



Appeal Decision

Site visit made on 29 November 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/T0355/D/22/3305437

Frogmore Farm, Bath Road, Littlewick Green, Maidenhead SL6 3RX

- 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 Westacott against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/02961, dated 5 October 2021, was refused by notice dated 26 May 2022.
 - The development proposed is a replacement garage with office above.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken directly from the Council's Decision Notice. This is more concise description than that set out in the planning application form. Accordingly, I have determined the appeal on the Council's description of development.

Main Issues

3. The main issues in this appeal are: -
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt; and,
 - If the development would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development in the Green Belt

4. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they are;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, or

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development;

5. Policy QP5 of the Royal Borough of Windsor and Maidenhead Local Borough Local Plan 2022 (LP). This policy reinforces that planning permission will not be granted for inappropriate development as defined by the National Planning Policy Framework (the Framework), unless very special circumstances are demonstrated.
6. The proposed development would be situated within the garden of an existing farmhouse. The garden is clearly defined to the south and west of the farmhouse by enclosures. The development proposes to replace a single storey garage building and an office building within the garden. The garage building is single storey and backs onto the garden, with an open frontage onto the access road. The building has a pitched roof and is finished in timber and corrugated sheeting. The Office building is smaller and located to the north of the garage, it is pitched roofed and finished in timber. The existing dwelling and other ancillary buildings exist on site but do not form part of the buildings to be removed.
7. It is not disputed that the proposed development would be a replacement building to an existing office and garage store within the same use. The contention is whether the replacement building is 'materially larger' than the two existing buildings and its impact upon the openness of the Green Belt. The appellant has indicated that the building, consolidating the two separate buildings into one, would reduce the spread of built form across the site. It is asserted that the consolidation of the buildings in this manner would improve and increase the openness of the site within the Green Belt.
8. There is no definition with the Framework for what constitutes 'materially larger', and as such, I have determined the use of the word materially in ordinary English. Dictionary.com defines 'materially' to be in 'to an important degree; considerably.' Furthermore, the Framework excludes land in built-up areas such as residential gardens from Previously Developed Land (PDL), but it is accepted that residential gardens which are not in built up areas can be included within the definition of PDL. The proposed development is adjoined by a main road, but the host property is a farmhouse in a predominantly rural setting. In my judgement, it is reasonable to consider that the site is outside of a built-up area and could be defined as PDL. I have also had regard to the relevant case law¹ highlighted by the appellant when making my assessment.
9. The evidence submitted with the appeal submissions, states that the replacement building would be 29 sqm larger in footprint, 171 cubic metres greater in volume and approximately 2.5 metres wider, 2 metres longer and 1.3m higher. The building would be taller than either of the two existing buildings, including two full height pitched roofed dormers on the side roof plane facing the garden. The building would also be wider and longer than either of the existing buildings, with a greater footprint and cubic volume than the existing buildings combined.

¹ Surrey Homes Limited v. Secretary of State for Environment, Transport and the Regions CO/1273/2000 [2001] JPL 379, R (on the application of the Heath and Hampstead Society) v Camden LBC [2008] EWCA Civ 193 and Feather vs SoS DCLG and Cheshire East Council [2010] EWHC 1420.

10. I appreciate that the increase in length, width and height, on their own may not appear substantial. However, the combined or cumulative effect of the increase in floorspace, volume, height, width and length in combination with two dormers would result in a replacement building that is materially larger than the existing buildings. As such, the proposed development would not comply with the requirements of Paragraph 149 (d) of the Framework.

Effect on Openness

11. Turning to the matter of openness, the land is PDL, and the proposals would be partial redevelopment of the land. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt.
12. It is acknowledged that the built form would be less spread across the garden area. However, the scale, bulk and massing of the existing buildings is mitigated by their single storey height and the breaking up of the footprint into two separate buildings. Furthermore, visually the existing office building is low lying, and its position makes it relatively inconspicuous from mid to long range views outside the site. In contrast, the proposed building would be materially larger and taller, for the reasons set out in the above paragraphs. The building would also be visually prominent within the site and from wider public vantage points. As such, the larger footprint and volume of the building coupled with its greater height and roof mass would have a greater impact on the spatial and visual openness that is currently derived from the two separate, smaller and shorter buildings on the site.
13. Consequently, the proposed development would lead to a building, which is materially larger, and this, in itself is harmful in principle to the Green Belt. Furthermore, I have also found that it would have a greater impact upon both the spatial and visual openness of the Green Belt in this location, another reason why it is inappropriate. Accordingly, the proposal would be harmful in principle and is also harmful to the openness of the Green Belt, and therefore should not be approved unless there are very special circumstances. It would therefore fail to accord Policy QP5 Of the LP, and the exceptions set out in paragraph 149(d) and 149(g) of the Framework.

Other Considerations

14. The appellant indicated that Case law², sets out that the five purposes of the Green Belt are relevant to considering whether the development is 'materially larger'. I appreciate it helps to consider the five purposes of the Green Belt to determine whether a building is materially larger. However, that does not infer that all development, including the proposal subject of the appeal, which does not conflict with the five purposes of the Green Belt cannot be materially larger or have a greater impact on openness.
15. I turn now to address other considerations that might clearly outweigh harm arising from inappropriate development in the Green Belt, to provide the very

² Feather vs SoS DCLG and Cheshire East Council [2010] EWHC 1420.

special circumstances required to justify a grant of planning permission. In particular, the appellant has set out that the development would provide an accessible meeting place to help run the family business. The existing garage is unsafe, and a replacement building would ensure safety for the users of the adjacent public right of way. The extended garage would also comply with the Council parking standards and provide a secure place for storage of some small-scale farm equipment.

16. A larger office space with accessibility associated with the business, along with a garage to park cars and secure equipment safely would be a positive aspect of the development. I would attribute moderate weight in favour of the proposal for this. However, making the site safe for the public footpath users would be required whether or not permission was granted for the replacement building. I would attribute only limited weight in favour of the proposal in this respect.

Green Belt balance

17. Having regard to the substantial weight given to the harm to the Green Belt³, the benefits outlined above, singularly or cumulatively, do not clearly outweigh the harm to the Green Belt. Therefore, 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 and the development would conflict with the Framework and the relevant policies of the development plan outlined above.

Conclusion

18. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations the appeal should be dismissed.

M. P. Howell

INSPECTOR

³ Paragraph 148 of the Framework.