



Appeal Decision

Site visit made on 9 January 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/R0335/W/22/3298839

Ronans, Forest Road, Winkfield Row, Bracknell RG42 7QB

- 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 Winkfield Developments Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/00128/FUL, dated 5 February 2021, was refused by notice dated 5 May 2022.
 - The development proposed is erection of 6 no. dwellings with associated access onto Chavey Down Road, landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name on the planning application form is given as 'Winkfield Developers Ltd'. That was a typographical error and the appeal form confirms that the appellant's correct name is 'Winkfield Developments Ltd'. I have used this name in the banner heading above.

Main Issues

3. The main issues are:
 - whether the proposed development would be in a suitable location, having regard to the spatial strategy, access to services and facilities, and the effect on the character and appearance of the area;
 - the effect of the proposal on the setting of Ronans, a Grade II listed building, and the Winkfield Row Conservation Area;
 - the effect of the proposal on biodiversity, with particular regard to reptiles; and
 - the effect of the proposal on protected trees.

Reasons

Location/character and appearance

4. The appeal site is a parcel of grassland surrounded by mature trees and is located between Forest Road to the south, Chavey Down Road to the east, and by the access drive to Ronans, the Grange and the Dairy to the west and north. The site is located outside of a defined settlement boundary, but is adjacent to the settlement boundaries of Winkfield Row North and Winkfield Row South. It is

therefore within the countryside for the purposes of the development plan. Policy CS2 of the Bracknell Forest Borough Core Strategy (2008) (the CS) outlines a sequential approach to the allocation of housing sites and sets out that development will be permitted within defined settlements that is consistent with the settlement character, and on allocated sites. It does not set out how proposals outside of settlements will be considered.

5. CS Policy CS9 sets out that land outside settlements will be protected for its own sake. Saved Policy EN8 of the Bracknell Forest Borough Local Plan (the LP) also seeks to protect the countryside for its own sake and only permits development outside the settlement boundaries where it would not adversely affect the character, appearance or function of the land and would not damage its landscape quality. LP saved Policy H5 provides that, outside the settlement boundaries the erection of a dwelling will not be permitted unless there is a need for it in connection with an acceptable use listed in Policy EN8 and GB1 and which cannot be met within the settlement. Saved Policy EN8 permits certain forms of development in the countryside, none of which apply in this case. The proposal would be contrary to the spatial strategy for new housing.
6. However, the requirement of CS Policy CS9 and LP saved Policy EN8 to protect the countryside for its own sake is not wholly consistent with the approach of the National Planning Policy Framework (the Framework) of recognising the character and beauty of the countryside in decision-making, which reduces the weight I afford to the conflict with these policies.
7. In relation to accessibility, the site is within reasonable walking and cycling distance of a range of services and facilities in the Winkfield Row area, which include schools, a nursery, a public house, a restaurant and a recreation ground. It would be feasible to walk or cycle to shops and medical services in Warfield, which are around 2km away. There are also nearby bus stops, which provide regular bus services to Warfield and other larger settlements. Therefore, future occupiers of the development would have adequate access to services and facilities and would not be wholly reliant upon the private car. In this respect, the proposal would not conflict with CS Policies CS1 and CS23 or Framework paragraphs 105, 110 and 112, which seek to promote sustainable modes of transport.
8. The Bracknell Forest Character Area Assessments Supplementary Planning Document (the Character Area Assessments SPD) shows that the appeal site does not fall within any defined character area and is adjacent to Area C (Winkfield Row North) and Area D (Winkfield Row South). The Character Area Assessments SPD refers to the very narrow (100m) open rural gap between Winkfield Row North and Winkfield Row South and recommends that rural gaps between settlements should be retained and reinforced.
9. The site does not form part of any land defined as being of special or landscape value and is not a defined gap. However, it does act as a notable undeveloped gap between Winkfield Row North and Winkfield Row South and, together with the recreation ground, it ensures that the two settlements are physically and visually separate. It makes a positive contribution to the rural setting of these settlements and to the openness of the area.
10. The appeal scheme would be a cul-de-sac arrangement of 6 large houses, which would be inward facing, and set within substantial plots. In layout terms, the proposal would not respect the linear road-fronting development generally found

within Winkfield Row North, but it would broadly reflect the layout of the large development at Carnation Drive on the southern side of Forest Road, which is arranged as a series of cul-de-sacs.

11. Although the density of the scheme would be low and reasonable distances would be maintained between the new dwellings and from the site boundaries, the development would still significantly reduce the narrow gap which as a result would diminish the physical and visual separation between Winkfield Row North and Winkfield Row South, and be harmful to the rural setting of these settlements and the character of the countryside.
12. Whilst the proposed dwellings are designed with traditional features and materials, the substantial scale, massing and height of the dwellings, together with the provision of new areas of hardstanding, parked vehicles, new boundary treatments and gardens with domestic paraphernalia associated with residential occupation, would have an urbanising effect on the rural character of the site. The site is well screened by the mature tree cover on the site boundaries. However, given the substantial scale of the dwellings the proposed development would still be visible from public vantage points including from the widened site entrance on Chavey Down Road and in the gaps in the trees, particularly when they are not in leaf. From these viewpoints the development would appear as an intrusive feature in this area of countryside.
13. The appellant has referred to a number of other approvals and allowed appeal decisions for new housing outside the settlement boundaries, however they are in different locations to the appeal site and each has a surrounding context, planning history and particular set of considerations specific to it rather than to the appeal site. Accordingly, I have determined the appeal on its own merits and do not find that the presence of previous approvals requires me to disregard my conclusions.
14. Taking these considerations together, although future occupants of the development would have adequate access to services and facilities, the proposal's location would be contrary to the spatial strategy for new housing and it would be harmful to the character and appearance of the area. Insofar as they are consistent with the Framework, there would be a conflict with CS Policies CS1, CS2, CS7 and CS9 and LP saved Policies EN8, EN20 and H5, which, amongst other things, seek to ensure that development is located within defined settlement boundaries, protects the countryside, and is sympathetic to the character and appearance of the local environment. The proposal would also be contrary to the Framework, which seeks to ensure that proposals contribute to and enhance the natural and local environment, and the aims of the Design Supplementary Planning Document and the Character Area Assessments SPD. The Council refers to a conflict with LP saved Policy EN1, however that policy relates to protecting trees and hedgerows which I return to later in this decision.

Setting of the listed building and conservation area

15. The appeal site is located to the east of Ronans, a Grade II listed building. The site is not within the Winkfield Row Conservation Area (the WRCA), the nearest part of which is on the other side of Chavey Down Road to the north-east.
16. Ronans is a large detached Georgian country house dating from the early eighteenth century which was mostly rebuilt in the early nineteenth century and later altered in the twentieth century. It is built of red brick in Flemish bond,

under a hipped tile roof over an earlier part with slate roof and Dutch gable ends. Based on the evidence before me, and the definition of significance (for heritage policy) contained within the Framework, the significance of the building is derived from its age, former use as a hunting lodge, form, and architectural features, together with its setting within mature gardens and position relative to the countryside.

17. I understand that the site has been in the same ownership as Ronans since at least 1840 and has been used as pastureland in association with that property. The appellant's Heritage Statement suggests that there may have been a historic functional relationship between the site and the listed building when it was used as a hunting lodge in the eighteenth century. The site does not form part of the landscaped grounds of Ronans and there are intervening trees and grassland. However, as an area of open land within close proximity of the listed building with some association with the building in terms of its past uses and ownership, the site contributes positively to the rural setting of the building and its overall significance.
18. The principal elevation of Ronans faces east with partial views towards the appeal site. At the time of my visit glimpsed views from the site to the listed building were possible in gaps in the tree cover, such that development on the site would be partially visible from the listed building. The proposed 6 large executive houses would occupy a large part of the site and diminish its rural character. Whilst the site is not within the landscaped grounds of the listed building, in my assessment the proposal would be harmful to the site's open, rural character that contributes to the setting of Ronans and to the way in which the listed building is experienced. Additional boundary planting would take some time to mature and would not sufficiently mitigate that harm. The proposal would fail to preserve the setting of the listed building contrary to S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
19. Turning to the effect on the WRCA, I consider that its significance derives largely from the informal, organic layout of buildings with a close relationship to the surrounding countryside and the variety of historic buildings. These include the Methodist Chapel and rows of terraced houses which date from the nineteenth century and are generally brick built, the former White Horse public house which is a natural focal point of the village, together with timber framed structures such as at White Cottage and Old Farm.
20. The contribution that the appeal site makes to the setting of the WRCA is limited to the tree and shrub boundary planting along Chavey Down Road, which would be largely maintained. The physical separation of the appeal site from the WRCA, together with the significant intervening tree cover along the northern and eastern edges of the site, means that there would be very little intervisibility between the proposed development and the WRCA, other than the upgraded access onto Chavey Down Road. Consequently, the proposal would not be harmful to important views within the WRCA.
21. For these reasons, I find that the proposal would preserve the setting of the WRCA. However, I have also found that the proposal would have a harmful effect on the setting of the listed building. It would result in less than substantial harm to the setting and significance of the listed building. Framework paragraph 202 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.

22. The development would offer potential benefits in terms of providing 6 new dwellings. It would also have economic benefits through employment opportunities during the construction phase of the development, Council tax revenue and spending in the area by future occupants, which would contribute towards the local economy. I have also had regard to the other benefits referred to in the appellant's statement. However, given the relatively modest scale of the development, I attach only moderate weight to these matters.
23. Overall, I consider that the public benefits of the proposed development do not outweigh the considerable weight and importance I attach to the desirability of preserving or enhancing the designated heritage asset. The proposal would conflict with CS Policies CS1 and CS7 and the Framework, where these seek to sustain and enhance the significance of heritage assets and their settings.

Biodiversity

24. The appellant has submitted a Biodiversity Survey/Assessment which describes the site as improved mown grassland, historically grazed by horses. The parties are in dispute as to the effect of the proposal on reptiles. The appellant's assessment identifies that the Thames Valley Environmental Records Centre holds records for grass snake, slow-worm and adder within a 1km radius of the site. The appellant's assessment concludes that reptiles are not present on the site and that there will be no adverse impacts on reptiles as a result of the proposal subject to the recommended preventative mitigation measures.
25. The appellant's assessment says that vegetation within the site will be maintained as short sward up until the time of development taking place. However, if that is not the case, it recommends that a reptile survey will be required. The evidence indicates there are times when the grassland, which the appellant refers to elsewhere as 'unmanaged', is not mown for some months, which suggests that it then has the potential to provide suitable reptile habitat.
26. At the time of my site visit, the majority of the grassland appeared to have been mown relatively recently, but there were scrubby areas at the edges which may provide suitable habitat for reptiles. Moreover, the surveys are now dated having been carried out in 2021, and the appellant's assessment says that if the development is not carried out within 12 months, a follow ecological survey may be required. On the basis of the evidence before me, I cannot be sure that reptiles are not present or that they would not be adversely affected. It would not be appropriate to require additional survey work by way of a condition as I cannot determine whether reptiles are present on the site, what impact the development may have on them, and whether any adverse impacts could be mitigated.
27. For the above reasons, I am unable to say that the proposal would not have a harmful effect on biodiversity, with regard to reptiles. The proposal would be contrary to CS Policy CS1 and LP saved Policy EN20 which, amongst other things, seek to ensure that development protects and enhances biodiversity.

Trees

28. A Tree Preservation Order covers a number of trees within the site, including the groups of trees along Chavey Down Road and Forest Road which make a significant contribution to the sylvan character of the area. The proposed

development would be accessed via Chavey Down Road, using the existing access point. The existing access would be modified and widened which would result in the loss of a small number of trees. The appellant's Arboricultural Report identifies that trees numbered G4 and a section of U1 would need to be removed. These are categorised in the Arboricultural Report as category C trees, which are trees of low quality.

29. The small number of trees that would be lost form part of much larger groups of trees around the edges of the site, the great majority of which would be retained and unaffected by the proposals. The extent of tree cover along the site boundaries would continue to be extensive. The higher quality retained trees would be protected in accordance with BS 5837:2012¹.
30. The proposed access would encroach into the root protection areas (RPAs) of retained trees either side of the access. However, where the access would be close to retained trees the appellant proposes that all existing ground levels are retained in their current form. An appropriate surfacing system would ensure that adequate moisture and oxygen can be obtained from the underlying soil by any tree roots in this area. Given these measures, and that the proposed access would represent a relatively minor encroachment into the RPAs of the trees, I do not consider that the proposals would inevitably lead to harm to the root systems or long-term health of these trees. Had I been minded to allow the appeal, a condition could have been imposed to require precise details of the design of the access to ensure the appropriate protection of the tree root systems.
31. The Council is also concerned that the proximity of the trees to the rear of the properties, particularly in relation to plot 6, would result in pressure from future occupiers to prune the trees. However, all of the properties would be located on spacious plots with land to the front and sides as well as the rear. I therefore see no reason why the positioning of the proposed dwellings relative to the trees would result in harm to the living conditions of future occupiers to such an extent that would cause pressure to remove or significantly prune the trees, particularly as they act as a buffer between the site and the adjacent highways and add to the quality of the environment.
32. For the above reasons, I conclude that the proposal would not be harmful to trees. As such it would comply with LP saved Policies EN1 and EN20, which seek to protect trees. It would also accord with the Framework's aims to ensure developments contribute to and enhance the natural and local environment.

Other Matters

33. The Council's fourth reason for refusal relates to the proposal's impact on the Thames Basin Heaths Special Protection Area and the absence of a planning obligation to secure suitable avoidance, mitigation measures and monitoring arrangements. The appellant has submitted a completed Section 106 agreement which would secure financial contributions towards suitable alternative natural green space and strategic access management and monitoring measures. The Council has withdrawn this reason for refusal. However, as I am dismissing the appeal for other reasons, there is no need for me to consider this matter further.
34. Interested parties raise other objections to the proposal, including the effect on highway safety. The Council have not raised objections in regard to these other

¹ Trees in relation to design, demolition and construction – Recommendations

matters and I have no reason to disagree with that assessment based on the evidence before me and my observations on site. However, the absence of harm in this respect is neutral rather than weighing positively in the proposal's favour. I also note the letters of support, but these do not justify allowing a development which I have found to be harmful and contrary to policy.

Planning Balance

35. The Council states that it is currently unable to demonstrate a 5 year supply of land for housing, measured against their housing requirements. The evidence indicates that the Council is only able to demonstrate 4.4 years of deliverable land for housing supply, which falls below the requirement for a 5 year supply.
36. Accordingly, the most relevant development plan policies relating to the supply of housing are out-of-date. The appellant also contends that there is strong evidence that the policies relating to the settlement boundaries are also out-of-date. In any case, the presumption in favour of sustainable development addressed by Framework paragraph 11 would not be engaged in this instance. This is because footnote 7 of the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Designated heritage assets are one such example and the proposal is contrary to the relevant policies of the Framework in regard to this matter. Given my findings in relation to the designated heritage asset, there is a clear reason for refusing the proposal.
37. Nevertheless, the contribution that the proposal would make towards the Borough's housing needs weighs positively in its favour and aligns with the objective of significantly boosting the supply of homes, as set out in the Framework. The proposal would also create employment during the construction phase of the development and future residents would support the local economy through spending in the area. The appellant has referred to other benefits of the scheme, including those relating to energy conservation, ecological enhancements and management of the retained boundary screening. Given the modest scale of the development, I give these benefits moderate weight and find that they would not outweigh the harm that I have identified.

Conclusion

38. I have found that the appeal scheme would have adequate access to services and facilities, it would preserve the setting of the Winkfield Row Conservation Area and would not have a harmful effect on trees. However, I have also found that the development would conflict with the Council's spatial strategy for new housing, and that it would be harmful to the character and appearance of the area, the setting of the listed building and biodiversity. These harms would be wide ranging and long lasting and are worthy of significant weight. I conclude that the benefits of the scheme would not outweigh the harm resulting from the development. For these reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

M Ollerenshaw

INSPECTOR