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## Appeal Decision

Site visit made on 10 March 2021

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 June 2021**

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**Appeal Ref: APP/R0335/W/20/3261893**

**Bewes Stud, Prince Albert Drive, Ascot SL5 8AQ**

- 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 Mrs Ann Purcell against the decision of Bracknell Forest Borough Council.
  - The application Ref 19/00618/FUL, dated 3 July 2019, was refused by notice dated 11 September 2020.
  - The development proposed is use of land for the provision of 5 residential park homes following demolition of existing buildings and menage.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mrs Ann Purcell against Bracknell Forest Borough Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The appellant has provided an amended site boundary plan. As this reduces the site area and does not alter the extent and nature of the proposed development, I have accepted this amended plan and I do not think that the interests of any party have been prejudiced by my having done so.
4. Although the planning application originally proposed 5 residential park homes, during the planning application process this was amended to 4 residential park homes. I have proceeded on this basis.
5. The Council's decision refers to Saved Policy EN8 of the Bracknell Forest Borough Local Plan, January 2002 ('BFBLP'). However, as the full details of this Policy are not before me it does not influence my findings on the main issues.

### Main Issues

6. The main issues are:
  - i) Whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework ('the Framework') and development plan policy.
  - ii) The effect of the proposal on the integrity of the Thames Basin Heaths Special Protection Area ('SPA').

- iii) If the proposal would be inappropriate development 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 it.

## **Reasons**

### *Inappropriate development*

7. The appeal site is a plot of land, in part, occupied by buildings and a manege, which has an equestrian and residential use and is located along Prince Albert Drive. Development along here mainly comprises detached dwellings in substantial plots in a woodland setting. The appeal site also incorporates a number of established trees which are protected by a Tree Preservation Order.
8. The location of the site is on land outside of a defined settlement and within the Green Belt, as shown on the Bracknell Forest Borough Policies Map (2013).
9. Policy CS9 of the Core Strategy Development Plan Document, adopted February 2008 ('CS') and Saved Policy GB1 of the BFBLP set out a presumption against inappropriate development in the Green Belt. Policy GB1 of BFBLP sets out some exceptions to this, including other uses of land which preserve the openness of the Green Belt. The aims of these Policies are broadly consistent with the Green Belt provisions of the Framework.
10. Saved Policy GB2 of the BFBLP specifically relates to changes of use of land within the Green Belt and contains a list of uses which would be acceptable. Because this Policy is more prescriptive than the Framework about the types of changes of use which can be supported in the Green Belt it is afforded limited weight.
11. Similar to Policy GB1 of the BFBLP, the Framework identifies certain forms of development which are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This includes under paragraph 146 e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
12. The proposal is for the material change of use of land for the stationing of 4 residential park homes and therefore falls to be considered under Paragraph 146 e) of the Framework.
13. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Whether or not a proposal preserves the openness of the Green belt is based on a comparison between the development as it exists and what is proposed. It does not include the 'fallback' position of an unimplemented planning permission for a new dwelling and detached garage. I shall though return to this under 'Other Considerations' below.
14. The site is served by a gated access, the first building located off this is a barn which incorporates a residential unit, the remainder of this building is partly open and used for storage. Further along is the second building which comprises a stable block. These buildings are located to the south and west of the manege, respectively. The manege is enclosed by a low and open design of fencing, which allows views along it. There are also areas of hard standing that are open and support a limited degree of storage and parking.

15. Moreover, because the site is largely enclosed by woodland and not readily visible from public vantage points, its effect on the visual and spatial openness of the Green Belt is largely appreciable in views from within the site. In such views, the massing and arrangement of development rather than its height have a greater effect on openness. Therefore, although this previously developed site already has some impact on the openness of the Green Belt, due to the spread of the built development and juxtaposition of this to the generally open areas (the manege and hard standing) there is some permeability through the site which provides a degree of spatial and visual openness.
16. To facilitate the proposal the existing buildings are to be demolished and the areas of hard standing would also be removed, along with the manege. On the information before me, the maximum heights of the proposed park homes would be slightly lower than the existing buildings. The overall footprint and volume associated with the 4 park homes would also be less than the existing built development at the site. The proposed development would also be pulled away from the northern boundary of the site to create a landscape buffer.
17. However, based on the appellant's submissions, the proposed park homes would have an appreciable scale and apparent permanency. Furthermore, these would be arranged close to each other in a linear form, contiguous with the southern boundary of the site, and adjacent to the extended access road.
18. The proposal would also result in the subdivision of part of the site through a combination of soft and hard boundary treatments to create 4 separate plots. The boundary treatments would provide further enclosure and containment of the development. The new plots would be of an appreciable depth relative to the site and would also support a degree of residential paraphernalia along with vehicle parking. An additional visitor parking space and a communal bin store are also proposed.
19. Cumulatively, the proposed and more ordered layout would result in a consolidated spatial footprint of new development centrally within the site, which would also extend towards the site's western boundary, beyond the existing development. This extent of development and the massing associated with it would also have a strong visual presence which would reduce permeability through the site. Consequently, the proposal would erode the spatial and visual openness of the site when compared to the existing situation. Accordingly, the openness of the Green Belt would not be preserved.
20. Notwithstanding that the site is previously developed land, given its countryside location and due to the extent of its overall spatial footprint, the proposal would conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.
21. The main parties have referred to the exception under Paragraph 145 g) of the Framework. This exception relates to the construction of new buildings, whereas the proposal before me is for a change of use. As such, this is not relevant to the proposal.
22. For the above reasons, the proposal is not supported under the exception of paragraph 146 e) of the Framework and therefore constitutes inappropriate development in the Green Belt.

### *Thames Basin Heaths SPA*

23. The appeal site is located about 2.8 km from the boundary of the Thames Basin Heath SPA. The SPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar, and Dartford warbler.
24. Research conducted by Natural England ('NE') has indicated that the existing level of recreational pressure is having a detrimental effect on species of birds for which the SPA was designated. These ground-nesting birds which breed on the SPA are subject to disturbance from people and their pets using the SPA for recreational purposes and this affects their breeding success.
25. The Council, in consultation with NE, consider that the proposal would have, either alone or in combination with other plans and projects, a likely significant effect on this SPA, by reason of the increased recreational pressure which additional residential development place on it.
26. The Thames Basin Heaths SPA Supplementary Planning Document ('SPD') sets out an avoidance and mitigation strategy showing how the adverse effects of development on the integrity of the Thames basin Heaths SPA should be avoided and mitigated. In respect of the proposed development, which would result in a net increase of 3 dwellings located between 400m and 5km of the SPA, the SPD requires financial contributions towards the provision of Suitable Alternative Natural Greenspace ('SANG') and Strategic Access Management and Monitoring ('SAMM') measures.
27. The appellant has provided a completed S106 agreement in order to secure the required financial contributions towards SAMM and SANGs to mitigate the development's effect on the Thames Basin Heaths SPA. NE has also confirmed that the proposed mitigation measures are sufficient. For the above reasons, the obligations set out in the S106 are directly related to the development and reasonably related in scale and kind. As such the S106 passes the tests set out in the Framework and satisfies the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010.
28. Based on the forgoing, I am able to ascertain, as the competent authority undertaking Appropriate Assessment, that whilst the integrity of the Thames Basin Heaths SPA would be affected by the development, this could be overcome with the proposed mitigation.
29. Consequently, I find that the proposal would accord with the aims of Saved Policy EN3 of the BFBLP, Policy CS14 of the CS and Policy NRM6 of the South East Plan. Together, these require that new residential development proposals demonstrate that adequate measures are put in place to mitigate any potential adverse effects on the integrity of the Thames Heath Basin SPA. The proposal would also accord with Conservation of Habitats and Species Regulations 2017 and would be consistent with the SPD.

### *Other considerations*

30. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances. It is stated that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any

other harm resulting from the proposal, is clearly outweighed by other considerations.

31. The appellant is of the opinion that the proposal is not inappropriate development in the Green Belt and therefore no very special circumstances are necessary. Nevertheless, the scheme, if allowed, would provide new dwellings for which there is some local demand. However, given the modest scale of the proposed scheme (3 additional dwellings) this and any benefits associated with it attract limited weight.
32. On the information before me, in the approved 'fallback' scheme, the detached dwelling and garage would be sited broadly in the locations of the footprints of the existing buildings on the site. There would also be appreciable separation between these buildings and open areas about them. Therefore, the approved scheme is significantly different from the proposal before me, which includes subdivision of part of the site and considerable consolidation and massing of development centrally within it. As such, I attach limited weight to the fallback.
33. Although some additional landscaping is proposed, due to the modest scale of this any environmental improvements arising from it accrue limited weight. Subject to the proposed mitigation, the lack of any harm to the integrity of the Thames Heath Basin SPA is a neutral factor in the overall balance.

#### *The Green Belt balance*

34. The proposal would harm the Green Belt by way of inappropriateness and loss of openness and also conflicts with one of the purposes of the Green Belt. The Framework requires substantial weight to be given to any harm to the Green Belt.
35. Having taken account of all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with Policy CS9 of the CS and Saved Policy GB2 of BFBLP and the Green Belt provisions of the Framework.

#### **Conclusion**

36. I have found that the proposed mitigation would overcome any adverse effects of the proposal on the integrity of the Thames Basin Heaths SPA. I have also found that the proposal would harm the Green Belt, for this reason and conflict with the development plan and the Framework, I conclude that the appeal should be dismissed.

*M Aqbal*

INSPECTOR