



Appeal Decision

Site visit made on 20 September 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/T0355/W/21/3288266

Land south of Weycock Cottage, Milley Road, Waltham St Lawrence, Reading, RG10 0JR

- 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 P Mereacre against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/01865, dated 14 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is Construction of x1 detached dwelling with detached carport.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision the Borough Local Plan 2013-2033 (BLP) was adopted. It is clear from the submissions that the parties are aware of this matter, and I will determine the appeal accordingly.
3. The Council's third refusal reason relates to the lack of adequate supporting ecological information. The appellant provided additional information at the appeal stage. The Council has confirmed that this mitigates its concerns. I am satisfied that there is no reason for me to take a different view. This matter should not therefore be a main issue of the appeal.

Main Issues

4. The main issues are:
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - b) The effect of the proposal on the openness of the Green Belt.
 - c) The effect of the proposal on the setting of the Waltham St. Lawrence Conservation Area (the CA),
 - d) The effect of the proposal on the recreational and amenity value of the right of way, and

- e) Whether any 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

5. Paragraph 149 of the Framework establishes that new buildings within a Green Belt are inappropriate unless, amongst other things, they constitute limited infilling in villages. There is no definition of 'limited infilling' or 'village' within the Framework. Where the Framework is silent it is appropriate for a local plan to provide guidance on how this policy should be applied in a local area.
6. Policy QP5 of the BLP establishes that limited infilling may be acceptable within the identified settlement boundaries. The proposal is within the village boundary of Waltham St Lawrence. However, the proposal would still need to constitute limited infilling.
7. As a single dwelling the proposal would be limited. In terms of infilling, it would occupy a plot that sits alongside a dwelling to the east. It would sit opposite existing development on the other side of the road to the north, and, although the site is towards the edge of the developed area of the village, there is a stretch of reasonably continuous development further to the west.
8. However, the land that is immediately beside the site to the west is open and undeveloped. The recently constructed dwelling known as Dararch Farm is set back beyond this land behind a mature and substantial hedgerow. The undeveloped land cannot reasonably be described as domestic curtilage. Instead it has the appearance of an agricultural paddock that is a separate parcel of land to the area occupied by the dwelling behind. The proposed dwelling would therefore not infill a space between existing built form, or a gap in an otherwise built up frontage.
9. The appellant refers to nearby examples of infill development to the east that the Council has accepted. I viewed these on site and could see that it would have been possible to accept these proposals as infill, given the close position of existing built form to either side, with which the proposals create a continuous built frontage to Milley Road.
10. In summary, the proposal would be inappropriate development in the Green Belt. It would not accord with Policy QP5 of the BLP as it would not be limited infilling.

Openness of the Green Belt

11. A fundamental aim of Green Belt policy is to keep land permanently open as defined in the Framework. The essential characteristics of Green Belts are their openness and their permanence. The appeal site is a sizeable undeveloped plot that shares its long western boundary with an undeveloped paddock and connects to a large agricultural field to the south.
12. The proposed dwelling would be large and would occupy most of the width of the northern end of the plot, thus removing the possibility to look from Milley Road towards the mature trees at the southern end of the plot and out towards

the large field beyond. The proposal would thus have a significant adverse impact on both the visual and spatial aspect of Green Belt openness.

Conservation Area

13. The southern boundary of the appeal site adjoins the western edge of the CA. At this point the CA takes in a large open agricultural field. The historic core of the village is beyond this to the east. The field is broad and level. It is part of the rural character and setting of the core of the village. The western boundary of the CA is defined by Nut Lane, which appears to be an historic sunken route that forms a traditional and verdant boundary to the field.
14. The proposed dwelling would stand well away from the CA boundary. Given the intervening mature vegetation along the boundary that the appeal site shares with its neighbour to the east I am satisfied that the dwelling would not harm the setting of the CA.
15. The proposal would however utilise an existing access at the southern end of the site. This is currently no more than a field gate between the site and the Lane, which at this point has the appearance of a rural footpath with substantial natural verges and hedges to the sides. The access would be formalised by adding visibility splays, and the length of Nut Lane from here to Milley Road would be altered to provide vehicular access to the site. Although the plans show that Nut Lane is technically wide enough to allow this, it would need to be altered significantly to do so. This would require the removal of substantial vegetation to either side and the levelling of the ground to provide even a basic level of vehicular access to the site, sufficient for day to day use by the future occupiers of the dwelling.
16. These alterations would be visible from Milley Road, where the traditional verdant appearance of the end of the path is currently an attractive part of the streetscene and reinforces the rural setting of the CA. The alterations to the length of the Lane would lessen the role it plays in defining the rural setting of the village's historic core. This would be particularly so in the area close to the site entrance where the southeast side of the Lane is only sparsely planted. The works required to formalise the entrance and widen this part of the Lane for vehicles would be visible from across the field. Many of the views across the field would be distant and the impact would be modest, it would however still cause some harm to an aspect of the setting of the CA that contributes to its significance.
17. In summary, the proposal would cause a degree of harm to the setting of the adjacent CA. It would thus be contrary to Policies QP3 and HE1 of the BLP, which together seek to ensure that new development proposals are designed to respect and enhance the historic character of the environment and the setting of heritage assets.

Right of way

18. At my visit I could see that the existing right of way is well used. It provides a pleasant recreational route that connects two parts of the settlement, and is enhanced by its verdant and natural appearance. It relates well to other footpaths and forms a link in a local recreational horse-riding route. It is thus a significant part of a network of pleasant rural routes that improve accessibility around the settlement and provide attractive opportunities for physical activity

to enhance the wellbeing of its residents. The path was not overgrown at the time of my visit and at no point did I find it difficult to use.

19. The southern end of the Lane already provides vehicular access to other dwellings and is not unpleasant. However, it has a more developed and suburban appearance than the length of lane at the northern end. The alterations to the length of the lane to provide a clear width and suitable surface to allow a vehicle to pass would significantly alter its appearance. It is suggested that this would be an improvement as the route would be wider and less muddy. Making the path less muddy and thus more accessible would be a benefit, however this would be at the expense of harmfully altering the appearance of the route by changing it from a modest and tranquil rural footpath to an access track to a dwelling.
20. I accept that clearing the vegetation would not require planning permission. However, the proposal would require such work to be carried out and it would be necessary to ensure the vegetation is managed differently in the future to maintain vehicular access to the site. It is thus appropriate for me to take into account this impact in my assessment of the proposal.
21. It is suggested that private vehicular access to the southern end of the site already exists. It is clear that this right has not been exercised for a long time, and easy access can currently be gained into the site through its northern boundary directly from Milley Road. Therefore, whilst the vegetation could be cleared and vehicular access re-established to the southern end of the site without planning permission, this would appear to be highly unlikely, whereas the work would be necessary to achieve the proposed development.
22. In summary, the proposal would have a significantly harmful effect on the recreational and amenity value of the right of way, which would be contrary to Policy IF5 of the BLP, which establishes that development proposals should not adversely affect such values.

Other considerations

23. It is suggested that upgrading the length of the lane would be an improvement and would restore it to its original condition. Although its name suggests that it may have once been more than just a modest footpath, there is nothing else before me to verify this or to support the suggestion that the proposal would be a restoration. I therefore give this matter little weight.
24. The proposal would deliver a new dwelling, which would boost housing supply locally. This would attract weight in the context of the Council's housing land supply position, however the weight I give this should be limited as only a single dwelling would be delivered.

Conclusion

25. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. In addition, I have found that the scheme would also have a significant adverse impact on the openness of the Green Belt, would harm an aspect of the setting of the CA that contributes to its significance, and would have a significantly harmful effect on the recreational and amenity value of the right of way.

26. The Framework establishes that very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The other considerations before me carry limited weight and are not sufficient to amount to the very special circumstances necessary to justify the development.
27. In terms of the Framework the harm to the CA would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. I have already established that I give little weight to the perceived benefit to the right of way and the delivery of a new dwelling should only attract moderate weight. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. Together these public benefits are not sufficient to outweigh the harm identified.
28. The Council advises that it does not have a 5 year supply of deliverable housing sites. Therefore, a presumption in favour of sustainable development applies. However, with reference to paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets and land designated as Green Belt. I have found that the proposal would harm the CA and that it would be inappropriate development in the Green Belt. It would therefore not accord with the Framework. Consequently, the tilted balance does not apply.
29. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons above, I therefore conclude that the appeal should be dismissed.

A Tucker

INSPECTOR