



Appeal Decision

Site visit made on 18 April 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2023

Appeal Ref: APP/T0355/W/22/3307484

Land Between 1 and 5 The Fieldings (North of Dairy Court), Moneyrow Green, Holyport, Maidenhead

- 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 Daniel Torrance, Wooldridge Group against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/01171, dated 27 April 2022, was refused by notice dated 8 July 2022.
 - The development proposed is infill of land to provide two family houses, revised access, car parking, gardens and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's decision notice includes the effect of the proposal on biodiversity as a reason for refusal. However, the appellant, in this appeal process, submitted a biodiversity net gain assessment. On this basis, the Council has removed its objection on biodiversity grounds. I find nothing that leads me to disagree with the Council on this matter.
3. Therefore, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - 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

4. The Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It requires, when considering any planning application, that substantial weight is given to any harm to the Green Belt.

5. Policy SP1 of the Borough Local Plan (Local Plan) provides the overarching spatial strategy for the Borough and states that there will be limited Green Belt releases. However, Policies SP1 and QP5 of the Local Plan generally reflect the Framework in so much as they require that the Green Belt will be protected from inappropriate development in line with Government policy.
6. The construction of new buildings should be regarded as inappropriate in the Green Belt. However, the Framework identifies exceptions to this, and this includes at paragraph 149 e) limited infilling in villages. Policy QP5 also highlights the forms of development not considered inappropriate within the Green Belt, as defined in the Framework. This Policy states that village settlement boundaries will be used in determining where limited infilling may be acceptable. This includes limited infilling outside identified village settlement boundaries where it can be demonstrated that the site can be considered as falling within the village envelope as assessed on the ground.
7. The appeal site is outside the boundary of the village defined in the Local Plan. However, the site immediately abuts the village boundary. This is not contended by the Council. Given the evidence before me and following the site visit, I find no reason to dispute that the site is in the village envelope of Holyport.
8. Therefore, the question in this case is whether the proposal would constitute 'limited infilling'. The Framework does not define limited infilling. The Courts have held, in respect of this issue¹, that it is a matter of fact and judgement, taking account of such factors as the nature and size of the development, the location of the site and its relationship to existing development adjoining it or adjacent to it. The supporting text of Policy QP5 is generally reflective of this approach and clarifies that limited infilling is considered to be development of a small gap in an otherwise continuous frontage. It also includes infilling of small gaps within built development.
9. The appeal site is a relatively undeveloped plot, in such much as it is largely devoid of structures. The plot is roughly a triangular shape of grassland that funnels out considerably from its access on The Fieldings. This access and part of the site is flanked by existing dwellings on this cul-de-sac. However, the site splays significantly beyond these built forms to the rear. The site also extends beyond the dwellings on neighbouring Dairy Court and the ribbon development on Moneyrow Green. This splayed edge of the appeal site bounds open land and contributes to the relatively undeveloped fringe of this part of the settlement.
10. As the new dwellings would be accessed via The Fieldings, development on this cul-de-sac provides the principal visual context for the proposal. The proposed two detached dwellings would be a small addition to this short cul-de-sac. However, the new dwellings would be positioned in the rear section of the appeal site such that the new built form would be a significant distance behind the existing dwellings that front The Fieldings. As such, rather than infilling the relatively small gap at the end of the road, the proposal would create a second frontage of development that would expand into the open land which fringes this part of Holyport. The proposal would not result in the infilling of a gap or space in this respect.

¹ R(Tate) V Northumberland County Council [2018] EVCA Civ 1519

11. As proposed, the new dwellings would be considerably separated from the existing built form facing The Fieldings. As a consequence, the proposal would not infill an existing gap in development on this cul-de-sac. In turn, set back considerably from the road and dominated by a driveway to the front, the new dwellings would not meaningfully form part of the existing frontage of development on The Fieldings.
12. A previous proposal for four dwellings at the appeal site was refused permission and has been subject to a separate appeal.² The proposal before me would result in fewer dwellings than previously proposed at the site. The new buildings would also not extend as far south in the plot as that which was proposed in the previous scheme. However, even with a reduced number of buildings, the aerial photos submitted show that the new dwellings, particularly Plot 1, would fill open land to the rear of existing development, as opposed to infilling a space adjacent to buildings. Moreover, Plot 2 may well bound the rear of properties on Bartletts Lane, but this is the rear garden space of dwellings on that Lane. As such, even in this wider surrounding context the proposal would not appear as an infill adjoining existing development.
13. The appellant draws my attention to other appeal decisions for guidance on defining limited infill. These appeal decisions related to sites a considerable distance from this borough and not directly comparable to this proposal for this reason. This aside, 'whether the proposal was inappropriate development' was not at issue in the Northwich appeal. The proposal in the Preston appeal was not found to be limited infilling and was therefore inappropriate development. Those appeals do not alter my findings for this reason.
14. In the Wakefield appeal, the principal matter at issue was whether the development was in a village. The Inspector in that appeal found that proposal would be between two groups of buildings and a continuation of the built form. The site in the Old Knebworth appeal is also located within a number of properties and the site in the Wickford appeal is between houses. I have found that this would not be the case in this appeal site. Those developments are distinctly different in this regard from the proposal before me and hold very limited weight in this appeal.
15. For the reasons stated about the proposal would not comprise limited infilling in the village. Consequently, the proposal would not satisfy the requirement as an exception set out in paragraph 149 e) of the Framework and Policy QP5 of the Local Plan and would therefore be inappropriate development in the Green Belt.

Openness

16. Paragraph 137 of the Framework establishes 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 permanence.
17. This part of Holyport generally comprises a ribbon of development, with short cul-de-sacs branching from the main road. This existing development is largely fringed by paddocks, hedge lined fields and small pockets of woodland. This relatively undeveloped fringe contributes to the open character of the Green Belt in this area.

² Application Ref: 21/02951 and Appeal Ref: APP/T0355/W/22/3299558

18. Although the appeal site appears a gap in development on The Fieldings, the splayed plot provides views of a wider paddock from this road. The Landscape and Visual Appraisal (LVA) submitted with this appeal highlights the trees and mature vegetation at the boundary of the paddock. However, the paddock and the appeal site are generally devoid of structures and, even with vegetation at the wider boundary, has an open quality.
19. The mass of the proposed dwellings would substantially fill the existing space at the broadest section of the appeal site that links to the paddock. The dwellings would also be fronted by a relatively long shared driveway with a sizeable parking and turning space.
20. The appellant asserts that this proposal would back onto countryside consistent with surrounding development. However, unlike surrounding development, the new properties would have open land at part of their side boundaries and would significantly protrude from the existing line of development on The Fieldings and Dairy Court. In this regard, the proposal would harmfully encroach into the existing open land that characterises this part of the Green Belt. In turn this would result in a significant visual and spatial change in this relatively open and undeveloped fringe of the village.
21. There would be space between the new dwellings, allowing views of the oak tree. However, even with a gap between the dwellings, the sizeable mass of the detached built forms would largely screen the undeveloped paddock to the rear of the site. In doing so, the proposal would significantly impact on the existing open character of this area, and the openness of this part of the Green Belt would not be preserved.
22. The LVA highlights the flat topography of this area and states that public views of the site are limited. Be this as it may, the proposal would have a significant spatial and visual impact at the site and the resulting loss of openness in this part of the Green Belt would be evident from the surrounding paddock and properties in this part of the village.
23. Consequently, I find that the proposal would result in a loss of openness to the Green Belt. While the effect would be localised, harm to the openness of the Green Belt would occur.

Character and Appearance

24. The Fieldings comprises two small groups of dwellings that vary in style either side of the appeal site. While designs may differ, the character of built form on The Fieldings is unified by a prevailing pattern of development of dwellings addressing the road, with significant street frontage. Although there are limited exceptions, I observed that this is also generally the pattern of development on Moneyrow Green and in the surrounding cul-de-sacs near the appeal site, including Dairy Court, Bartletts Lane and Ivy Close.
25. As outlined previously, the new dwellings would be at the rear of their sizeable plots. The front of appeal site would be dominated by the driveway and parking. As a result of this layout, the dwellings would not directly address the road, and in this regard would relate poorly to the existing primary frontage of the cul-de-sac. Even with the proposed traditional design, quality materials and soft landscaping, the development would appear prominent as a result of the

discordant pattern of the development that it would introduce to the street scene.

26. I note that the proposal would extend development a similar distance west to the existing built form on neighbouring Bartletts Lane. Be this as it may, as already stated, the development would be principally appreciated in the context of The Fieldings. The harmful visual impact of the development would be largely limited to this immediate setting and for the reason identified, the proposal would fail to respect the existing pattern of development in this road. In turn the proposal would significantly disrupt the existing character of this small cul-de-sac.
27. In light of the above, I find that the proposal would have a significant harmful effect on the character and appearance of the area. In this regard the proposal would be contrary to Policies QP1 and QP3 of the Local Plan. These policies collectively, amongst other matters, expect a high quality design and that all new development should positively contribute to the places in which they are located. The proposal would also be inconsistent with the Framework which seeks well designed places.

Other Considerations

28. Very special circumstances to justify inappropriate development 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.
29. The two dwellings would support the Government's objective of significantly boosting the supply of homes. The site is well related to local services including public transport and is close to a main centre. As a small site the development could be quickly delivered. The appellant states that the development would be carried out by a local house builder. There would be economic benefits through this and from future occupants of the dwellings who are likely to support local services. The proposal would include measures to improve biodiversity, and this could be delivered by condition. The development would also include measures for energy efficiency and carbon savings. These environmental, social and economic benefits weigh in favour of the development; however, I attach moderate weight to these benefits given the scale of the development.
30. The Council has not raised issues with regards landscape quality, tree protection, flood risk and transport, subject to conditions. However, harm in respect to these matters should not result from development. Therefore, even if I agree there would be no harm related to these matters, these are neutral factors.
31. Policy SP1 of the Local Plan requires villages to accommodate new development through, amongst other ways, limited Green Belt release. The appellant also asserts that there are no other sites which could support new housing in Holyport. Limited information has been submitted in respect of housing sites in Holyport and therefore I am unable to consider this matter in detail. Moreover, the Council states that the appeal site has not been identified as a suitable location for Green Belt release and no substantive evidence has been presented to dispute this. These matters have not weighed in favour of the proposal for these reasons.

32. The appellant also asserts that the Council has a track record of under delivering housing in the borough, and that in 2021 only 73% of homes were delivered. However, the Borough Local Plan has been adopted since that period. Also, the presumption in favour of development, set out in paragraph 11 of the Framework, would not apply, as I have found that the application of policies in the Framework that protect areas of particular importance, which include the Green Belt, provides a clear reason for refusing the development proposed in this case.
33. The main parties disagree about the requirement for net zero carbon, but even if net zero was achieved, this would hold limited weight given the scale of the development. This aside, the appellant considers the proposal is compliant with Policy SP2 in respect of this matter. My attention is also drawn to other policies and guidance that are not in dispute in this case. However, I have identified harms in respect of Green Belt and the character of the area and conflict with policies of the Local Plan when read as a whole. My findings in this appeal have therefore not been altered by these matters.

Conclusion

34. I have found that this proposal would be inappropriate development in the Green Belt and would lead to a loss of openness to the Green Belt. These are matters that I attach substantial weight to. The proposal would also significantly harm the character of the area. Balanced against these harms are other considerations discussed above, which at most carry moderate weight. Even when considered together, these considerations do not clearly outweigh the harms to the Green Belt. As a result, the very special circumstances that are necessary to justify the proposal do not exist. In respect of this matter, the proposal would therefore be contrary to Policies QP5 and SP1 of the Local Plan and the Framework. There are no other considerations which outweigh this finding.
35. Having regard to the development plan and other material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR