



Appeal Decision

Site visit made on 17 June 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/R0335/W/21/3287296

Whitelocks Farm, Garsons Lane, Warfield, Bracknell RG42 6JA

- 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 Scott against the decision of Bracknell Forest Borough Council.
 - The application Ref 20/00461/FUL, dated 22 June 2020, was refused by notice dated 19 May 2021.
 - The development proposed is described as 'Conversion and extension of existing brick building to form 2 bed dwelling, with permanent removal of existing lawful 2 bed Mobile Home from land at Whitelocks Farm'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the host property and surrounding area; and
 - 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 required to justify the proposal.

Reasons

Whether inappropriate development

3. Policy CS9 of the Core Strategy Development Plan Document, adopted February 2008 (Core Strategy) and Saved Policy GB1 of the Bracknell Forest Borough Local Plan, January 2002 (Local Plan), set out a presumption against inappropriate development in the Green Belt. Policy GB1 of the Local Plan establishes a few limited exceptions, including replacement, alterations or limited extensions to dwellings.
4. Although the aims of the Council's policies are broadly consistent with the Green Belt provisions within the Framework, there is some divergence. Notably, the Council's policy in relation to alterations and limited extensions not

being deemed inappropriate development relates specifically to dwellings. Paragraph 149 c) of the Framework instead provides an exception for the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

5. Therefore, whilst the development plan remains the starting point for the determination of the appeal, the Framework is an important material consideration. Given the Framework provides far more up-to-date policy intentions for Green Belt, I give it significant weight in my determination of this appeal.
6. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of such is a matter of planning judgement. Although, the extensions may be considered relatively modest in terms of their overall size, the existing appeal building is small in scale. The proposed extensions would more than double the building's footprint, floorspace and volume. This would amount to a sizeable addition, and one that I find would be disproportionate compared to the size of the original building.
7. Consequently, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy GB1 and CS9 of the Local Plan and associated policies of the Framework.

Openness

8. The 'Creche' building as extended would remain considerably smaller than surrounding residential, agricultural and commercial units located at Whitelocks Farm. Additionally, it would not be highly visible from public vantage points. Nevertheless, the concept of openness has a spatial element which does not relate directly to visibility or visual harm but to the absence of building and development. It follows that openness can be harmed even when development is not readily visible from the public domain.
9. The appeal proposal would increase the footprint, volume and massing of the existing building and in doing so would result in a harmful loss of openness, albeit this would be somewhat limited given the scale of the proposal. Additionally, the creation of a curtilage for the building, and the likely related domestic paraphernalia that would accompany its use as a dwelling, would also cause harm to the openness of the Green Belt. The Framework establishes that any harm should be given substantial weight, even if the development's impact is limited.

Character and Appearance

10. The proposals would significantly extend the existing 'creche' building on site. However, it would remain single storey, while the proposed design is of a simple domestic appearance and would utilise materials to match the existing building. The proposal would be located amongst a variety of existing large buildings at the Farm, while it would not be prominent from public vantage points. There is also a general lack of consistency in the form and design of buildings across Whitelocks Farm, due to the various functions that the buildings serve.
11. Notwithstanding the impacts on Green Belt openness, the above factors together would result in the proposal not having a detrimental impact on the overall character and appearance of the host building or surrounding area.

Accordingly, the proposal is not deemed to conflict with Policy CS7 of the Core Strategy, Saved Policy EN20 of the Local Plan, or the Design Supplement Planning Document (March 2017). Together these policies and guidance seek to promote development that is of a high quality of design and, amongst other matters, takes account of its local context. Likewise, the development is not deemed to be contrary to the design objectives of the Framework.

Other Considerations

12. The appellant outlines a variety of matters to assert that very special circumstances exist. Firstly, to mitigate for the increase in size of the appeal building, it is proposed that an existing mobile home is removed in perpetuity from the wider Whitelock's Farm site. The mobile home referred to was previously the subject of a lawful development certificate (LDC) that was granted via appeal¹ in 2016.
13. The appellant highlights, that the proposed new residential unit would have comparable floorspace and volume to that of the existing 'Creche' building and mobile home combined. Additionally, the proposed new residential unit would contain two bedrooms, as per the mobile home that is proposed to be removed. Thus, it is suggested that the proposal would have no greater impact on the openness of the Green Belt.
14. It is recognised that the development of a purpose-built dwelling at the site would have several benefits compared to a mobile home. However, at the time of my site visit, the mobile home had already been removed from the site and the area was instead being used for vehicle parking. There is nothing before me to suggest that a replacement mobile home is going to be brought onto the site. Even if a replacement was to be forthcoming, I have been provided with no indication of its likely scale, condition, or appearance. Consequently, I have given limited weight to the associated benefits outlined by the appellant.
15. The mobile home is referenced in the description of development and is shown in the submitted plans to be on land in the applicant's ownership, albeit it is located outside the redline boundary of the planning application. Conditions are capable of being imposed to regulate land under the control of an applicant despite not forming part of the application site. However, in this instance, given the lawful use of that land, planning permission is not required for the off-site activity that the proposed condition is seeking to restrict. Consequently, I do not consider the appellant's suggested use of a condition to be appropriate. No other mechanism has been put before me to restrict the use of the mobile home land. Again, this limits the weight that I can attribute to these associated benefits.
16. Additionally, the LDC previously granted was for the stationing of a residential mobile home. This relates to the use of the land rather than providing authorisation for a building, while a mobile home does not amount to a building for the purposes of planning. Therefore, arguments advanced by the appellant relating to the exception at Paragraph 149d) of the Framework would not apply, as the proposal would not amount to development consisting of a replacement building in the Green Belt.

¹ APP/R0335/X/15/3130286

17. Various other benefits associated with the removal of the mobile home and replacement with the proposed residential unit are also put forward. These include rationalisation of built development at the site, a better build quality, improved aesthetics, more appropriate living conditions for future occupiers, enhanced landscaping and biodiversity, and the delivery of a choice of rural accommodation for lower income households. However, these are also given limited weight. This is due to my above findings regarding no mobile home currently being present at the wider site, alongside the inability to restrict mobile homes being brought onto the relevant land in the future.
18. Aside from matters relating to the mobile home, the appellant refers to an appeal decision² in which an Inspector allowed materially larger extensions to a dwelling within the Green Belt that was initially of a small scale. Although a copy of the appeal decision has been provided, I do not have the full details of the application. Nevertheless, the context appears to be markedly different in that the proposals related to the replacement of an existing permanent dwelling, to accommodate the specific needs of the disabled appellant. This, alongside other benefits including enhancements to heritage assets, were found to amount to very special circumstances that outweighed the inappropriateness of the development. It is therefore not comparable to the current case.
19. The Council acknowledge that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework states that where relevant policies are out of date, permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework specifies that Green Belt is included within such protected areas. I have already found the Framework policy relating to Green Belt indicates that the development is inappropriate. As such, notwithstanding the current absence of a Framework compliant supply of housing land, the tilted balance does not apply in this case. In any case, whilst the proposal would add an additional permanent dwelling to the local housing stock, its contribution would be minimal and therefore I give this benefit only limited weight.
20. It is put to me that the officer's report highlights that the proposed re-use of the existing building in isolation would, in principle, not be considered inappropriate development in the Green Belt. However, this is of little relevance given that the scheme before me involves the conversion and extension of the building, as well as creation of associated curtilage. Furthermore, it is acknowledged by the appellant that the size of the existing building is too small for residential use and therefore requires extending.

Green belt balance

21. The proposal is inappropriate development in the Green Belt that would result in a small loss of openness. The inappropriateness and the harm to openness carry substantial weight. The Framework establishes that development should therefore not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

² APP/K3605/W/15/3135296

22. Overall, I find that together the matters that the appellant has put forward do not amount to very special circumstances that are needed to justify inappropriate development in the Green Belt

Conclusion

23. For the reasons outline above, having regard to the development plan and all other material considerations, the appeal should be dismissed.

Lewis Condé

INSPECTOR