



Appeal Decision

Site Visit made on 27 July 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Appeal Ref: APP/T0355/W/21/3274303

Little Acre, Land Adjacent to The Furrows, Oakley Green Road, Oakley Green, Windsor SL4 4PZ

- 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 Mr M Shortt against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/02261, dated 1 September 2020, was refused by notice dated 27 November 2020.
 - The development proposed is erection of dwelling following demolition of existing equestrian buildings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. However, Part E of the appeal form indicates that a revised wording of 'construction of a detached two bedroom dwelling with associated refuse storage and parking following the demolition of the existing buildings' was agreed between the appellant and the Council, and I have considered the appeal on this basis.
3. In the period since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal against the revised Framework.
4. Prior to the Council's decision, the appellant submitted amended plans showing changes to the landscaped boundary to the front of the site and to the roof design and materials of the proposed dwelling. I note that the Council had requested revised plans, but it was under no obligation to accept them, and it is clear from its report and Decision Notice that the Council determined the application according to the originally submitted plans.
5. The appellant has requested that I determine the appeal on the basis of the amended dwelling design submitted to the Council, as well as further revised plans included with the appeal submission showing changes to the position of the dwelling within the site and providing additional detail of the proposed landscaping. However, there is no evidence that the amended plans have been subject to consultation, and I cannot be assured that potentially interested parties would be aware of the changes which include alterations to the design

of the dwelling affecting its scale and increasing its height, as well as its position. Taken together, I consider that these amendments would materially change the development, and that interested parties could be disadvantaged if I were to consider the revised proposal. In the interests of fairness and with regard to the Wheatcroft principles¹, I have therefore determined the appeal on the basis of the original application drawings as listed on the Decision Notice.

Main Issues

6. The appeal site is within the Green Belt. Accordingly, the main issues are:
- i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the character and appearance of the area including with regard to its effect on trees and hedgerows; and
 - iii) if the development would be 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 it.

Reasons

Inappropriate Development

7. The appeal site is located at the corner of a paddock on Oakley Green Road and includes a stables building, an 'L-shaped' barn and an area of hardstanding. At the time of my visit, there were a number of vehicles and trailers including a horse box and caravan, as well as other stored materials, present on the site.
8. The appeal proposes removal of the existing buildings and the construction of a single-storey dwelling. The Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, specified exceptions include limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. There is no dispute between the main parties that the appeal site comprises previously developed land, and I see no reason to reach a different view.
9. In considering Green Belt openness, the Planning Practice Guidance (PPG) explains that it has both a spatial and visual dimension. The parties suggest that the dwelling would have a footprint of around 85sqm. Against the combined footprint of around 82sqm for the existing stables and barn, the increase would be small. However, while I note that the dwelling would be of similar height to the highest part of the barn, its roof includes a sloping section and so some of the building is lower. The stables building is lower still with eaves of very modest height to the front. I have not been provided with details of the relative volumes of development, but having regard to the greater height of the dwelling than a significant proportion of the existing buildings and the small increase in footprint, it seems to me that the proposal would result in an uplift in the amount of built form in comparison to that currently existing on the site. I appreciate that the difference would not be large, but this would nevertheless cause some inevitable loss of openness in spatial terms.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

10. Moreover, the existing separation between the stables and barn buildings helps to break up their overall mass, reducing their visual impact. Given their scale and position abutting the boundaries of the site, they are also largely screened in views from Oakley Green Road, and while they are visible from the footpath adjacent to The Furrows, their modest scale and external materials result in a discreet appearance against the backdrop of the boundary vegetation.
11. The proposal would consolidate the built form on the site which in my view would emphasise the bulk and mass of the building. The effect would be further exacerbated by the flat roof design which would cause the dwelling to appear bulky, and in combination with the slightly increased scale and height of the building I consider that there would be a marked increase in the visual presence and prominence of the development. Irrespective of strengthening of landscaping to the frontage of the site and planting along part of the access, the position of the dwelling set off the boundaries would be more conspicuous with greater potential for views of it from Oakley Green along the access, and it would also be readily apparent from the nearby footpath alongside The Furrows. In addition, the proposal would transform the appearance of the site to one that was clearly residential. In the context of provision within the Framework that facilities for outdoor sport and recreation may comprise an exception to inappropriate development in the Green Belt, it seems to me that the change from a site connected to equestrian activity to a residential site would further harm the openness of the Green Belt. Taken together, I find that these factors would diminish the openness of the Green Belt in visual terms.
12. There would be a reduction in the overall spread of buildings, but the projection of the stable building beyond the rear of the proposed dwelling towards more open land is fairly small, and given the greater height of the dwelling, I consider that the benefit would be relatively limited. Some existing hardstanding would be removed, but at the same time there would be additional hardstanding provided to accommodate parking, access and turning on part of the site that currently appears unsurfaced. I am not therefore persuaded that the overall benefit would be significant. In any event, while I accept that removal of existing hardstanding could benefit openness, it is not readily visible from the surrounding area given its ground level position limiting the visual impact of any improvement made, particularly when balanced against the much greater height of the dwelling.
13. Similarly, while I acknowledge that the existing vehicles and other stored paraphernalia are somewhat untidy and would be removed, these are for the most part of modest height. In addition, they are not fixed on the site and though they may have been in situ for some time, the resulting impression is more transient than the proposed dwelling would appear. Their removal would furthermore be offset in part by vehicle parking and other domestic paraphernalia that would be likely to accompany the residential use of the site, as well as new fencing marking sections of the site boundaries. Even taken together, I do not therefore find that improvements through the reduced spread of development and removal of hardstanding, parking and storage from the site would be so significant as to mitigate the adverse effects of the proposal on the openness of the Green Belt in either spatial or visual terms.
14. For these reasons, I conclude that the development would harm the openness of the Green Belt. The harm would be modest given the scale of the development and the existing site circumstances, but nevertheless means that the terms of the exception specified within the Framework for limited infilling or

redevelopment of previously developed land would not be met. As a consequence, the proposal would comprise inappropriate development in the Green Belt. It would also conflict with saved Policies GB1 and GB2 of the Local Plan Incorporating Alterations 2003 (LP). These policies predate and are not wholly consistent with the Framework, but in seeking to ensure that development does not harm the openness and purposes of the Green Belt, they conform broadly to the thrust of national Green Belt policy.

Character and Appearance

15. The majority of buildings near to the site are in residential use, but there are also agricultural and commercial units which together form a loose and irregularly-spaced ribbon along this part of Oakley Green Road. The buildings vary significantly in form, scale and architectural style, but are usually set within generous plots that are often marked by established vegetation, and dwellings are for the most part of traditional appearance with hipped or pitched roofs. Together with interspersed open parcels and surrounding fields, this gives the area a verdant and an attractive open and semi-rural character.
16. The dwelling would have a smaller plot than some others in the vicinity. However, I am satisfied that sufficient spacing would be provided around the building to avoid it appearing unduly cramped. The suggested timber cladding and grey upvc fenestration would stand out against the traditional materials of other nearby buildings, but I see no reason that more sympathetic external finishes could not be secured through a suitably worded planning condition in the event that I were to find the proposal otherwise acceptable.
17. Be that as it may, the flat roof of the dwelling would be incongruous against the sloping roofs that are typical to other dwellings nearby, and in my judgement would be discordant and wholly unsympathetic to the semi-rural quality of the area. In addition, I have already identified that the proposal would result in some loss of openness which is a distinctive element of the area's character. I acknowledge that the existing and proposed boundary vegetation would offer screening from some viewpoints and that visual impacts would be relatively localised. However, the development would be apparent including from Oakley Green Road along the access, and in views across the adjacent paddock from the nearby footpath.
18. Moreover, the dwelling would be positioned fairly close to the boundary of the site with the access to Oakley Meadow Farm which is marked by a native hedgerow and trees. Separation would be increased in comparison to the existing stables and barn, but these are fairly lightweight structures. The evidence before me does not clearly demonstrate the relationship between the development and root protection areas for the boundary vegetation, and I am accordingly concerned that the health and longevity of this feature could be harmed. The overhang to the roof of the building would also leave minimal spacing to the hedge, and windows to the side of the dwelling would face the boundary at very close proximity which would severely limit light and outlook for the rooms served which include a bedroom. I agree with the Council that this relationship would be likely to result in considerable pressure for future works to reduce the hedgerow, detracting from the verdant character of the wider area and allowing increased views of the development.
19. The Council is additionally concerned that removal of the existing barn and provision of visibility at the site access would result in further loss of vegetation

along the boundary with Oakley Green Road, and that conifers along the frontage of the adjacent land to the west may be removed in future. However, the appellant proposes phased replacement planting of a new native hedge to provide continued screening, including on the adjacent land which is shown to be within their control and I am satisfied that a planning condition could require further details to ensure that planting would offer a suitable replacement and that effective screening would be maintained. I also agree with the appellant that there would be potential for enhancement over the existing vegetation along the frontage which includes non-native species and in part appears in poor condition. Even so, I am not persuaded that any improvement in this regard would be sufficient to mitigate the harm to the native hedgerow along the boundary with the access to Oakley Meadow Farm.

20. The existing buildings, vehicles and materials would be removed from the site, but given the nature and generally low height of these features they are fairly unobtrusive and I do not find that they detract notably from the character or appearance of the area. In contrast, I find for the above reasons that adequate protection for trees and hedgerows has not been demonstrated and I conclude that the proposal would harm the character and appearance of the area. It would therefore be contrary to saved Policies DG1, H10, N6 and N7 of the LP which, amongst other things, broadly seek the retention of trees and hedgerows as well as high standards of design and landscaping that are compatible with their surroundings and that where possible enhance the existing environment. For similar reasons, it would conflict with requirements within the Framework seeking development that is sympathetic to local character, as well as the Borough Wide Design Guide 2020 which seeks development that contributes positively to the character and quality of an area.

Other Considerations

21. The Council advises that it is unable to demonstrate a 5-year supply of deliverable housing. The proposal would make effective use of previously developed land to deliver an additional dwelling, and would accord with objectives within the Framework seeking to significantly boost the supply of housing. The benefit would be limited by the small scale of the development, but given the housing undersupply position, I afford it great weight.
22. There would be further social and economic benefits associated with the construction and occupation of the dwelling. However, the contribution would be restricted by the modest scale of the development, and I give these benefits limited weight. I also note potential for biodiversity enhancements as part of development and the appellant's suggestion that the dwelling would be of passive design contributing positively to sustainability, but the absence of substantive information to show the actual scope or extent of any such benefits limits the weight that I can afford to these factors. There is also no firm evidence demonstrating that removal of the existing buildings, vehicles and other materials from the site would address identified harm to neighbouring living conditions so as to comprise a significant benefit of the proposal.

Planning Balance and Conclusion

23. The proposal would cause harm to the Green Belt by virtue of inappropriateness and harm to openness. In accordance with the Framework, I give this harm substantial weight. There would additionally be some harm to the character and appearance of the area.

24. The Framework advises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. I find in this context that the other considerations in this case, both individually and collectively, would not clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt. Policies within the Framework relating to Green Belt therefore provide a clear reason for refusing the development, and in such circumstances, footnote 7 to paragraph 11 of the Framework makes it clear that the presumption in favour of sustainable development would not apply.
25. The proposal would conflict with saved Policies DG1, GB1, GB2, H10, N6 and N7 of the LP, as well as with the Framework, and material considerations do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR