appeal building is a former hotel, of two storeys, in painted brick under a tile roof, set back from the A4 by surface car-parking.
7. The appeal scheme involves the change of use of the former 20-bedroom hotel to an 18-bed residential care home. In addition to a rear entrance porch that has already been constructed, it is proposed to create a secure outdoor amenity space and space for parking nine cars at the rearmost portion of the site. The front of the site would be kept for vehicle parking with supplementary soft landscaping planted.
8. During the VH, the Council confirmed that there would be no negative impact on highway safety. The A4 is indisputably a busy road. However, the appeal scheme proposes change of use of an existing building that the Bellamy Roberts Transport Statement (the TS) persuasively indicates would result in a significant overall reduction in journeys to and from the appeal site by private vehicle compared with the former hotel use. Even operating under its previous more intensive use, there have been no personal injury accidents in the vicinity of the appeal site in the most recent 5-year period.
9. The appeal scheme would provide sufficient on-site parking, in accordance with current adopted standards, along with ample space for vehicles to turn within the site and two points of access/egress. Fencing the proposed amenity space and main entrance would, in my judgement, minimise potential conflict between pedestrians and vehicles on the site. Furthermore, a condition controlling staff parking would minimise the possibility of vehicles meeting along the side driveway or reversing into the front parking area.
10. Although the appeal site is situated in a wider rural area, and not well served by public transport, it is neither expressly isolated nor wholly remote from services and facilities. Indeed, the site is within cycling distance from Maidenhead; is very close to a bus stop, albeit with limited services; and in easy, level and safe walking distance of the Church, public houses and green spaces of Littlewick Green. The A4 is quite patently not a rural road, and this route would carry the majority of employee, visitor and delivery vehicle journeys.

11. The future residents of the care home would be in need of nursing or personal care, and not capable of driving or walking off-site unattended. Their day-to-day needs, including all meals, medical and nursing care, laundry services and social activities would have to be met in-house. Taking the specific use proposed in this case into consideration, the future occupiers would not, in my judgement, become isolated, and their social, essential or mental-health needs would be all satisfactorily provided for.
12. During my site visit I was able to see that each future resident's room would be of a good size, offer natural light and an en-suite wet-room. Within the wider site future occupiers would be offered a range of communal sitting and dining spaces, and, subject to the proposed landscaping scheme, an attractive and safe external area. Therefore, the development and change of use would create a well-designed place that would function well and provide adequate living conditions for future residents.
13. With all of the above in mind, it is difficult to envisage how the proposal would impact on local rural roads, compromising the safety of either future residents or highway users. I consider that the appeal site would offer an accessible and sustainable location for the proposed use and would not harm future or neighbouring occupiers' living conditions. Overall, the development would be in conformity with Policy P4 of the LP, Policy T1 of the NP, and paragraphs 84 , 109 and section 9 of the Framework, which require development proposals demonstrate safe and suitable access; car parking be in accordance with the adopted standards; and only prevent or refuse development on highways if there would be unacceptable impact on highway safety.

Green Belt

14. The appeal scheme involves the re-use of a building that is of permanent and substantial construction. As such, the scheme qualifies as one of the forms of development listed under paragraph 146 of the Framework as being not inappropriate in the Green Belt. The open-sided porch that has been constructed to the rear of the building is a low-key and modest addition that has not resulted in a disproportionate addition over and above the size of the original building. Consequently, the construction of the porch is an exception to the new buildings considered inappropriate in the Green Belt within paragraph 145 of the Framework.
15. The landscaping and fencing proposed would alter the appearance of the site to some extent. However, there would be a reduction in the extant amount of hard-standing, and its replacement with garden space devoted to outside enjoyment. The potting shed would replace an extant shed and would not be materially larger. Taking all of this into account, the appeal scheme would not be inappropriate development in the Green Belt and would not have a greater impact on its openness. The development therefore accords with the Policy GB1 and GB2 of the LP, as well as the Framework, insofar as they allow for the change of use of buildings that would not have a greater impact on the openness of the Green Belt or the purposes of including land within it.

Littlewick Green CA

16. The matter of the CA has been raised by interested parties and I am mindful of the statutory duties in respect of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act (the Act). The CA designation focuses primarily on the V-shaped central green and the buildings of historic and townscape interest

that have evolved with it and which, together with the rurality of the small settlement, underpins the special interest of the CA. The appeal site is located on the northern boundary of the CA, marked by the A4, and is identified within the ¹ Littlewick Green Conservation Area Appraisal, May 2008 as an Important Non-Listed Building. Insofar as the appeal building is reflective of the local vernacular in scale and materials and contributes positively to the built evolution of Littlewick Green, the appeal building makes a positive contribution to the character and appearance of the CA as a whole.

17. The appeal building would remain and enduringly contribute to the townscape and historic interest of the CA. The extent of hard-surfaced carparking at the front of the building would be broken up by soft landscaping, which would contribute to a small but beneficial enhancement to the site itself and to the CA as a whole, being sympathetic to local character. I therefore find that the appeal scheme would be in accordance with Section 72(1) of the Act, LP Policy CA2, NP Policies Gen 2 and Env 1, as well as the Framework.

Other considerations and planning balance

18. There is no compelling evidence to suggest the appeal scheme would result in unacceptable noise or disturbance to the detriment of neighbours' living conditions.
19. The application of policies within the Framework that protect assets of particular importance, including land designated as Green Belt and Conservation Areas, has not provided a clear reason for refusing the appeal scheme. It is not a matter in dispute that the policies most important for determining the appeal are out of date; on this basis, the 'tilted balance' must be applied. This weighs heavily in favour of granting planning permission.
20. NP Policy Gen 4 seeks to resist the loss of existing employment or businesses uses, of which there is no definition in the NP or the Framework. Hotels are not included within the definition of Business Use within the LP Glossary. I have no substantive evidence regarding the viability of the previous hotel use, which I understand has been closed for some time due to a lack of demand. Pragmatically, the previous use had ceased to offer employment opportunities whereas the appeal scheme would generate 20 full-time jobs. The Council cannot demonstrate a five-year supply of deliverable housing sites, which reduces the weight that can be attributed to NP Policy Gen 4 to a moderate level. Even if there would be some conflict with NP Policy Gen 4, the proposal would otherwise conform with the development plan read as a whole and would re-use previously developed land and contribute to meeting a proven need for care home provision that, in turn, would make a small but beneficial contribution to housing supply.

Conditions

21. I have considered the various suggested conditions, and those discussed during the Hearing, in respect of the advice given in the Framework and Planning Practice Guidance. I have attached conditions setting out the approved plans as these create certainty. Conditions requiring further landscaping and fenestration details are necessary to ensure that the appearance of the development is satisfactory and preserves the character and appearance of the CA. Conditions relating to implementation of parking, sustainability measures, refuse and cycle storage are necessary to ensure the development is satisfactory in respect of highway safety, refuse, and sustainability. While there may be examples of appeal decisions where age-restricted conditions have been applied, I consider

condition limiting occupation to persons in need of nursing of personal care and preventing use of the appeal site other than for a care home would ensure the proposal would not impact on neighbours' living conditions and are reasonable.

Conclusion

22. On balance, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. Having considered all other matters raised, including the extent of local opposition, I conclude that the appeal should be allowed.

H Porter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sasha White QC, Landmark Chambers
Douglas Bond BA (Hons) MRTPI, Planning Consultant
Graham Bellamy BSC CEng MICE, Highway Transportation and Infrastructure Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Dariusz Kusyk BA BEng Msc, Senior Planning Officer
Tony Franklin BA(Hons) MRTPI, Team Manager

INTERESTED PERSONS:

Mark Harris, Freeths LLP, on behalf of local residents
Jane Durgan, local resident

DOCUMENTS

- 1 Proposed Ground and First Floor Plan L1506 002 Rev. M
- 2 RBWM LDF Planning for an Ageing Population Supplementary Planning Document, September 2010

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed Ground and First Floor Plan I1506 002 Rev M; Existing and Proposed Site Plan I1506 901 Rev J; Existing and Proposed Elevations I506 003 Rev A; Street Scene Elevation I1506 901; Existing Floor Plans I506 001 Rev C.
- 2) Notwithstanding Condition 1, prior to the installation or the replacement of any external doors or windows, annotated plans at a scale of 1:20 and that including details of materials and finish, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 3) Notwithstanding plan ref: I1506 901 Rev J, and before the development is brought into use, details of the hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) elevations and materials of any means of enclosure, fences, gates or retaining walls;
 - ii) soft landscaping and tree planting;
 - iii) designated staff parking areas;
 - iv) hard surfacing materials;
 - v) elevations and materials of secure cycle storage structures;
 - vi) elevations and materials of refuse bin and recycling storage structures;
 - vii) elevations and materials pergolas or other fixed garden structures;
 - viii) external lighting, floodlighting and CCTV.

Development shall be carried out in accordance with the approved details.

- 4) Before the development is brought into use, a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 5) Before the development is brought into use, a scheme of sustainability measures including details of any renewable energy installations shall be submitted to and approved in writing by the local planning authority. The scheme of sustainability measures shall be carried out as approved.
- 6) Before the development is brought into use, space shall have been laid out within the site for the parking of 18 vehicles, which shall include designated bays for ambulance, disabled and staff parking. Those parking spaces shall thereafter be kept available at all times for those purposes.
- 7) Before the development is brought into use, covered and secure storage for 10 bicycles shall have been provided within the site and that space shall thereafter be kept available for the parking of bicycles.
- 8) Before the development is brought into use, refuse bin and recycling storage shall have been provided within the site and that space shall thereafter be kept available for refuse bin and recycling storage.
- 9) The C2 residential care home hereby permitted shall be occupied only by persons who require nursing or personal care.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Use Classes C2 shall take place on the appeal site unless expressly authorised by the grant of planning permission.