



Appeal Decision

Site Visit made on 2 March 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/R0335/W/20/3259307

**Scotlands House, Forest Road, Newell Green, Warfield, BRACKNELL
RG42 6AJ**

- 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 Beaulieu Homes Southern Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 19/00888/FUL, dated 15 August 2019, was refused by notice dated 30 July 2020.
 - The development proposed is new access road, 15 dwellings, car parking, amenity space and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council is preparing a new Local Plan for Bracknell Forest, but as this is at an early stage it attracts limited weight.
3. The emerging Warfield Neighbourhood Plan is also at an early stage and attracts limited weight.

Main Issues

4. The main issues are:
 - a) The effect of the proposal on the character and appearance of the area,
 - b) The effect of the proposal on biodiversity,
 - c) Whether the proposal makes adequate provision for affordable housing,
 - d) Whether the proposal makes adequate provision for open space and community facilities, and
 - e) The effect of the proposal on highway safety, with particular regard to the proposed parking provision and layout.

Reasons

Character and appearance

5. The appeal site is located at the edge of the small Victorian Hamlet of Newell Green, which is covered by the Bracknell Forest Character Area Assessments Supplementary Planning Document 2010 (CAA). It is a largely linear settlement, with dwellings mainly arranged to the southwest side of Forest

Road and Warfield Street, with a further detached string of development along Osborne Lane. As per the CAA, the settlement has strong visual and physical links with the surrounding countryside, which extend right into the heart of the small hamlet and give it a distinctly rural character. The main road to the south of the site serves as a boundary between densely developed areas to the south towards the edge of Bracknell, and the area to the north which is dominated by open countryside with more isolated and sporadic development, largely linear in nature.

6. Scotlands Farm to the north comprises a significant number of buildings, however these are not overly prominent from the appeal site and its environs as they are separated by vegetation along the alignment of The Cut. Furthermore, as a farmstead these buildings relate to the character of the open countryside and face away from the hamlet. I am therefore not satisfied that they give the appeal site a developed context.
7. The appeal site is part of an open swathe of land between The Cut, Osborne Lane and Forest Road; an area that is referred to in the CAA. It comprises two linked parcels of land accessed from Forest Road. The smaller parcel abuts the road. It forms part of the large garden to Scotlands House and is enclosed by substantial trees and hedges to its boundaries. The second larger part is behind existing linear development fronting Forest Road. It is also bound by mature trees and hedges and is used as a camping field. It abuts the Memorial Ground along its eastern boundary and is connected to this open space by a footpath that runs across this part of the site.
8. The development of the smaller parcel of the site, within the garden area of Scotlands House, would extend built frontage along this side of the road, and open up the site owing to the removal of trees. I accept that the trees along the boundary are of limited quality as individual specimens, however as a group they make a contribution to the character of the area and serve to define the developed edge of the settlement. Indeed, the enclosure provided by this hedgerow is highlighted in the CAA. From the road this part of the site, although garden and with development to three sides, currently reads as undeveloped rural land akin to the appearance of the adjacent field to the west.
9. From the southeast the road alignment gives good views towards this smaller part of the site, highlighted as a key view in the CAA. From this perspective the two pairs of dwellings would be prominent. Their modest plots and tight spacing, as well as their orientation perpendicular to the road would be quite different to the more generously spaced plots in the area, where dwellings are sited to face the road. This element of the proposal would have a harmful urbanising effect on the character and appearance of the area, in an area where the surrounding countryside extends right into the heart of the small hamlet.
10. The development of the larger area of the site in place of the existing campsite would not be visible from the road. However, its density, combined with the extent of hard surfacing and overall suburban layout would urbanise a significant proportion of the existing open field. It would dissect the open swathe of undeveloped land that extends into the heart of the hamlet and would be in a backland position, contrary to the prevailing character of linear development this side of the road.

11. The outlook from the Memorial Ground is open towards the appeal site, where the undeveloped appearance of the site can be glimpsed through existing trees. This gives the Memorial Ground a strong connection with the surrounding open countryside and is reflected in the CAA. Although the plans show that planting along the shared boundary would be enhanced, the two dwellings nearest to this boundary would be easily viewed through vegetation gaps and during the winter when the trees are not in leaf. Furthermore, unlike views of modest linear development along Osborne Lane, the depth of development at the appeal site would be visible from the Memorial Ground, where its density and suburban form would be contrary to the prevailing character of the area.
12. The Council referred to Saved Policies EN8 and H5 of the Bracknell Forest Borough Local Plan 2002 (BFBLP) and Policy CS9 of the Core Strategy Development Plan Document 2008 (CSDPD) in its first refusal reason. I have considered all the information before me with regard to whether I should attribute full weight to these Policies.
13. The National Planning Policy Framework (the Framework) states that Policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. It goes on to say that due weight should be given to them according to their degree of consistency with the Framework. Policy CS9 and EN8 both refer to protecting the countryside for its own sake, which is an aim not reflected in the Framework. However, both Policies seek to restrict development that would adversely affect the character, appearance, or function of the land. In this respect both Policies accord with paragraph 127 of the Framework. I am therefore satisfied that these Policies hold some consistency with the Framework and attract a moderate level of weight.
14. Policy H5 is however more restrictive by requiring proposals for new dwellings to satisfy all the criteria listed in the Policy. The first of these includes a list of acceptable uses as set out in Policy EN8. Such a restrictive approach is not reflected in the Framework. However, the other two criteria refer to matters of character and appearance, landscape, neighbouring land uses, environmental damage and highway safety, which are all matters consistent with the Framework. Therefore, I find that this Policy attracts some weight, although it is limited for the reasons set out above.
15. In summary, I find that the proposal would cause significant harm to the character and appearance of the area. It would be contrary to Saved Policies EN1, EN8, EN20 and H5 of the BFBLP, Policies CS1, CS2, CS9 and CS7 of the CSDPD and paragraphs 127 and 170 of the Framework. Together these seek to ensure that development proposals are directed to sites within defined settlements, are in sympathy with local character and appearance, do not result in the destruction of trees and hedgerows important to local character, protect and enhance the character and quality of local landscapes and respect local patterns of development.
16. The proposal would also be contrary to the aims of the Bracknell Forest Borough Landscape Character Assessment 2015, which seeks to protect the rural character of villages through ensuring that new development is appropriate and successfully integrates with the landscape.

Biodiversity

17. Paragraph 170 of the Framework states that the planning system should contribute to and enhance the natural environment by providing net gains in biodiversity. The Planning Practice Guidance defines such net gains as measurable improvements for biodiversity by creating or enhancing habitats in association with development¹. Gains put forward in the Ecological Impact Assessment (EIA) include the installation of bird and bat boxes and use of flowering plants and shrubs, however this assessment does not clearly quantify losses and gains so that an overall net gain can be clearly established.
18. The site includes a traditional orchard within the garden of Scotlands House. The proposal would see part of the orchard removed, and remaining trees divided up into rear gardens. The plans show that boundary divisions between garden areas would cut through tree root protection areas. The EIA does not address the ecological impact of losing part of the orchard or dividing it up between small areas of garden. Furthermore, it does not acknowledge the potential biodiversity value of defects found in the trees.
19. The Council suggest that the proposal should achieve a 10% net gain in biodiversity. Whilst this specific requirement is set out in the 2019 Environment Bill, and this is a material consideration, the Bill is not yet law and therefore its weight is limited. I attach greater weight to relevant development plan policies. Policy CS1 of the CSDPD establishes that development will be permitted which protects and enhances the quality of natural resources including biodiversity, and Policy CS7 of the CSDPD establishes the need to promote biodiversity. In combination with the Framework it is clear that the proposal needs to achieve an overall biodiversity gain for it to be acceptable.
20. In summary, given the considerable doubt set out above regarding the impact on the existing orchard, I cannot be satisfied that the proposal would secure an overall biodiversity net gain. The proposal would therefore be contrary to Saved Policy EN1 of the BFBLP, Policies CS1 and CS7 of the CSDPD and paragraph 170 of the Framework, which establish that development proposals should secure a biodiversity net gain.

Affordable housing

21. The proposal would fall above the threshold for affordable housing. The application proposes 4 units of social rented accommodation to be included on site. The Council is satisfied with this provision. However, the submitted Unilateral Undertaking is undated, unsigned and without the necessary site plan or block plan. The Unilateral Undertaking is therefore incomplete and cannot be given any weight. Without this the delivery of these units as social rented accommodation cannot be secured.
22. In summary, the proposal would fail to make adequate provision to deliver affordable housing, contrary to Saved Policy H8 of the BFBLP, Policies CS16 and CS17 of the CSDPD and the Planning Obligations Supplementary Planning Document 2015 (POSPD), which together set out the Council's requirement for affordable housing.

¹ Paragraph 022, Reference ID: 8-022-20190721

Open space and community facilities

23. The proposal would include a sizeable area of passive open space which dwellings would front onto and would be of value to future occupants. However, the proposal lacks active open space. Both are required by Saved Policy R4 of the BFBLP and Policy CS8 of the CSDPD. In the absence of provision of open space on site the Council seeks off site contributions.
24. The proposal would result in an increase in population, which is likely to increase demand for community facilities. The Council considers it necessary to secure further contributions towards improvements to nearby community facilities.
25. Contributions towards open space and community facilities are set out in the submitted Unilateral Undertaking. However, for the reasons above I cannot give this document any weight. As such, these necessary contributions cannot be secured.
26. In summary, the proposal would fail to make adequate provision to deliver active open space of public value and community facilities, contrary to Saved Policy R4 of the BFBLP, Policies CS6 and CS8 of the CSDPD and the POSPD, which together set out the Council's requirement for open space and community facilities.

Highway safety

27. Each of the proposed dwellings would have dedicated parking, including a garage or car port. Plots 6, 9, 10, 11 and 12 would have four bedrooms, with two parking spaces. This falls below the requirement of the Parking Standards Supplementary Planning Document (PSSPD). Additional parked cars at these plots, which would be likely given the size of these dwellings, would lead to parking spilling out onto adjacent areas, with the potential for such additional parking to make it difficult to safely manoeuvre cars into adjacent parking spaces.
28. Although the Council has expressed concern about the potential for additional parking at other plots to spill out onto adjacent areas, provision at these plots accords with the PSSPD. Submitted drawings that show swept path analysis demonstrate that manoeuvrability into and out of each plot can be safely achieved. Furthermore, there are other mechanisms to address poor parking on public land and it is not entirely possible to design out indiscriminate parking. I am not satisfied that the proposed layout would exacerbate such issues or increase risk to users of the re-directed public right of way.
29. In summary, the parking provision at the site would be inadequate, which would have a harmful effect on highway safety. It would not accord with Saved Policy EN20 of the BFBLP, Policy CS7 of the CSDPD and the PSSPD, which together seek to ensure that development proposals are well designed, including matters of layout, with appropriate parking provision.

Planning Balance and Conclusion

30. In support of the proposal the appellant has highlighted the local shortfall in affordable housing, and suggested that some dwellings could be procured through a help to buy scheme. However, the ability of the proposal to deliver affordable housing that accords with the Council's POSPD is limited without the

necessary completed legal agreement. This matter therefore carries limited weight.

31. The proposal would however deliver 15 dwellings, with associated economic and social benefits including employment generation during the construction process. These are significant benefits that carry considerable weight. However, these benefits are not sufficient to outweigh the significant harm to the character and appearance of the area; the failure to clearly deliver a net gain to biodiversity; the failure to deliver affordable housing, contributions to open space and community facilities; and the harmful effect on highway safety. For these reasons, the proposal would conflict with the development plan as a whole.
32. With reference to paragraph 11 (d) of the Framework I have found that Policies EN8 and H5 of the BFBLP and Policy CS9 of the CSDPD are not wholly consistent with the Framework. However, these three Policies still hold some consistency with the Framework, as established above, and I am therefore not satisfied that they should be considered out-of-date. Furthermore, I am of the view that Saved Policies EN1 and EN20 of the BFBLP and Policy CS7 of the CSDPD, which relate to matters of design, character and appearance, are the most important for determining the appeal as I consider the effect of the proposal on the character and appearance of the area to be the principle main issue.
33. Policy EN1 regarding the protection of trees and hedgerows is consistent with paragraph 170 of the Framework and therefore attracts full weight. Policy EN20 and CS7 seek a high standard of design, having regard to local character and appearance, and are consistent with part 12 of the Framework and therefore attract full weight. I therefore find that the Policies most important for determining the application are not out-of-date. As such, paragraph 11 (d) of the Framework is not engaged.
34. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR